

Southend-on-Sea Borough Council

Agenda
Item

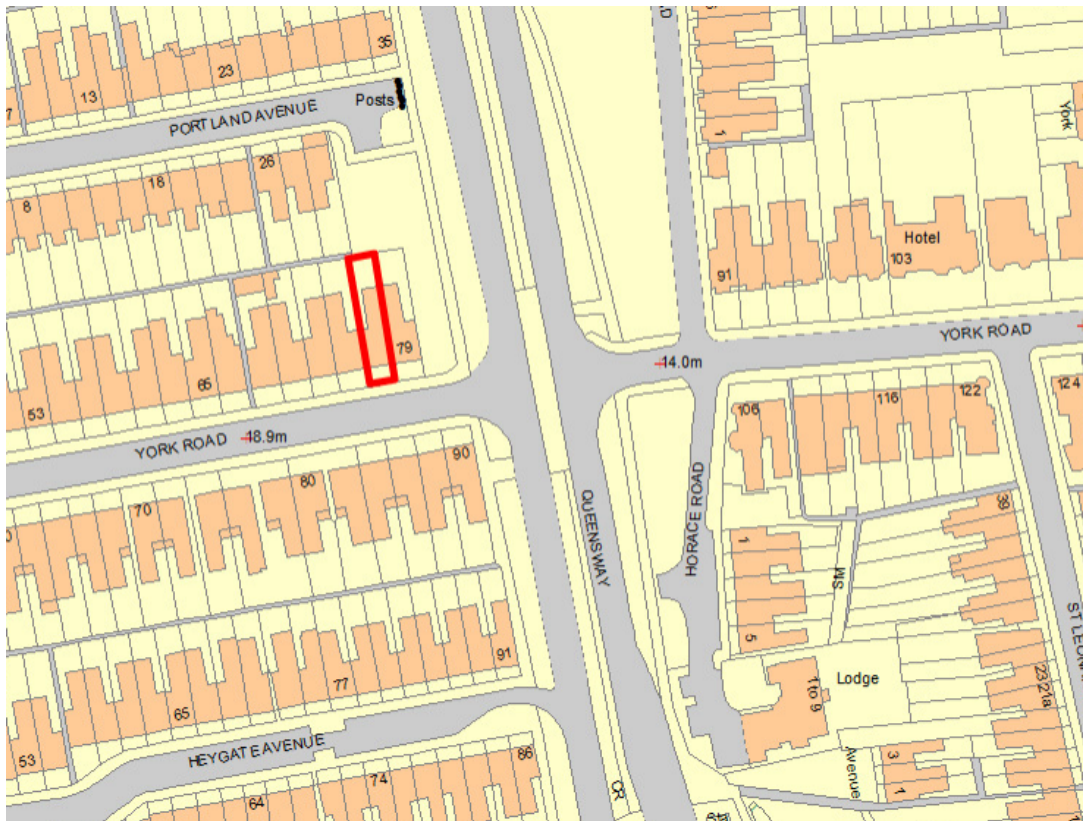
Report of the Corporate Director of
Enterprise, Tourism & the Environment
To
Development Control Committee
On
9th January 2013

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

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Reference:	12/01276/FUL
Ward:	Milton
Proposal:	Convert existing property into five self contained flats
Address:	77 York Road, Southend-On-Sea, Essex, SS1 2BZ
Applicant:	Mr. G. Sandhu
Agent:	New World Designers
Consultation Expiry:	03.01.2013
Expiry Date:	28.01.2013
Case Officer:	Darragh Mc Adam
Plan No's:	1 of 1
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

1.1 Planning permission is sought to convert the existing property into five self contained flats, each with one bedroom. At present the property is in use as a HMO, and one self contained flat. There are seven rooms in the part of the building in use as a HMO. No alterations to elevations are proposed.

1.2 The proposed flats would have the following internal areas:

	Existing Flat	Flat 1	Flat 2	Flat 3	Flat 4
Kitchen/lounge/diner	18.9	19.8	26.3	17.6	20.7
Bedroom	9.1	9.2	8.4	8.9	13
Bathroom	3.9	4.3	3	3.9	3.9
Gross internal floor area	34	35.6	39.7	32.9	40.9

1.3 All flats would be accessed through the existing main entrance off York Road.

2 Site and Surroundings

2.1 The application property is a three storey terraced property located on the north side of York Road near the junction with Queensway. The property is in use as a HMO and a self contained flat. There is a small front curtilage to the dwelling which is partly hard surfaced. There is a small rear/side amenity area to the property which backs onto a green area adjoining Queensway.

2.2 Surrounding properties are similar in terms of form and style. The site is located within a predominantly residential area. Land in the area slopes down to the east. Parking is restricted on York Road by way of double yellow lines.

3 Planning Considerations

3.1 The main considerations of this application are the principle of the development, design (including the impact of the proposed works on the character and appearance of the building), any impact on neighbouring properties (residential amenity), living conditions for future occupiers, and parking implications.

4 Appraisal

Principle of Development

The National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4 and CP8, Borough Local Plan Policies H6 and H7

- 4.1 This proposal is considered in the context of national planning policy and Borough Council policies relating to residential accommodation.
- 4.2 Borough Local Plan (BLP) Policy H6 states that conversions to flats will normally be refused where the number of properties originally constructed as single family dwellinghouses which have already been converted to such uses (in addition to non-self contained accommodation) represents more than 10% of the total residential frontage in the street block. It is not known whether this property was originally built as a single family dwellinghouse. In any case, however, it is currently in use as a HMO and self contained flat, and as such policy H6 is not applicable in this instance. BLP Policy H7 seeks to avoid over intensive development, achieve adequate accommodation standards, and achieve an internal layout which limits noise transmission. The proposed conversion to five one bedroom self contained flats would have a similar level of use intensity as the existing use for one self contained flat and a seven bedroom HMO.
- 4.3 Subject to detailed considerations below the proposal is considered acceptable in principle.

Design

Core Strategy Policy CP4, Borough Local Plan Policies C11, H5 and Design and Townscape Guide (SPD1)

- 4.4 No changes are proposed to the elevations of the property, and as such no objections can be raised with regard to design.

Impact on Neighbouring Properties

Core Strategy Policy CP4, Borough Local Plan Policies H5 and H7, and SPD1

- 4.5 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light,

outlook or privacy of the habitable rooms in adjacent properties. Policy H5 of the Borough local Plan requires that development respect existing residential amenities, and Policy C11 requires that new extensions create a satisfactory relationship with surroundings.

- 4.6 As stated, there would be no changes to the design or external layout of the property. Accordingly, it is not considered the proposed development would give rise to any adverse impacts to neighbouring properties in terms of overlooking or overshadowing.

