INTRODUCTION

(i) Recommendations in capitals at the end of each report are those of the Corporate Director of Enterprise, Tourism & the Environment, are not the decision of the Committee and are subject to Member consideration.

(ii) All plans have been considered in the context of the Borough Council's Environmental Charter. An assessment of the environmental implications of development proposals is inherent in the development control process and implicit in the reports.

(iii) Reports will not necessarily be dealt with in the order in which they are printed.

(iv) The following abbreviations are used in the reports:-

AW - Anglia Water plc
BLP - Borough Local Plan
DAS - Design & Access Statement
DCL - Director of Children and Learning
DCS - Director of Adults & Community Services
DEFRA - Department of Environment, Food and Rural Affairs
DPD - Development Plan Document
DTLR - Department of Transport Local Government & The Regions
EA - Environmental Agency
ESRSP - Essex and Southend Replacement Structure Plan
EPOA - Essex Planning Officer's Association
ODPM - Office of the Deputy Prime Minister
PPG - Planning Policy Guidance Note
PPS - Planning Policy Statement
SPD - Supplementary Planning Document
SSSI - Sites of Special Scientific Interest. A national designation. SSSIs are the country's very best wildlife and geological sites.
SPA - Special Protection Area. An area designated for special protection under the terms of the European Community Directive on the Conservation of Wild Birds.

Ramsar Site – Describes sites that meet the criteria for inclusion in the list of Wetlands of International Importance under the Ramsar Convention. (Named after a town in Iran, the Ramsar Convention is concerned with the protection of wetlands, especially those important for migratory birds)
<table>
<thead>
<tr>
<th><strong>Reference:</strong></th>
<th>SOS/08/01581/FULM</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ward:</strong></td>
<td>Victoria</td>
</tr>
<tr>
<td><strong>Proposal:</strong></td>
<td>Demolish buildings and redevelop site comprising 250 residential units, to be between five and 12 storeys with basement parking, new landscaped pedestrian street and pocket park, public open space, day nursery, community floorspace (D1) at ground floor, lay out car parking, cycle and refuse storage and associated landscaping</td>
</tr>
<tr>
<td><strong>Address:</strong></td>
<td>South East Essex College, Carnarvon Road, Southend on Sea</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Hollybrook Ltd</td>
</tr>
<tr>
<td><strong>Agent:</strong></td>
<td>Savills</td>
</tr>
<tr>
<td><strong>Consultation Expiry:</strong></td>
<td>11th March 2009</td>
</tr>
<tr>
<td><strong>Expiry Date:</strong></td>
<td>26th April 2009</td>
</tr>
<tr>
<td><strong>Case Officer:</strong></td>
<td>Charlotte Galforg</td>
</tr>
<tr>
<td><strong>Plan Nos:</strong></td>
<td>050 001; 050 002a; 050 003b; 050 004c; 050 005a; 050 006a; 050 007a; 050 008a; 050 009a; 050 010b; 050 011a; 050 020b; 050 021a; 050 030b; 050 031a; 050 032a; 050 033a; 050 034a; 050 035a; 050 SK010; 050 SK011, 050 SK012; 050 SK013; 050 SK014; 050 SK015; 050 SK016; 050 SK017</td>
</tr>
<tr>
<td><strong>Recommendation:</strong></td>
<td>Grant planning permission subject to completion of a S106 Agreement</td>
</tr>
</tbody>
</table>

![Map of the location](image)
1 Proposal

1.1. The details are summarised as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area</td>
<td>0.856 hectares</td>
</tr>
<tr>
<td>Height</td>
<td>5-12 storeys</td>
</tr>
<tr>
<td>No. of units</td>
<td>250 residential units</td>
</tr>
<tr>
<td></td>
<td>127 x 1 bed; 109 x 2 bed; 14 x duplex 3 bed</td>
</tr>
<tr>
<td>Day Nursery</td>
<td>254m²</td>
</tr>
<tr>
<td>Community use</td>
<td>451m²</td>
</tr>
<tr>
<td>Parking</td>
<td>250 car parking spaces</td>
</tr>
<tr>
<td>Cycle parking</td>
<td>287 cycle parking spaces</td>
</tr>
<tr>
<td>Amenity space</td>
<td>6,492 total = 26.0m² per unit</td>
</tr>
<tr>
<td></td>
<td>3957m² public amenity space at ground floor</td>
</tr>
<tr>
<td></td>
<td>and podium level</td>
</tr>
<tr>
<td></td>
<td>2,535m² private amenity space comprising</td>
</tr>
<tr>
<td></td>
<td>gardens fronting Carnarvon Road, balconies</td>
</tr>
<tr>
<td></td>
<td>and roof terraces</td>
</tr>
<tr>
<td>Density</td>
<td>292dph</td>
</tr>
</tbody>
</table>

1.2. The application proposes demolition of the existing vacant college building and the erection of a building which varies between five and 12 storeys in height, and which would accommodate 250 residential units, and community floorspace (the type of community floorspace is not specified). The applicants have confirmed that the area shown as a Crèche on the submitted plans is now intended to be a Day Nursery. Car parking would be located at basement and ground floor level and would be accessed from the adjacent access road to the west. Amenity space would be created around the development at ground floor and first floor by virtue of the creation of a podium level, which includes a 25m wide, central landscaped pedestrian “street”. Some private amenity space would be formed at upper levels by virtue of roof terraces and balconies. The site would be serviced via the applicants existing right of way through the Council car park to the west of the building complex. The application would include a provision to widen the service road to the west of the site.

1.3. It should be noted that the application as originally submitted proposed that the residential tower element of the development extended up to 15 storeys. The revised plans have reduced the height of the building to 12 storeys and increased the number of balconies to serve the development. Originally there were proposed to be 267 units, this has reduced to 250, and the number of proposed parking spaces has also reduced from 267 to 250.

1.4. The proposed development essentially comprises two buildings, to the east and west of the site, which front onto Carnarvon Road. The eastern building is five storeys to the front, rises to 12 storeys in the middle and then drops again to five storeys to the rear. The western building is five storeys to the front and rises to seven at the rear.

1.5. The two buildings are linked at ground floor level by the “podium” level. The buildings run north to south and frame the pedestrian street which runs through the centre of the complex. This area is to be open to the public during the day, but is proposed to be closed off with low gates at night for privacy and security. The main entrances to both buildings are from this area. The area would also include a small “pocket park”. A further area of public amenity space is located to the south of the complex.
1.6. The building has a contemporary appearance. The various elements of the development have a strong rectangular shape. The development is effectively “T” shaped with the widest part, at five storeys, fronting onto Carnarvon Road. The buildings to the rear, including the “tower” vary in height, and will comprise of several different blocks, visually broken up as a result of their varying heights together with the use of particular detailing and materials.

