

# Southend-on-Sea Borough Council

Agenda  
Item

Report of the Corporate Director of  
Enterprise, Tourism & the Environment  
To  
Development Control Committee  
On  
9<sup>th</sup> January 2013

Report(s) on Pre-Meeting Site Visits  
A Part 1 Agenda Item

WARD & TIME	APP/REF NO.	ADDRESS	PAGE
Chalkwell	12/01506/FUL	Storage Units At Rear of, 34 - 36 Crowstone Road, Westcliff-On-Sea	3
Leigh	12/01208/FUL	31 Grand Parade, Leigh-on-Sea	14

**Depart Civic Centre at: 11.30 am**

## **DEVELOPMENT CONTROL COMMITTEE**

### **SITE VISIT PROTOCOL**

#### **Purpose of Visits**

- (i)** The purpose of the site visits is to enable Members to inspect sites of proposed developments or development which has already been carried out and to enable Members to better understand the impact of that development.
- (ii)** It is not the function of the visit to receive representations or debate issues.
- (iii)** There will be an annual site visit to review a variety of types and scales of development already carried out to assess the quality of previous decisions.

#### **Selecting Site Visits**

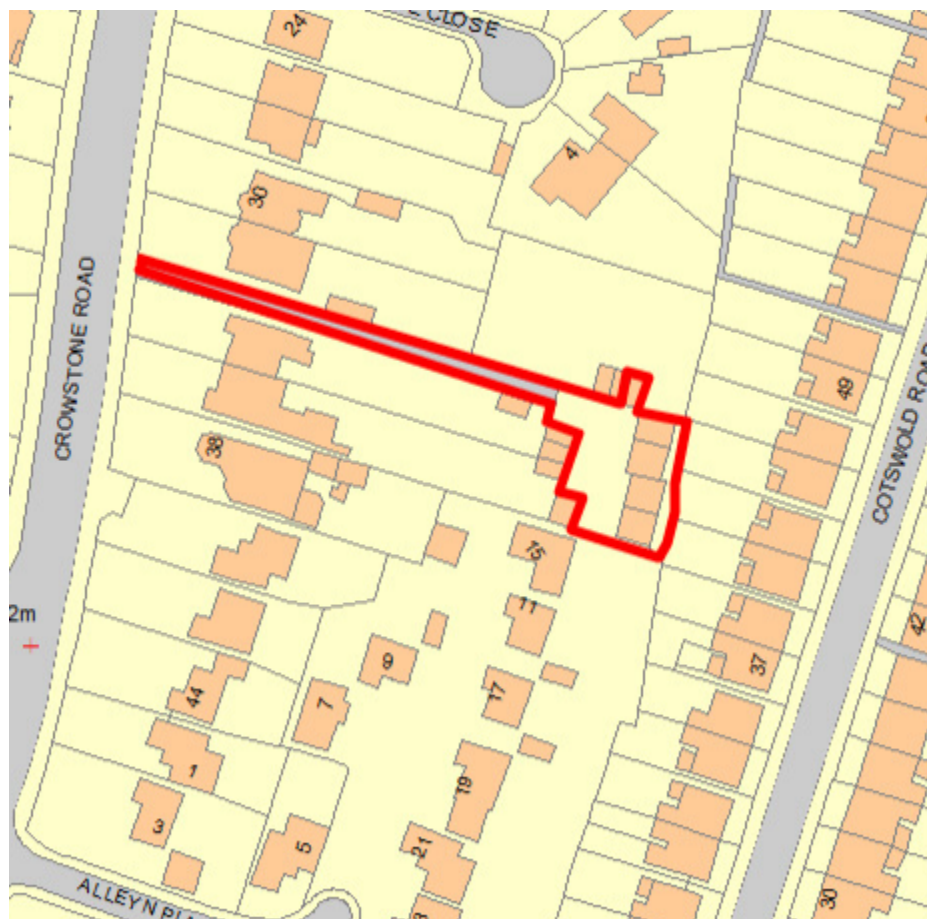
- (i)** Visits will normally be selected (a) by the Corporate Director of Enterprise, Tourism & the Environment and the reasons for selecting a visit will be set out in his written report or (b) by their duly nominated deputy; or (c) by a majority decision of Development Control Committee, whose reasons for making the visit should be clear.
- (ii)** Site visits will only be selected where there is a clear, substantial benefit to be gained.
- (iii)** Arrangements for visits will not normally be publicised or made known to applicants or agents except where permission is needed to go on land.
- (iv)** Members will be accompanied by at least one Planning Officer.

#### **Procedures on Site Visits**

- (i)** The site will be inspected from the viewpoint of both applicant(s) and other persons making representations and will normally be unaccompanied by applicant or other persons making representations.
- ii)** The site will normally be viewed from a public place, such as a road or footpath.
- (iii)** Where it is necessary to enter a building to carry out a visit, representatives of both the applicant(s) and any other persons making representations will normally be given the opportunity to be present. If either party is not present or declines to accept the presence of the other, Members will consider whether to proceed with the visit.
- (iv)** Where applicant(s) and/or other persons making representations are present, the Chairman may invite them to point out matters or features which are relevant to the matter being considered but will first advise them that it is not the function of the visit to receive representations or debate issues. After leaving the site, Members will make a reasoned recommendation to the Development Control Committee.

**Version: 6 March 2007**

<b>Reference:</b>	12/01506/FUL
<b>Ward:</b>	Chalkwell
<b>Proposal:</b>	Demolish existing storage buildings and erect dwellinghouse
<b>Address:</b>	Storage Units At Rear of, 34 - 36 Crowstone Road, Westcliff-On-Sea, Essex, SS0 8BA
<b>Applicant:</b>	Mr. K. Burke
<b>Agent:</b>	Sorrell Chartered Surveyors
<b>Consultation Expiry:</b>	26.12.2012
<b>Expiry Date:</b>	10.01.2013
<b>Case Officer:</b>	Darragh Mc Adam
<b>Plan No's:</b>	Site Location Plan, CR1, CR2
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## 1 The Proposal

1.1 Planning permission is sought to demolish existing storage buildings on the site (which have already been substantially demolished), and erect a dwellinghouse.