Living Conditions for Future Occupiers

National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies H5 and H7, and SPD1

- 4.7 The internal room areas are set out in section 1.2 above.
- 4.8 There are no internal space standards set out within the Borough Local Plan however NPPF and the Council's Core Strategy set out the Government's aspirations with regards to quality of life and high quality residential environments. An Issues and Options Consultation Document has been prepared for a Development Management Development Plan Document. In this document minimum dwelling and room sizes are set out. For a dwelling unit capable of accommodating one person a minimum gross internal floor area of 30m² is prescribed.
- It should be noted however that only limited weight can be given to the Draft Development Plan Document standards as they have not been formally adopted. In terms of floor areas, the flats would generally comply with the above emerging guidance should they be singly occupied.
- 4.9 Each bedroom in the flats would include a window. Lounge/kitchen/dining areas in the flats would also have a window. Accordingly it is considered that outlook, ventilation and light would be adequate. An informative can be added to remind of required building regulations standards to be met in terms of sound insulation between flats.
- 4.10 No private or communal amenity space is provided for the proposed flats (the rear amenity area would appear to be used by only the ground floor flat). However it is noted that the existing HMO rooms do not have any amenity space. Given the existing situation and the site's proximity to the town centre and seafront area, it is not considered an objection can be raised with respect to the lack of amenity space

in this instance.

Parking Implications

Borough Local Plan Policy T11, EPOA Vehicle Parking Standards

- 4.11 Policy T11 of the BLP states that Council will require the provision of off-street car parking spaces and 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. The EPOA Vehicle Parking Standards state that a maximum of 1.5 spaces per dwelling should be provided in urban locations. There are no parking spaces for the property at present and this would similarly be the case if the proposed works are carried out. It is not considered an objection can be raised in this respect given the location of the site near the town centre and public transport provision.

Other Matters

- 4.12 There is no dedicated space for refuse storage. However this is similarly the case for the existing HMO.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework 2012.
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance) CP8 (Dwelling Provision)
- 5.3 Southend-on-Sea Borough Local Plan Policies H5 (Residential Design and Layout Considerations), H6 (Protecting Residential Character), and H7 (The Formation of Self-Contained Flats) T11 (Parking Standards)
- 5.4 Supplementary Planning Document 1: Design & Townscape Guide, 2009. Essex Planning Officer Association Vehicle Parking Standards 2001.

6 Representation Summary

Public Consultation

- 6.1 Forty one neighbours notified of the application. A site notice was also displayed outside the property. No responses received at time of writing of report.

Traffic and Highways

- 6.2 To be reported.

Environmental Health

- 6.3 To be reported.

Ward Councillor

- 6.4 Cllr. Garston has requested that this application go before the Development Control Committee for consideration.

7 Relevant Planning History

- 7.1 Planning permission refused in December 1999 to '*Convert rear ground floor flat into two bedsitting units*' - 99/00773/FUL.

8 Recommendation

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

01 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.

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 1 of 1.

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

Reason for Approval

This permission has been granted having regard to the National Planning
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Policy Framework 2012, Policy KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance) of the Core Strategy, Policies C11 (New Buildings, Extensions & Alterations), H5 (Residential Design & Layout Considerations), H6 (Protecting residential Character), and H7 (The Formation of Self-Contained Flats) of the Borough Local Plan, the Design and Townscape Guide (SPD) and all other material considerations. The carrying out of the development permitted, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify refusal of permission.

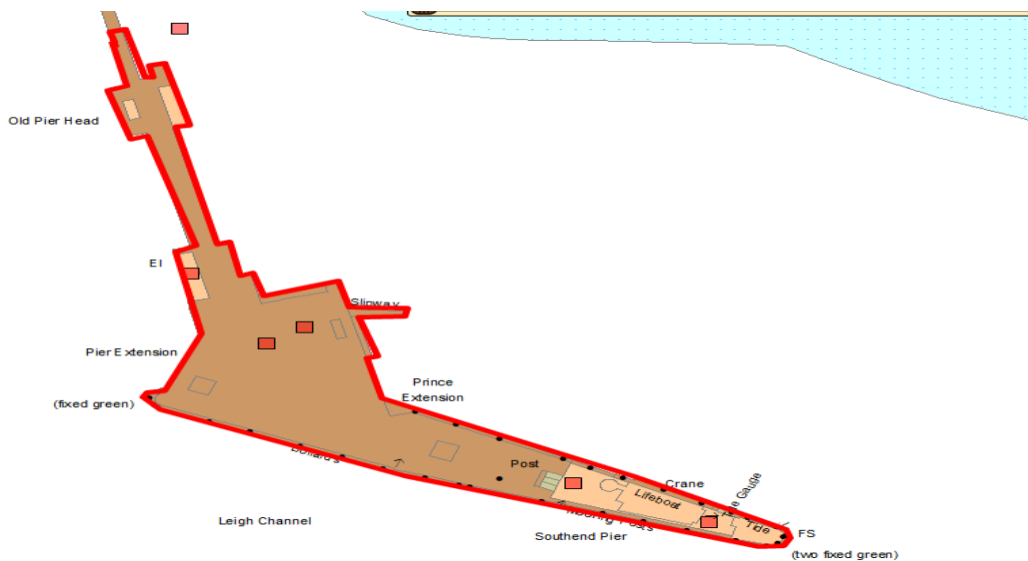
Note:

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

Informative:

- 1. 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**
- 2. The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our Building Control (phone 01702 215004) if you need further advice.**
- 3. 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.**

Reference:	12/01496/BC3 & 12/01494/LBC
Ward:	Milton
Proposal:	Install wind breaks to south station (planning permission and listed building consent)
Address:	The Pier, Western Esplanade, Westcliff-on-Sea, SS1 1EE
Applicant:	Mr M. Murphy, Southend Borough Council
Agent:	Mr M. Murphy, Southend Borough Council
Consultation Expiry:	03.01.13
Expiry Date:	07.01.13
Case Officer:	Louise Cook
Plan No's:	1244/01 Sheet 1 of 1 and 1244/02 Sheet 1 of 1
Recommendation:	Delegate to the acting Head of Planning and Transport or the Corporate Director of Enterprise, Tourism and the Environment to GRANT PLANNING PERMISSION and refer the application for LISTED BUILDING CONSENT TO THE SECRETARY OF STATE with a RECOMMENDATION FOR APPROVAL



1 The Proposal

- 1.1 Planning permission and listed building consent is sought to install wind breaks to the south station on the Pier.
- 1.2 The application follows planning applications 10/00852/BC3 and 10/00853/LBC for similar windbreaks however, the design has been amended.
- 1.3 The application proposes new glass infill sections to the existing canopy. Two sections of the existing canopy will remain open.

2 Site and Surroundings

- 2.1 The pier is situated at the bottom of Pier Hill to the southern end of the High St. It projects approximately 1.33 miles south into the estuary. The northern end of the pier encompasses several levels and includes pedestrian entrances at ground and first floor. The first floor entrance links to Pier Hill by means of a footway, culminating in a contemporary tower structure. The current pier structure dates from 1830, with extensions having been added in 1897 and 1929.

3 Planning Considerations

- 3.1 The main planning considerations for this application are design, impact on the character and appearance of the listed building and implications for tourism.

4 Appraisal

Design and Impact on the Character and Appearance of the Listed Building

National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies L1, L3, C2 and C11 and the Design and Townscape Guide, 2009 (SPD1)

- 4.1 The design and appearance of the proposed additions are in keeping with previous refurbishment works that have already taken place and enhanced the appearance of the structure. The proposed wind breaks will be glazed and therefore, due to their lightweight structure will have minimal visual impact.
- 4.2 The proposed canopies will be of a contemporary design, in keeping with the existing canopies. It should be noted that the proposed development is similar to that previously approved under references 10/00852/BC3 and 10/00853/LBC.
- 4.3 For the above reasons, the proposed works are considered to respect the

character of the Pier and satisfies the above policies.