1.7. A consistent and strong palette of materials is proposed throughout the development, comprising: high performance render; prefabricated rain screen cladding, which varies in colour and width; architectural metalwork including flat metal panels, window frames and balconies; and glazing. The elevational design uses colour and pattern to provide character to the varying façades. The configuration of the façades is broken into three main areas each of which has a separate character.

1.8. The applicants have proposed the following Heads of Terms:

- Transport contributions - £123,468
- CCTV - £23,000
- Controlled Parking Zone - £10,000
- Affordable Housing – 30%
- Provision of a Day Nursery
- The applicants have agreed in principle to make provision for a contribution for public art delivered at a minimum cost of £20,000 discussions around this issue are ongoing.

1.9. The applicants have submitted a Planning Statement, Design and Access Statement, Transport Statement, Daylight and Sunlight report; a Sustainability Appraisal and a BRE report in relation to wind issues in support of their application.

1.10. The applicants have stated that it is their intention to move contractors working on the student housing scheme in London Road on completion, to the application site to retain continuity in the build programme. They request that: “this intention is supported by the Council whose key objective is to encourage and effect regeneration in the town centre, particularly a key site which is highly sustainable is a gateway location to the town centre and arrival by train and has been vacant for six years.”

2 Site and Surroundings

2.1. The site is located approximately 540m north from the retail core of the town centre and to the east of the Civic Centre complex, which includes a 15 storey tower block. It lies north of the magistrate’s court and police station which front onto Victoria Avenue. There are two storey residential properties to the north of the site in Carnarvon Road. To the east lies a car park which serves the Civic Centre, with the London to Liverpool Street railway beyond.
2.2. The site currently accommodates college campus buildings which fronts Carnarvon Road. The campus consists of a six storey building and a two storey conference facility on the main street frontage. The buildings form an “L” shape with a return wing of five storeys running parallel to the railway. A further single storey extension projects from the main Carnarvon Road wing into the rear amenity space. A two storey building completes the campus fronting on to the open space area. There is a forecourt car park and landscaped amenity area to the rear of the main buildings. The building has been vacant for some time.

3 Planning Considerations

3.1. The main issues when considering this application are: the principal of residential and associated development on this site; design and impact on the character of the area, traffic and transport issues, impact on residential amenity for existing and future occupiers, impact of the development on the future use of the adjacent Council car park, sustainability issues and developer contributions. The previous planning permissions on the site, which remain extant must also be taken into account as material considerations when assessing the impact of the development currently proposed.

4 Appraisal

Principle of the Development

Planning Policy Statements: PPS1, PPS 3, PPS 6, East of England Plan policies: SS1, H1, ETG4; DPD1 (Core Strategy) policies: SO1, SO2, SO3, SO4, SO6, SO7, SO8, SO9, SO13, SO14, SO15, SO17, KP1, KP2, KP3: CP1,CP3, CP4 CP6, CP8: BLP policies; U6, U9, U10.

4.1. Planning permission was granted in 2007 for two proposals (SOS/03/01325/OUT) and (SOS/05/00311/FUL). These applications proposed refurbishment and extension of the existing college building and conversion to a maximum of 173 flats. Although the associated S106 Agreements were completed in 2007, the later of these applications was actually submitted to the Council in 2005 and consideration of the proposal was based on the legislation that was current at that time. Whilst these applications set a precedent for the residential use of this site, it is also important to consider changes in circumstances which have occurred since the application was granted permission.

4.2. In 2006 SPD1 Design and Townscape Guide (DTG) was published, in December 2007 the Core Strategy DPD1 was adopted by the Council and the Southend Central Area Masterplan (CAM) was adopted as Corporate Policy in November 2008. These factors are material changes in circumstance since the previous applications were considered at Committee.

4.3. Site lies within the “Town Centre” as defined on the Borough Local Plan proposals map and also within the boundaries of the Town Centre Area Action Plan (draft). Within the CAM the site is visualised as being used for residential purposes.

4.4. Southend has a defined need to provide some 6,500 new homes between 2001 and 2021 and the Core Strategy Policy CP8 states that 2000 of these homes will be located within the Town Centre area.
4.5. The proposed development makes use of previously developed land which is sited within a highly sustainable area, close to local amenities and public transport. This accords with the general advice in PPS1.

4.6. Therefore taking together the policy background for this site and the history of permissions for residential use, there is no objection in principle to residential development on the application site.

4.7. The application also includes the provision of a Day Nursery at ground floor level. In principle this use is encouraged (policy U9 if the BLP applies) subject to an acceptable impact on surrounding residents and suitable accommodation for the users of the facility.

4.8. A “Community Use” is proposed at ground floor level. The application does not specify what that “Community Use” would be, however the applicants have indicated that it will be a “health or training” use. The proposed use would fall within Use Class D1. BLP Policies U6 and U8 apply and health or training uses are generally considered acceptable subject to there being no detrimental impact on local residents or on the streetscene. The use should also be able to provide suitable facilities to serve the occupiers, for example a new school would be expected to provide playing fields etc. The ability to provide supporting facilities is limited in this instance by the nature of the accommodation and the limitations of the site. Furthermore Class D1 also includes uses such as Places of Worship, public libraries, etc which may not be acceptable in this location. Therefore it is considered that any permission for “Community Use” would need to be restricted to prevent inappropriate uses within the D1 Use Class.

4.9. Taking into account the above factors there are no objections in principle to the uses proposed within the development.

4.10. The amount of development that is proposed within the limited site area is considered to amount to high density development. PPS 3 specifically refers to high density development and states in paras 49 and 50:

“Para 49. Careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However, when well designed and built in the right location, it can enhance the character and quality of an area. Successful intensification need not mean high rise development or low quality accommodation with inappropriate space…

Para 50. Density is a measure of the number of dwellings which can be accommodated on a site or in an area. The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”

4.11. Thus there is no objection in principle to a high density of development on the site subject to the details of application being acceptable.
Design and Impact on the Character of the Area:

Planning Policy Statements: PPS1, PPS 3; East of England Plan policies SS1, ENV7; ETG4: DPD1 (Core Strategy) policies SO1, SO4, SO14, SO17, KP1, KP2, KP3, CP4, CP7; BLP policies; C11, C14 , C15, H5, H7.

4.12. PPS1 states that “Design which is inappropriate in its context, or which fails to take the opportunities available for improving the quality and character of an area and the way its functions should not be accepted”. The need for good design is reiterated in PPS3, policies C11 and H5 of the BLP and Policies KP2 and CP4 of the Core Strategy and the Design and Townscape Guide.

4.13. The principle of a tall building - The site is located at the northern edge of the Town Centre as defined within the BLP, Core Strategy Documents and CAM. To the south and west of the site are substantial and tall buildings, such as the Civic Centre and development within Victoria Avenue. The existing college building is six storeys. The character of the area to the north of the application site changes significantly. This area is characterised by two storey dwellings which generally remain as single family dwellings. It is considered that the areas to the north and south of Carnarvon Road have separate and different characters and this is reflected in the allocation of the different areas within the BLP and CAM. The application site is set within the context of the development to the south and west i.e. the existing large scale civic and commercial buildings.

