

# Southend-on-Sea Borough Council

Agenda  
Item

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

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

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<b>Reference:</b>	12/00810/DOV
<b>Application Type:</b>	Deed of Variation
<b>Ward:</b>	Kursaal
<b>Proposal:</b>	Modification of planning obligation dated 21st July 2010 pursuant to planning permission 10/00140/FULM to (1) remove the obligation to decontaminate the affordable housing land prior to it being transferred to an RSL, (2) allow affordable housing education contribution to be paid by the RSL upon each dwellings occupation, (3) delay payment of the CCTV contribution until first occupation, (4) allow market housing education contribution to be paid upon sale of each dwelling, (5) delay payment of highways contribution until development first used/occupied, and (6) delay payment of parking survey costs until prior to occupation/first use.
<b>Address:</b>	Esplanade House, Eastern Esplanade, Southend-On-Sea
<b>Applicant:</b>	Mr P Gamon
<b>Agent:</b>	NA
<b>Consultation Expiry:</b>	13 <sup>th</sup> July 2012
<b>Expiry Date:</b>	18 <sup>th</sup> September 2012
<b>Case Officer:</b>	Dean Hermitage
<b>Recommendation:</b>	<b>Delegate authority to Head of Planning and Transportation or Group Manager of Development Control &amp; Building Control to MODIFY THE S106 AGREEMENT dated 21<sup>st</sup> July 2010 pursuant to permission 10/00140/FULM at Esplanade House.</b>



## 1 Proposal

- 1.1 This is an application to vary the Section 106 (S.106) agreement made in relation to planning application 10/00140/FULM which was for the redevelopment of Esplanade House with 216 flats, a 64 bedroom hotel, restaurant and retail space in 4, 5, 7 and 12 storey blocks with a piazza, underground and surface car parks, cycle parking, associated infrastructure and the use of land fronting Burnaby Road for affordable housing (hybrid application). Relevant extracts from the original agreement are attached as appendix 1.
- 1.2 The application went before the Development Control Committee in September 2012. The Committee agreed to the modification of some of the clauses of the agreement but rejected others. However, the modified agreement has not been completed. Further information has also been received from the applicant.
- 1.3 The proposed variations are summarised as follows and relate to schedule 2 of the deed (S106):

### *Decontamination (1)*

The 2010 agreement requires the land for affordable housing to be transferred to an RSL in a decontaminated state prior to construction of the private housing or hotel. The proposed modification seeks to allow the transfer of the affordable housing land without the decontamination having been done.

### *Education Contribution (Affordable Housing) (2)*

The 2010 agreement currently requires an education contribution in respect of the affordable homes to be paid prior to first occupation. The modification seeks to introduce staged payments so that an amount is paid on occupation of each dwelling until all are occupied. The total amount would not change.

### *CCTV (3)*

The 2010 agreement requires a contribution towards CCTV to be made prior to the commencement of the development. The proposed modification would see the contributions paid prior to the first use of development, thus delaying the payment for the length of the construction period.

### *Education Contribution (Market Housing) (4)*

The 2010 agreement currently requires an education contribution in respect of the private housing to be paid prior to first occupation, and as with contribution '2' above this is proposed to introduce staged payments so an amount is paid on occupation of each dwelling until all are occupied. The total amount would not change.

### *Highways Contributions (5)*

The 2010 agreement requires a contribution for highways to be paid prior to commencement, and the proposal seeks to delay payment until first occupation/use.

### *Parking Surveys (6)*

Currently the owner is required to pay the costs of a parking survey prior to commencement, and the proposal seeks to delay this until occupation/first use.

- 1.4 At the September meeting of the Development Control Committee it was resolved that a modification to item (4) Education Contributions, be agreed and the remaining proposals were not agreed. The completion of a modified deed has not been pursued as the applicant states modification (4) alone is not sufficient to enable development to proceed.
- 1.5 Since the Committee's resolution in September the applicant has submitted a report by geo-environmental consultants GD Consult Ltd with respect to item (1), decontamination.

## **2 Appraisal**

**NPPF; Core Strategy (DPD1) KP1, KP2, KP3 and CP6; Borough Local Plan Policies U1, U2 and T8; SPD2.**

- 2.1 The Development Control Committee's principal concerns at the previous meeting were with regards to proposal (1) Decontamination. The site is contaminated land and requires remediation prior to its redevelopment in order to comply with the above policies. Condition 11 of the outline element of the planning permission requires the decontamination to take place.
- 2.2 At the September meeting concerns were raised with regards to the decontamination works being carried out in two phases (the first on the affordable housing and the remainder at a later date), specifically with respect to the possibility of the non-contaminated part of site leeching onto the newly decontaminated affordable housing land.
- 2.3 The Development Control Committee previously resolved:  
*"(b) The applicant has not demonstrated that there are adequate reasons to justify modifications of the S.106 agreement in respect of proposed modifications (1),(2),(3),(5)and (6) which would fail to secure the adequate decontamination of the site, and defer the provision of infrastructure so that it would undermine the successful deliverability of the scheme".*
- 2.4 The additional information received outlines a strategy and methodology for the protection of the affordable housing following its decontamination. This involves the installation of a clay barrier between the sites to inhibit the movement of water that

may pass through the soils. Clay soil used for the barrier would be selected to meet a certain level of hydraulic conductivity, and would be properly placed, compacted and protected.

2.5 The report submitted concludes;

*“It is our opinion that the separation of the two areas is perfectly achievable and that the solution to be provided for the affordable site is fully sustainable...safety is in no way compromised in the short of long term...whilst some cost is inevitable in providing the clay barrier zone this is modest in regard to the overall project costs and offset by the ability to deliver the news affordable homes independently of the viability of the remainder.”*

2.6 The strategy and methodology proposed is considered acceptable, and full details of the decontamination methodology is already required by condition. These conditions will remain in place. Therefore, details are required to be agreed prior to works commencing and the clay barrier would be required to form part of these details. Taking into account the above, It is recommended that this element of the proposed modification be agreed.

2.7 Thus the recommendation is to agree proposals (1) and (4) above and refuse proposals (2), (3), (5), and (6) in accordance with the Committee’s previous resolution.

### **3 Summary**

3.1 To summarise, the following modifications to the S106 are recommended; these changes should assist the developer in bringing this, redundant, site forward.

- Removal of the requirement to decontaminate the land for affordable housing prior to transferring it to an RSL (1).
- The education contribution for the market housing be accepted over two instalments; the first £50,000 to be paid on commencement of development, and the remaining £116,646.17 to be paid upon the sale of the 50<sup>th</sup> residential unit (4).

3.2 The original committee report and geo-environmental report are attached as appendices 2 and 3 for information.

### **4 Planning Policy Summary**

4.1 National Planning Policy Framework (NPPF)

4.2 Development Plan Document 1: Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility) CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure).

- 4.3 Borough Local Plan (1994) Policies C11 (New Buildings, Extensions and Alterations), T8 (Highway Safety), U1 (Infrastructure Provision) and U2 (Pollution Control).
- 4.4 Supplementary Planning Documents – SPD2 ‘A guide to Section 106 and Developer Contributions’

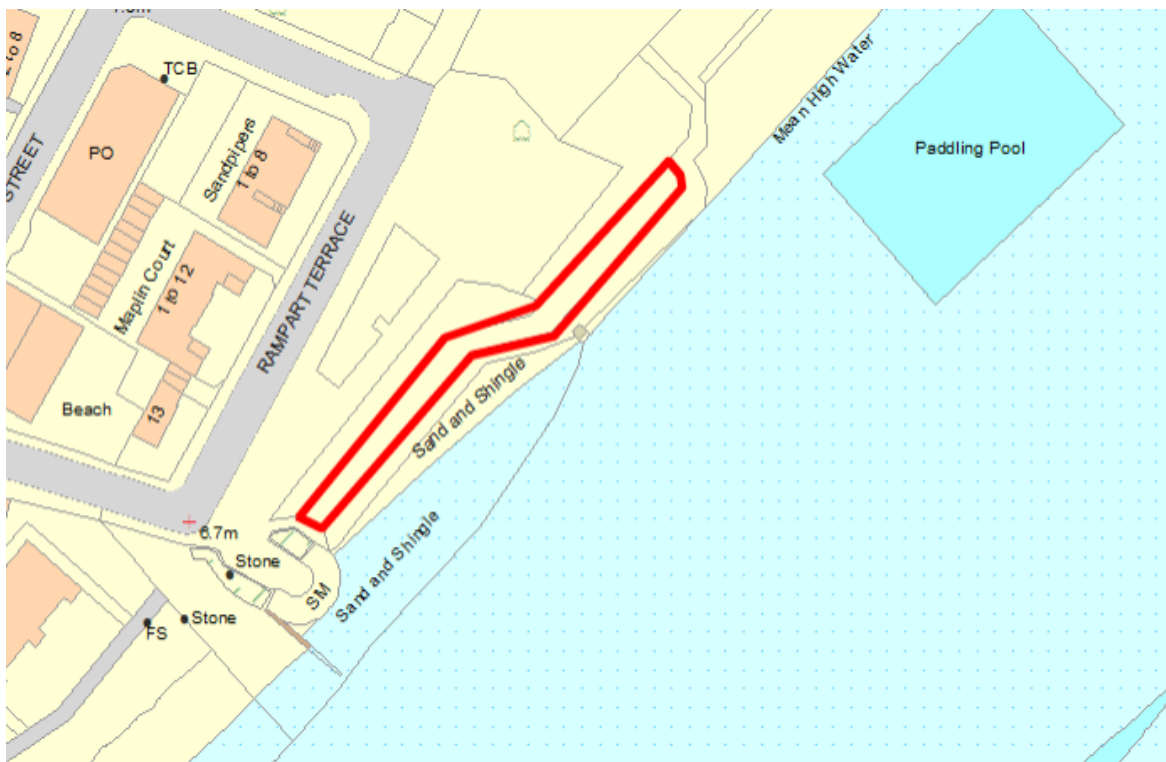
## **9 Recommendation**

- 9.1 Members are recommended to DELEGATE to the Head of Planning & Transportation or Group Manager of Development Control & Building Control authority to MODIFY THE S.106 AGREEMENT associated with the planning permission reference 10/00140/FULM in accordance with the provisions outlined within this report.**

## **10 Appendices**

- Appendix 1: Extract from original S.106 Agreement
- Appendix 2: Original Officer Report to Committee
- Appendix 3: Geo-environmental report submitted by applicant

<b>Reference:</b>	12/01643/BC3
<b>Ward:</b>	Shoeburyness
<b>Proposal:</b>	Erect fifteen beach huts
<b>Address:</b>	East Beach, Shoeburyness
<b>Applicant:</b>	Southend-on-Sea Borough Council (Drew Jones)
<b>Agent:</b>	Pedder & Scampton Architects (G Pedder)
<b>Consultation Expiry:</b>	1 <sup>st</sup> February 2013
<b>Expiry Date:</b>	15 <sup>th</sup> February 2013
<b>Case Officer:</b>	Dean Hermitage
<b>Plan No's:</b>	133/PL02; 133/PL03; drawings of typical beach hut
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>





## **1 The Proposal**

- 1.1 This application seeks planning permission to erect fifteen beach huts on an existing raised concrete platform at the southern end of East Beach, Shoeburyness.
- 1.2 East beach hut would be of a uniform design, save for the direction of the roof slope (8 will slope down south-to-north with the remaining seven north-to-south) and be of a contemporary design. Each hut would measure approximately 4.5m by 4.7m, including roof overhangs, and include 9sqm of floorspace. Each hut would have a maximum height of 3.05m.
- 1.3 The huts would be arranged so that together they have an undulating roof profile with the front elevations finished a range of bright colours. Each hut would have glazed front doors (i.e. facing the beach), set behind painted timber security doors. The walls would consist of recycled timber pallets behind toughened polycarbonate sheeting. The cavity would be filled with pebbles, stones and shells and this would be visible from the outside. Towards the eaves the facades would include fanlights topped with sedum covered roofs. A small 'verandah' would be laid out to the front of each hut.
- 1.4 The applicant has included a Design and Access Statement (DAS) and a Flood Risk Statement with the application. The DAS sets out how the proposal represents the chosen scheme in accordance with the Council's competition brief for the development of the site.

## **2 Site and Surroundings**

- 2.1 The site consists of a raised concrete platform of approximately 575sqm situated between Rampart Terrace and southern-most end of Shoebury East Beach. The site is set approximately 2.4m lower than the street level in Rampart Terrace and around 2m above the beach itself. It is accessed via steps down from Rampart Terrace, or via the beach.
- 2.2 To the immediate west and northwest lies a grass bank and retaining wall with Rampart Terrace beyond. To the north lies the site of the former East Beach café, and to the southwest open space with the Shoebury Garrison and Conservation Area beyond.
- 2.3 Historically beach huts have been located on the site, and small buildings are shown in this area on the 1922 Ordnance Survey maps. It is thought the last huts were removed some 30 years ago.

### **3 Planning Considerations**

- 3.1 The main considerations in respect of this application are the principle of development, design and impact on the character of the area, residential amenities, and flood risk issues.