1.2 The proposed dwelling would have the following approximate areas:

<i>Gross internal floor area (m<sup>2</sup>)</i>	130
<i>Lounge/diner/kitchen (m<sup>2</sup>)</i>	41.7
<i>Ground Floor Bedroom (m<sup>2</sup>) excl. ensuite</i>	15.3
<i>First Floor Bedroom 1 (m<sup>2</sup>)</i>	15.8
<i>First Floor Bedroom 2 (m<sup>2</sup>)</i>	15.5
<i>Main bathroom (m<sup>2</sup>)</i>	5.1
<i>Amenity area (m<sup>2</sup>)</i>	61

1.3 The dwelling would be in the form of a chalet bungalow with three dormers in the front roofslope. Materials to be used in the construction of the dwelling would include cavity walls with a stock brick outer leaf, small clay or concrete tiles, upvc window and door frames, and compacted gravel to the forecourt area.

## 2 Site and Surroundings

2.1 The site is located to the rear of No's 34 and 36 Crowstone Road. Access to the site is via a long narrow lane between No. 32 and 34 Crowstone Road. No. 41-45 Cotswold Road are located directly east of the site and these properties have rear gardens backing onto the site. The site is surrounded by residential properties. Land in the area is flat.

## 3 Planning Considerations

3.1 The main considerations of this application are the principle of the development, design, impact on neighbouring properties (residential amenity), living conditions for future occupiers, highway safety and parking implications, and renewable energy provision.

## 4 Appraisal

### Principle of Development

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4 and CP8, Borough Local Plan Policies C11, H5 and SPD1**

- 4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework (NPPF) of which a core planning principle includes:

*“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”* (paragraph 17).

- 4.2 The Design and Townscape Guide advises that whether a site is suitable for backland development will be decided on a site by site basis. Where it is acceptable in principle, key considerations include protecting the privacy of adjoining residents, adequacy of internal accommodation space and amenity space, off street parking, access and design.
- 4.3 The site is presently utilised for some adhoc storage by the owner and buildings on the site are substantially demolished. Attempts have previously been made to upgrade the site and retain its use for storage however these have been unsuccessful. Accordingly, it is considered that residential development on the site is acceptable in principle. Design, layout and other considerations are discussed in more detail below.

### Design

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4 and CP8, Borough Local Plan Policies C11, H5 and SPD1**

- 4.4 The building footprint of the dwelling would be smaller than the former storage buildings. Whilst the ridge height would be higher (by approximately 1m), the roof would be pitched which would mitigate the increased height. The proposed development would rejuvenate the site which has been in a state of disrepair for some time. The materials proposed are typical of residential dwellings. The building would not be readily visible from a public vantage point. Accordingly, the development is considered to be in accordance with Policy CP4 of the Core Strategy, Borough Local Plan Policies H5 and C11, and the Design and Townscape Guide.
- 4.5 Given the backland nature of the site, it is considered appropriate to remove permitted development rights. It is also considered necessary to require a landscaping plan to detail, amongst other things, planting to the rear (eastern) boundary.

## **Impact on Neighbouring Properties**

### **National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4 and CP8, Borough Local Plan Policy C11, H5 and SPD1**

- 4.6 It is not considered that there would be any adverse overlooking from the proposed development as no windows are proposed at first floor level in the rear or side elevations. A rooflight is proposed in the rear roofslope however, it can be conditioned that this be obscure glazed. Whilst a half door fire escape opening is proposed in the rear elevation, this would only be used in the case of an emergency and has been included to specifically address fire regulations for means of escape from the upper floor. A condition can be added to restrict its use to emergencies only to prevent use for amenity purposes. The front dormers are sufficiently distanced from dwellings fronting Crowstone Road to prevent adverse overlooking.
- 4.7 It is not considered that there would be any adverse overshadowing to neighbouring properties given the separation distances involved. The ridge height at its highest point would be some 15m from single storey rear projections to nearby dwellings to the east along Cotswold Road, and some 18m from two storey sections on the same dwellings. Furthermore, the proposed ridge height is only approximately 1m higher than the previous building which would not materially impact on access to daylight and sunlight.
- 4.8 It is not considered the dwelling would be overbearing to any neighbouring properties given that it is only slightly higher and would occupy a smaller footprint than the previous storage buildings, and given the separation distances to neighbouring dwellings.

## **Living Conditions for Future Occupiers**

### **Core Strategy Policies KP2, CP4 and CP8, Borough Local Plan Policies C11, H5 and SPD1**

- 4.9 There are no internal space standards set out within the Core Strategy, however the NPPF and the Council's Core Strategy set out the Government's aspirations with regards to quality of life and high quality residential environments. The building has a gross internal area of 130m<sup>2</sup> which is a good standard of accommodation. All rooms will have openings to allow natural light to penetrate the living areas. The amenity space is also considered, on balance, to be acceptable for a dwelling of this size.
- 4.10 The proposed development would provide an acceptable standard of accommodation.

## **Traffic and Transportation issues**

### **National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4 and CP8, Borough Local Plan Policies C11, H5, T8 and T11, SPD1, EPOA Parking Standards (2001)**

- 4.11 There would be space to park two cars on the site. This is considered to be in accordance with parking guidance.
- 4.12 The access road to the site is quite narrow and would present difficulties for emergency vehicles to access the site. The applicant has engaged in discussions with Building Control and the Fire Service prior to making the application which has led to the provision of a half door at first floor level to meet fire regulations. It is stated in the Design and Access Statement that the Fire Brigade would consider the application favourably if the following conditions are met:
- There is an external metal escape staircase for the first floor rooms.
  - There is a smoke alarm and sprinkler system to the whole property with zone controls and with an independent water supply. The alarm should be connected to the Fire Department.
  - The walls and floors have a minimum ½ hour fire resistance and the timbers are fire retardant.