Implications for Tourism

National Planning Policy Framework, Core Strategy Policies KP1, KP2 and CP4, Local Plan Policies L1, L3, C2 and C11

4.4 Policy L3 of the Borough Local Plan states;

“Southend Pier will be retained over water as a traditional pleasure pier. In order to safeguard its future as a unique leisure facility for visitors to the town, development will be promoted at the pier head, subject to the design of any building or structure being sympathetic with its designation as a Grade II Listed Building and subject to the need to retain access for sea anglers”.

4.5 The proposed works maintain access for anglers and are in keeping with the character of the pier.

4.6 Policy L1 of the Borough Local Plan seeks to encourage new visitor attractions and improve existing tourist facilities where they enhance the resort’s ability to attract and cater for visitors and provide for environmental opportunities. The application site also lies within the Central Seafront Area and within that area the Borough Council seeks to promote leisure facilities and improve its environment for visitors.

4.7 Policy KP1 of the Core Strategy DPD1 seeks to focus regeneration within the seafront area, including the regeneration of the Seafronts role as a successful leisure and tourist attraction.

4.8 The pier is an iconic structure and forms an essential part of Southend’s identity. The proposed improvements to the pier will enhance the resort’s attractiveness to visitors as they will offer protection from the elements whilst passengers wait for the train which is considered to help encourage tourists to use the pier. Accordingly, the proposed improvements are considered to accord with Policies L1 and KP1.

Planning Policy Summary

4.9 National Planning Policy Framework, 2012.

4.10 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).

4.11 Borough Local Plan Policies L1 (Facilities for Tourism), L3 (Southend Pier), C2 (Historic Buildings) and C11 (New Buildings, Extensions and Alterations).

4.12 Design & Townscape Guide, 2009 (SPD1).

5 Representation Summary

Design and Regeneration

5.1 No objection subject to the use of clear glazing.

The Southend Society

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

The Milton Conservation Society

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

English Heritage

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

Public Consultation

5.5 Neighbours notified and a site notice displayed – No letters of representation have been received.

6 Relevant Planning History

6.1 10/00852/BC3 and 10/00853/LBC: Erect windbreaks and canopies to the south station of pier – Approved.

6.2 08/01619/BC3 and 08/01644/LBC - Erect replacement wind breaks, ticket booth and gates at north end of pier, elevation improvements to windows, doors, walls, signage and guttering on existing east and west elevations, erect ten 4m high lamp columns on pier deck – Approved.

7 Recommendation

12/01496/BC3

Members are recommended to Delegate to the acting Head of Planning and Transport or the Corporate Director of Enterprise, Tourism and the Environment to GRANT PLANNING PERMISSION subject to the following conditions:

01. The development hereby permitted shall begin no later than 3 (three) years from the date of this decision.

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

02. The development hereby permitted shall be carried out in accordance

with the approved plans: 1244/01 Sheet 1 of 1.

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

03. No development shall take place until details of the glass infills to the canopies have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority. Such agreed details shall be permanently retained.

Reason: To safeguard the character and appearance of the structure, particularly having regard to the status of Southend Pier as a Grade II Listed Building in accordance with Policies C2 of the Southend-on-Sea Borough Local Plan and Policy CP4 of the Core Strategy DPD1.

Reason for Approval

This permission has been granted having regard to National Planning Policy Framework, Core Strategy DPD1 Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance), BLP Policies L1 (Facilities for Tourism), L3 (Southend Pier), C2 (Historic Buildings), C11 (New Buildings, Extensions and Alterations), the Design and Townscape Guide (SPD1) and all other material considerations. The carrying out of the development permitted, 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.

12/01494/LBC

Because the Pier is owned by the Council the application for Listed Building Consent will need to be referred to the Secretary of State.

Members are therefore recommended to Delegate to the acting Head of Planning and Transport or the Corporate Director of Enterprise, Tourism and the Environment to REFER THE APPLICATION FOR LISTED BUILDING CONSENT to the Secretary of State with a recommendation to GRANT LISTED BUILDING CONSENT subject to the following conditions:

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

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02. The development hereby permitted shall be carried out in accordance with the approved plans: 1244/01 Sheet 1 of 1.

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

03. No development shall take place until details of the glass infills to the canopies have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority. Such agreed details shall be permanently retained.

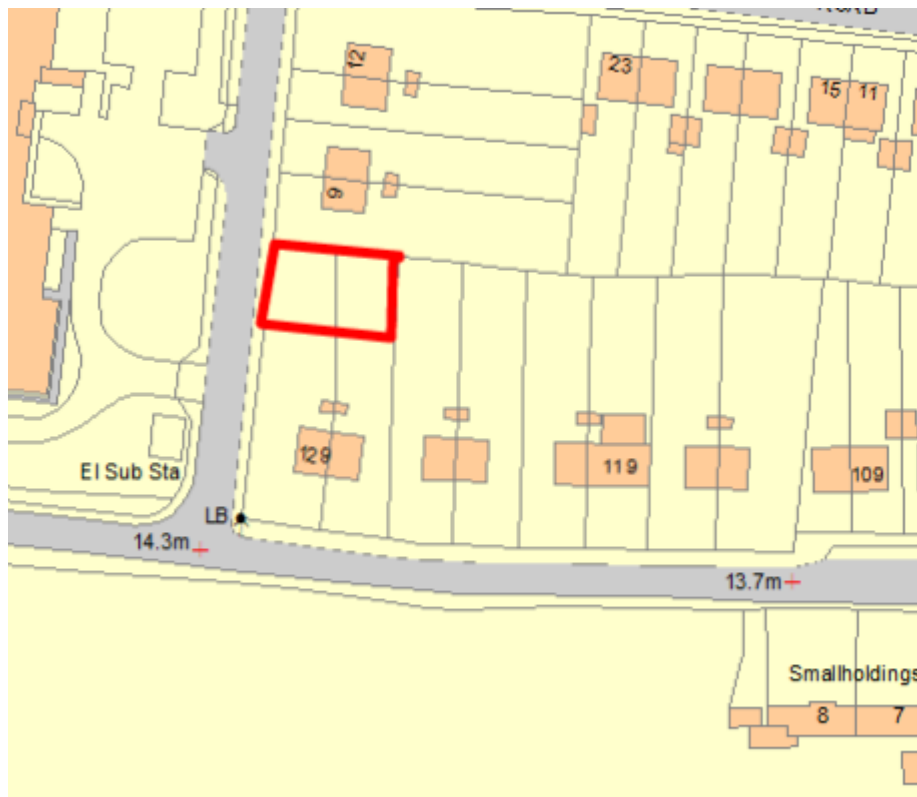
Reason: To safeguard the character and appearance of the structure, particularly having regard to the status of Southend Pier as a Grade II Listed Building in accordance with Policies C2 of the Southend-on-Sea Borough Local Plan and Policy CP4 of the Core Strategy DPD1.

Reason for Approval

This permission has been granted having regard to the National Planning Policy Framework, Core Strategy DPD1 policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance), BLP Policies L3 (Southend Pier) and C2 (Historic Buildings), the Design and Townscape Guide (SPD1) and all other material considerations. The carrying out of the development permitted, 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.