### **4 Appraisal**

#### **Principle of Development**

**NPPF; DPD1 (Core Strategy) policies KP1, KP2 and CP7; BLP policies L1, C15 and C16.**

- 4.1 The site is situated within an identified area of public open space under policy C15 of the Local Plan. This policy, along with Core strategy Policy CP7 seeks to resist the development of public open spaces. The proposed development would occupy the top 'podium' of the existing raised platform that runs along the foreshore. The lower platform would remain as existing.
- 4.2 East Beach is a very popular local destination, and can attract hundreds of visitors a day during peak summer season, drawn to the area largely because of the quality of the beach, open space and BBQ areas. Core Strategy policy KP1 (Strategic Objective 12) and Local Plan policy L1 seeks to support the leisure and tourist use of the seafront, and the beach huts would add an additional facet to the use of the area, and members of public would be able to lease a hut. Policy C16 seeks to retain the open character of the foreshore and limits development to the replacement of kiosks and replacement of beach huts.
- 4.3 Whilst the proposed huts cannot be considered 'replacements' due to the time that has elapsed since the site was last occupied by beach huts, is not considered the presence of the huts would prevent public access to this area of East Beach or detract from its use; visitors to the open space would still be able to walk along the lower platform and access the beach, and the huts have the potential to increase the use and attraction of this area of East Beach. Taking into account the above, the proposal is considered to be acceptable in principle.

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

**DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C4, C11 and C16; SPD1.**

- 4.4 Local Plan policy C11 and Core Strategy policies CP4 and KP2 seek high quality and sustainable design, in line with the NPPF. Design that fails to take an opportunity available for improving the character and quality of an area should not be accepted. With specific regard to the foreshore, policy C16 seeks to protect the character of the foreshore. The site is also visible against the backdrop of the Shoebury Garrison Conservation Area, and thus views into the conservation area should be considered.

- 4.5 The proposed huts would project only approximately 0.6m above the road/pavement level in Rampart Terrace. The huts would include green roofs, which would serve to soften their visual impact when viewed from above. As a result of this, and their limited visibility as a result of level changes, the proposal would have limited visual impacts on this part of the public realm and the outlook of nearby residential properties.
- 4.6 Similarly, due to low lying site levels, there are limited views of the site within the nearby conservation area. The only views into the conservation that would be affected would be those from East Beach itself.
- 4.7 The proposed huts are of a bespoke and contemporary design. They will add visual interest and colour to what is currently a relatively unattractive piece of hard-engineering of utilitarian appearance. The contemporary design would complement the recently permitted proposal for a café nearby, further along East Beach, and the built form of the newer development at Shoebury Garrison.
- 4.8 The design of the huts themselves is considered good quality, and incorporates an innovative use of recycled materials, making them sustainable buildings. Like most beach huts, they will not be connected to the electricity, water or gas supplies and thus there is no requirement for them to comply with policy KP2 in terms of sustainable energy use.
- 4.9 The huts would provide a good useable space for occupants, and the design affords them a good level of natural light and insulation.
- 4.10 The proposed beach huts would be of a high quality design, have limited impact on the public realm outside of East Beach and have a positive impact on views into the conservation area from East Beach. The proposed development is considered to comply with the above policies.

### **Residential Amenities**

#### **NPPF; DPD1 (Core Strategy) policy CP4; BLP policy E5**

- 4.11 The above policies are concerned with protecting the residential amenities of the area. The nearest residential properties are those on Rampart Terrace, which would be approximately 32m from the closest beach hut. Only the roofs would be visible to nearby residents.
- 4.12 Bearing in mind the site is already frequented by a large number of beach users in the summer months, and is used lightly during the rest of the year the proposal is unlikely to result in a material increase in noise and disturbance than at present. Conditions can be imposed to ensure the huts are not used overnight, nor for residential purposes in order to define the scope of planning permission should it be granted.
- 4.13 Subject to the imposition of conditions the proposal is considered to comply with the above policy.

## **Floodrisk**

### **NPPF; DPD1 (Core Strategy) policies KP2 and CP4**

- 4.14 The site is situated within Flood Zone 3 (high risk). The NPPF requires development within such areas to pass the sequential test, whereby the preference is for sites at lower risk of flooding are preferred. In this case the proposed use is considered a 'water compatible' use, by virtue of its nature, and thus in terms of the sequential test the proposed use is considered appropriate in this area. The exceptions test is not applicable as a result.
- 4.15 The applicant has submitted a Flood Risk Statement and Emergency Response Plan, which indicates the site would flood should there be a 1 in 200 year flood event. The huts are designed for daytime use only and, as stated above, do not have connections to water or power services. They are proposed to be constructed to withstand occasional water inundation. In the event of a flood, the area is covered by an early warning system.
- 4.16 The proposal is not considered to affect the effectiveness of the sea defences. Further comment is awaited from the Environment Agency; the recommendation below is made subject to comments from the EA.

## **Other Issues**

### **NPPF; DPD1 (Core Strategy) policies KP2, CP3 and CP4; BLP policy U2 and T11**

- 4.17 It is not considered the proposal would result in any highways implications. East Beach is well-served with public parking. By the nature of the development and its construction there are not considered to be any issues of pollution or contamination risk.
- 4.18 The site is adjacent to a SSSI and RAMSAR site, however being a 1960s built concrete structure, it has minimal biodiversity interest. The construction of the beach huts would not require any percussive piling methods. A condition is recommended to ensure the foreshore is not used for the storage of materials, equipment etc during construction.
- 4.19 Taking into account these issues, and all other material considerations, subject to conditions limiting the use of the building's roller shutter doors, vehicle movements and use of external areas, and any comments received by the Noise Consultant, the proposal is considered to comply with policy.

## **5 Planning Policy Summary**

### **5.1 National Planning Policy Framework (NPPF)**

- 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).
- 5.3 Borough Local Plan Policies C4 (Conservation Areas), C11 (New buildings, extensions and alterations), C15 (Retention of Open Spaces), C16 (Foreshore Views), L1 (Tourism), E5 (Non-residential Uses Located Close to Housing); T11 (Parking), U2 (Pollution Control).
- 5.4 SPD1: Design and Townscape Guide

## **6 Representation Summary**

### **Environment Agency**

- 6.1 No comments received at time of writing.

### **Natural England**

- 6.2 No comments received at time of writing.

### **Highways**

- 6.3 No highway objections to this proposal.

### **Design and Regeneration**

- 6.4 The proposed beach huts would make a vibrant addition to East Beach with their contemporary, angular design. It is pleasing to see that issues of sustainability have been central to the design process, with recycled materials being used during the construction process. There is opportunity for the solid fixed panels that will cover the glazed doors to be individually painted, which should help to add interest and variety to the huts. Colours and signage should be dealt with by condition.

### **Flood Defence Engineer**

- 6.5 They will have no impact on the flood defences. Strictly speaking, they are within 9m of a main river and should be consented by EA.

### **Parks Department**

- 6.6 No comments received at time of writing.

### **Public Consultation**

- 6.7 Twenty-two neighbours notified by letter; press notice displayed – two responses in support stating:

- Great idea to have beach huts back on East Beach
- Will help area improve
- Will not block views or take up beach space
- Will make area more attractive

## **Ward Councillor**

6.8 Cllr Chalk has called-in the application for consideration by the Development Control Committee.

## **7 Relevant Planning History**

7.1 None.

## **8 Recommendation**

**8.1 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 No development shall take place until samples of the facing materials to be used, including glazing, and doors (including paint colours) have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved materials unless otherwise agreed in writing by the local planning authority.**

**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 the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide).**

- 3 The development hereby permitted is for daytime use only and shall not be occupied overnight or used for residential purposes.**

**Reason: To define the scope of this permission with respect to the character of the area, general amenity and flood risk, in accordance with Policies KP2 and CP4 of the Southend on Sea Core Strategy 2007 and H5 of the Southend on Sea Borough Local Plan 1994.**

- 4 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority.**

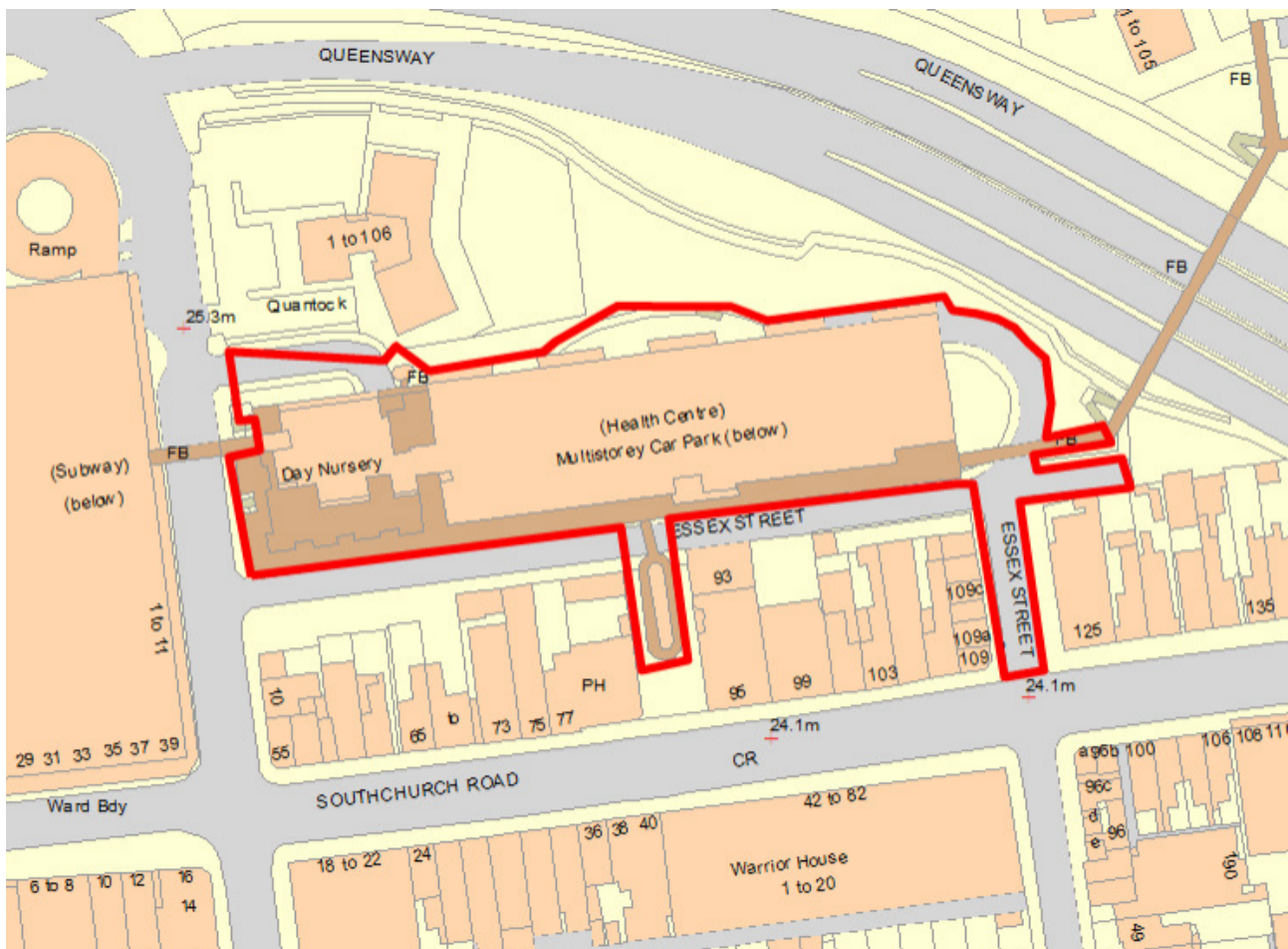
**Reason: In the interests of maintaining adequate flood defences and to protect the ecological interests of the adjacent SSSI and RAMSAR sites, in accordance with Policies KP2 and CP4 of the Southend on Sea Core Strategy and NPPF.**

**Reason for Approval**

**This permission has been granted having regard to the NPPF; (Core Strategy) policy KP1, KP2, and CP4; Borough Local Plan 1994 policy C4, C11, C15, C16 L1, E5, T11, U2; and SPD1 (Design and Townscape Guide) together with Government guidance and all other material considerations including any representations. The carrying out of the development permitted, subject to any conditions imposed, would accord with those policies and in the opinion of the local planning authority there are no circumstances which otherwise would justify the refusal of permission.**

**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.**

<b>Reference:</b>	13/00009/BC3
<b>Ward:</b>	Victoria
<b>Proposal:</b>	Demolish office block and multi-storey car park and change of use to car park and minor alterations to footbridge
<b>Address:</b>	Queensway House, Essex Street, Southend-On-Sea, SS1 2NY
<b>Applicant:</b>	Southend Borough Council
<b>Agent:</b>	Southend Borough Council
<b>Consultation Expiry:</b>	5 <sup>th</sup> February 2013
<b>Expiry Date:</b>	27 <sup>th</sup> February 2013
<b>Case Officer:</b>	Charlotte Galforg
<b>Plan Nos:</b>	HW/QWCP/0001
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>





## **1 The Proposal**

- 1.1 Demolition of a building is permitted development provided that an application is made to the local authority to determine whether prior approval is required to agree the method of demolition and details of restoration of the site. The applicant has made a separate application to determine whether prior approval is required for demolition of Queensway House, the footbridge to the east, bridge and stairway to the south and stairway to the west (13/00008/DEM), and it was decided that prior approval is not required. It should be noted that the West and East bridges which provide access to the adjacent shopping mall and to the opposite side of Queensway respectively are to be retained and will continue to provide pedestrian access across Chichester Road and Queensway respectively following the demolition works. Following rationalisation of administration buildings and consolidation of service providers into the Civic Centre the building is considered to be not fit for purpose with a running cost of an estimated running cost £500K. The estimated monthly revenue cost per month while Queensway remains empty is £35k.
- 1.2 This application relates to the demolition of the existing building, and enable the use of the site as a public car park. It is intended that the site would be backfilled with hardcore from the existing building, and that the car park would be created at the same ground level as Essex Street. The car park would make use of the same entrance and exit to the site as exists at present (from Chichester Road into Essex Street). The car park would be “pay and display”. It is proposed that 211 general parking spaces would be provided, together with 10 motorcycle spaces and 10 spaces for disabled persons. The paraphernalia associated with the sites’ use as a car park (ticket machines, barriers, lighting etc) can be installed as permitted development by the local authority. The car park would be hardsurfaced and would incorporate sustainable drainage measures. The area linking the main site to Southchurch Road is proposed to be hardsurfaced with concrete slabs.
- 1.3 The use of the site as a car park is proposed is a temporary solution until proposals come forward for future redevelopment of the site.