The applicant has actively engaged with the Fire Service to reduce concerns with regard to fire safety issues however, this would be assessed in more detail at building control stage.

## **Use of On Site Renewable Energy Resources**

### **Core Strategy Policies KP2, CP4 and CP8, Borough Local Plan Policies C11, H5 and SPD1**

- 4.13 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from on site renewable resources, and also promotes the minimisation of consumption of resources. No details have been provided of renewable energy generation for the dwelling. However a condition is proposed to address this requirement and demonstrate that the 10% requirement can be met.

## **5 Conclusion**

- 5.1 The proposed development by reason of siting, design, form and profile would not detract from the character and the visual amenities of the street scene or amenities of adjacent properties.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework 2012.
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP4 (Environment & Urban Renaissance) and CP8 (Dwelling Provision).
- 6.3 Southend-on-Sea Borough Local Plan Policies, C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), E5 (Non-Residential Uses Close to Housing), T8 (Traffic Management and Highway Safety), and T11 (Parking Standards).
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide, 2009. EPOA Parking Standards.

## **7 Representation Summary**

### **Public Consultation**

- 7.1 32 neighbours notified of the application. A site notice was also displayed to the front of the site. One response received at the time of writing of the report stating that if height is the same as the old buildings and there is a complete ban on any upwards extension that the proposal would be just about acceptable.

### **Traffic and Highways**

- 7.2 The site has a very narrow access at approximately 2.7m and the building will be set 90m from the highway. This is not suitable for emergency vehicles and would normally be contrary to guidance. However, it is understood the applicant has consulted with the Fire Brigade who have agreed in principle to the development subject to the following measures:

- Use of an external fire escape staircase.
- Smoke alarm and sprinkler system to the whole property with zone controls and with an independent water supply. Alarm to be connected to the Fire Department.
- The walls and floors to have a minimum 30 mins fire resistance and the timbers to be fire retardant.

The site also creates difficulties for the collection of refuse as the dwelling is some distance from the highway. However, the development would relate to a single dwelling and it would be the responsibility of future residents to make sure refuse is placed near the highway and convenient for collection.



## Design and Regeneration

- 7.3 No objections in principle to a residential use on this site. Conversion of the existing buildings would have offered an alternative option with unique and interesting character. The proposed design is rather dull and is dominated by the dormer windows. These could be reduced in size and two dormers may fit better than three in the space provided. It may be that a two bedroom house would be more appropriate. **[Officer Comment: Pre-application advice did not raise concerns with the scale of the dormers given the backland siting].**

At ground floor the front elevation is rather cramped at the northern end and lacks interest overall. The replication of one or two of the original stable gables could be considered. It is noted that the public impact for this site is minimal but it should still be well designed and proportioned. This proposal will need to comply with policy KP2 which requires at least 10% of energy needs to be provided by on site renewables. Details of this should be clarified to ensure that it can be successfully accommodated into the design. Details of hard and soft landscaping and boundaries will need to be clarified to ensure that an attractive living environment is provided for the residents.

## Fire Authority

- 7.4 To be reported.

## 8 Relevant Planning History

- 8.1 Enforcement action authorised in March 2012 for the cessation of unauthorised use of the site, removal of unauthorised development on the site, and to prevent buildings re-roofed other than with similar materials and to similar height and form as previously existed – 11/00143/UNAU\_B.
- 8.2 Permission refused in March 2011 to ‘Remove roof structure, erect new metal framed walls and roof structure and clad with coated aluminium panels (Amended Proposal)’ - 11/00323/FUL. This was dismissed on appeal – APP/D1590/A/11/2156235/NWF.
- 8.3 Permission granted in 1996 to ‘Continue Use of Garages as Store For Solicitors Files’ – (96/0648).
- 8.4 Permission granted in 1994 to ‘Use Garages as Store for Solicitors Files’ – (93/0962). Conditions were attached to this permissions requiring the use to be discontinued by 31<sup>st</sup> January 1997, and restricting use of the premises only for the storage of files and/or the parking of private motor vehicles.

**9 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.**

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, CR1, CR2.**

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

- 3 No development shall take place until samples of the materials to be used on the external elevations, hard surfacing, staircase, and boundary treatment including sliding gate 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 by the Local Planning Authority.**

**Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide).**

- 4 No windows shall be formed in the building other than those shown on the approved plan unless otherwise first agreed in writing by the Local Planning Authority. The development shall be permanently retained in accordance with the agreed details.**

**Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with DPD1 (Core Strategy) 2007 policy CP4, Borough Local Plan 1994 policy H5, and SPD1 (Design and Townscape Guide).**

- 5 The rooflight in the rear roof slope shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the Local Planning Authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass**

to at least Level 4.

**Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with DPD1 (Core Strategy) 2007 policy CP4, Borough Local Plan 1994 policy H5, and SPD1 (Design and Townscape Guide).**

- 6 The landing and stairwell to the rear of the building/extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the Local Planning Authority. They can however, be used in the case of an emergency.**

**To protect the privacy and environment of people in neighbouring residential properties, in accordance with DPD1 (Core Strategy) 2007 policy CP4, Borough Local Plan 1994 policy H5, and SPD1 (Design and Townscape Guide).**

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008, or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Class A, B, C and E to those Orders.**

**Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with Policies C11 and H5 of the Southend on Sea Borough Local Plan.**

- 8 The parking hardstanding area shall be finished with permeable surfacing unless otherwise agreed in writing by the Local Planning Authority. Details of this surfacing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be permanently retained in accordance with the agreed details.**

**Reason: In the interests of providing sustainable development in accordance with Policies KP2 and CP4 of the Core Strategy (DPD1).**

- 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. 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. proposed and existing functional services above and below ground (e.g.**

- drainage power, communications cables, pipelines etc. indicating lines, manholes, supports.);
- vii. retained historic landscape features and proposals for restoration, where relevant.
  - viii. details and numbers of any trees/shrubs to be planted
- These works shall be carried out in accordance with the approved details and permanently retained thereafter unless otherwise agreed with the Local Planning Authority.