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

Reference:	12/01503/FUL
Ward:	St Laurence
Proposal:	Erect two storey dwellinghouse on land at rear of 127 and 129 Eastwoodbury Lane, lay out parking, amenity area, and form vehicular access onto Avro Road
Address:	Rear or 127 and 129 Eastwoodbury Lane, Eastwood, Southend-on-Sea, Essex, SS2 6UY
Applicant:	Mrs P Henshaw
Agent:	DK Building Designs
Consultation Expiry:	25 th December 2012
Expiry Date:	10 th January 2013
Case Officer:	Janine Argent
Plan Nos:	2635-11
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 The proposed development is a two storey dwellinghouse on land at the rear of 127 and 129 Eastwoodbury Lane. The proposed dwelling is 6.6m wide x 7.4m deep (8.5m deep including porch) x 7.2m high. The proposed materials include render to the elevations and dark red concrete tiles to match the existing streetscene along Avro Road.
- 1.2 The development will include a hall, kitchen/diner and lounge area to the ground floor and 3 bedrooms and bathroom to the first floor. Two parking spaces are proposed to the front and approximately 99sqm of amenity space to the rear.

2 Site and Surroundings

- 2.1 The application site is located to north (rear) of properties 127 and 129 Eastwoodbury Lane. To the immediate north of the site is number 9 Avro Road, a two storey dwelling that has been previously extended to the side including a dormer window. To the west of the site is an Adult Training Centre and to the east of the site is the rear of the gardens serving properties along Eastwoodbury Lane.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the residential development, design and impact on the character of the area including the conservation area, traffic and transportation issues, impact on residential amenity and sustainable construction.

4 Appraisal

Principle of Development

National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2, CP4, CP8; BLP policies C11, H5 and the Design and Townscape Guide SPD1 (2009)

- 4.1 Government guidance contained within the National Planning Policy Framework (NPPF) encourages effective use of land by re-using land that has been previously developed.
- 4.2 However, in relation to the development of rear gardens paragraph 53 of the NPPF states:

“Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”.

- 4.3 In accordance with the NPPF, whilst the proposed development is in the rear of two residential gardens, it is not considered that the proposed development will have a

detrimental impact on the urban grain of the area, given its position along Avro Road. Section 5.3 of the Design and Townscape Guide (SPD1) deals with infill development and it is stated:

- 4.4 *“The size of the site together with an analysis of local character and grain will determine whether these sites are suitable for development. In some cases the site may be too small or narrow to accommodate a completely new dwelling (including useable amenity space and parking) and trying to squeeze a house onto the site would significantly compromise its design quality and be detrimental to neighbouring properties and local character. Unless an exceptional design solution can be found, infill development will be considered acceptable”.*
- 4.5 Where such development is acceptable in principle SPD1 states that it is important to draw strong references from surrounding buildings in terms of scale, frontage, materials and rhythm. The site is considered to be of a sufficient size to accommodate the proposed infill development, particularly given its location. With regard to the loss of part of the existing gardens serving 127 and 129 Eastwoodbury Lane, an area of 178sqm-231sqm would still be left to serve the existing dwellings which is wholly significant. As such the proposed development is considered acceptable in principle.

Design and impact on the character of the area

National Planning Policy Framework- Delivering a wide choice of high quality homes, Requiring good design; DPD1 (Core Strategy) policies KP2, CP4; Borough Local Plan policies C11, C14, H5, and Design and Townscape Guide SPD1 (2009)

- 4.6 Paragraph 56 of the 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”.
- 4.7 Paragraph 60 of the NPPF states “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”. Policy KP2 of the Core Strategy requires all new developments respect the character and scale of the existing neighbourhood where appropriate. Policy CP4 of the Core Strategy states 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.
- 4.8 Avro Road has an established building line and the proposed development will be set in line with properties to the north and the south (i.e. not projecting further than that of the existing building line of 129 Eastwoodbury Crescent). Thus, no objection is raised to the siting of this development.
- 4.9 In terms of scale, the overall height of the two storey dwellinghouse is 7.2m. The Development Control Committee Main Plans Report: DETE 13/002 09/01/13 Page 17 of 44

nearest dwellinghouse to the immediate north of the site (number 9 Avro Road) has an overall height of 7.4m, thus no objection is raised to the overall scale of the development by reason of height. With respect to the width and depth, whilst the width is somewhat larger than existing dwellinghouses along the street this is due to them being two storey semi-detached dwellinghouses rather than detached as proposed. The overall depth of the development is similar to that of number 9 Avro Road, thus no objection is raised.

- 4.10 The design and appearance of the dwelling, has identified features of the streetscene along Avro Road, including the fenestration proportions, eaves line, pitched roof porch features to the front and the materials proposed will match existing. The proposal is considered to accord with the above policies.
- 4.11 In terms of landscaping, the proposed development will result in the loss of some soft landscaping serving 127 Eastwoodbury Lane, however, the proposal will include the planting of shrubbery to the front of the site and a lawn to the rear. No specific details of landscaping have been provided but it is considered this can be dealt with by condition.
- 4.12 It is considered that the proposed development, by reason of its design and scale will not have a detrimental impact on the overall character and appearance of the area or the streetscene in accordance with the NPPF, Policies KP2 and CP4 of the Core Strategy, Policies H5 and C11 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 KP2, CP4, CP3; BLP policies T8, T11; EPOA Parking Standards and the Design and Townscape Guide SPD1.

- 4.13 The proposed development will include the formation of a new vehicle crossover from Avro Road to provide two off street parking spaces. No objections are raised to the vehicle crossover or parking provision as they accord with policy. Furthermore, the Council's Highway Officer has raised no objection to the proposal.

Impact on residential amenity

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

- 4.14 In terms of impact on existing residential occupiers, in relation to number 9 Avro Road, the overall scale of the development is not considered to have a detrimental impact on the overall amenities of 9 Avro Road in terms of the development being overbearing. Windows are proposed to the rear elevation serving bedrooms, given that the development is in line with the existing building line of number 9 Avro Road and the existing adjoining semi-detached property of 7 Avro Road, it is not considered that the development will result in a loss of privacy or overlooking, thus

no objection is raised.

- 4.15 With respect to the amenities of 127 and 129 Eastwoodbury Lane, the boundary of the new development will be sited approximately 18.5m from the rear of the properties and a further 2.5m to the proposed dwellinghouse itself. Whilst the overall height is 7.2m it is no greater than the height of the existing dwellinghouses along Avro Road. Given siting of the development in terms of its orientation to the north of the rear of properties along Eastwoodbury Lane, it is not considered that the development will result in an overbearing form nor will it result in loss of light. Furthermore, whilst the proposal will result in the loss of some private amenity space to the occupiers of 127 and 129 Eastwoodbury Crescent there is still 178sqm-231sqm for both properties respectively, thus no objection is raised.
- 4.16 With respect to overlooking or loss of privacy, a window is proposed within the flank elevation facing the rear of the properties along Eastwoodbury Lane, it is considered that this can be dealt with using a condition to ensure obscure glazing is provided to prevent any impact on the existing amenities of nearby residential occupiers.
- 4.17 In terms of living conditions for future occupiers, the proposed dwelling contains the main living areas at ground floor and 3 bedrooms at first floor. The rooms are a good size and will all have access to natural light thus creating a good standard of internal living space. The proposed rear garden is approximately 99m² in size and whilst this is smaller than other gardens in the location, on balance, it is considered acceptable for a dwelling of this size.
- 4.18 In light of the above, the proposed development is considered to accord with planning policy CP4 of the Core Strategy and Policy H5 of the Southend on Sea Borough Local Plan.