## **2 Site and Surroundings**

- 2.1 Queensway House lies on the southern side of Queensway, adjacent to Chichester Road to the west and The Victorias beyond. The 4/5 storey concrete and brick structure was built in the early 1970’s. The structural form comprises an in situ reinforced concrete frame and floors, the offices having concrete flat roofs and cavity brick and lightweight concrete block infill wall panels. The walls to the car park extend below ground in the form of retaining structures and above ground include reinforced concrete parapets. Levels change significantly across the site.
- 2.2 The building has been in use for office purposes but those uses have now largely been relocated elsewhere and it is understood that the building will become vacant in March 2013. The multi level car park runs beneath the building over several levels with access and egress onto Essex Street, with staff car parking accessed from Chichester Road. The building is served by three pedestrian bridges to the

South, East and West to provide access to the ground floor and first floor thoroughfare and offices. There are a number of mature trees outside the site to the south and west.

- 2.3 The area to the north of the site is occupied by a block of high rise flats (Quantock) and its landscaped grounds. To the south lies Essex Road, a service road serving this site and commercial properties to the south in Southchurch Road. There are also residential properties to the south of the site, much of this accommodation is in the form of flats above/to the rear of commercial properties.

### **3 Planning Considerations**

- 3.1 As the principle of demolition and the method of demolition of this building are permitted development and are not for consideration at this juncture, the main planning considerations are considered to be whether the principle of a car park on this site is acceptable, highway issues, appearance and visual amenity, sustainability issues.

### **4 Appraisal**

#### **Principal**

- 4.1 **Planning Policies: NPPF – Achieving Sustainable Development; Core Planning Principles; Sections: 1, 2; (Core Strategy) DPD1 policies, KP1, KP2, CP1, BLP Policies E4, E5.**

- 4.1 The application site lies within the Town Centre. It is not specifically allocated within the Core Strategy. Policies KP1 and CP1 specifically apply.

- 4.2 Policy KP1 states that “The primary focus of regeneration and growth within Southend will be in:

Southend Town Centre and Central Area – to regenerate the existing town centre, as a fully competitive regional centre, led by the development of the University Campus, and securing a full range of quality sub-regional services to provide for 6,500 new jobs and providing for at least 2,000 additional homes in conjunction with the upgrading of strategic and local passenger transport accessibility, including development of Southend Central and Southend Victoria Stations as strategic transport interchanges and related travel centres...”

- 4.3 Policy CP1 states: “Permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.”

- 4.4 As stated above, demolition of the building is permitted development and therefore no objections can be raised in principle to the loss of the building.

- 4.5 Within the SCAAP the site is allocated as proposals site PS4a and it is stated that “The Council will pursue with public and private sector partners the redevelopment of this site as follows:

1. *promote the provision of additional housing and new commercial development including office and secondary retail uses together with community facilities by either:*

*a. the refurbishment and upgrade of the existing residential tower together with redevelopment of the remaining area, or b. comprehensive redevelopment of the whole site,*

2. *promote new retail and community uses with active frontages to Essex Street;*

3. *consider the provision of public parking provided it is located close to Queensway and does not encourage general vehicle circulation along Chichester Road, Southchurch Road and Queensway;*

4. *provide new public open space fronting Chichester Road, including appropriate crossing improvements on Chichester Road, to relieve canyon effect of existing buildings and improve the environment for residents and visitors;*

5. *pursue urban greening within the development, including the use of green walls and roof gardens and the creation of green space within new development.*

*This Proposal Site is susceptible to surface water flooding and all proposals for development should accord with Core Policy KP1 and KP2 and have regard to the SFRA, the Local Flood Risk Partnership's Surface Water Management Plan and the Council's emerging Local Flood Risk Management Strategy when approved*

*The Council will prepare a Development Brief to take forward development of this site."*

4.6 The use of the site for car parking is intended to be a temporary measure until redevelopment of the site is undertaken.

4.7 The existing building is not considered to be of architectural merit or to enhance the streetscene. There is no objection in principle to its loss (it is accepted that this can be carried out as permitted development). The proposed development will not prejudice the future development of the site for the purposes set out in Policy PS4 of the SCAAP. Therefore no objection is raised in principle to the use of the site for a car park as proposed.

### **Design**

**Planning Policy: NPPF: Achieving Sustainable Development, Core Planning Principles, Section 7; DPD1 (Core Strategy) policies, KP1, KP2, KP3, CP4, BLP policies; C11, C14, C15. SPD1 Design and Townscape Guide.**

4.8 The car park will be a temporary development and is designed with this fact in mind. The site would simply be hardsurfaced and laid out as parking spaces. Were this to be a permanent car parking, it would be expected that landscaping would be incorporated into the design, however it is recognised that in this instance that would not be appropriate as it would be removed in the future. No objections are raised to the design and materials as proposed.

### **Traffic and Transport Issues**

**Planning Policies: NPPF – Achieving Sustainable Development, Core Planning Principles, Section 4 (Core Strategy) DPD1 Policies CP3, BLP Policies: T8, T10, T11, T12 T13.**

- 4.9 There are currently 168 car parking spaces on the site. It is evident that the existing car park is not well used. It is proposed to create 211 standard car parking spaces together with space for the disabled and for motor cycles. The proposed development will create a car park which is more attractive to users than the existing multi story structure and will result in an increase in car parking spaces to serve the town centre.
- 4.10 The proposed access to and egress from the site is the same as existing and are considered acceptable in terms of highway safety. The layout of the car park is acceptable.

**Conclusion**

- 4.11 There is no objection in principle to the use of the site for a temporary car park and this use will not prejudice future redevelopment of the site in accordance with the development plan.

**5 Planning Policy Summary**

- 5.1 National Policies: NPPF – Achieving Sustainable Development; Core Planning Principles; Sections: 1 - Building a strong, competitive economy; 2. Ensuring the vitality of town centres, 4. Promoting sustainable transport, 7. Requiring good design, 10. Meeting the challenge of climate change, flooding and coastal change.
- 5.2 DPD1 (Core Strategy) Policies- Key Policies, KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development); CP2 (Town Centre and Retail Development); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance).
- 5.3 BLP Policies; C11 (New Buildings, Extensions and Alterations); C14 (Trees, Planted Areas and Landscaping); C15 (Retention of Open Spaces); E5 (Non-Residential Uses Located Close to Housing); U2 (Pollution Control); T1 (Priorities), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T12 (Servicing Facilities), T13 (Cycling and Walking).
- 5.4 Supplementary Planning Document 1: Design & Townscape Guide.
- 5.5 EPOA adopted Vehicle Parking Standards.
- 5.6 Southend Central Area Action Plan DPD – proposed submission document

**6 Representation Summary**

- 6.1 **Design and Regeneration** – no comments received.
- 6.2 **Parks** – no comments received.

6.3 **Environmental Health** – no comments received.

6.4 **Traffic and Highways** – no comments received

## **7 Public Consultation**

7.1 Site notice posted and 161 Neighbours notified. No responses received

### **Relevant Planning History**

7.4 2013 - 13/00008/DEM Demolish Queensway House and multi-storey car park (Application for Prior Approval for Demolition) – Prior approval not required

## **8 Recommendation**

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

**01 The development hereby permitted shall begin not 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 Unless otherwise agreed in writing with the local planning authority, the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan number: HW/QWCP/0001**

**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).**

**03 No development shall take place until details of surface treatment and any new boundary treatment have been submitted and approved in writing by the local planning authority.**

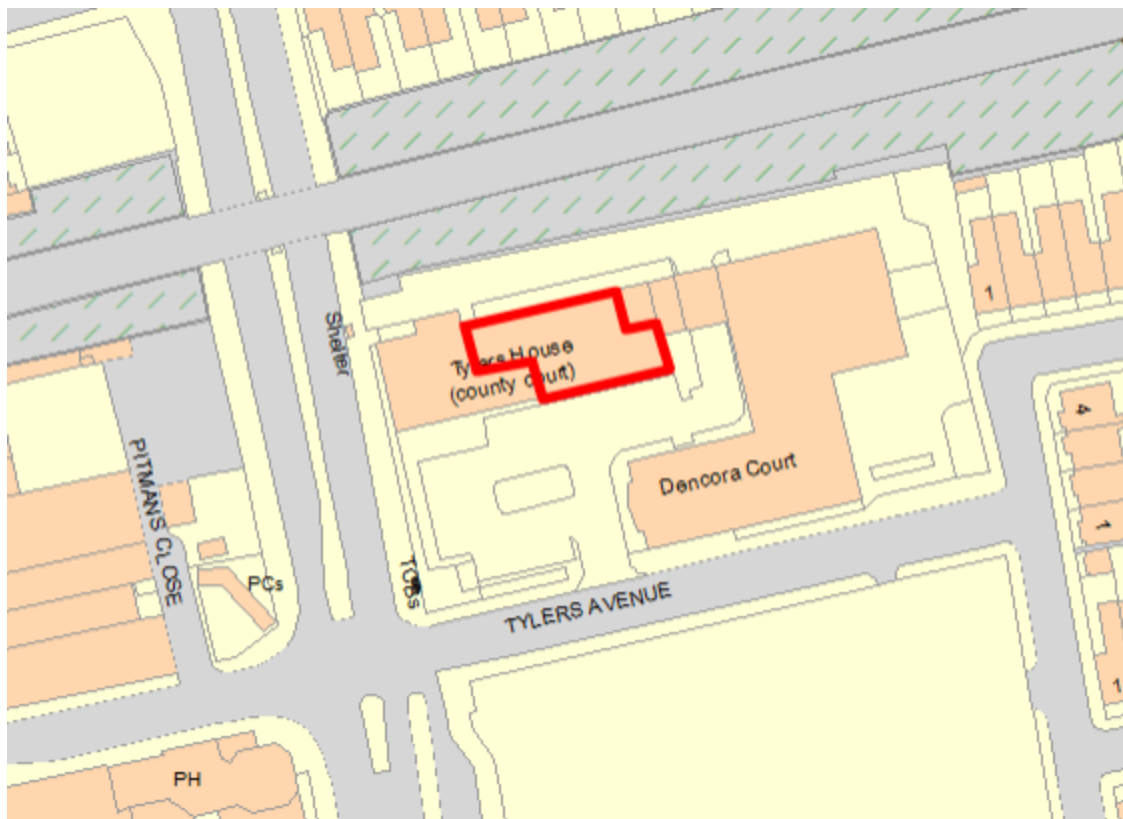
**Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape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

**This permission has been granted having regard to (Core Strategy) policies KP1, KP2, CP1, CP2, CP3, and CP4; Borough Local Plan 1994 policies C11, C14, C15, E5, U2, T1, T8, T11, T12, T13, and SPD1 (Design and Townscape Guide) together with Government guidance and all other material considerations including any representations. The carrying out of the development permitted, subject to any conditions imposed, would**

**accord with those policies and in the opinion of the local planning authority there are no circumstances which otherwise would justify the refusal of permission.**

**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.**

<b>Reference:</b>	12/01648/BC3
<b>Ward:</b>	Milton
<b>Proposal:</b>	Change of use of office (Class B1) to a day centre (Class D1) for a temporary period of three years (part of 3rd floor)
<b>Address:</b>	Tylers House, Tylers Avenue, Southend-On-Sea
<b>Applicant:</b>	Southend Borough Council
<b>Agent:</b>	Southend Borough Council
<b>Consultation Expiry:</b>	5 <sup>th</sup> February 2013
<b>Expiry Date:</b>	18th February 2013
<b>Case Officer:</b>	Charlotte Galforg
<b>Plan Nos:</b>	Floor plan
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 The application proposes the temporary use of part of existing vacant (class B1) third floor office space at Tylers House as a Day Centre for the over 50's (class D1) know as "Club 60" and which is currently located within Queensway House. It is proposed the use would operate between 9am and 4pm and would be staffed by volunteers. The club currently provides its members with an opportunity to socialise, exercise and take light refreshments. The use is proposed for a period of 3 years. There are no external alterations proposed which would affect the appearance of the building.
- 1.2 Six car parking spaces would be allocated to the proposed use.