**Reason:** To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the local environment and biodiversity in accordance with DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C11 and C14, and SPD1 (Design and Townscape Guide).

### **Reason for Approval**

This permission has been granted having regard to the National Planning Policy Framework 2012, Core Strategy DPD Policies KP2, CP4 and CP8, Policies C11, H5, T8 and T11 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.

### **Note:**

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

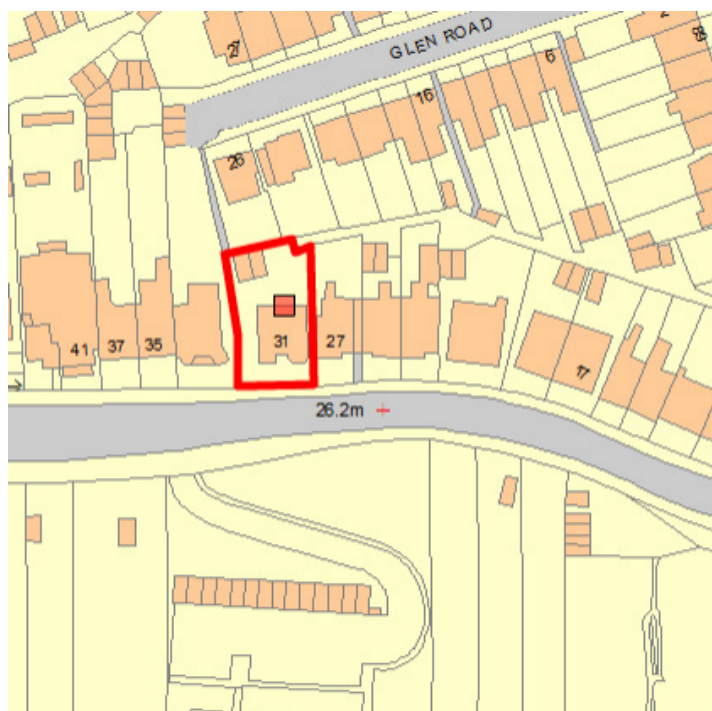
### **Informative:**

1. Any works that are required within the limits of the highway require the permission of the highway authority and must be carried out under supervision of that authority's staff. The Applicant is therefore advised to contact the authority prior to the commencement of works.
2. 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](http://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.**

- 3. 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](http://www.southend.gov.uk/info/200011/building_control) for further information.**

<b>Reference:</b>	12/01208/FUL
<b>Ward:</b>	Leigh
<b>Proposal:</b>	Demolish existing block of flats, erect 5 storey building comprising of 5 self contained flats with basement car parking, lay out cycle and bin store.
<b>Address:</b>	31 Grand Parade, Leigh-on-Sea, Essex, SS9 1DX
<b>Applicant:</b>	Executive & Waterside Properties Limited
<b>Agent:</b>	Cirrus Planning and Development Limited
<b>Consultation Expiry:</b>	3 <sup>rd</sup> December 2012
<b>Expiry Date:</b>	10 <sup>th</sup> January 2013
<b>Case Officer:</b>	Janine Argent
<b>Plan Nos:</b>	Proposed location plan; 009; 003; 005A; 008; 007A; Location Plan Existing; 001A; 004A; 002A; 006A, Sunlight/Daylight December and March
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>



## The Proposal

- 1.1 Planning permission is sought to demolish an existing block of flats, erect a five storey building comprising of five self-contained flats with basement car parking, cycle and bin store.
- 1.2 This is an amended application following the refusal of a previous application for a 6 storey block of five self-contained flats (06/00785/FUL). The application was refused for the following reasons:
- 1. "The proposed development, by reason of its height, bulk and design would be out of keeping with the prevailing pattern of neighbouring buildings, to the detriment of the character and appearance of the street scene. The proposal is thereby contrary to Policies CS2 and BE1 of the Essex and Southend on Sea Replacement Structure Plan and Policies C11 and H5 of the Borough Local Plan".*
  - 2. "The proposed flats are unacceptable because their height, bulk and position would cause unneighbourly overshadowing and obtrusiveness in relation to neighbouring property, detrimental to residential amenities and contrary to Borough Local Plan Policy H5 and Essex and Southend Replacement Structure Plan Policy BE1".*
- 1.3 The application was also dismissed on appeal; the inspector concluded the proposed development would have a materially harmful effect on the character and appearance of the area and the development would result in be overbearing and result in unreasonable overshadowing to the detriment of the amenities of numbers 24 and 26 to the rear.  
(See Appendix 1)
- 1.4
- |                  |  |
|------------------|--|
| Site area (net)  | 436.6m <sup>2</sup>  |
| No. of units     | 5 x 2 bed flats<br>Total 5 flats   |
| Height (storeys) | 14.3m  |
| Parking          | 5 spaces (100%)  |
| Cycle parking    | 10 cycle spaces proposed to the rear of the site.  |
| Amenity space    | 76m <sup>2</sup> (15.2m <sup>2</sup> per flat) plus balconies to the front ranging from 7.8sqm to 19sqm. |
| Refuse storage   | 4.6m <sup>2</sup> store shown to rear of the site, adjacent cycle store.                                 |
- 1.5 The details of the proposed development are as follows:
- Overall appearance has altered from a ribbon feature to a simple contemporary design.
  - Height has been reduced from 16.8m to 14.3m.
  - Vehicle access to the site has altered.