4.14. The Design and Townscape Guide (DTG) specifically refers to tall buildings and states that “High quality tall buildings in the right place can act as landmarks…however they are not always appropriate and therefore it is important to establish whether the principle of a high building is acceptable before considering the detail”. The DTG goes on to state that “Clusters of tall buildings may be acceptable in the town centre…”

4.15. The CAM examines the development potential of “The Victorias” area which includes the application site. The site is shown as being in residential use and has an indicative storey height of 12 floors. The Council’s Design and Conservation Officer has raised no objection to the principle of a tall building. The Airport Director has raised no objection to the height of the development.

4.16. Taking all these factors into account no objection is raised in principle to a tall building in this location. The comments submitted by CABE support this view.

4.17. Detailed design - With regard to the detail of the development, the application as originally submitted extended up to 15 storeys. The applicants have reduced the height of the development to 12 storeys. This will reduce the visual impact of the development on its surroundings and the development will appear more subservient in relation to the existing Civic Centre.

4.18. It is important that tall buildings are distinctively designed. The ground floor of such buildings is particularly important. The DTG states that “the lower floors should create a sense of place at a human scale and be surrounded by attractive public realm. The design of the entrance is key to its integration within the local area. The silhouette of the building is also a key issue”

4.19. The massing of this development has been broken down into a number of elements. East to west the building appears to be two separate blocks, which are linked by the area of Public Open Space (POS) at podium level. The
building is five storeys high where it fronts onto Carnarvon Road, and then steps up to six storeys some 6.2m from the front of the building. The development is set back some 11m from the highway boundary (the current building and the developments which have previously been granted planning permission are set back approximately 20m). The massing of this element of the development is actually less than for the building which has an extant permission. When viewed from opposite the site in Carnarvon Road, the vast majority of the tower element of the proposal will be screened by the frontage building because of the fact the tower is set back well into the site. The massing of the development is further broken down by the use of detailing and materials.

4.20. The development has been designed and laid out so as to make it permeable to both occupiers and members of the public. Although the public walkway is above street level, there is access to all by virtue of provision of both stairs and lifts. The podium leads through to the southern part of the site which links with the existing footpaths through to the rear of the Civic Centre, Margaret Thatcher house and the Police station. It is considered that this will increase the permeability of the site for pedestrians and the area in general, encouraging daytime access through to Victoria Avenue and beyond.

4.21. CABE and Renaissance Southend Ltd (RSL) have raised concerns regarding the introduction of a podium level and the impact this has on permeability, integration with the surrounding area and accessibility. Although it is accepted that the development would have an improved appearance if the “podium” was at ground level, the approach of incorporating a podium into the development has come about as a result of the desire to accommodate 100% parking to serve the residential element of the development. If a reduced level of car parking were to be accepted then there is a potential to remove the podium and improve appearance and accessibility through the site. The application seeks to make best use of this raised level by promoting accessibility to all by virtue of inclusion of lifts and staircases. The central “street” will be a pleasant landscaped environment and will include a small park and children’s play area.

4.22. The CAM identifies the extension of Crowborough Road into the site to increase permeability. The current proposal creates a “dog-leg” arrangement that lessens the potential for permeability in the manner envisaged in the CAM. However this arrangement is the same as that for the extant permission on the site. The layout also has implications for the future development of the car park area to the east. This matter is discussed in more detail later in the report (para. 4.83 and 4.88).

4.23. There have also been concerns expressed regarding the lack of active external frontages. The applicant has produced a sketch showing how further active frontages might be introduced to the scheme. These take the form of narrow commercial units around the western and eastern perimeters of the site. The applicants state:

"the approach to the development so far has been to introduce active frontages in areas where these will work successfully i.e. towards Carnarvon Road, towards the new street/pocket park, towards the open space at the rear. Additional active frontages can be introduced in the areas shown on the ESA sketch if deemed appropriate by the Council. However, it is our view that this would result in space with a very poor external environment which would remain unoccupied until the car park or the service road is developed, which in reality will not be until the car parking can be relocated which will not be for very
many years. The quality of environment associated with un-occupied/boarded up units would be very poor and would undermine the quality of scheme and have no benefit to the wider regeneration to the Southend town centre”.

4.24. Officers concur with the applicant that small commercial units around the perimeters of the site, whilst improving the appearance of the development, do not represent a realistic long term solution to the creation of a more active frontage and may in the long term result in the presence of empty units. Furthermore the introduction of additional uses at ground floor level on the eastern side of the building may serve to prejudice future development of the adjacent car park.

4.25. CABE consider that the architectural concept driving the elevations of the building lacks “inspiration and material delight”. They suggest that further work is required in terms of the composition of the elevation and the choice of materials which are not of the high quality that would be expected on this site. It should however be noted, that following submission of an initial concept scheme by the developer, the submitted design was progressed following lengthy discussion with officers. The detail of materials will be agreed through the use of appropriate conditions and the issue of quality of materials will therefore be addressed. Officers are satisfied appropriate detailing and materials can be secured that would address issues raised by CABE.

4.26. The proposed development is surrounded on most sides with landscaped open space, which provides a limited but acceptable landscaped setting for the building.

4.27. The design of the development is therefore considered to accord with the principles set out in PPS1, PPS3 and Core Strategy Policy CP4.

**Traffic and Transport Issues**

Planning Policy Statements: PPS1, PPG 13: Transport; East of England Plan policies SS1, T4, T9, T14, WM6, ETG4: DPD1 (Core Strategy) policies: SO9, SO13, SO14, SO15, SO17, KP2, KP3, CP3; BLP Policies; T1, T8, T10, T11, T12, T13.

Traffic Generation.

4.28. The site is considered to be extremely accessible. It is located within walking distance of three stations which connect with both London Liverpool Street and Fenchurch Street and is close to cycle routes and bus routes. The site is within ready walking distance of the town centre and its associated amenities and is also located close to the A13 and A127, Southend to London arterial roads. The former use of the site was as a College of Further Education it is important to note that this use could be reinstated at any time without the need for planning permission and therefore is an important consideration when assessing the relative impact of the proposed development.

4.29. Car parking to serve the site is currently located to the front of the building, with access from the service road to the west and out onto Carnarvon Road. The applicants have submitted a Traffic Statement to support their application; this takes account of the extant permissions on the site and the current authorised use.
4.30. The report concludes that the development proposals are likely to result in a **significant net decrease** of trips in comparison to the former College of Further Education use and that the development proposals are likely to result in a nominal increase of vehicular traffic in comparison to the extant residential planning permission for the site, which is unlikely to result in any detrimental impact on the local highway network. In addition the proposals are unlikely to provide any significant impact on the local junctions or highways.