Sustainable Construction

National Planning Policy Framework; DPD1 (Core Strategy) policy: KP2; Borough Local Plan and the Design and Townscape Guide SPD1.

- 4.19 Paragraph 97 of the NPPF states that local authorities should promote energy from renewable sources. Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources.
- 4.20 No details accompany the planning application in terms of how the 10% renewable energy requirement will be provided in accordance with Policy KP2 of the Core Strategy. However, it is considered this can be dealt by condition.
- 4.21 Policy KP2 of the Core Strategy advocates the need for sustainable drainage. No details accompany this application however this can also be dealt with by condition in this case.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework 2012
- 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), T13 (Cycling and Walking)
- 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 The application site is currently part of the rear gardens to 127 and 129 Eastwoodbury Lane and has a street frontage onto Avro Road. The area is currently part occupied by a garage/ outbuildings at 127. The garden areas are fairly long and there would be space to accommodate an additional dwelling on this site.

The proposed design replicates the existing houses in Avro Road except that it is detached rather than semi detached. The only omission is a chimney and this would help to add interest to the frontage and should be considered, otherwise there is no objection to this proposal subject to the following conditions:

Traffic and Transportation

- 6.2 Parking has been provided in accordance with the relevant planning policy.

Public Consultation

- 6.3 A site notice was displayed on the 4th December 2012 and 5 neighbours notified of the proposal. One objection received stating that the proposal encroaches upon the open character of the area and will result in loss of light and overlooking.
- 6.4 Councillor Flewitt has called this application to Development Control Committee.

7 Relevant Planning History

- 7.1 None

8 Recommendation

8.1 Members are recommended to GRANT PLANNING PERMISSION:

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

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

- 02 The development hereby permitted shall be carried out in accordance with the approved plan 2635-11.**

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

- 03 No development shall take place until details including samples of the materials to be used on the external elevations; fences and hardstanding surfaces have been submitted to and approved by the Local Planning Authority. The development shall 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, in accordance with the National Planning Policy Framework, 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.

- 04 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. car parking layouts;**
- iv. other 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.**

Soft landscaping including trees, species, number of specimens and planting schedule shall be submitted to and agreed in writing 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).

- 05 The window at first floor level in the south elevation of the proposed development shall only be 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 and unopenable, except for any top hung light which shall be a minimum of 1.7 metres above internal floor level. 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. Unless otherwise agreed in writing by the Local Planning Authority.**

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).

- 06 Notwithstanding any provisions to the contrary, no additional windows or other openings, including any change in the height or size of the windows on the plans hereby approved, shall be inserted into the flank elevations of the development hereby approved, without first obtaining the written permission of the Local Planning Authority.**

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).

- 07 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, 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, D, E to those Orders.**

Reason: To safeguard the amenities of the adjoining residential properties, with DPD1 (Core Strategy) 2007 policy CP4, Borough Local Plan 1994 policy H5, and SPD1 (Design and Townscape Guide).

- 08 Two car parking spaces and the vehicle access shall be provided in accordance with plan number 2635-11 Revision A prior to occupation of**

the dwellinghouses hereby approved and retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that satisfactory off-street parking and turning provisions is provided for occupants of the new dwelling (s) and in the interests of residential amenity and highway efficiency and safety, in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2, Borough Local Plan 1994 policy T8 and T11, and SPD1 (Design and Townscape Guide).

- 09 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 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.**

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2 and CP4, and SPD1 (Design and Townscape Guide).

- 10 No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.**

Reason: To ensure surface water is adequately managed in the interests of flood prevention and pollution control, in accordance with DPD1 (Core Strategy) 2007 policy KP2.

- 11 Demolition or construction works shall not take place outside 0730 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.**

Reason: To protect residential amenity and general environmental quality in accordance with DPD1 (Core Strategy) 2007 Policy KP2 and CP4, and Borough Local Plan 1994, policy H5.

Reasons for Approval:

This permission has been granted having regard to the National Planning Policy Framework, Policy KP2 (Development Principles), Policy CP4 (The Environment and Urban Renaissance) of the Core Strategy DPD, Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations) of the Borough Local Plan, the Design and Townscape Guide (SPD1) and all other material considerations. The carrying out of the development permitted, 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.

Statement of Approval

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

Reference:	12/001431/FULM
Ward:	Blenheim Park
Proposal:	Erect two log cabins to be used as classrooms
Address:	Westcliff High School For Girls, Kenilworth Gardens, Westcliff-On-Sea, Essex, SS0 0BS
Applicant:	Westcliff High School For Girls
Agent:	Emptage Architects
Consultation Expiry:	4 December 2012
Expiry Date:	13 February 2012
Case Officer:	Matthew Leigh
Plan Nos:	12759:P10: A and 12759:P12
Recommendation:	GRANT TEMPORARY PLANNING PERMISSION FOR 3 YEARS



1 The Proposal

- 1.1 This application relates to the construction of two single storey buildings, measuring 7.1m wide, 6m deep and with a maximum height of 2.8m. The proposed buildings would be used as study rooms.

2 Site and Surroundings

- 2.1 Westcliff High School for Girls is accessed from Middlesex Avenue and is located between Kenilworth Gardens, and Manchester Drive.
- 2.2 The site is occupied by a two storey school building, ancillary buildings, playing fields and hard surfaced playground area.

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 highway implications. The planning history of the site is also a material consideration.

4 Appraisal

Background to the application

- 4.1 A planning application (11/00891/FULM) for the erection of a two storey extension to the existing sixth form block was refused planning permission due to concerns in relation to design.
- 4.2 A subsequent amended planning application (11/01718/FUL) for a two storey extension to the existing sixth form block was granted planning permission in 2011.
- 4.3 The proposed outbuildings are intended to provide additional rooms as study space for six formers of the school.

Principle of the Development

The NPPF; DPD1 (Core Strategy) Policies KP2 CP1, CP4 and CP8; Borough Local Plan (BLP) Policies E1, C11, U7 and the Design and Townscape Guide SPD1.

- 4.4 Policy U7 states that the Council will normally support the improvement or extension of existing establishments however, the proposal should not detract from the amenities or character of the area.
- 4.5 The development is intended to provide study rooms for further sixth form students and therefore no objection is raised to the principle of the development.

Design and Impact on the Character of the Area:

The NPPF; DPD1 (Core Strategy) Policies KP2 and CP4; BLP Policy C11.

- 4.6 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF as well as Policy C11 of the Local Plan and Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that the Council is committed to good design and will seek to create attractive, high-quality living environments.
- 4.7 The proposed modular buildings are of limited architectural merit but would nonetheless, provide a functional solution for the purpose intended. The majority of the development would be screened from the public realm by an existing fence and vegetation but the proposal would have a presence within the streetscene and of Middlesex Avenue.
- 4.8 The Council, through the Core Strategy and the BLP, seeks to promote and support educational establishments within the borough. However, this is also balanced against the requirement of creating high quality urban environment with well designed buildings that are appropriate in design terms and enhance their setting. Whilst there are some concerns with the appearance of these buildings, this is balanced against the additional facilities they will provide for students. It is considered, on balance, that the provision of a temporary consent of three years would be acceptable as it would provide an alternative solution for additional classroom space prior to constructing the extant permission for an extension to the existing sixth form building.