- Amenity space has been reduced at the rear of the site.

## 2 Site and Surroundings

- 2.1 The site includes a two storey detached property in use as flats, with substantial roof accommodation, and garages at the rear. The site is located on the north side of Grand Parade, just west of the crest and bend of the road. The land slopes down gently from east to west, resulting in properties to the east being at a slightly higher level and those to the west being slightly lower.
- 2.2 Both adjoining properties have habitable room windows in their side elevations and no. 27 has a habitable room window in the 'well' towards the rear. To the west, 45 is a substantial flatted block but the majority of properties locally are two storeys plus roof accommodation, in terraced, detached and semi-detached arrangements.
- 2.3 The property to the rear (north) – no. 26 Glen Road, has a rear garden depth of 9m, and no. 24 at its shallowest is approximately 10m.

## 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

**National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP4, CP8; BLP policies C11, H5, H6 and the Design and Townscape Guide SPD1 (2009)**

- 4.1 The principle of redevelopment of this site with flats is acceptable as the existing site contains two flats. Given the previous applications and subsequent appeals for a development of flats on this site no objection is raised to the principle of development subject to the other material planning considerations detailed below.

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

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; Borough Local Plan policies C11, C14, H5, H7 and Design and Townscape Guide SPD1.**

- 4.2 Paragraph 56 of the National Planning Policy Framework (NPPF) states:

*“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.*



4.3 The NPPF goes on to say at paragraph 60

*“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”.*

4.4 Policy KP2 and CP4 of the Core Strategy requires all new development to contribute to economic, social, physical and environmental regeneration in a sustainable way. Policy C11 of the Southend on Sea Borough Local Plan advocates the need for development to relate to the surrounding developments. Policy H7 of the Southend-on-Sea Borough Local Plan requires the need for any flatted developments by reason of their design and layout requirements to comply with the provisions of Policy H5 of the Southend on Sea Borough Local Plan. The Design and Townscape Guide states that the successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are out of scale will appear dominant in the streetscene and development which is too small will appear weak and be equally detrimental. The easiest option is to draw reference from the surrounding buildings.

4.5 The streetscene, although mixed in part, is largely characterised by Edwardian residential dwellings. While it is noted that there are some buildings in the streetscene that are contrary to this character, including the nearby blocks of flats, 31 Grand Parade is set apart from these and is read in context with the Edwardian dwellings to its immediate east and west. Immediately adjacent to the site to the east are a run of two storey dwellings with rooms in the roof, and to the west the dwelling reads as two and a half storeys given its basement which is visible from the street, with rooms in the roofs. Both these neighbouring buildings are attractive well detailed properties with particularly attractive bay windows.

4.6 In general the buildings have a number of common features, including the use of materials (red brick, white render), timber sliding sash windows and full height gables, two storey bays and balconies. The most important aspect of the streetscene is the strong vertical proportions of the buildings and the rhythm features such as tall gables and double height bays create along the street. This regularity is read in the streetscene when approaching from both the east and the west. Even the modern buildings have included a strong vertical feature on their frontage. The existing building of 31 Grand Parade is a two storey property with rooms in the roof and balcony at 2nd floor. Although it has been modified in part but still provides a degree of uniformity with its neighbour's given its modest scale, double height bay and use of materials.

4.7 There is a detailed planning history on the site, most notably the dismissed appeal from 2007, which was in respect of a 6 storey block of 5 flats with ground floor and basement parking on the site. As noted in the Inspector's

decision, the site is located on the brow of a hill and as such was, in the Inspector's opinion, in a prominent position. The Inspector did not however, consider this to be a landmark site and the 6 storey building proposed at that time was found to create an *'unacceptable contrast to the traditional domestic scale, designs and materials of its neighbours'*.

- 4.8 It is proposed to erect a five storey purpose built block of a contemporary appearance. While there has been a reduction in the number of storeys from the previously refused scheme, concerns remain in regard to its dominance within the streetscene and poor relationship to the domestic, traditional character of adjacent properties. The Inspector considered the previous development would also provide an unacceptable contrast to the traditional domestic scale, designs and materials of its neighbours and it would appear dominant and would be out of keeping with its surroundings.
- 4.9 While attempts have been made to align the top of the 4<sup>th</sup> storey with the ridge line of the adjacent property, in general the development as proposed fails to provide a successful relationship with its neighbours. This is particularly noticeable in regard to the positioning of the fenestration and balconies to the front elevation. The strong horizontal proportions of the proposal are at odds with the vertical rhythm which is so apparent in the adjacent properties and the wider streetscene and whilst the wave nature of the building in isolation is an interesting approach, its overt horizontality clashes with the character of the area. It may be that aligning similar features together would achieve a change of emphasis which is more in line with local character. It is noted that the that the design has been influenced by Art Deco architecture but the examples of such buildings given in the Design and Access Statement are not in the vicinity of the application site and are in locations where the local character is more fragmented. Whilst a modern approach is welcomed in principle, it is important that it respects key aspects of local character. As the inspector noted, this is not a landmark site and therefore a statement building in this location would be inappropriate.
- 4.10 There are further concerns with respect to the design detailing, with specific reference to the single storey element on the east side of the building which does not form an integral part of the overall design and the visual impact of the proposed shutters to the vehicular entrance.
- 4.11 The proposed building is 5 storeys high and the 4<sup>th</sup> floor is the same height as the ridge of the neighbours. The proposed development is a storey higher than existing buildings surrounding the site. Whilst it is acknowledged from the wider streetscene diagram that some sections of Grand Parade have taller buildings, the application site is within a run of similar scaled buildings and as proposed will appear significantly taller. It is noted that the top floor has been set back slightly from the front building line but it will still be very noticeable particularly when approaching from the east and west along Grand Parade. The glazing to the front will help to lighten the structure from the front but would be visible from its sides where it will appear very solid.
- 4.12 Given the overall scale of the development, the materials proposed do not successfully break up nor reduce the perceived scale of the development. There is also concern with respect to the proposed zinc profile roofing which

may appear dark in the streetscene which could appear overly dominant.