4.31. Officers have also separately examined the application in the context of the highways changes that would occur as a result of the “Victorias” highway improvement scheme and this does note alter the above conclusions.

4.32. To conclude, in relation to traffic generation issues, officers concur with the findings of the submitted transport statement and it is considered that as the level of likely traffic generation associated with the proposals is only marginally greater that the development which has extant permission and no greater than the previous use on site (which could be reintroduced without the need for planning permission), the traffic generation resulting from the site would not have an adverse impact on the surrounding highway provided the supporting infrastructure to facilitate access by non car borne modes of transport is put in place. Therefore the proposed development is considered to meet with policies T8 of the BLP and CP3 of the Core Strategy with regard to traffic generation.

**Parking**

4.33. The application proposes 100% parking for the residential units. This is considered acceptable given the size and mix of dwellings and the accessible location of the development. In fact given the accessibility of the site and the advice given in PPS3 and PPG13 officers consider that a reduced level of parking would still meet the needs of the development.

4.34. The scheme includes a Day Nursery. EPOA parking standards require a maximum parking standard of one space per full time member of staff plus waiting facilities where appropriate. It is not possible to establish the exact capacity of the proposed nursery as the space needed to accommodate a child depends on age and other facilities provided such as kitchens etc. However in order to be viable it is likely that at least 50 children would attend. It is considered that in this accessible location, employees or attendees of the day nursery or community use could either use public transport or walk/cycle to the facility. Cycle parking will be provided on site. There are also pay and display public car parks within the vicinity of the site. Thus it is not considered necessary to provide parking spaces for staff. However it is recognised that a day nursery leads to a need for parents to take their children into the facility, therefore a drop off area to allow for this, is necessary. The scheme includes nine drop off parking spaces to serve the day nursery within the ground floor car park. This is considered to be adequate to serve the facility. There is direct access from the car park to the day nursery.

4.35. The layout of the car parking is considered to be acceptable.

4.36. Notwithstanding the above, it was agreed as part of the previous planning permission on site that in order to safeguard the amenities of the local neighbourhood, parking surveys would be required to be carried out at the applicant’s expense before commencement and after occupation. This was in order to establish whether additional on street parking resulted from the new development. Should the surveys indicate that additional on street parking is
taking place the developer will be required to provide funding for the introduction of a Controlled Parking Zone (subject to the appropriate consultations and due process, this could, for example, take the form of a resident only parking zone). It is considered reasonable to include this provision in relation to the current application. The applicants have agreed to fund this requirement to a cost of £10,000, which is considered to be sufficient to cover costs.

4.37. The application includes secure cycle parking to serve the residents at a level of 100%. There are also 20 external spaces at ground floor level to serve the community/nursery uses. This is considered to be acceptable.

4.38. Concerns have been raised by various consultees that in order to service the development there will need to be a reduction in the parking spaces available within the adjacent Council car park. However the impact on car parking spaces is comparable to that which would result from the extant permission for the site. The frequency of servicing for waste etc can be managed as part of the Waste Management plan that is required to be agreed, by condition. It would also appear the vehicles within the car park are currently parking on areas over which the applicants have a legitimate right of way. It is therefore considered that given the extant planning permissions and the applicant’s current right of way over the car park, it is not reasonable to object to the proposals as a result of potential impact on the Council’s car parking provision.

Developer Contributions for Highways works

4.39. Policy KP2 of the Core Strategy requires that “new development should ensure good accessibility to local services and the transport network ... facilitate the use of travel modes other than the private car....secure improvements to transport networks, infrastructure and facilities and promote improved and sustainable modes of travel”.

4.40. It is considered that this proposal will place additional burdens on existing public transport and cycleways and also increase the number of people walking within the vicinity of the site. As such it is considered reasonable and necessary that the developer makes financial contributions to allow the improvement of this infrastructure.

4.41. The applicants have agreed to make a contribution of £123,468. This is on the basis that Members previously agreed £80,000 (£462.43/unit) for approved schemes. Their offer increases the contribution of £462.43/unit for the additional 94 units making a total of £123,468. Officers are satisfied that this amount is sufficient to facilitate improvements to bus stops within Victoria Avenue and some provision of additional town centre cycle parking. These improvements will help encourage occupiers of the development to make use of non car modes of transport.

Servicing

4.42. The site would be serviced from the Council car park to the east of the building. This arrangement was agreed as part of the previous permissions on the site. If the proposed scheme is to be implemented, then in order to service the site, a number of the car parking spaces within the Council car park will need to be vacated to allow manoeuvring and access to refuse storage. It is however noted that the applicants currently have a right of access through the Council car park, which includes areas which are currently used for parking and the
extant permission includes servicing from the same location as is now proposed. The way in which waste is collected and the frequency of collection can be addressed by a condition requiring implementation of a robust waste management strategy.

4.43. Therefore it is considered that the proposed servicing arrangements are acceptable in planning terms.

**Impact on residential amenity**

**Planning Policy Statements:** PPS1- Delivering Sustainable Development; PPS 3 - Housing; PPG 24: Planning and Noise: East of England Plan policies SS1; DPD1 (Core Strategy) policies; CP4; CP6, CP7; CP8: BLP policies C11, C14, C15, H5, H7, E5, T8.

4.44. Policies H5 of the BLP and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. In considering this impact, the application must be assessed both within the context of the existing building on site and the extant permission.

**Outlook**

4.45. The existing building is six storeys high where it fronts Carnarvon Road. It is set back some 20m from the highway boundary. The approved scheme (at six storeys) is higher than the current proposals and is set back some 20m from the highway. Whilst the development which is currently proposed eventually rises to a significantly greater height than the existing building or the previously approved scheme, the main bulk of the proposed development is set well back into the site, some 48m from the highway boundary. The applicants have submitted analysis and plans which demonstrate that the tower will not be able to be viewed from street level or from the ground floor of dwellings within Carnarvon Road and that only the upper levels will be viewed from the upper floors of properties opposite the site. Therefore it is considered that the development would not have an unacceptable impact on the outlook of local residents or will be unduly overbearing within its surroundings.

**Sunlight and Daylight**

4.46. The applicants have submitted a Sunlight and Daylight Assessment in support of the application. The report has been prepared using the Building Research Establishment (BRE) Guidelines “Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice” 1991. The report examines the impact of the proposed development on the sunlight and daylight of the dwellings to the north of the site, specifically 7-41 Carnarvon Road and 2-6 Crowborough Road.

4.47. The report concludes that all of the habitable rooms in the existing neighbouring dwellings will satisfy daylight standards and all of the south facing living rooms will satisfy the BRE sunlight standards. There will be a small loss of winter sunlight to the first floor bedrooms in 37 and 39 Carnarvon Road which is in excess of 20% but in spite of these percentage losses, the residual values that will be received comfortably satisfy the winter sunlight targets by more than twice the recommended value. There will also be a number of improvements to existing daylight and sunlight levels at the western end of Carnarvon Road.