Traffic and Transportation Issues:

The NPPF; DPD1 (Core Strategy) policies KP2, CP4; BLP policies T8 and T11.

- 4.9 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officers Association (EPOA) vehicle parking standards set out the requirements for each use. It should also be noted that the authority also takes into account Government guidance contained within the NPPF which encourages the reduction in the reliance of the car and promotes methods of sustainable transport.
- 4.10 The proposal would provide two additional study rooms. The EPOA car parking standards require the provision of 1 space per two full time staff. It is not considered that the additional study rooms would lead to any additional parking demand and would therefore not lead to a detrimental impact on highway safety or an increase in on street parking stress in the locality.

Impact on Residential Amenity:

The NPPF; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, E5 and U7 and the Design and Townscape Guide (2009).

- 4.11 The proposed rooms would not be located in close proximity to adjoining residential

boundaries of the site. It is not considered that within this context the proposal would be so injurious to the amenity of the area or to the adjoining residents that it would be contrary to Policy U7 or justify the refusal of the proposal. It should also be noted that no objection was raised to the previous applications for extensions to the adjoining sixth form building of the grounds of the impact on residential amenity.

5 Conclusion

- 5.1 Although that the development is considered to be of a limited design merit it is considered that it would be appropriate to grant a temporary consent for the outbuildings for a temporary period not exceeding three years which would allow sufficient time for a more appropriate form of development to be completed. It should be noted that the site of the proposed development, is currently landscaped and of some aesthetic value. It is therefore considered that a condition requiring the land to be restored to its original condition once the building is removed should be imposed.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (NPPF).
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 6.3 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.4 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), C14 (Trees, Planted Areas and Landscaping), E5 (Non-residential Uses Located Close to Housing), U7 (Existing Education Facilities), T8 (Traffic Management and Highway Safety) and T11 (Parking Standards).
- 6.5 EPOA adopted Vehicle Parking Standards.

7 Representation Summary

Highway Authority

- 7.1 At the time of writing the report no response had been received.

Park and Open Space

- 7.2 The large Bay (Laurus nobilis) that the concern over this application centred on is no longer an issue. The school have seen fit to decimate the tree leaving only the stem and some somewhat damaged primary limb stubs. As a result this tree is in exceptionally poor condition and no longer worthy of any consideration.

With regards to wider tree related issues on this site, it is unlikely that the proposed installation of new study rooms will have a significant effect on other trees retained on site.

Education

- 7.3 At the time of writing the report no response had been received.

Public Consultation

- 7.4 At the time of writing the report no neighbour responses had been received.

8 Relevant Planning History

- 8.1 The site has an extensive planning history. Most of which is not relevant to this application. However, an application (07/01630/FUL) to erect a two storey side extension to sixth form block was approved on the 14th January 2008. This application has now expired.

- 8.2 2011 – A planning application (11/00891/FULM) for the erection of a two storey extension to the existing sixth form block was refused planning permission for the following reason:

“The proposed extension, due to its poor design and choice of materials, results in a form of development out of character with the existing building and detrimental to the character and appearance of the locality contrary to Policies SS1 and ENV7 of the East of England Plan, Policies KP2 and CP4 of the Core Strategy and Policies C11 and U7 of the Borough Local Plan and advice contained within the adopted Design and Townscape Guide (SPD1), and Government guidance contained within Planning Policy Statement: Delivering Sustainable Development (PPS1).”

- 8.3 2011 – An additional planning application (11/01718/FUL) for the erection of a two storey extension to the existing sixth form block was granted planning permission.

9 Recommendation

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

- 01 This permission shall be for a temporary period expiring in three years from the date of this permission by which date the buildings shall be removed.**

Reason: The proposal represents an unsatisfactory form of development, the long term retention of which would be detrimental to the character, appearance and visual amenity of the streetscene contrary to Policies KP2 and CP4; Policy C11 of the Southend-on-Sea Borough Local Plan and the Design and Townscape Guide.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: 12759:P10: A and 12759:P12**

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

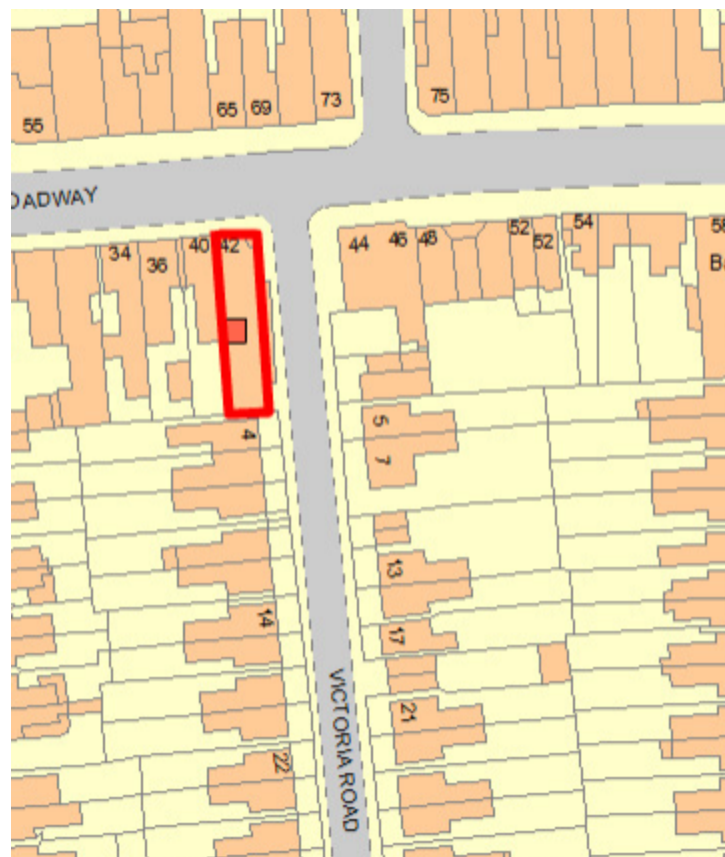
- 03** At the expiration of the permission all the buildings the, subject of this permission, being removed the land shall be restored to its former condition.

Reason: To safeguard the visual amenities of the area, in accordance with Policy CP\$ of the Core Strategy and Policies E5 and U7 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 SS1 (Achieving Sustainable Development) and ENV7 (Quality in the Built Environment), the Core Strategy Policies KP2 (Spatial Strategy) and CP4 (Development Principles) and Policies C11 (New Buildings, Extensions and Alterations), E5 (Non-residential Uses Located Close to Housing), U7 (Existing Education Facilities), 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.
- 02.** The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Reference:	12/01426/FUL
Ward:	Leigh
Proposal:	Application for variation of condition 2 of planning permission 07/00695/FUL allowed on appeal on the 25th July 2007 to allow the sale of tables and chairs on site
Address:	42 Broadway, Leigh-on-Sea, Essex, SS9 1AJ
Applicant:	Mr A Fell
Agent:	SK Architects Ltd
Consultation Expiry:	1 January 2013
Expiry Date:	10 January 2013
Case Officer:	Matthew Leigh
Plan Nos:	SK-001 Rev D
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 The application is in relation to the variation of condition 02 of application SOS/07/00695/FUL allowed on appeal. The condition stated:

“No development shall take place until a scaled plan with the area to be used for purposes within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, has been submitted to and approved by the local planning authority. The approved area shall only be used for purposes falling with Class A1 and there shall be no tables or chairs for customers placed within the approved area”.