- 4.13 In light of the above, it is not considered the proposed development has overcome the previous concerns raised by the Inspector it still proposes an unacceptable contrast to the traditional domestic scale, design and height of its neighbours. The proposed development by reason of its design, bulk and height would be out of keeping with the prevailing pattern of neighbouring buildings and result in a dominant feature to the detriment of the character and appearance of the streetscene. The proposed development is contrary to the National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Policy C11, H5 and H7 of the Southend on Sea Borough Local Plan and the Design and Townscape Guide.
- 4.14 In terms of proposed landscaping, to the front of the site is an amenity area serving flat including soft landscaping and a hard standing surface for the vehicle access. The landscaping to the front of the site is rather limited. The proposed amenity space to the rear of the site equates to 76m<sup>2</sup> (15.2m<sup>2</sup> per flat), the flats also include balconies to the front ranging from 7.8sqm to 19sqm in size. No objection is raised to the level of amenity space. There is concern in relation to the protection of the trees to the western side which will need to be protected. This could be dealt with by condition to ensure appropriate measures are taken to protect the trees.

#### **Impact on residential amenity**

#### **National Planning Policy Framework; DPD1 (Core Strategy) policy CP4; BLP policies H5, H7 and the Design and Townscape Guide SPD1.**

- 4.15 The Inspector previously considered the proposed development would have a significantly harmful effect on the living conditions of the neighbouring occupiers in relation to privacy, outlook and sunlight. This decision was based on sunlight drawings showing the shadow cast by the proposed building on 21 December (i.e. the shortest day of the year).
- 4.16 The applicant contends that the assessment by the Inspector at appeal on the submitted sunlight drawings did not meet with Building Research Establishment (BRE) daylight and sunlight good practice guidance. These guidelines are regarded as industry best practice in terms of assessing the impact of the availability of daylight and sunlight. Nevertheless at the time of the appeal this was the only information available to the Inspector in order to make a judgement on the potential impact on living conditions of adjoining neighbours. The BRE guidelines identify criteria to assess the impact on access to daylight and sunlight as a result of new development and they are discussed in more detail below.

#### **Daylight**

- 4.17 Daylight is the light received from the sun which has been diffused through the sky. Even on a cloudy day when the sun is not visible a room will continue to be lit with light from the sun. The measurement most relied upon involves calculating the vertical sky component (VSC). The VSC calculation is a general test of potential for daylight to a building, measuring the light available

on the outside plane of windows and by so doing considers potential light.

- 4.18 The BRE guidelines state; *if none of the obstructing building subtends an angle to the horizontal (at the window position 2m above ground) greater than 25 degrees, then there will still be the potential for good daylighting to the interior. If an obstructing building is taller than this, good daylighting may still be achievable, provided the obstruction is not continuous and is narrow enough to allow adequate daylight around its sides. The amount of skylight falling on a vertical window can be quantified as the vertical sky component (VSC).*
- 4.19 The section drawing (005 A) submitted by the applicant suggests that the 25 degree angle from the rear of the dwelling to the north (assumed to be no.26 Glen Road) will not be subtended by the proposed building. It should be noted that this plan shows the proposed building to be right up to the 25 degree line and therefore allows for no margin of error. The separation distance between the proposed building and the rear of no.26 Glen Road calculated from this plan is approximately 18.5 metres. However when comparing this with the ground floor plan (002 A) and location plan the separation distance is a minimum of approximately 16 metres and a maximum of approximately 17.5 metres. A smaller separation distance means that the proposed building would infringe on the 25 degree line from the neighbour's window.
- 4.20 Given this discrepancy in the plans and in the absence of a report on the calculation of the VSC for the habitable rooms in the dwellings at 24 and 26 Glen Road, it is not considered that it has been sufficiently demonstrated that the proposed development will not result in material harm to the living conditions of these dwellings in terms of the availability of sufficient daylight.

#### Sunlight

- 4.21 In relation to available sunlight, the BRE guidelines state; *access to sunlight should be checked in terms of measuring annual probable sunlight hours (APSH) for the main window of each room which faces within 90 degrees of due south.* In assessing sunlight, the BRE propose the appropriate date to undertake a sunlight assessment is the spring equinox (21 March). The key assessment criteria is that if this window reference point can receive more than one quarter of annual probably sunlight hours, including at least 5% of annual probable sunlight hours during the winter months between 21 September and 21 March, then the room should still receive enough sunlight. Whilst the BRE guidelines a full calculation is not always necessary, given the discrepancies in the plans with regard to the separation distance between the properties and the absence of a technical report on the VSC, it is not considered it has been demonstrated that the proposed development will not cause material harm in terms of the availability of sufficient sunlight to 24 and 26 Glen Road.

#### Outlook/sense of enclosure/overlooking

- 4.22 In relation to outlook, previous concerns had been raised in relation to the occupiers of numbers 24 and 26 Glen Road. The separation distance is some 9m-10m in depth as the gardens are short. Both houses have principal

windows serving habitable rooms at ground and first floor levels including windows within the two storey extension at number 24. Whilst the trees at the rear of the site provide some screening there are concerns given the proximity of the development and the excavations required this could have a detrimental impact and harm the trees on site.