## **2 Site and Surroundings**

- 2.1 The application site is part of Tylers House, large, commercial offices premises occupied by, amongst others: Reed Accountancy Personnel, Ventrica, and Southend County Court. The existing accommodation is arranged over 4 floors. Car parking is provided in a surface level car park and in a basement area. Tylers House is linked to the adjacent office block Dencora House.
- 2.2 The site is located at the junction of Chichester Road and Tylers Avenue. Tylers Avenue public car park lies opposite the site, and the travel centre lies to the south.
- 2.3 The site lies within the Town Centre.

## **3 Planning Considerations**

- 3.1 The main issues to be considered are: the principle of the temporary loss of the office accommodation for D1 use, impact on transport and highways and impact on surrounding occupiers. There are no external alterations proposed which would impact upon the appearance of the building.

## **4 Appraisal**

### **Background to the application**

- 4.1 Southend Borough Council is currently in the process of decanting all occupiers from Queensway House as part of a demolition/regeneration scheme. Club 60 is one of the current occupiers of Queensway House.

### **Principal of the change of use**

**Planning Policies: NPPF – Achieving Sustainable Development; Core Planning Principles; Sections: 1, 2, 4, 7; (Core Strategy) DPD1 policies, KP1, KP2, CP1, BLP Policies E4, U10.**

- 4.2 The application site lies within the Town Centre. It is not specifically allocated within the Core Strategy. Policies KP1 and CP1 apply. The proposal would result in the change of use of 330sqm of office accommodation.



- 4.3 Policy KP1 states that “The primary focus of regeneration and growth within Southend will be in:

Southend Town Centre and Central Area – to regenerate the existing town centre, as a fully competitive regional centre, led by the development of the University Campus, and securing a full range of quality sub-regional services to provide for 6,500 new jobs and providing for at least 2,000 additional homes in conjunction with the upgrading of strategic and local passenger transport accessibility, including development of Southend Central and Southend Victoria Stations as strategic transport interchanges and related travel centres...”

- 4.4 Policy CP1 states: “Permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.”
- 4.5 The proposed use would result in the loss of 330sqm of office space. The applicant has produced evidence to demonstrate that the unit has been marketed for office purposes since it became vacant in May 2008. Officers are satisfied that it has been advertised at a true market value. The offices have not been let within that time period. The agents acting for the premises suggest that this is due to the fact there is other vacant office space within the building and within the town centre as a whole.
- 4.5 The use of the building by Club 60 is proposed for a temporary period of 3 years, after which time the building would be returned to office use. This proposal is in accordance with the terms of the lease for the site which is also for 3 years only.
- 4.6 Whilst the proposal will result in the loss of the B1 floorspace for this temporary period it is clear that the site is not currently in demand for other B1 uses. The proposed D1 use provides a community use which serves the borough, which is generally supported by BLP Policy U10. The applicant states that other sites for the use have been examined and have not found to be suitable due to their size, location and lack of suitable links to public transport. The proposed “Club 60” use is one which is currently supported by Southend Borough Council (separately from its planning role).
- 4.7 For these reasons the temporary change of use is considered acceptable in this instance. The permission should be conditioned to be limited to 3 years after which time the premises should be returned to office use.

### **Traffic and Transport Issues**

**Planning Policies: NPPF – Achieving Sustainable Development, Core Planning Principles, Section 4 (Core Strategy) DPD1 Policies CP3, BLP Policies: T8, T10, T11, T12 T13.**

- 4.8 The site is located centrally within the Town Centre. It is close to public transport links and public car parks. The applicant has stated that that details of bus and train timetables will be made available to members of the club and that they be actively encouraged to joins the Council’s Sustainable Transport Network. The applicant

anticipates that the majority of the club's members will use public transport.

- 4.9 Six car parking spaces are allocated to the proposed use. The applicant has stated that whilst the club's membership extends to 200 persons, the numbers normally expected at any one time are 30 – 50 maximum. Given the nature of the proposed users of the club and the proximity of the site to both public transport links and public car parks, this provision is considered adequate to serve the proposed use.
- 4.10 No cycle parking spaces have been provided to serve the development, the applicant's state that this is due to the projected age of the club users.

### **Impact on amenity of adjacent occupiers**

#### **Planning Policy NPPF sections 8 and 10: DPD1 (Core Strategy) policies; CP4; BLP policies U2.**

- 4.11 It is necessary to ensure that the use of the premises for use as a social club does not result in disturbance to the existing occupiers of the building.
- 4.12 The proposed hours of use of the premises are from 9am until 4pm. The club is used for social community activities. The proposed internal layout of the area will include a studwork wall separating the useable space from the adjoining office space. Additional sound insulation is proposed to be provided to prevent noise transmission.
- 4.13 The premises will include a kitchen that the will be used to provide teas/coffees and light refreshments only. These do not require the installation of extract ducting or other specialist equipment.
- 4.14 It is therefore, considered that the proposed use will not result in noise or disturbance to surrounding occupiers.

### **Conclusion**

- 4.15 There is no objection in principle to the temporary use of the site as a social club for a temporary car park and this use will not prejudice future redevelopment of the site in accordance with the development plan. The proposed use will not result in undue noise and disturbance to surrounding occupiers and the premises is adequately served by parking and public transport to meet the needs of the development.

## **5 Planning Policy Summary**

- 5.1 National Policies: NPPF – Achieving Sustainable Development; Core Planning Principles; Sections: 1 - Building a strong, competitive economy; 2. Ensuring the vitality of town centres, 4. Promoting sustainable transport, 7. Requiring good design, 8. Promoting Healthy Communities.
- 5.2 DPD1 (Core Strategy) Policies- Key Policies, KP1 (Spatial Strategy); KP2 (Development Principles); CP1 (Employment Generating Development); CP2 (Town Centre and Retail Development); CP3 (Transport and Accessibility); CP4

(The Environment and Urban Renaissance).

- 5.3 BLP Policies; E4 Industry and Warehousing, U2 (Pollution Control), U10 (Other Community Facilities); T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T13 (Cycling and Walking).
- 5.4 Supplementary Planning Document 1: Design & Townscape Guide.
- 5.5 EPOA adopted Vehicle Parking Standards.
- 5.6 Southend Central Area Action Plan DPD – proposed submission document

## **6 Representation Summary**

- 6.1 **Asset Management** – no comments received.
- 6.2 **Parks** – no comments received.
- 6.3 **Environmental Health** – no comments received.
- 6.4 **Traffic and Highways** – no objection

## **7 Public Consultation**

- 7.1 Site notice posted and 8 Neighbours notified. No responses received

## **8.0 Relevant Planning History**

- 8.1 None relevant

## **9.0 Recommendation**

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

- 01 The use hereby permitted shall be carried out only by “Club 60” and shall be for a limited period of 3(three) years from the date of this permission or during which the period that premises are occupied by “Club 60”; whichever is the shorter. When the premises cease to be occupied by “Club 60” or at the end of 3 (three) years whichever shall first occur, the use hereby permitted shall cease.**

**Reason: Planning permission for a temporary period only is appropriate in the circumstances particular to this case and retention of the use for an alternative occupiers or for more than a temporary period would fail to comply with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP1, and Borough Local Plan 1994 policy E4. On this basis it is appropriate to ensure that the site is satisfactorily restored to its former use.**

- 02 Six (6) car parking spaces shall be provided on the site to serve the development hereby approved prior to commencement of the use hereby approved and shall thereafter be permanently retained for the parking of vehicles of people working in the building or calling there for business purposes unless otherwise agreed in writing by the local planning authority.**

**Reason: To ensure adequate provision is made for car parking in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, Borough Local Plan 1994 policy U2.**

- 03 The development hereby permitted shall not be occupied until sound insulation has installed in accordance with details shown on submitted plan entitled “noise impact assessment drawing no 1” unless otherwise agreed in writing with the local planning authority.**

**Reason: To ensure that the development will not have an adverse impact on the occupiers of adjacent units in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP3, Borough Local Plan 1994 policy and T11.**

**This permission has been granted having regard to (Core Strategy) policies KP1, KP2, CP1, CP2 and CP3; Borough Local Plan 1994 policies C14, E4, U2, U10, T8, and T11 and SPD1 (Design and Townscape Guide) together with Government guidance and all other material considerations including any representations. The carrying out of the development permitted, subject to any conditions imposed, would accord with those policies and in the opinion of the local planning authority there are no circumstances which otherwise would justify the refusal of permission.**

**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.**

<b>Reference:</b>	12/01614/BC3M
<b>Ward:</b>	Milton
<b>Proposal:</b>	Extend hours of construction on Saturday to 8:00am hours to 18:00 hours (variation of condition 22 of planning consent 11/00790/BC3M granted on 17th August 2011 stating demolition or construction works shall not take place outside 7:30am hours to 6pm hours Mondays to Fridays and 8am hours to 1pm hours on Saturdays and at no time on Sundays or Bank Holidays)
<b>Address:</b>	Farringdon Multi Storey Car Park, Elmer Approach, Southend-On-Sea, Essex
<b>Applicant:</b>	Southend on Sea Borough Council
<b>Agent:</b>	Southend on Sea Borough Council
<b>Consultation Expiry:</b>	13 <sup>th</sup> February 2013
<b>Expiry Date:</b>	19 <sup>th</sup> February 2013
<b>Case Officer:</b>	Charlotte Galforg
<b>Plan Nos:</b>	010 rev A
<b>Recommendation</b>	<b>APPROVE VARIATION OF CONDITION</b>



## **1 The Proposal**

1.1 Permission was granted in August 2011 to redevelop the car park site for an integrated municipal and academic public library alongside a modern teaching facility for the College and a research and learning environment for the University. The part three, part four is located along the western boundary in Elmer Avenue, with the frontage of the building along Elmer approach. The building fronts the large public square.

1.2 Permission was granted subject to a number of conditions. In particular condition 22 stated:

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

*Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5 and U2.*

1.3 This application seeks to amend Condition 22 to extend Saturday working hours so works can be carried out between 0800 and 1800hours.

1.4 The applicant has stated that *“works to the external envelope will be substantially complete by 18<sup>th</sup> January 2013 after which internal finishing works will be increased. As these works will be within the structure, thereby negating effects on neighbouring properties, and increase in Saturday working hours is sought.”*

## **2.0 Site and Surroundings**

2.1 The application site (0.867 hectares) comprises the former Farringdon car park located at the junction of Elmer approach and Elmer Avenue. The site is in the process of being developed as a public library as described in paragraph 1.1 above.

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

## **3.0 Planning Considerations**

- 3.1 The main issues when considering this application are: the impact of the increase on working hours on the amenities of surrounding occupiers and general environmental quality.

## 4.0 Appraisal

### Impact on Residential Amenity

**Planning Policy: NPPF Achieving Sustainable Development; Core Planning Principles; Sections: 7 and 8; DPD1 (Core Strategy) policies: KP2, CP4; Borough Local Plan Policy - E5.**

#### *Noise and increased activity at the site*

- 4.1 It is necessary to recognise that until works begun on the new building, the application site was occupied by a multi storey car park, which produced significant levels of noise. The noise assessment submitted with the planning application for the new building demonstrated that the external noise climate was already dominated by relatively high levels of traffic noise. The car park was also a location where anti-social behaviour took place, causing disturbance. The majority of external construction work on the site has been completed and most additional work that is now required will be carried out within the building. Thus the potential for disturbance to surrounding occupiers is reduced.

Environmental Health Officers have raised no objection to the proposed amended hours of working, provided these relate to works carried out within the building and not to any external works and that those works are inaudible at the nearest residential properties. Whilst the applicant is seeking a blanket alteration to hours of working on the site, it is considered that the amendments recommended by Environmental Health officers will result in the proper protection of nearby residents whilst also allowing increased hours of working within the building as sought. Therefore, it is proposed that the condition is amended in accordance with the advice of Environmental Health Officers. This change would protect the amenities of the surrounding occupiers and protect general environmental quality.

### Other Matters

- 4.2 As the application is to vary a condition, when granted it effectively results in a new planning permission. Therefore, it will necessary to restate all previous conditions that have not yet been discharged.

### Conclusion

- 4.3 The amended condition would continue to protect the amenities of surrounding occupiers and general environmental quality. Therefore it is considered that permission should be acceptable.

## 5.0 Planning Policy Summary

- 5.1 National Policies: NPPF – Achieving Sustainable Development; Core Planning Principles; Sections: 1 - Building a strong, competitive economy; 2. Ensuring the vitality of town centres, 8. Promoting healthy communities.