4.48. Officers are therefore satisfied that there will be no detrimental loss of sunlight or daylight to the surrounding residential properties as a result of the proposals.
**Overlooking**

4.49. The proposed development will result in overlooking to the front and some of the rear gardens of properties within Carnarvon Road. However this degree of overlooking already exists from the existing building. The tower element of the proposed development will be higher than the existing building, but at a point which is set back some 48m into the site. It is considered that because of the distance of the tower away from the Carnarvon Road properties and because of the angle of sight lines from the proposed tower building towards those properties, actual overlooking from the development will not be materially greater than that which exists and therefore no objection is raised on this basis.

**Noise and disturbance to existing residents.**

4.50. The use of the building as a college generated a significant amount of activity from both pedestrians and vehicles, this activity was most intense during the day, but classes also took place in evenings and at weekends. The proposed development will result in a significant increase in persons living within the street. However the character of the activity associated with this primarily residential development would be different from that associated with the College use and is likely to peak during rush hours as residents go to and from work/school. The traffic associated with the development will enter/exit the site solely from the service road to the west, this has the potential to actually reduce the traffic flow past the houses in Carnarvon Road as presently the college site has several entrances and exits onto Carnarvon Road. Taking all these factors into account it is not considered that the activity associated with the development will have a materially greater impact on the amenities of surrounding residents than that of an active educational establishment within the current building.

**Impact on future occupiers of the flats**

4.51. It is also necessary to consider whether the development will result in an acceptable environment for future occupiers of the flats. PPG3 specifically refers to high density development (see paragraph 4.5 above) and whilst there is no objection to high density development per se it is necessary to ensure that the high number of dwellings does not compromise the amenities of future occupiers of the flats.

**Amenity space**

4.52. PPG3 states that “Particularly where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space. These should be well designed, safe, secure and stimulating areas with safe pedestrian access.”

4.53. The proposed development includes 14 No 3 bedroom units and 109 No 2 bedroom units, which are considered as potentially suitable for occupation by families. The site would include a number of areas of public and private amenity space. This breaks down into 3957m² public amenity space at ground floor and podium level, and 2,535m² private amenity space comprising gardens fronting Carnarvon Road, balconies and roof terraces.

4.54. The applicants state that the total amount of amenity space provided equates to 26m² per unit.
4.55. It should be noted that the public amenity space figure that is quoted includes areas at podium level that might more properly be termed simply “landscaping” and has limited usefulness and also includes the area which would serve as play space for the day nursery. Furthermore a substantial area of the “private” space lies to the front (north) of the building so has limited privacy and notwithstanding this is only directly accessible to 14 units.

4.56. The applicants have responded to officers concerns regarding the level of privately accessible amenity space by increasing the number of balconies that serve the development. All ground floor/podium level units now have access to private amenity areas and some private balcony areas have been added. Amended plans have added further balconies at the upper levels and now the majority of units have access to an area of private amenity space.

4.57. It should be noted that several of the podium level amenity spaces have the potential to allow users to look into the other units facing onto these areas, which would result in a loss of amenity to the occupiers of these units, however this issue could be addressed through careful use of landscaping.

4.58. The site is within close proximity to Churchill Gardens which means that residents could readily access this area for recreational purposes.

4.59. On balance the amount and type of amenity space provided is considered acceptable given the town centre location.

Play areas

4.60. There is scope to include a children’s play area within the podium landscaped space, this would be a positive addition to the development. The applicants have agreed that this would be installed. The play area is not specified on the submitted drawings, but can be controlled by the use of a condition.

Overlooking

4.61. There would be overlooking of the flats from the adjacent Civic Centre office development. However this situation was accepted as part of the previous development and thus no objection can be raised on this basis.

4.62. The size of the units is considered to represent a reasonable standard of accommodation. It is unfortunate that many of the units have a single aspect only, however this was also the case with the previously approved scheme and in itself is not considered a reason to refuse the application

4.63. Consultations have raised the issue of overlooking between the development and the Civic Centre, there is no doubt that some overlooking will take place given the proximity of the buildings. However this is the case with the extant permission and would not significantly increase as a result of this proposal.

Noise

4.64. Environmental Health Officers have raised a number of concerns in relation to the impact of noise on future residents of the development. The site lies adjacent to a railway line, which is at a similar level to the site. The commercial uses and plant will also generate a level of noise which may give rise to some disturbance to immediate neighbours within the application site. The residential use of the site has already been accepted in principle as a result of the extant
permissions. Thus the juxtaposition with the railway has previously been accepted. It is considered that a noise assessment of the railway and commercial uses should be submitted prior to commencement in order to assess what measures need to be carried out during construction to mitigate any impact on future residents. It is also considered that hours of use of the commercial activities should be limited. These matters can be dealt with by condition.

**Sustainable construction**

Planning Policy Statements: PPS1, PPS 3, PPS 22, PPG 24: East of England Plan policies SS1, ENV7, ENG 1, ENV7, ENG1: DPD1 (Core Strategy) policies: Key Policies: KP2, KP3, CP4, CP8, SO15, SO17; BLP Policy C11

4.65. Policy KP2 sets out development principles for the Borough and refers specifically to the need to:

“include appropriate measures in design, layout, operation and materials to achieve:

a. a reduction in the use of resources, including the use of renewable and recycled resources.

b. All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources...At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide, wherever feasible. How the development will provide for the collection of reusable and recyclable waste will also be a consideration......

4.66. The applicants have submitted a Sustainability Appraisal in support of their application. This sets out how the energy needs of the development might be met. The Appraisal concludes that there are currently several options available to generate energy from on site renewables as part of this development. These include the following: Combined Heat and Power, Solar hot water, Photovoltaics, Ground source heat pumps and Biomass. The submission also states that the building would be designed to incorporate passive design and energy efficiency in order to reduce the overall energy demand for the building. Officers are therefore satisfied that at least 10% of the energy needs of new development can come from on-site renewable options (and/or decentralised renewable or low carbon energy sources) in accordance with Policy KP2 and that details of these on site renewables can be controlled by condition.

4.67. The application does not detail how Sustainable Drainage (SuDs) details could be incorporated into the development; however officers are satisfied that this issue can be satisfactorily dealt with by condition.

4.68. The Government have set a target that from 2013 all private sector dwellings will be built to Lifetime Homes standards. Lifetime Homes make life as easy as possible for as long as possible because of the way they are designed. They provide accessible and adaptable accommodation for everyone, from young families to older people and individuals with a temporary or permanent physical impairment. All units would meet Lifetime Homes standards.
4.69. Officers are satisfied that the development will be constructed in a sustainable manner.