- 4.23 The previously refused application (06/00785/FUL) had a separation distance of some 12.2m to the rear boundary of the site, whereas the proposed development has a separation distance of 6.7m to 8.4m to the rear boundary. Whilst the height of the overall development has been reduced from 16.8m to 14.3m the development due to its proximity to the party boundary with properties in Glen Road is considered to have a detrimental impact on these properties. The proximity of the rear facade of the building would be overbearing, and would spoil the enjoyment of the rear facing rooms and the gardens at numbers 24 and 26 Glen Road contrary to Policy CP4 of the Core Strategy and Policy H5 of the Southend on Sea Borough Local Plan.
- 4.24 In terms of privacy, with respect to the proposed balconies to the front of the building given their siting and the proposed angled louvres to control aspect from balcony it is not considered they result in overlooking or loss of privacy to the adjacent residential occupiers of 27 and 33 Grand Parade. Windows are proposed to the east and west elevation, however the windows provide light to the stairwell, a secondary window to the kitchen and lounge area and in addition a window to the bathroom it is considered that the windows can be obscure glazed and this can be dealt with by condition to protect the amenities of residents, thus, no objection is raised in relation to 27 and 33 Grand Parade given that it overcomes the previous concerns raised by the Inspector in relation to privacy at the front of the site.
- 4.25 Whilst concern had not been previously raised by the Inspector in relation to the loss of privacy to the properties at the rear along Glen Road and the height of the development to the rear is 12m (14.3m high including the set back on the fourth floor), there is a material change from the previous application whereby the proposed development is set closer to the rear boundary. Furthermore, the windows proposed to the rear of the building most notably serving flats on the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors will have full length doors that can open and face directly to the rear boundary whereas the previous design was angled in a manner to mitigate against any potential overlooking or loss of privacy to the properties in Glen Road. It is considered that given the siting of the development and limited separation distance from the rear boundary will result in loss of privacy to the immediate neighbours to the north of the site particularly their private garden areas and this can't be ameliorated by imposing appropriate conditions.
- 4.26 In light of the above, the proposed development will result in harm to immediate neighbouring properties by way of loss of privacy through overlooking and result in an unreasonable sense of enclosure given its proximity to the rear of the properties within Glen Road. Furthermore it has not been demonstrated that the proposal will not result in a material loss of daylight and sunlight contrary to the provisions of Policy CP4 of the Core Strategy, Policies C11, H5 and H7 of the Southend on Sea Borough Local Plan and the Design and Townscape Guide.

## **Traffic and Transportation**

**National Planning Policy Framework; DPD1 (Core Strategy) policies CP3; BLP policies T8, T11; EPOA Parking Standards and the Design and Townscape Guide SPD1.**

- 4.27 The vehicle access will be from Grand Parade; the proposed development will include a scissor lift for vehicles to access and be lowered to the basement level. Ten car parking spaces are proposed in a stacking formation within the basement and there is sufficient turning space within the basement. Cycle provision will be located to the rear of the site and will include 10 cycle spaces. No objection is raised to the proposed parking or cycling provision which is in accordance with the EPOA Vehicle Parking Standards. Furthermore, the Councils Highway Officer has raised no highway objections to the proposed development with respect to parking provision.
- 4.28 Refuse storage is located to the rear of the site beyond the required distance (18m) from the highway in order to be collected however, a condition can be imposed to ensure a waste strategy is submitted for consideration.

## **Sustainability**

**National Planning Policy Framework; DPD1 (Core Strategy) policies: KP2, CP4, SO15, SO17 and the Design and Townscape Guide SPD1.**

- 4.29 The Design and Access Statement accompanying this planning application states that the development will include six principles of sustainable construction. In terms of renewable energy sources to comply with 10% renewable energy requirement the proposed development will include the use of ground source heat pumps, combined heat and power as well as solar gain from the south facing aspect of the building. There is concern with the siting of the plant associated with the CHP however; it is considered this could be dealt with by condition.
- 4.30 No details have been provided in relation to sustainable urban drainage systems however, this can be dealt with by condition.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision)
- 5.3 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), H7 (Formation of self-contained flats), T12 (Servicing Facilities), T13 (Cycling and Walking), U2 (Pollution Control)

- 5.4 SPD1 Design & Townscape Guide (2009)
- 5.5 EPOA Vehicle Parking Standards (2001)
- 5.6 Waste Management Guide

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 There are concerns with respect to the design approach and integration into the streetscene, scale, design detailing and materials. Overall whilst the redevelopment of this site is not objected to and the principle of modern design is welcomed, this proposal fails to integrate well enough into the streetscene.

### **Traffic and Transportation**

- 6.2 No objection is raised in relation to the parking or cycle provision provided onsite or the vehicle access to the site as sufficient space has been provided. Further details are required in relation to the siting of the waste to the rear of the site whereby this normally has to be within 18m of the highway **[Officer Comment: This can be dealt with by condition if the application is approved]**.

### **Leigh-on-Sea Town Council**

- 6.3 Whilst this proposal is one storey lower than the previous scheme, which was refused and the appeal dismissed, there are still concerns in relation to following:
  - 'Art deco' style is not in keeping with this run of properties and fails to draw reference from its neighbours.
  - The development would have a materially harmful effect on the street-scene and character of the area.
  - The proposed development would be 2.5m and 3.1m respectively higher than the adjacent rooflines.
  - With the site at the brow of the hill, in a prominent position, its incongruity and dominance will be exacerbated.
  - The windows to the west elevation represent a loss of privacy to the occupants of no 33 where there are habitable rooms, including a bedroom, in the side. The wider, squarer building will create a 'well' situation with 27 and possibly 33. (it was accepted at appeal that the asymmetrical shape of the previous proposal was due to these site restraints, amongst others).
  - The tall windows at the rear of the building will cause serious overlooking of habitable rooms in the houses close behind in Glen Road, particularly no 24, and potential light and sound pollution for them.
  - The December 21 noon perspective V2 demonstrates very clearly just how over bearing this building would be to properties to the north with their relatively short gardens. The nearby St James Court or Stevens

Lodge cannot be compared or accepted as precedents as both these blocks are a considerable distance from the houses to the north of them.