- 5.2 DPD1 (Core Strategy) policies - KP1: Spatial Strategy, KP2:- Development Principles; CP1: Employment Generating Development; CP2: Town Centre and Retail Development; CP4: The Environment and Urban Renaissance; CP6: Community Infrastructure.
- 5.3 Borough Local Plan Policies - C11 New Buildings, Extensions and Alterations,U2 Pollution Control, U8 Provision of New Education Facilities; U10 Provision of Other Community Facilities.
- 5.4 Supplementary Planning Document 1: Design & Townscape Guide.
- 5.5 EPOA adopted Vehicle Parking Standards.
- 5.6 Elmer Square Development Brief 2009
- 5.7 Southend Central Area Action Plan Issues and Options June 2010.

## **6.0 Representation Summary**

- 6.1 **Police Architectural Liaison Officer** – no comment received
- 6.2 **Asset Manager** - no comment received
- 6.3 **Property and Regeneration** – no comment received
- 6.4 **Parks and Open Spaces** – no comment received
- 6.5 **Children and Learning** – no comment received
- 6.6 Design and Regeneration - **no comments**
- 6.7 **Highways** - no comment received
- 6.8 **Environmental Health** –  
Condition 22 – An increase of hours is sought to allow internal works to be carried out. The condition shall be amended to:

Demolition or Construction works shall not take place outside 7.30am – 6pm Mondays to Fridays and 8am – 1pm on Saturdays and at no time on Sundays or Bank Holidays. Internal works which are inaudible at the nearest residential premises can be carried out between 1pm – 6pm on Saturdays only.

## **7.0 Public Consultation**

- 7.1 Adjoining owners/occupiers - N<sup>o</sup> consulted 123
- 7.2 No representations received. It should be noted that the site notice expires on 13<sup>th</sup> February 2013.

## **Relevant Planning History**

- 8.0** August 2011 – Planning permission granted to: erect part 3/ part 4 storey building, incorporating LED display screen, to use as library and for education purposes (Sui Generis) lay out landscaping and amenity area. 11/00790/BC3M



## 8.1 Recommendation

### 9.0 Members are recommended to:

**DELEGATE TO THE DIRECTOR OF ENTERPRISE TOURISM AND ENVIRONMENT OR HEAD OF PLANNING AND TRANSPORT TO APPROVE VARIATION OF CONDITION** subject to the expiry of the publicity period and subject to the conditions listed below:

- 01** Unless otherwise agreed in writing with the local planning authority, the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan numbers: Location Plan 010A, Proposed Layout and Elevations of Substation and Bin Store 115, Proposed Sections C-C/D-D 111G, Proposed Sections A-A/B-B 110J, Roof Plan D102K, Proposed First, Second and Third Floor 101Q, Proposed Lower Ground and Ground Floor 100P, Existing Site Section C-C/D-D 021A, Existing Site Section A-A/B-B 020 A, Landscaping Plan 013, Proposed Site Plan 012, Existing Site Plan 011 A, Proposed Elevations G-G/H-H 114B, Proposed Elevation E-E/F-F 113N.

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

- 02** Prior to first occupation of the development a Waste Management Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail how the development will provide for the collection of general refuse and re-usable and recyclable waste and what strategies will be in place to reduce the amount of general refuse over time. Waste management at the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority

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

- 03** No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local

planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

**Reason:** To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2 and BLP Policy U2.

- 04** Prior to first occupation of the development hereby approved a Servicing Strategy shall be submitted to and agreed in writing by the local planning authority, detailing monitoring and review arrangements for the servicing of the development and servicing shall take place in accordance with the strategy unless otherwise agreed in writing by the local planning authority.

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

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

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

**Reason:** In the interests of sustainability, accessibility, highways management, efficiency, safety and to enhance the appearance of the area in accordance with DPD1 (Core Strategy) 2007 policies KP2, KP3, CP3 and CP4, and Borough Local Plan 1994 policies C11 and T8.

- 06** Materials used within the development must be in accordance with the details of materials approved under application 11/01668/AD 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).

- 07 All hard and soft landscape works shall be carried out in accordance with the details approved under application 11/01679/AD. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority. The Development shall be carried out in accordance with the approved details. The approved boundary treatment shall be completed before first occupation of the development.**

**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).

- 08 The landscaped management plan shall be implemented in accordance with the scheme approved under application 11/01679/AD**

**Reason:** To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the local environment and biodiversity in accordance with East of England Plan 2008 policy ENV1 and ENV7, DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C11 and C14, and SPD1 (Design and Townscape Guide).

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

**Reason:** To secure the provision of public art and in the interests of visual amenity in accordance with DPD1 (Core Strategy) policy KP2 and CP4, and SPD1 (Design and Townscape Guide).

- 10 The environmental sustainability measures as set out in the application (Design and Access Statement chapter 06 BREEAM) must be provided before any part of the development hereby approved is first used unless otherwise agreed in writing by the local planning authority.  
All of these measures must be permanently retained unless otherwise**

agreed in writing by the local planning authority.

**Reason:** To ensure that the environmental sustainability features detailed in the application are provided in the development to minimise its environmental impact through efficient use of resources and better use of sustainable and renewable resources in accordance with DPD1 (Core Strategy) policy KP2 and CP4, and SPD1 (Design and Townscape Guide). (R35C)

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

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

- 12 Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions, unless otherwise agreed in writing by the local planning authority.

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

13. Prior to commencement of any work on the ventilation system, detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment must be submitted to and approved by the local planning authority. The ventilation system must then be installed in accordance with the approved drawings and not altered unless other agreed in writing with the local planning authority.

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

14. No part of the development shall be occupied until space has been laid

out within the site for 78 bicycles to be parked in accordance with details which shall have previously been submitted to and agreed by the Local Planning Authority, and shall be permanently retained for cycle parking unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that satisfactory secure off-street bicycle parking is provided in the interests of sustainability, amenity and highways efficiency and safety, in accordance with DPD1 (Core Strategy) 2007 policy KP2, Borough Local Plan 1994 policy T8 and T11, and SPD1 (Design and Townscape Guide).

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

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2, CP3 and CP4, Borough Local Plan 1994 policy T8, and SPD1 (Design and Townscape Guide).

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

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, CP3 and CP4, Borough Local Plan 1994 policy T8, and SPD1 (Design and Townscape Guide).

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

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5 and U2.

- 18 No signs(s) or advertisements(s) shall be displayed on the building or within the public square without the express consent of the local planning authority, notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 or any equivalent provision in any statutory revoking and re-enacting those Regulations.

**Reason:** In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in East of England Plan 2008 policy ENV7, DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide).

- 19** Prior to installation of the screen, a management strategy for the screen and public square shall be submitted to and approved by the Local Planning Authority, the screen and public square shall be operated only in accordance with the approved strategy which shall include details of, but shall not be limited to: nature of content, hours of operation; duration and operation of the screen on a day-to-day basis, and maintenance and repair of the screen and contingency plans in case of breakdown, management of events. Following the first 10 Category C and E events and the first Category A, B and D events held within the public square the management plan shall be reviewed taking into account any necessary mitigation measures identified during assessment monitoring. No further events shall take place until this plan has been submitted to and approved in writing by the LPA and mitigation measures implemented.

**Reason:** To protect the environment of people in neighbouring properties and general environmental quality in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5 and U2.

- 20** During construction and demolition there shall be no burning of waste material on the site.

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

- 21** Demolition or Construction works shall not take place outside 7.30am – 6pm Mondays to Fridays and 8am – 1pm on Saturdays and at no time on Sundays or Bank Holidays. Only internal works which are inaudible at the nearest residential premises can be carried out between 1pm – 6pm on Saturdays only.

**Reason:** To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5 and U2.

- 22** During each of the first 10 Category C and E events held within the public square noise monitoring and assessment shall be carried out per the recommendations of the acoustic assessment produced by Hoare LEA, dated 15/8/11. The results of the monitoring and assessment together with details of any necessary noise mitigation measures, including where necessary restrictions on hours of operation, or limits on the number of events, shall be subsequently submitted to the LPA for approval and any

identified mitigation measures shall be implemented prior to any further events taking place.

**Reason:** To protect the environment of people in neighbouring properties and general environmental quality in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5 and U2.

- 23** During each of the first Category A, B and D events held within the public square, noise monitoring and assessment shall be carried out per the recommendations of the acoustic assessment produced by Hoare LEA, dated 15/8/11. The results of the monitoring and assessment together with details of any necessary noise mitigation measures, including where necessary restrictions on hours of operation, or limits on the number of events, shall be subsequently submitted to the LPA for approval and any identified mitigation measures shall be implemented prior to any further events taking place.

**Reason:** To protect the environment of people in neighbouring properties and general environmental quality in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5 and U2.

- 24** Prior to first use of the public square a noise limiter shall be installed to the external audio system in accordance with the recommendations set out in the acoustic assessment produced by Hoare LEA, dated 15/8/11.

**Reason:** To protect the environment of people in neighbouring properties and general environmental quality in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5 and U2.

- 25** Amplified music and speech from the approved screen shall be limited to background noise levels during hours of operation unless prior written approval from the Local Planning Authority has been given for a specific event.

**Reason:** To protect the environment of people in neighbouring properties and general environmental quality in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5 and U2

- 26** Prior to first operation of the approved screen details of the proposed acoustic barrier, referred to in the acoustic assessment produced by Hoare LEA, dated 15/8/11, including size, siting, materials and finish, shall be submitted to and approved by the LPA, the barrier shall be installed in accordance with the approved details prior to first operation of the screen and shall be permanently retained thereafter.

**Reason:** To protect the amenities of people in neighbouring properties and general environmental quality, and in the interests of visual amenity,

in accordance DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5, U2; and C11, and SPD1 (Design and Townscape Guide).

- 27 Prior to first operation of the approved screen details of the proposed speaker locations within in the Public Square shall be submitted to an approved by the Local Planning Authority, the speakers shall be installed in accordance with the approved details.

**Reason:** To protect the amenities of people in neighbouring properties and general environmental quality, and in the interests of visual amenity, in accordance with (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5, U2; and C11, and SPD1 (Design and Townscape Guide).

#### **Informatives**

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

The travel plan shall also include targets for increasing sustainable modes of travel, and measures for mitigation.

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

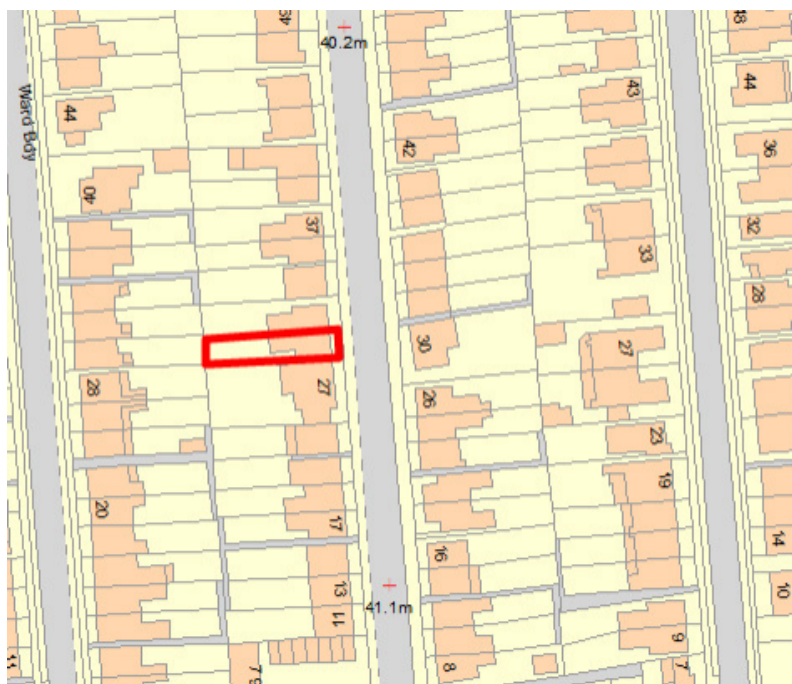
#### **Reason for approval**

This permission has been granted having regard to DPD1 (Core Strategy) policy KP1 , KP2; KP3; CP1; CP2; CP3; CP4; CP6; CP7, Borough Local Plan 1994 policy, C8 , C11, C13, C14, E5, L1; L5 ;U1 , U2 , U8 ; U10 , T1, T8, T10, T11, T12, T13 , T14 and SPD1 (Design and Townscape Guide) together with Government guidance and all other material considerations including any representations. The carrying out of the development permitted, subject to any conditions imposed, would accord with those policies and in the opinion of the local planning authority there are no circumstances which otherwise would justify the refusal of permission.

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.



<b>Reference:</b>	12/01608/FULH
<b>Ward:</b>	Chalkwell
<b>Proposal:</b>	Erect part two storey and part single storey side and rear extension
<b>Address:</b>	29 Lansdowne Avenue, Leigh-On-Sea, Essex, SS9 1LJ
<b>Applicant:</b>	Mr Ian Clipstone
<b>Agent:</b>	SKArchitects
<b>Consultation Expiry:</b>	30 January 2013
<b>Expiry Date:</b>	8 February 2013
<b>Case Officer:</b>	Matthew Leigh
<b>Plan No's:</b>	00(1) Rev C, 01(1) Rev C and 02(1) Rev C
<b>Recommendation:</b>	<b>Delegate to the Head of Planning and Transport or the Corporate Director of Enterprise, Tourism and Environment to GRANT PLANNING PERMISSION SUBJECT TO THE EXPIRY OF THE PUBLICITY PERIOD</b>



## **1 The Proposal**

- 1.1 The proposed development is for the erection of a part single storey and part two storey rear extension. The proposed extension would measure a maximum of 1.6m wide, 5.1m deep and with a height of 6m.
- 1.2 The development would provide accommodation in the form of a lobby and toilet at ground floor and a third bedroom at first floor.