Developer contributions.


4.70. The applicant has asked that Members consider “the nature and the depth of the current economic recession and how critical a viable level of S106 contribution is to encouraging development proposals to continue”.

4.71. The Core Strategy Police KP3 requires that:

“In order to help the delivery of the Plan’s provisions the Borough Council will:

2. enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed. Transportation measures required as a consequence of the development proposed.

This includes provisions such as; a. roads, sewers, servicing facilities and car parking; b. improvements to cycling, walking and passenger transport facilities and services; c. off-site flood protection or mitigation measures, including sustainable drainage systems (SUDS); d. affordable housing; e. educational facilities; f. open space, ‘green grid’, recreational, sport or other community development and environmental enhancements, including the provision of public art where appropriate; g. any other works, measures or actions required as a consequence of the proposed development; and h. appropriate on-going maintenance requirements.”

Affordable Housing

4.72. The applicants have agreed to provide 30% Affordable Housing in accordance with Core Strategy requirements. Officers are satisfied that a suitable mix of unit sizes and tenure can be agreed as part of the S106 agreement. Please see the comments of the Housing Strategy and Planning Manger at para 6.26.

4.73. It is therefore considered that the S106 offer with regard to Affordable Housing provision is acceptable and the application is in accordance with Policies KP3 and CP8 of the Core Strategy DPD1.

Education

4.74. The development falls within the catchments of Bournemouth Park School and Chase High School. A contribution £325,991.31 has been requested for education purposes.

4.75. Since the previous permission was granted the Core Strategy DPD1 (Dec 2007) and East of England Plan (May 2008) have been adopted. This is a material change in circumstance since the previous applications were granted permission.
4.76. Following discussions on this issue the applicant has confirmed that the nursery will run under the regulations of SureStart as a registered nursery catering for up to five year olds. This being the case, and provided that a contract is available to demonstrate such, officers are satisfied that this provision would constitute the education contribution for the development. This provision and a fall back position should the day nursery not be taken up or fail will be incorporated into the S106 Agreement.

4.77. It is therefore considered that the S106 offer with regard to Education provision is acceptable and the application is in accordance with Policies KP3 and CP6 of the Core Strategy DPD1.

Public Art

4.78. The applicants have been requested to make a contribution for Public Art on or around the site. Such a contribution is considered justified given the location and details of the scheme. The applicants have offered a minimum contribution of £20,000 for the inclusion of public art to form part of the landscaping for the pocket park. Given the scale and likely cost of the development this minimum sum is considered to be inadequate. However discussions are ongoing regarding this matter and officers are confident this issue will be resolved prior to Committee. This matter will be updated within the Supplementary agenda.

Public Realm Improvements

4.79. The development includes an area of Public Open Space through the centre of the site, which improves linkages through to other development within Victoria Avenue. Thus it is considered that no financial contribution for further public realm improvements are justified.

Other Considerations

East of England Plan policies: SS1, ENV7, WAT4, ETG4, ENV7, DPD1 (Core Strategy) policies KP1, KP2, KP3, CP4, CP6; BLP policies; C11, H5, H7; Central Area Masterplan

4.80. Impact on future development of the surrounding area - The application site lies within the “Victorias” area within the Central Area Masterplan. This document has been adopted by the Council as Corporate Policy and therefore is a material consideration. The CAM seeks to regenerate the “Victorias” quarter and envisages a new mix of uses including residential dwellings. One the of Key Principles in relation to this area is the creation of new streets to the rear of the Civic Centre to provide definition, legibility and access to new residential blocks. The Masterplan also sets out a vision of the use of the area. The application site is shown as being bisected by an access road linking Carnarvon Road to the rear of the Civic Centre. The Masterplan also shows the area that is currently occupied by the Civic Centre car park (east) being redeveloped for residential purposes. It is accepted that the layout of the Masterplan is indicative only. However it is vital that the proposed development does not prevent the potential future development of the adjacent car park.

4.81. Furthermore the Council has recently taken the decision to invest in the refurbishment and extension of the Civic Centre over the next two to five years and has therefore committed to remain on the existing site for the foreseeable future. As part of this work, parking is considered to be a key issue and Asset
Management officers have recognised that the existing car park (east) is used beyond reasonable capacity (see further comments at para 6.31). The Council is intending to demolish Margaret Thatcher House in the short to medium term and to develop a multi storey car park on the existing car park (east) to meet the needs of the re-modelled space and the staff and visitor parking needs so the effect that this development will have needs to be considered (over and above that development which is already approved).

4.82. The proposed development would prevent provision of the access road in the location envisaged in the Masterplan, this is an issue raised by both CABE and RSL. RSL have also raised concerns that the layout of the scheme would prevent the envisaged residential development of the east car park and its environs taking place. The applicants has responded to this issue as follows:

“Both the east and west elevations currently look out onto hostile environments and the submitted application responds to these situations by locating its servicing functions to relate to these existing relationships...The east elevation faces onto the Council's car park and is the service area for the application site. The RSL Masterplan envisages a road adjacent to the application site which would need to be aligned in any event to avoid the applicant's site particularly as there are two extant permissions which retain a building in this location. Curved roads assist with traffic calming in any event. The application responds to this site relationship continuing to retain a service function as it would be unacceptable if it were located on any other frontage given the residents of Carnarvon Road, the existing high levels of servicing on the west side of the site and the agreed desire to retain the public open space and activity to the south of the site. Increasing other non residential uses in this location appears to have little merits or planning grounds and is certainly not sustainable in economic terms. Any building in this location needs to respond to the proximity to the railway line in order to protect future residents, which the application does. It is the railway line that is the limiter to the RSL Masterplan not the current application. Finally, there are no current or firm commitments from any party to progress the RSL Masterplan proposals in the medium to long term”.

4.83. The applicant has also submitted a plan to show how their development need not compromise future development of the adjacent site. This shows that a reasonable amount of housing development can still be achieved if the access road remains in the current location. It should be noted that the extant permission retained the access to the car park site in the current position.

4.84. Officers are satisfied that taking into account the extant permission on the application site, the applicants have demonstrated that their application would not compromise future development of the adjacent car park site for housing.

4.85. Asset Management have raised concerns that given the Councils intention to remain in the Civic Centre and to extend the existing building, parking is a key issue and that it is recognised that the existing car park is used beyond reasonable capacity.

4.86. It is necessary that the existence of an extant permission to refurbish and extend the existing building is taken into account when considering the current application. The extant permission (SOS/00311/FUL) would result in servicing from generally the same points as the current proposal, although there are more accesses to cycle stores etc in the current proposal.
4.87. At the upper floors the extant permission has residential accommodation at first floor level extending up to sixth floor. The accommodation is located along the western side of the existing Council car park. There is however no accommodation to the north of the car park, this area being occupied by car parking. The current application shows accommodation along the western and part of the northern side of the car park. However some of this accommodation is set back from the edge of the site and the building above 5th floor level reduces significantly in size. The current application introduces balconies along the east elevation.