- The development will result in significant loss of shadowing to the properties at the rear of the site.
- There is extreme parking pressure in this area. The proposal to use a mechanical device, a vehicle lift, to create a basement parking area presents the risk that firstly residents may prefer not to make the effort to use it and also that it may break down, not be repaired for whatever reason, and all the off street parking is then lost. There will also be considerable additional vehicle movement created on a difficult bend in Grand Parade where there is limited visibility. **[Officer Comment: No objections have been raised by the Council's Highway Officer].**
- The comments raised within the previously dismissed appeal still apply.

### Public Consultation

- 6.4 A site notice was displayed on the 8<sup>th</sup> October 2012 and 27 residents have been notified of the proposal 31 letters of representation have been received in relation to this application 30 objecting and 1 supporting.

#### Objections

- The size and location of the building will out of proportion to the surrounding buildings and dominate the area.
- It will appear larger and in front of the existing building line.
- The proposal will result in increased traffic and parking pressure **[Officer Comment: No objections have been raised by the Council's Highway Officer and the parking provision and access complies with policy].**
- There should be no more erosion of the character of Grand Parade and its Edwardian properties.
- There will be noise and disturbance from the construction traffic and disruption to the traffic.
- The height of the building would be much larger than existing buildings.
- No on street parking due to the proximity of the roundabout and double yellow lines outside of the site **[Officer Comment: Off street parking is proposed in the basement including two parking spaces per flat, thus no objection is raised and the Council's Highway Officer has raised no objections].**
- The existing building is not in such a state to require demolition.
- The development will appear bulky.
- Overlooking.
- Loss of privacy.
- Loss of natural light and sunlight.
- The height will be intrusive.
- Would set a precedent for other development along Grand Parade.
- Would not provide affordable housing,
- The development will add to an overstretched sewerage system.
- Leigh needs family homes to allow people to start families.



- Proposed windows and Juliet balconies to the rear will result in overlooking and loss of privacy.
- Overbearing.
- Bulky.
- Overshadowing.
- The development would destroy quality of life.
- Environmental concerns in relation to loss of wildlife habitat and potential threat to established trees.
- Inappropriate residential density levels.
- Pressure on local amenities is unsupportable.
- No provision has been made for the parking if it malfunctions.
- Noise pollution.
- Light pollution.
- Structural implications of the development.
- There is no need for a 5 storey block of flats in this location.
- Residents do not want a block of flats.
- The car park entrance would be close to the brow of the hill **[Officer Comment: No objections have been raised by the Council's Highway Officer in relation the vehicle access].**
- Parking stress.
- The development would affect the education of a local resident studying for A levels.
- The development would affect bats and a large building such as proposed would affect the protected species.
- Concerns over the proximity of the houses in relation to Glen Road.
- Overdevelopment.
- Night time lighting of the flats would be detrimental to existing residents.
- Balconies protrude further than the existing building line.
- Lack of privacy following the removal of trees.
- Over intensification of the site,
- The development is intrusive.
- The siting of the development is not acceptable.
- Massing is out of character with the area.
- Design is out of character with the area.
- The Council should avoid more overcrowding in this area.
- Prevent major disruption during the construction phase.
- The development would be an eyesore.
- We did not receive a letter to state that the application was invalid **[Officer Comment: All residents who had written where notified when the application was valid a separate resident had written in specifically about the validation of the application and thus only one response was provided directly to that resident].**
- The application has a lot of discrepancies and is invalid **[Officer Comment: The application has been revalidated following the receipt of all relevant information and all associated parties have been renotified following the additional information received].**
- The development does not fulfil the requirement of sustainable development.
- Dust pollution.

- The development is not much lower than the appeal scheme.
- To transfer the development into a five storey block of flats is a major change of use,

#### Support

- The proposed development will add to the street scene.
- The flats are spacious and well designed with 2 parking spaces each.
- The applicant should be encouraged and therefore recommend the Council to approve the scheme.

6.5 Councillor Crystall has requested this application be called into committee

### 7 Relevant Planning History

7.1 Demolish existing building and erect 6 storey block of 5 flats with parking on ground floor and in basement (amended proposal)- Refused and subsequent appeal dismissed.

7.2 Demolish existing building and erect 7 storey block of 6 flats with parking on ground floor and in basement- Refused (05/01722/FUL).

7.3 Demolish building, Erect five storey block of 5 flats, lay out 5 parking spaces, refuse store and amenity area to rear and form vehicular access onto Grand Parade- Withdrawn (03/01141/FUL).

### 8 Recommendation

**Members are recommended to: REFUSE PLANNING PERMISSION for the following reasons;**

**01 The proposed development, by reason of its detailed design, excessive bulk, massing and siting would result in an incongruous and discordant feature within the streetscene to the detriment of the character and appearance of area contrary to the provisions of the National Planning Policy Framework, policy KP2 and CP4 of the Core Strategy (DPD1) and policies C11, H5 and H7 of the Borough Local Plan and advice contained within the adopted Design and Townscape Guide (SPD1).**

**02 The proposed development due to its height, bulk and position in relation to 24 and 26 Glen Road would result in an unreasonable sense of enclosure and loss of privacy through unmitigated overlooking. Furthermore it has not been demonstrated that the development would not result in a material loss of daylight and sunlight to the detriment of the amenities of occupiers of these properties contrary to the provisions of Policy CP4 of the Core Strategy, Policies C11, H5 and H7 of the Southend on Sea Borough Local Plan and the Design and Townscape Guide.**

**01 Note**

**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant during pre application discussions. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application and therefore, the proposal is not considered to be sustainable development. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.**