## **2 Site and Surroundings**

- 2.1 The site is located on the western side of Lansdowne Avenue. The site is occupied by a two storey semi-detached house.
- 2.2 The properties in this part of Lansdowne Avenue are made up of detached, semi-detached and terraced houses. Whilst the properties within this part of Lansdowne Avenue are not uniform in design they contain a number of similar design features.

## **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.

## **4 Appraisal**

### **Principle of the Development**

**The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5, T8 and T11.**

- 4.1 The site is occupied by a residential dwelling. The principle of extending the dwelling to provide residential accommodation is considered acceptable. Other material planning considerations are discussed below.

### **Design and Impact on the Character of the Area:**

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

- 4.2 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.
- 4.3 The rear extension is part single storey and part two storey and is proposed as an infill adjacent to the existing outrigger. There a flat roof over the two storey component and a mono-pitched roof over the single storey element. The design is of limited architectural merit but it is not considered that a refusal based on design grounds could be sustained upon appeal given its location to the rear and limited visibility from the public realm. It would also only be visible from a limited number of

the surrounding residents.

### **Traffic and Transport Issues**

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

- 4.4 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officers Association (EPOA) set out the requirements for each use. The parking standards are expressed as maximum standards and public transport is available in the locality. It should also be noted that the authority also takes into account the NPPF which encourages the reduction in the reliance of the car and promote methods of sustainable transport.
- 4.5 The proposed extension would have no impact upon car parking requirements on site and no objection is raised in relation to traffic and transport issues.

### **Impact on Residential Amenity:**

#### **The National Planning Policy Framework; BLP policies C11, H5 and the Design and Townscape Guide.**

- 4.6 The extension is located around 1m from the southern boundary. The proposed rear extension would measure 5.1m deep at ground level and 2.9m at first floor. The proposed two storey element of the development would extend out as far as the adjoining property and the single storey element would extend 2.1m beyond the adjoining dwelling. Due to the limited projection beyond the neighbouring property and the single storey element of the extension it is not considered that the proposal would have an undue impact upon the adjoining residents in relation to overlooking or overshadowing.
- 4.7 Whilst it is accepted that the proposed development would reduce the rear garden it is considered that the proposed development would still provide a rear amenity area capable of meeting the outdoor requirements of the occupiers of the site and therefore no objection is proposed in relation to the reduction in size of the rear garden.

## **5 Conclusion**

- 5.1 The proposed extension is considered to be in accordance with the Council's Development Plan.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework.
- 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), H5

(Residential Design and Layout Considerations), T8 (Traffic Management and Highway Safety) and T11 (Parking Standards).

6.5 EPOA adopted Vehicle Parking Standards.

## **7 Representation Summary**

### **Public Consultation**

7.1 6 properties were notified and at the time of writing the report no neighbour responses have been received.

7.2 The application was called into the Development Control Committee by Cllr Velmurugan

## **8 Relevant Planning History**

8.1 No relevant planning history.

## **9 Recommendation**

9.1 **Members are recommended to DELEGATE TO THE HEAD OF PLANNING AND TRANSPORT OR THE CORPORATE DIRECTOR OF ENTERPRISE, TOURISM AND ENVIRONMENT TO GRANT PLANNING PERMISSION subject to the expiry of the publicity period, 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: 00(1) Rev C, 01(1) Rev C and 02(1) Rev C (C01D)**

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

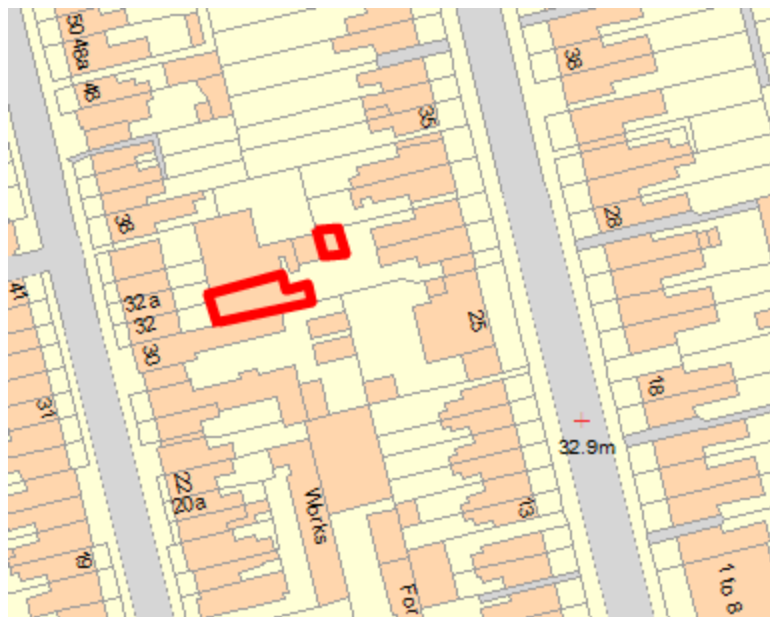
**03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission. (C23D)**

**Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide). (R23DA)**

## **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.**

<b>Reference:</b>	12/01641/FUL
<b>Ward:</b>	Milton
<b>Proposal:</b>	Convert maisonette into two self-contained flats and alter front elevation
<b>Address:</b>	1 Princes Court, 25C Princes Street, Southend on Sea, Essex SS1 1QA
<b>Applicant:</b>	Cookson Contacts
<b>Agent:</b>	DK Building Designs Ltd
<b>Consultation Expiry:</b>	07.02.2013
<b>Expiry Date:</b>	25.02.2013
<b>Case Officer:</b>	Darragh Mc Adam
<b>Plan No's:</b>	2636-11 Revision No. A
<b>Recommendation:</b>	<b>Delegate to the Head of Planning and Transport to GRANT PLANNING PERMISSION subject to conditions and subject to the expiry of the publicity period</b>



## 1 The Proposal

1.1 Planning permission is sought to convert a maisonette into two self contained flats. The front elevation would be altered to create a new door opening.

1.2 The proposed flats would have the following internal areas:

	Ground Floor Flat	First Floor Flat
Bedroom	14.7m <sup>2</sup>	11.4m <sup>2</sup>
Kitchen/dining	29.6m <sup>2</sup>	39m <sup>2</sup>
Bathroom	6.8m <sup>2</sup>	6.1m <sup>2</sup>
Gross internal floor area	55m <sup>2</sup>	64.7m <sup>2</sup>

1.3 Both flats would have separate access doors. One car parking space would be provided.

## 2 Site and Surroundings

2.1 The application property is a three storey building located on a backland site to the rear of No. 27 Princes Street. The application relates only to the ground and first floor, which are presently in use as a maisonette. The property opens onto an enclosed courtyard which leads onto Princes Street.

2.3 Surrounding properties vary in terms of scale, massing and style. The site is located within a predominantly residential area. Land in the area is flat.

## 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

### National Planning Policy Framework 2012, Core Strategy Policies KP2 and

## **CP4, Borough Local Plan Policy H7**

- 4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance include Core Strategy DPD Policies KP2 and CP4. These policies and guidance support extensions and alterations to properties in most cases but require that these respect existing character. The proposal would represent a more efficient use of the land and subject to detailed considerations, is considered acceptable in principle.

### **Design**

#### **Borough Local Plan Policy C11, H5 and Design and Townscape Guide (SPD1)**

- 4.2 Only minor alterations are proposed to the front elevation of the property. These are not considered to adversely affect the design of the original property and are considered to adhere to policies C11 and H5 of the Borough Local Plan and guidance contained within the Design and Townscape Guide.

### **Impact on Neighbouring Properties**

#### **Borough Local Plan Policy C11, H5 and SPD1**

- 4.3 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.
- 4.4 As stated, there would only be minor changes to the front elevation 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. The conversion would not adversely affect the residential amenities of the area.

### **Living Conditions for Future Occupiers**

#### **National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Borough Local Plan Policy C11, H5, H7 and SPD1**

- 4.5 The internal room areas are set out in section 1.2 above.
- 4.6 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 proposed flats would have gross internal floor areas of approximately 55m<sup>2</sup> and



65m<sup>2</sup> respectively, which is considered an acceptable standard of accommodation. All habitable rooms would have openings to allow natural light to penetrate the living areas.

- 4.7 No amenity space is provided for the proposed flats. However it is noted that the existing flat does not have any amenity space, and given that the proposed flats would each contain only one bedroom and be within walking distance of the town centre (including public open spaces), it is considered in this instance that the lack of amenity space would not substantiate a reason for refusal.

## **Parking Implications**

### **Borough Local Plan Policy T11, EPOA Vehicle Parking Standards**

- 4.8 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. It is stated on the application form that one car parking space would be provided, meaning that one of the proposed flats would be left without a parking space.
- 4.9 The site is located in an area with good access to shops, services and public transport. The closest rail station, Southend Central, is located approximately 600 metres away by foot to the south east. London Road, which has major bus routes, is within minutes walking distance to the north. Having regard to the sustainable, urban location of the site and the relatively small size of accommodation proposed, the level of parking is considered acceptable in this instance.

## **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).
- 5.3 Southend-on-Sea Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), and H7 (The Formation of Self-Contained Flats).
- 5.4 Supplementary Planning Document 1: Design & Townscape Guide, 2009.

## **6 Representation Summary**

### **Public Consultation**

- 6.1 Twenty-six neighbours notified of the application. No responses received at time of writing of report.

### **Design and Regeneration**

- 6.2 The alterations proposed to the front elevation are limited and providing materials and fenestration is provided to match existing there would be no objections on these grounds.

### **Traffic and Highways**

- 6.3 No response received at time of writing of report.

### **Ward Councillor**

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

## **7 Relevant Planning History**

- 7.1 No recent planning history.

## **8 Recommendation**

**Members are Recommended to delegate to the Head of Planning and Transport to GRANT PLANNING PERMISSION subject to the conditions below and subject to the expiry of public consultation:**

**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: 2636-11 Revision No. A.**

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

**03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.**

**Reason: In the interests of visual amenity in accordance with the Natiolan Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide).**

#### **Reason for Approval**

**This permission has been granted having regard to the National Planning 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) 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 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.**

#### **Informatives:**

- 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](http://www.southend.gov.uk/info/200011/building_control) for further information. (177)**
- 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](mailto:council@southend.gov.uk).**

<b>Reference:</b>	12/01424/FUL
<b>Ward:</b>	Milton
<b>Proposal:</b>	Convert first floor self-contained flat (Class C3) into two self-contained flats (Class C3) (Amended Proposal)
<b>Address:</b>	80A London Road, Southend-on-Sea, Essex, SS1 1PG
<b>Applicant:</b>	Mr J Massey & Mr A Fassenfelt
<b>Agent:</b>	Mr David Grew
<b>Consultation Expiry:</b>	24 December 2012
<b>Expiry Date:</b>	26 December 2012
<b>Case Officer:</b>	Sophie Glendinning
<b>Plan Nos:</b>	<b>DMG/12/027/2A, 1a, 3</b>
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 Planning permission is sought to convert the existing 3 bedroom first floor flat into 2 self contained flats. Each of the flats would have one bedroom with an open plan kitchen/lounge area and would have an internal floor area of 51.03sqm and 46.69sqm respectively. No car parking or outdoor amenity area is proposed as part of the development.
- 1.2 The application is an amended scheme and covers a larger site area subsequent to the previously refused application (reference: 12/00803/FUL). This application was refused for the following reasons:

1. *The proposal would result in a poor standard of accommodation by virtue of its lack of waste storage and cycle storage provision contrary to Policies KP2 and CP4 of the Core Strategy, Policies C11 and H5 of the Borough Local Plan, EPOA Parking Standards 2001, guidance contained within the Design & Townscape Guide SPD1 and Government guidance contained within the National Planning Policy Framework.*

## **2 Site and Surroundings**

- 2.1 The application site contains a two storey end of terrace property located on the corner of Ashburnham Road and London Road. The property contains an insurance company at ground floor and a separate three bedroom flat at first floor
- 2.2 The surrounding area is of a mixed character. Ashburnham Road to the south is residential and is characterised by two storey terrace properties whilst London Road opposite the site to the north is commercial in character, and to the east of the site is commercial at ground floor with residential above.

## **3 Planning Considerations**

- 3.1 The main issues for consideration are the principle of the development, design and impact on the streetscene, impact on neighbouring properties, living conditions for future occupiers and parking implications, and whether the previous reason for refusal has been overcome.