4.88. It is considered that, taking all these factors into account, the impact of the proposed development and extant permission on the Council car park is comparable and this development would not have a significantly greater physical impact than development subject of the extant permission. Officers are satisfied that the impact of the proposed development on the ability to redevelop the Council car park is no greater than that of the development subject of the extant permission and that therefore no objection can be raised in relation to the impact of the proposed development on the future development of the Council car park.

Police and Security

4.89. The Police Architectural Liaison Officer is satisfied that the development is acceptable subject to suitable conditions being imposed. The critical areas relate to the management and maintenance of this development. There is concern that were such issues not to be appropriately addressed, there is the potential for a significant increase in crime and anti-social behaviour. The Police have also examined the impact of the development on views of their car park and the impact of this on security and raise no objection subject to imposition of the conditions referred to above. Therefore conditions requiring the applicants to consider and apply for full accreditation of the Secured by Design Initiative and Safer Parking award scheme are considered necessary.

Wind Effects

4.90. The applicants have submitted a commissioned a study into the Wind effects of the proposed development. The study looks at areas within the site boundary and also examines the impact of a tall building on the areas external to the site. The study concludes that only a very small area of the podium will be adversely impacted by adverse wind conditions and that the affected space is limited to a landscaped area. As a result there will not be a detrimental impact on occupiers/pedestrians using the site. The study also explains that the impact of tall buildings decreases as the distance from the building increases and concludes that there would not be an adverse on the surrounding areas external to the site.

Contamination

4.91. EH officers have identified that there is a possibility that the site could suffer from an element of contamination and therefore a condition is required to ensure that appropriate decontamination takes place.

Flood Risk

4.92. The site is not within a flood risk zone and the EA have raised no objection to the development.
Conclusion

4.93. There are no objections in principle to residential development on this site, indeed there are extant permissions for residential use and the regeneration of this important and sustainable Town Centre site is welcomed and accords with the Core Strategy.

4.94. There is no objection in principle to a tall building in this location. The design of the development and its setting is considered acceptable.

4.95. Taking into account the extant use of the site for educational purposes and the previous permissions for residential use, the traffic generated by this development will not have an adverse impact on the surrounding highway provided the investment is made in transport infrastructure to encourage the use of non car borne modes of transport. The level of the proposed S016 contributions in relation to transport matters is considered acceptable. Sufficient car parking is provided to serve the development.

4.96. The development will not result in an adverse impact on surrounding development in terms of loss of outlook, overlooking, or noise or activity generation. The development will result in an acceptable environment for future occupiers. The development and will meet lifetime homes standards.

4.97. The development would not have a materially greater impact on the ability to redevelop the adjacent Council car park site than the development subject of the extant permission.

4.98. The development will make adequate provision for affordable housing. The development will provide a day nursery that will constitute a suitable and adequate contribution for education purposes. The provision of public art for the development has been agreed in principle and officers are confident that a satisfactory level of contribution can be achieved.

4.99. The development is considered to bring forward regeneration of a key town centre site which has been vacant for a number of years and for the reasons outlined above is considered to be acceptable.

5 Planning Policy Summary:


5.2. East of England Plan (May 2008) Policies - SS1 (Achieving Sustainable Development); H1 – Regional Housing Provision 2001-2021; H2 (Affordable Housing); T4 (Urban Transport); T9 (Walking, cycling and other non motorised transport); T14 (Parking); ENG 1 Carbon Dioxide Emissions and Renewal Energy); ENV7 (Quality in the Built Environment); ENG1 (Carbon Dioxide Emissions and Energy Performance); WAT4 (Flood Risk Management); WM6 (Waste Management in Development); ETG4 (Southend on Sea Key Centre for Development and Change

5.3. 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); CP5 (Minerals and Soil Resource); CP6 (Community Infrastructure); CP7 (Sport Recreation and Green Space); CP8 (Dwelling Provision). Strategic Objectives - Policies SO1, SO2, SO3, SO4, SO5, SO6, SO7, SO8, SO9, SO13, SO14, SO15, SO17.

5.4. BLP Policies; C11 (New Buildings, Extensions and Alterations), C14 (Trees, Planted Areas and Landscaping), C15 (Retention of Open Spaces), H5 (Residential Design and Layout Considerations), H7 (The Formation of Self-Contained Flats), E5 (Non-Residential Uses Located Close to Housing), U1 (Infrastructure Provision), U6 (Non-Residential Health Care Facilities), U9 (Childminding Facilities), U10 (Provision of Other Community Facilities), T1 (Priorities), T8 (Traffic Management and Highway Safety), T10 (Town Centre Parking (On-Street)), T11 (Parking Standards), T12 (Servicing Facilities), T13 (Cycling and Walking). The site falls within the Town Centre within the BLP.


5.6. EPOA adopted Vehicle Parking Standards.

5.7. Southend Central Area Masterplan (2008).

6 Representation Summary:

6.1. CABE – (Original application) This is an important development for Southend and should set a high standard for future proposals within the town centre. The proposed scheme still requires a significant amount of work to address our fundamental concerns and therefore we are unable to support this planning application in its current state.

6.2. The development site presents a good opportunity to boost regeneration and revitalise this area. We are supportive of the broad principles laid out in the (Central Area) Masterplan relating to land use distribution and street pattern. The overall diagram of the proposed scheme appears sound. Whilst there are some potentially good principles presented in the scheme, these have not been successfully developed into a satisfactory design solution. Our main concerns relate to the lack of animation on the ground plane, the unresolved relation of the edges of the site within the immediate context and the quality of the residential planning.

6.3. Megastructure approach and car parking – The storey high podium approach brings with it several challenges relating to permeability, integration with the surrounding area and accessibility. The approach has lead to an introverted layout which prevents the scheme from engaging with the context as it currently exists and neither does it fit well into the adopted Masterplan. The structure will have limited legibility at ground level. Parking at a ratio of one space per flat is too high in this town centre location. If parking were significantly reduced the development could be brought down to ground level, allowing issues of urban design to be addressed at a fundamental level.

6.4. Site Layout and Connecting Routes - The development could knit into the residential area to the north more successfully if Crowborough Road were allowed to penetrate through the site as shown in the adopted Masterplan. We feel that the eastward extension of the proposed building line on Carnarvon Road will compromise development opportunities on the adjacent car park site. Discussion with the LPA should inform treatment of the eastern edge of the
proposed scheme. Whilst the height of the proposed building is significantly higher that the existing semi-detached houses on Carnarvon Road, the increased scale is appropriate in this location as it signals the start of the civic quarter and town centre. The generous set back will establish a good relationship between the north and south side of the street. We support the idea of duplex flats on Carnarvon Road, however the design team have missed an opportunity to animate the street scene by introducing front doors into the duplex flats on Carnarvon Road. The resulting street level activity could improve natural surveillance.