- 1.2 The applicant wishes to vary the condition to allow the area to be used for the sale of tables and chairs.
- 1.3 It should be noted that the current application is not to regularise the unlawful seating currently located in area to the front of the retail unit, accessed off Broadway.

2 Site and Surroundings

- 2.1 The site is located on the southern side of Broadway at the northwest junction with Victoria Road and is also within the Leigh Cliff Conservation Area. The street is primarily a commercial/shopping street and includes a mix of shops and cafes and other high street uses. The area has a Victorian character, largely made up of 2 storey pitched roofed buildings, with a mixture of residential and commercial uses at first floor levels.
- 2.2 The site is within an area allocated as a Primary Shopping Frontage and a Defined Shopping Area.

3 Planning Considerations

- 3.1 The key planning issues from this application is whether the condition serves a proper planning purpose and if so are there any reasons which would justify varying it.

4 Appraisal

Background to the application

- 4.1 Permission was granted in 2008, on appeal, to use part of an existing retail shop (Class A1) as a cafe (Class A3) and the erection of a side and rear extension, alter side elevations and install deck to side and lay out table and chairs. The Inspector conditioned that the front of the site should be retained for A1 use and tables and chairs shall not be placed within the site.

- 4.2 Seating has since been placed in the area for customers of the restaurant which is in breach of condition 02 on SOS/07/00695/FUL allowed on appeal.
- 4.3 An enforcement notice was issued on the 24th March 2011 requiring the removal of the seating and tables from the area associated with the restaurant. The Enforcement Notice had a compliance period of the three months. The owner of the site appealed against the enforcement notice and the appeal was dismissed. The breach of this condition is now the subject of legal action.

Principle of the Development

The National Planning Policy Framework, East of England Plan Policies SS1 and SS6; DPD1 (Core Strategy) Policy CP2; Borough Local Plan (BLP) Policies S1 and S5.

- 4.4 Condition 02 of the appeal decision stated *“No development shall take place until a scaled plan with the area to be used for purposes within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, has been submitted to and approved by the local planning authority. The approved area shall only be used for purposes falling with Class A1 and there shall be no tables or chairs for customers placed within the approved area”*.
- 4.5 Details were submitted on the 9th July 2009 which showed the area to the front of the retail unit, accessed off Broadway as the area to be used for purposes within Class A1. These details were agreed on the 2nd September 2009.
- 4.6 It was noted by a member of the planning department that chairs and tables for customers of the restaurant had been placed within the area designated for Class A1 use only.
- 4.7 The Inspector noted in his decision letter in determining the original planning application (07/00695/FUL):
- “The proposal is for a mixed use of A1/A3. The submitted plans identify the front part of the unit, with a frontage to The Broadway, as the retail area. Both parties agreed that if the retail element was at The Broadway end of the appeal site it would maintain the level of retail use within the PSF [Primary Shopping Frontage]... I consider that subject to the submission of a suitably scaled plan the location and extent of retail area to be retained could be controlled by the imposition of conditions. In my view, subject to such conditions, the proposals would not result in a reduction in the amount of frontage within the PSF in A1 use”*
- 4.8 In the subsequent appeal against the enforcement notice the Inspector still concluded; *“the use of the front of the premises for tables and chairs is detrimental to the retail function of the shopping area and that it has an adverse impact on the vitality and viability of the centre”*.

- 4.9 Since the appeal decision the premises has changed hands and the current owner has apparently been in discussions with various retailers to try to find a retail use to occupy the retail area to the front of the site accessed off Broadway. Prior to the current use of the site Pricketts of Leigh were located at the premise and they are currently seeking to obtain a retail sales space. Due to the wording of condition 02 of permission SOS/07/00695/FUL Pricketts, a furniture makers and upholsters, would be unable to use the site for the display of their goods lawfully.
- 4.10 The applicant is therefore seeking to vary the condition to allow the area to the front of the retail unit, accessed off Broadway, for the display of furniture for sale. The applicant has not requested that the condition should be relaxed to allow the use of the front of the retail unit in associated with the restaurant to the rear of the site.
- 4.11 It is not considered that an objection can be raised to the principle of allowing the front of the retail unit to be for the sale of furniture provided that the variation of the condition does not facilitate the erosion of the vitality and viability of the retail centre.
- 4.12 All relevant conditions of previous permissions are to be added as this decision has the affect of granting a new permission.

5 Conclusion

- 5.1 Subject to the condition maintaining the vitality and viability of the retail area it is considered reasonable to allow the variation of the condition to allow the front of the retail site to be used for the sale of furniture.

6 Planning Policy Summary

- 6.1 The National planning Policy Framework (NPPF).
- 6.2 East of England Plan Policies ENV7 (Quality in the built Environment) and SS1 (Achieving Sustainable Development).
- 6.3 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 6.4 BLP Policy: E5 (Non-Residential Use Close to Housing), C4 (Conservation Areas), C11 (New Buildings, Extensions and Alterations) and U2 (Pollution Control).
- 6.5 Supplementary Planning Document 1: Design & Townscape Guide (2009)

7 Representation Summary

The Leigh Society

- 7.1 At the time of writing the report no comments have been received.

Leigh Town Council

7.2 At the time of writing the report no comments have been received.

Public Consultation

7.3 At the time of writing the report no neighbour responses had been received.

8 Relevant Planning History

8.1 2008 – Inspector allowed an appeal, to use part of an existing retail shop (Class A1) as cafe (Class A3) and the erection of a side and rear extension, alter side elevations and install deck to side and lay out table and chairs. The Inspector restricted the hours to between 0800 and 2100 hours.

8.2 2011 - An enforcement notice was issued requiring the removal of plant equipment located on the roof of no 42 Broadway. The Enforcement Notice was appealed and the appeal was subsequently dismissed.

8.3 2011 – A planning application (SOS/10/02187/FUL) to vary condition 05 of application SOS/07/00695/FUL, which was allowed on appeal. The application was to vary the condition for the extract flue to be carried out in accordance with the plans submitted. The application was approved.

8.4 2011 – Planning permission (SOS/10/02196/FUL) was granted for the installation of air condenser units on roof (including enclosure) of 42 Broadway.

8.5 A planning application (12/00680/FUL) to vary condition 05 of application SOS/07/00695/FUL, which was allowed on appeal. The application was to vary the condition for the extract flue to be carried out in accordance with the plans submitted. The application was approved.

9 Recommendation

Members are recommended to GRANT PLANNING PERMISSION subject to 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: SK-001 Rev D (C01D)

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

03 The area annotated 'retail area', on drawing numbered SK-001 Rev D,

dated 16/10/2009 shall only be used for purposes falling within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification and there shall be no tables or chairs for the use by customers placed within this area. Furthermore, no food or drink shall be consumed within the area annotated 'retail area', on drawing numbered SK-001 Rev D, dated 16/10/2009.

Reason: In the interest of the retail function of this primary shopping centre, and the protection of the vitality and viability of the centre, in accordance with Policies S1 and S5 of the Borough Local Plan CP1 and CP2 of the Core Strategy.