## **4 Appraisal**

### **Principle of Development**

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

- 4.1 Government advice currently states that all sites should be examined in order to

determine their potential for redevelopment for residential purposes. It should also be noted that Government policy is to make the most efficient use of urban land. The proposed development would be within the curtilage of previously developed land, in accordance with guidance contained within the National Planning Policy Framework (NPPF). There is an existing residential unit at first floor and the conversion of this unit to two self contained units is acceptable in principle, provided it meets all appropriate accommodation policies and Government guidance.

### **Design and Impact on the Streetscene**

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

- 4.2 The proposal does not involve any material alterations to the external elevations of the building and as such there would not be any impact on the design and appearance of the building and the existing entrance arrangement would be retained.
- 4.3 The amended application includes a larger site area and has space to include an area allocated for the provision of a cycle and waste store This would be located along the western boundary, adjacent the rear wall of the property and would be set back approximately 11m from the highway. Details of the proposed store building have been submitted, which would include a part monopitch, part flat roof store building which would have a maximum height of 2.5m, a depth of 3.20m and a width of 4.8m and would be constructed of brick with a felt roof. Whilst the store building would be set back from the highway, it would still be visible from the streetscene. The proposed height and size of the store building is considered to be excessive in this instance and would not contribute positively to the streetscene. It is the view of officers, however, that there is a design solution which would be acceptable in terms of visual amenity and as such it is recommended that these details are requested by condition.
- 4.4 Given that the property already contains a three bedroom flat, it is not considered that the proposal to form an additional unit would be harmful to the character of the area or the streetscene.

### **Impact on Neighbouring Properties**

#### **National Planning Policy Framework, Core Strategy Policies KP2, CP4 and CP8, Borough Local Plan Policy C11, E5, H5 and SPD1**

- 4.5 Policy H5 of the BLP requires all development within residential streets to be appropriate in its setting by respecting neighbouring development, existing residential amenities, and the overall character of the locality.
- 4.6 The proposal would result in two flats being located at first floor level. It is not considered that the proposal would result in a material increase in noise and disturbance to any neighbouring residential properties.
- 4.7 The existing building would not be extended and no additional windows would be formed. As such there would not be any increase in overlooking or loss of

light. The proposal is therefore consistent with BLP Policy H5.

### **Living Conditions for Future Occupiers**

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

- 4.8 The Council currently has no internal space standards, however Government Guidance contained within the NPPF set out the Government's aspirations with regards to quality of life and high quality residential environments. The Council is currently consulting on its draft Development Management Development Plan Document. In this document minimum dwelling and room sizes are set out. For a unit capable of accommodating one person a minimum gross internal floor area of 30m<sup>2</sup> is prescribed, for a dwelling able to accommodate up to two people a minimum gross internal floor area of 45m<sup>2</sup> is prescribed. The following is also prescribed:
- Storage cupboard with minimum floor area of 1.25m<sup>2</sup> for 1-2 persons dwellings;
  - Suitable space for provision of a washing machine, drying clothes & waste bins;
  - Minimum floor areas for bedrooms to be no less than 7m<sup>2</sup> for a single bedroom, and 12m<sup>2</sup> for a double/twin bedroom;
  - Suitable cycle storage with convenient access to the street frontage;
  - Provision of non-recyclable waste storage facilities; and,
  - Refuse stores to be located to limit nuisance caused by noise and smells and should be provided with a means of cleaning.

It should be noted however, that only limited weight can be given to the Draft Development Plan Document standards as they have not yet been formally adopted.

- 4.9 In this case the proposed units would all meet the draft Development Management Development Plan Document minimum sizes; however, there are other considerations with regards to the standard of accommodation which are discussed below.
- 4.10 The proposed flats would not benefit from any outdoor amenity space. It is noted however, that the existing three bedroom first floor flat (which would be capable of accommodating a family) does not currently benefit from any outdoor amenity space. As the proposal would involve the formation of two, one bedroom units which would not be capable of accommodating a family, it is considered that in these circumstances there is no greater need for amenity space than currently exists, and as such the application is considered acceptable in this respect. It is also noted that the unit is in close proximity to the town centre and areas of public open space.
- 4.11 The amended application has allocated an area for the provision of a cycle and waste store. This would be located along the western boundary, adjacent the rear wall of the property. This would be in close proximity to the entrance stairs, and would be a distance of approximately 11m to the highway. This would be within an acceptable distance to allow rubbish to be put out for kerbside collection. As stated above it is recommended that a condition be imposed on

any permission granted to ensure the store building is of an acceptable design and also to ensure the store is secure and weatherproof.

### **Traffic and Transportation**

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP3; BLP policies T8, T11; EPOA Parking Standards 2001 and the Design and Townscape Guide SPD1.**

- 4.12 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 require an average maximum off-street parking provision of 1.5 spaces per dwelling.
- 4.13 No on-site car parking is proposed as part of the application. The required parking standards are however, expressed as a maximum, and the site is in a town centre location which offers good public transport facilities and services. It should also be noted that Government guidance encourages the reduction in the reliance of cars and promotes modes of sustainable transport. Furthermore, the applicant has demonstrated that the site could accommodate sufficient cycle storage which is required by the EPOA Vehicle Parking Standards. It is also considered that the parking demand for the existing 3 bedroom flat is likely to be much less than 2 x 1 bedroom flats. As such there are no objections on highways grounds.
- 4.14 In terms of the impact on the existing site and the availability of parking, the proposed bin and cycle store would not be in a location which would reduce the availability of on-site parking and as such there is no objection in principle to the location of the proposed bin and cycle store.

### **Impact on Neighbouring Properties**

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

- 4.15 Policy H5 of the BLP requires all development within residential streets to be appropriate in its setting by respecting neighbouring development, existing residential amenities, and the overall character of the locality.
- 4.16 The proposal would result in two flats being located at first floor level. It is not considered that the proposal would result in a material increase in noise and disturbance to any neighbouring residential properties.
- 4.17 The existing building would not be extended and no additional windows would be formed. As such there would not be any increase in overlooking or loss of light. The proposal is therefore consistent with BLP Policy H5.



## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework 2012.
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) CP4 (Environment & Urban Renaissance), and CP8 (Dwelling Provision), CP3 (Transport and Accessibility).
- 5.3 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations) and H5 (Residential Design and Layout Considerations), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), H6 (Protecting Residential Character), H7 (The Formation of Self Contained Flats).
- 5.4 Supplementary Planning Document 1: Design & Townscape Guide, 2009.
- 5.5 EPOA Vehicle Parking Standards 2001.

## **6 Representation Summary**

### **Public Consultation**

- 6.1 13 neighbours notified – no representations received.
- 6.2 Cllr Ware-Lane has requested this application be determined by the Development Control Committee.

### **Traffic and Highways**

- 6.3 The application does not provide any parking, however consideration should be given to the sustainable location of the site. Good public transport links are available within a short walking distance including train stations and bus routes. A bin and cycle store should be provided within the site.

### **Parks and Open Spaces**

- 6.4 No comments received at the time of writing this report.

### **Environmental Health**

- 6.5 No objections

## **7 Relevant Planning History**

- 7.1 12/00803/FUL - Convert first floor self-contained flat (Class C3) into two self-contained flats (Class C3). Refused.

## **8 Recommendation**

**Members are recommended to GRANT PLANNING PERMISSION 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 91 of the Town and Country Planning Act 1990.**

**02 Notwithstanding the proposed cycle and bin store (the subject of Condition 03) the development hereby permitted shall be carried out in accordance with the approved plans: DMG/12/027/2A, 1a, 3.**

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

**03 No development shall commence until details of the proposed bin store and cycle store have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details, and the bin and cycle stores shall be installed prior to first occupation of the development and permanently retained unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In the interests of visual amenity and to provide suitable storage for waste, materials for recycling and cycle storage provision in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 Policies C11, T8 and SPD1 (Design and Townscape Guide**

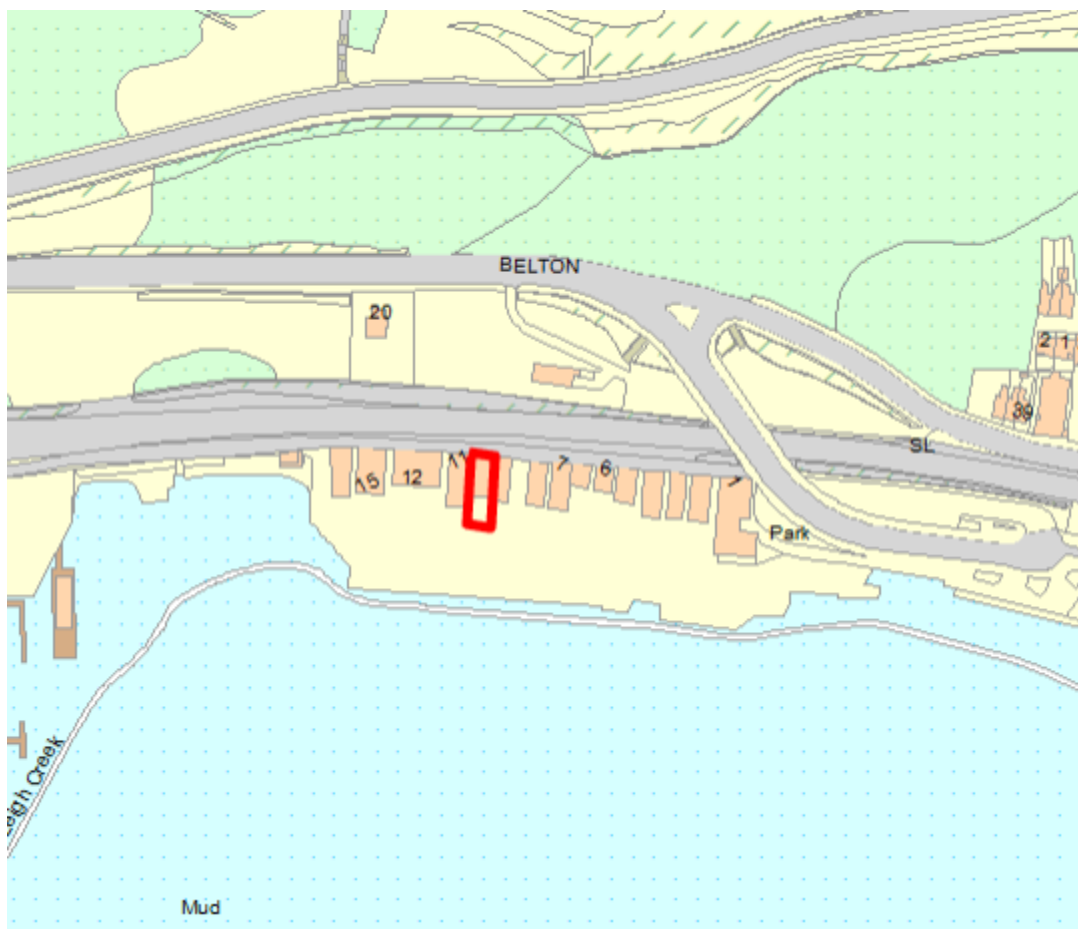
## **9 Reason for Approval**

**This permission has been granted having regard to National Planning Policy Framework, DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 Policies C11 and T8, and SPD1 (Design and Townscape Guide) together with Government guidance and all other material considerations including any representations. The carrying out of the development permitted, subject to any conditions imposed, would accord with those policies and in the opinion of the local planning authority there are no circumstances which otherwise would justify the refusal of permission. 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**

**You are advised that the proposed bin and cycle store is not acceptable in design terms. You are advised to contact the planning officer (Sophie Glendinning Tel. 01702 215727), to discuss a revised design.**

<b>Reference:</b>	12/01512/FUL
<b>Ward:</b>	Leigh
<b>Proposal:</b>	Erect single storey rear extension
<b>Address:</b>	Cockle Shed 10, High Street, Leigh-On-Sea, Essex, SS9 2ER
<b>Applicant:</b>	Mr Deal
<b>Agent:</b>	Trudy's Architectural Consultants
<b>Consultation Expiry:</b>	5 February 2013
<b>Expiry Date:</b>	7 February 2013
<b>Case Officer:</b>	Matthew Leigh
<b>Plan Nos:</b>	Received 16 <sup>th</sup> November 2012
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 The proposed development is for the construction of an extension to the existing southern elevation of 10 Cockle Shed. The proposed extension would measure 7.5m wide, a maximum 7.5m in depth and with a maximum height of 6m.
- 1.2 The proposed development would provide an area for storage and would facilitate the removal of the storage container which is sited separately to the rear of the cockle shed.

## **2 Site and Surroundings**

- 2.1 The site is located on the northern side of Cockle Row. The site is within the Old Leigh Conservation Area as well as being located within the boundary of the Benfleet and Southend Marshes Special Protection Area (SPA) and Ramsar site.

## **3 Planning Considerations**

- 3.1 The main considerations of this application are the principle of the development, impact on the character of the area and traffic and transportation issues.

## **4 Appraisal**

### **Principle of the Development**

**The NPPF; DPD1 (Core Strategy) Policies KP2 CP1 and CP4; Borough Local Plan (BLP) Policies C5 and C11 and the Design and Townscape Guide SPD1.**

- 4.1 Policy at all levels supports the creation and retention of employment generating uses, subject to environmental and amenity considerations. At the local level the Core Strategy and the Borough Local Plan supports the retention and improvement of the fishing industry in Leigh. A number of cocklesheds have extant permissions for extensions, and further development of this area which is intended to support the industry is considered acceptable in principle. Other material planning considerations are discussed below.