- 04** The use hereby permitted shall not take place other than between the hours of 0800 and 2100.

Reason: In the interest of the amenity of the adjoining residents and in accordance with DPD1 (Core Strategy) Policy KP2 and CP2, Borough Local Plan Policies E5 and U2.

- 05** No one shall occupy or use the external seating area other than between the hours of 0800 and 2000.

Reason: In the interest of the amenity of the adjoining residents and in accordance with DPD1 (Core Strategy) Policy KP2 and CP2, Borough Local Plan Policies E5 and U2.

- 06** No development shall take place until there has been submitted to and approved by the local planning authority a scheme for the extract ventilation, filtration and deodorising of cooking fumes. The scheme shall include details of the predicted acoustic performance of the system and details of the discharge points. The approved scheme shall be carried out prior to the commencement of the use hereby permitted and retained thereafter. All equipment installed as part of the approved scheme shall be operated and maintained in accordance with the manufacture's instructions.

Reason: In the interest of the amenity of the adjoining residents and in accordance with DPD1 (Core Strategy) Policies KP2 and CP4, Borough Local Plan Policies E5 and U2.

- 07** No music and/or any other amplified sound generated on the premises shall be audible beyond the site boundary.

Reason: In the interest of the amenity of the adjoining residents and in accordance with DPD1 (Core Strategy) Policy KP2 and CP2, Borough Local Plan Policies E5 and U2.

- 08** No development shall take place until there has been submitted to and approved by the local planning authority a scheme for 4 bicycles to be parked. The approved scheme shall be carried out prior to the commencement of the use hereby permitted and retained thereafter.

Reason: In the interest of highway safety and in accordance with DPD1 (Core Strategy) Policy KP2 and CP2 and Borough Local Plan Policies T8 and T11.

- 09** The roof area of the extension hereby permitted and the existing flat roofed area shall not be used as a balcony, roof garden or similar amenity area without the grant of a further specific permission from the local planning authority.

Reason: In the interest of the amenity of the adjoining residents and in accordance with DPD1 (Core Strategy) Policy KP2 and CP2, Borough Local Plan Policies E5 and U2.

REASON FOR APPROVAL:

- 01.** This permission has been granted having regard to the Core Strategy Policies KP2 (Spatial Strategy) and CP4 (Development Principles) and Policies E5 (Non-Residential Use Close to Housing), C4 (Conservation Areas), C11 (New Buildings, Extensions and Alterations) and U2 (Pollution Control) 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.
- 02.** The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

PLEASE NOTE

- 01** The Council does not considered that the development hereby approved can be implemented until all the pre commencement conditions have been discharged and complied with.

- 02** The applicant is reminded that this permission does not bestow

compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended). Contact 01702 215811 or 215812 for more information. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215812 or at Environmental Health Service, P.O. Box 5558, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ZG.

Reference:	12/01093/FULH
Ward:	Belfairs
Proposal:	Erect shed/play house in rear garden (retrospective)
Address:	91 Eastwood Old Road, Eastwood, Leigh-On-Sea, Essex
Applicant:	Mr M Lawrence
Consultation Expiry:	1 December 2012
Expiry Date:	25 January 2012
Case Officer:	Matthew Leigh
Plan Nos:	Received 24.9.12
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 The application is retrospective in nature and is for the construction of an outbuilding to the rear of the site.
- 1.2 The structure measures a maximum of 3.8m wide, 3.4m deep and with a maximum height of 4m.

2 Site and Surroundings

- 2.1 The site is located on the northern side of Eastwood Old Road. The site is occupied by a detached chalet.
- 2.2 The streetscene in this part of Eastwood Old Road is made up predominately of detached chalets.

3 Planning Considerations

The key considerations are the principle of the development, design and impact on the character of the area, impact on residential amenity and highway implications.

4 Appraisal

Background to the application

- 4.1 A complaint was received on the 10th July 2012 in relation to the construction of an outbuilding at the rear of 91 Eastwood Old Road. The complaint was investigated and this application has been submitted in an attempt to regularise the development.

Principle of the Development

The National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP4; Borough Local Plan (BLP) Policies C11 and H5, and the Design and Townscape Guide SPD1.

- 4.2 The site is occupied by a residential dwelling. The principle of providing an outbuilding within the curtilage of the dwelling is considered acceptable in principle.

Design and Impact on the Character of the Area:

The National Planning Policy Framework, DPD1 (Core Strategy) Policies KP2 and CP4; BLP Policy C11.

- 4.3 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF as well as Policies C11 and H5 of the Local Plan and Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that the Council is committed to good design

and will seek to create attractive, high-quality living environments.

- 4.4 The outbuilding is of little architectural merit but is of a style that can be found within gardens of residential developments. The structure is not considered to detract from the amenity of the area and is not visible from the public realm. With this in mind it is not considered that an objection on design grounds could be sustained upon appeal.

Traffic and Transportation Issues:

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; BLP policies T8 and T11.

- 4.5 The development does not involve any alterations to the car parking provision provided on site. Therefore, no objection is raised in relation to car parking provision.

Impact on Residential Amenity:

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11 and H5 and the Design and Townscape Guide (2009).

- 4.6 The structure has been constructed towards the rear of the site and is set slightly away (0.5m) from the western boundary of the site. Although the building is within close proximity of the boundary of the property to the west, given its siting to the rear (26m from the rear of this dwelling), it is not considered to result in an unreasonable sense of enclosure of the neighbouring garden or cause undue overshadowing and it is not considered that the development has a demonstrable harm to the amenity of the adjoining residents.
- 4.7 The scheme includes the provision of a flat roof, which would be accessed through a non-glazed emergency door. The purpose of this structure is to provide additional storage space and also a play facility for the owner's children. The use of the flat roof by children for a play area is not considered to result in unreasonable overlooking.

5 Conclusion

- 5.1 It is not considered that the development has a demonstrable impact upon the amenity of the adjoining residents and subject to appropriate conditions is in accordance with the Development Plan.

6 Planning Policy Summary

- 6.1 The National Planning Policy Statement (NPPF).
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).

6.3 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), T8 (Traffic Management and Highway Safety) and T11 (Parking Standards).

6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)

7 Representation Summary

Public Consultation

7.1 At the time of writing the report one neighbour response had been received which raised the following comments and observations:

- Should have been aware of the planning restrictions.
- Unlikely to be asked to remove it.
- Detrimental to environmental health.
- Loss of privacy.
- Impact on security.

7.2 The application has been called into Development Control Committee by Cllr Evans.

8 Relevant Planning History

8.1 Whilst a number of planning applications have been submitted in relation to the site none are relevant to this planning application.

9 Recommendation

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

01 The development hereby permitted shall be carried out in accordance with the following approved plans: Received 24.9.12

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

02 The outbuilding, hereby approved, shall only be used for purposes incidental for the enjoyment of the main house and not for residential occupation or any business use unless agreed in writing by the local planning authority.

Reason: In the interest of the amenity of the area and to ensure an appropriate form of development in accordance with Policies KP2 and CP4 of the Core Strategy, Policies C11 and H5 of the Borough Local Plan and guidance contained within the Design and Townscape Guide.

REASON FOR APPROVAL:

01. This permission has been granted having regard to the Core Strategy Policies KP2 (Spatial Strategy) and CP4 (Development Principles) and Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), 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.

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