### **Design and Impact on the Character of the Area:**

**The NPPF; DPD1 (Core Strategy) Policies KP2 and CP4; BLP Policy C4 and C11.**

- 4.2 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 C4 and 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.
- 4.3 Furthermore, Section 72 of the Planning (Listed Buildings and Conservation Areas) imposes a duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. Policy C4 only allows new development in conservation areas where it would not be detrimental to the local

scene and the character of the area.

- 4.4 The cockle fishing industry is a crucial part of the character of the Leigh Old Town Conservation Area and no objection is raised in principle to the provision of development which supports the industry.
- 4.5 The proposal is to build an extension to the rear of the existing shed to replace the storage container on the quay side and to replace the flat roof with a pitched roof on the entire length. The proposed extension is considered to be in keeping with the character of the cockle sheds and the proposed development would preserve and enhance the character and appearance of the consecration area.
- 4.6 Furthermore, the proposed extension would facilitate the removal of the metal container that is currently to the south on the quay. The removal of this rudimentary designed structure is considered to improve and enhance the character and appearance of the conservation area.
- 4.7 It should also be noted that extensions of a similar nature have been approved at other cockle sheds.

#### **Traffic and Transportation Issues:**

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

- 4.8 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officers Association (EPOA) set out the requirements for each use. The parking standards are expressed as maximum standards and public transport is available in the locality. It should also be noted that the authority also takes into account Government guidance contained within the NPPF which encourages the reduction in the reliance of the car and promote methods of sustainable transport.
- 4.9 The proposed development would provide additional floorspace for an industrial unit. The site currently provides no formal off-street car parking. However, informal car parking is available to the south of the building and the provision of off-street car parking is not a common feature within the vicinity of the site. The application will provide an area for the storage of equipment that is currently stored within a metal storage container and will not increase the number of staff employed on-site or any additional traffic generation. Therefore, it is not considered that a reason for refusal on this basis could be sustained upon appeal.

## **5 Conclusion**

- 5.1 The proposed development is considered to be in accordance with the Development Plan and no objection is raised to the proposed development subject to conditions.

## **6 Planning Policy Summary**

- 6.1 The National Planning Policy Framework (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 C4 (Conservation Areas), C5 (Leigh Old Town), C11 (New Buildings, Extensions and Alterations), T8 (Traffic Management and Highway Safety) and T11 (Parking Standards).

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

## **7 Representation Summary**

### **Environmental Health**

7.1 No comments received at the time of writing the report.

### **Asset Management**

7.2 No comments received at the time of writing the report.

### **Environment Agency**

7.3 No objection raised.

### **Design and Regeneration**

7.4 The Leigh cockle sheds are an important and interesting part of the Leigh Old Town Conservation Area and their character must be preserved and enhanced.

The proposal is to build an extension to the rear of the existing shed to replace the storage container on the quay side and to replace the flat roof with a pitched roof on the entire length. There are no objections to the proposals which are in keeping with the character of the cockle sheds subject to conditions relating to materials.

The proposal to remove the storage container is particularly welcomed and should make a significant contribution to the enhancement of this part of the conservation area. These refurbishment works may also be an opportunity to add a hand painted sign, similar to others in the row, to the front of the building. This would enhance its historic character.

### **Leigh Town Council**

7.5 No comments received at the time of writing the report.

### **The Leigh Society**

7.6 No comments received at the time of writing the report.

### **Public Consultation**

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

7.8 The application was called into Development Control Committee by Cllr Crystall.

## **8 Relevant Planning History**

8.1 No relevant planning history.

## **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: Received 16th November 2012 (C01D)**

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

**03 No development shall take place until samples of the roof materials have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved materials unless otherwise agreed in writing by the local planning authority.**

**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 the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policies C4 and C11, and SPD1 (Design and Townscape Guide).**

**04 All new work to the outside elevations of the building, excluding the roof, must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.**

**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 the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policies C4 and C11, and SPD1 (Design and Townscape Guide).**

**05 The external colour of the air conditioning units must match the original work in terms of the choice of colour.**

**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 the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policies C4 and C11, and SPD1 (Design and Townscape Guide).

- 06 The external colour of the oil tank must match the colour of the extension hereby approved.

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 the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policies C4 and C11, and SPD1 (Design and Townscape Guide).

- 07 No development shall take place until details, including a sample, of the plinth has been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved materials unless otherwise agreed in writing by the local planning authority.

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 the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policies C4 and C11, and SPD1 (Design and Townscape Guide).

- 08 On completion of the development hereby approved the container to the rear of the site shall be removed in its entirety and not replaced without prior approval of the Local Planning Authority.

Reason To reduce visual clutter and improve the visual amenity of the area in accordance with Policy CP4 of the Core Strategy, policies C4, C5 and C11 of the Borough Local Plan and 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 C4 (Conservation Areas), C11 (New Buildings, Extensions and Alterations) 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.



**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 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. (I77)**

<b>Reference:</b>	12/01650/FULH
<b>Ward:</b>	West Leigh
<b>Proposal:</b>	Erect roof extension with dormer window to rear elevation and roof lights to front, erect two storey side and rear extension with Juliette balcony to rear
<b>Address:</b>	83 Tattersall Gardens, Leigh-on-Sea, Essex, SS9 2QS
<b>Applicant:</b>	Mr and Mrs J Argentieri
<b>Agent:</b>	Terence Wynn RIBA
<b>Consultation Expiry:</b>	7 <sup>th</sup> February 2013
<b>Expiry Date:</b>	15 <sup>th</sup> February 2013
<b>Case Officer:</b>	Janine Argent
<b>Plan Nos:</b>	1061/1; 1061/2
<b>Recommendation:</b>	<b>Delegate authority to Head of Planning and Transportation or Group Manager of Development Control &amp; Building Control to GRANT PLANNING PERMISSION subject to the expiry of the publicity period</b>



## **1 The Proposal**

- 1.1 Planning permission is sought to erect a roof extension with a dormer window the rear elevation together with roof lights to the front elevation and a two storey side and rear extension including a Juliette balcony.

## **2 Site and Surroundings**

- 2.1 The property is a semi-detached two storey house located on the western side of Tattersall Gardens. The size of the site is comparable to the other plots within the local area.
- 2.2 Tattersall Gardens is predominantly characterised by two storey detached and semi-detached houses with medium sized gardens, some of which have been extended with single storey rear extensions or two storey side extensions and roof extensions.

## **3 Planning Considerations**

- 3.1 The main considerations are the principle of development, design and impact on the character of the area, traffic and transportation and impact on residential amenity.

## **4 Appraisal**

### **Principle of Development**

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

- 4.1 This proposal is considered in the context of the National Planning Policy Framework, Core Strategy, Borough Council policies relating to design. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. Subject to the considerations below the principle of development is acceptable.

### **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 and Design and Townscape Guide SPD1.**

- 4.2 The proposal is to erect a roof extension to facilitate a rear dormer roof extension and a two storey side and rear extension. Whilst the roof extension would imbalance this pair of semi-detached properties, there is no uniformity or a distinct character within the streetscene of Tattersall Gardens. There are a number of other properties within the vicinity of the site where the roof forms have been altered or increased in size (most notably the adjacent pair of semi-detached properties) and

therefore the symmetry of the streetscene has already been lost. The proposal is more subservient than those present in the street and therefore on balance the proposed roof extension would not have a detrimental impact on the character and appearance of this dwelling nor the streetscene.

- 4.3 The proposed two storey side extension will be set 1m away from the boundary abutting 85 Tattersall Gardens and set 3.1m from the front elevation of the existing dwellinghouse and 1m back from the adjacent property of 85 Tattersall Gardens. The proposed two storey side extension in terms of its design, scale and detailing will appear subservient to the existing dwellinghouse and the overall proportions of the windows and materials will match existing. The two storey rear and single storey rear extension by reason of its design and scale will appear subservient to the dwellinghouse.
- 4.4 In light of the above, the proposal is probably on the limits of what might be considered acceptable in terms of its design, scale and height therefore satisfying the National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Policy 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.**

- 4.5 Whilst the proposal will increase the property in terms of number of bedrooms it is not considered this will result in any parking implications particularly given the location of the site within a reasonable distance of London Road. Furthermore, the Council's Highway Officer has raised no objection.

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

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

- 4.6 The proposed two storey side and rear extension will be sited 1m from the party boundary with 85 Tattersall Gardens and will project 1.1m beyond the rear wall at first floor of 85 Tattersall Gardens. Windows are proposed to the ground and first floor at the side. To ensure the privacy for neighbours at 85 Tattersall Gardens is safeguarded, the windows to the side can be conditioned to be obscure glazed to match the existing obscure windows at 85 Tattersall Gardens at both ground and first floor.
- 4.7 The proposed single storey rear extension is set 1.3m from the boundary with 81 Tattersall Gardens and 1m away from the boundary with 85 Tattersall Garden. The height of the single storey extension is 3m-3.7m. Given that the extension is set off the boundary from the adjoining occupiers it is not considered it will have a harmful impact on residential amenity.
- 4.8 The proposed two storey rear extension will be set 3m away from the boundary with 81 Tattersall Gardens and 1m from 85 Tattersall Gardens. At first floor level the proposed two storey rear extension complies with the 45 degree rule to both

neighbours. Whilst the single storey ground floor extension does not comply with the 45 degree rule in relation to the adjoining neighbours of 81 Tattersall Gardens, it should be noted the extension is set 1m from the boundary and if the extension was constructed under permitted development (General Permitted Development Order 2008) it could be built on the boundary with an overall depth of 3m. Given the position of the Juliette balcony proposed on the rear elevation it is not considered this will result in any material overlooking or loss of privacy. Furthermore, whilst concern could be raised in relation to overlooking and loss of privacy to the occupiers of 85 Tattersall Gardens. The property is already served (No. 85) by a single storey rear extension with a lantern rooflight and overlooked from 83 Tattersall Gardens. It is not considered the proposed two storey side or rear extensions together with the dormer window will cause any further harm to no. 85 given the situation that already exists.

- 4.9 In light of the above, it is not considered that the proposal would be detrimental to the amenities of neighbouring occupiers.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Development Plan Document 1: CP4 (The Environment and Urban Renaissance) KP2 (Development Principles)
- 5.3 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations)
- 5.4 SPD1 Design & Townscape Guide 2009

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 Whilst this proposal will unbalance this pair of semis to some extent, it is noted that the adjacent two pairs of the same design have been altered, albeit some time ago and therefore the symmetry of the streetscene has already been lost. The proposal is much more subservient than those already altered and there is therefore no objection to the side extension in this instance.

With regard to the rear extension there is some concern that it appears a little unresolved and lacks visual integrity where the ground floor meets the first floor.

The proposed dormer is considered acceptable although the roof materials should match the existing roof blue black fibre cement slates are considered inappropriate.

### **Traffic and Transportation**

- 6.2 No objection

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

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

### **Public Consultation**

6.4 5 neighbours notified and one letter of representation has been received objecting to the proposal stating:

- Reduction/loss of daylight- the proposed side and rear extension will be overbearing on daylight and sunlight from the south and fails to comply with the 45 degree rule at ground level and would affect the patio area and living room and the 1<sup>st</sup> floor bedroom.
- A daylight and sunlight test should be undertaken by the applicant and seek assurance that no decision will be made until this is received.
- The overbearing bulk of the development in terms of the increase in number of bedrooms and the blank wall next to our living room and bedroom will be overbearing.
- The development will cause loss of privacy due to the large dormer window in the roof extension, full height windows on the first floor and Juliette balcony on the first floor extension.
- The extension would reduce the value of our property.
- An environmental study should be carried out due to the exposed location with the predominant wind and weather adding to the existing concerns.
- The development is out of character for this small-semi-detached house and will result in a ugly development with full height windows, a strange roofline.
- No other houses in the area have had a two storey side and rear extension.
- The 1<sup>st</sup> floor at the rear will be the furthest west than any other house in the vicinity.
- Plans show a downstairs toilet and utility room adjacent to our main living room which would result in unacceptable noise levels.

6.5 Councillor Lamb has requested this application be determined by Development Control Committee.

## **7 Relevant Planning History**

7.1 None

## **8 Recommendation**

**8.1 Members are recommended to Delegate authority to Head of Planning and Transportation or Group Manager of Development Control & Building Control to GRANT PLANNING PERMISSION subject to the expiry of the publicity period**

**1 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 91 of the Town and Country Planning Act 1990.**

- 2 The development hereby permitted shall be carried out in accordance with the approved plans 1061/1; 1061/2.**

**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 and finishes to be used on the external elevations have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.**

**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 set out in National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide).**

- 4 The windows in the flank elevations at ground and first floor 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, DPD1 (Core Strategy) 2007 policy CP4, Borough Local Plan 1994 policy H5, and SPD1(Design and Townscape Guide).**

**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 C4 (Conservation Areas), 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.**

**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.**