6.5. The vehicular route between the Civic centre and development site is currently a service route, however, this could potentially be upgraded as the surrounding sites are developed in the future. We are not convinced by the adopted approach wherein the development appears to have been pulled back from this route and turned inward. Additionally this will duplicate the storey high blank facade on the ground level as existing on the west side of this route and eliminate all activity and natural surveillance. We support the location of a crèche on the site which could benefit from the use of the existing green space. However there are potential conflicts due to the proximity of the green space with the adjacent service yard. Overall this edge of the proposed scheme requires a significant amount of work to address the blank podium facade, lack of animation on ground level and the impact of servicing activities on the character of the existing open space.

6.6. Open spaces and amenity area – We applaud the central street garden which could successfully be at the heart of this development. We question the accessibility of this space considering it is at a storey higher than ground level and feel it would be more successful at ground level. The stairs and lifts will deter non residents from using this route. The open space on Carnarvon Road could work well with the proposed building. The two private amenity areas on the east and west side are less successful and appear to be left over spaces. These spaces may not be well used because they have limited access points and are adjacent to the car park and service routes. In addition the landscape design and edges do not appear to contribute towards the character of these spaces. It is suggested the overall hierarchy of spaces within the scheme is considered to determine the purpose and character of these spaces; this should inform the siting design and treatment of these open spaces.

6.7. Design and Massing - The principle of a tall building in this location is acceptable. The overall massing distribution is logical and the general position of the tall building is fine. However studies to support the exact location and height of the tall building are currently missing. Long distance and local views alongside shadow diagrams should for a comprehensive basis for the position height and form of the tower. The architectural concept driving the elevation of the building lacks inspiration and material delight. Further work is required in terms of the composition of the elevation and the choice of materials which are not of the high quality that would be expected on this site. CABE’s guidance on tall buildings states “tall buildings should be of excellent architectural quality in full cognisance of their likely impact on the immediate surroundings and the wider environment”. The material provided by the developer does not give confidence that this quality will be achieved. The proposed quantum is substantial and we suggest that the design team should consider materials that are more durable that the proposed panel system.
6.8. Residential Planning – The internal layout is not fully resolved and the potential quality of life within this development is not yet of a good standard. Access to the flats is depended on three cores which is rather inadequate and has led to an internal layout which is predominantly based on a system of double loaded corridors which are lengthy and will lack any natural light or any connection with the outside world. There are also several single aspect dwellings. The design team should consider increasing the variety of flat types and sizes to provide a helpful mix in the entrance strategy and grouping of dwellings. For example ground level entrances to the duplex flats in Carnarvon Road, could eliminate the need for the east west corridor on the northern part of the site.

6.9. **Environment Agency** – no comments.

6.10. **Network Rail** – no objection, but seeks conditions relating to safe demolition, construction and the need for a concrete trespass resistance fence to be erected.

6.11. **Anglian Water** – there is sufficient sewer and surface water drainage capacity to serve the development. Requests informative relating to the need to make and application to discharge trade effluent, a requirement for petrol/oil interceptors and installation of fat traps.


6.13. **Renaissance Southend** – (Summary original Plans) This is an impressive scheme in many ways that could herald the start of the re-shaping of the Victoria Avenue quarter. It is bold and ambitious and potentially worthy of this location and the vision contained within the Central Area Masterplan (CAM). It offers the promise of a more satisfactory outcome than the previous proposals that involved the conversion of existing buildings on the site. There are however several fundamental weaknesses contained within the proposal that ought to be assessed and addressed. These can be summarised as: lack of regard to the long term redevelopment or refurbishment of the adjacent sites, inappropriate linkages, public “private” space along Carnarvon Road, perimeter routes fail to offer sufficient natural surveillance, open space at first floor level restricts access, the central street is not a justifiable solution for a well designed layout.

6.13.1. (Revised plans) – it is noted that none of the design weaknesses of the proposal set out in the original consultation response have been addressed, however it is accepted it would have been implausible to alter the application to the degree recommended without a fundamental redesign which would have need to reassess some first principles of the layout and arrangements of buildings. However the opinion that the application is poorly conceived still stands. Notwithstanding this objection, could the following be achieved? A Safer pedestrian route along the service road to the west, this could be partly achieved by illumination; incorporating Green Roofs on buildings; A lower carbon dependency for the project. [officer note, these issues are addressed by condition]

6.14. **Police Architectural Liaison Officer** – should the following conditions be imposed, then Essex Police would find the proposed scheme acceptable. Some of the critical areas are around the management and maintenance of this development. Were such issues not to be appropriately addressed, there is the potential for a significant increase in crime and anti-social behaviour. This early
identification can be addressed in part by requiring the applicants to consider and apply for full accreditation of the Secured by Design Initiative and Safer Parking award scheme. Both the Secured by Design and the Safer Parking Award schemes are Local Authority key performance indicators. Subject to detailed design issues with full consultation between Hollybrook (South East) Limited and Essex Police, there is no reason why this proposed development in perpetuity, should not achieve full accreditation under the Secured by Design and Safer Parking Award schemes and would respectfully request therefore that this be made a condition of the planning consent.

6.15. **Airport Director** – no safeguarding objections subject to a condition that: A dual obstruction light must be fitted to the highest point of the building.

6.16. **Traffic and Highways** – (Original Submissions) The Transport Statement shows that, in the peak hour, there is likely to be less traffic generated by the proposed flat development than would exist with the extant college use. It also shows that the traffic generation in the peak hour is expected to be only slightly greater than with the extant flat permission. A developer contribution for altering the traffic signals cannot therefore be justified under the terms of Circular 5/2005 as it does not satisfy the criterion that it is “necessary to make the proposed development acceptable in planning terms”.

6.17. The Transport Statement and supporting drawings indicate that servicing will take place from the private car park owned by the Council in a similar way to that enjoyed by the college. The Council car park is now much more heavily used than it was when the college was in occupation at this site and servicing from the car park will have a significant impact on the Council staff car park with the loss of many spaces. The loss of the Council’s private car parking has not been investigated in the application.

6.18. Parking surveys should be required to be carried out at the applicant’s expense before commencement and after occupation in order to establish whether parking is resulting on-street from this new development. Should the counts indicate that parking is taking place, the developer will be required to provide funding for the introduction of a residents’ parking scheme. This should be secured by a S106 agreement. (Officer comment – this is addressed within the proposed S106 agreement)

6.19. Redundant vehicle crossings should be reinstated at the expense of the developer and secured by condition.

6.20. (Revised details) There are no objections to this proposal from the highway point of view subject to the applicant agreeing to sign up to a S106 Agreement committing to the following:-

- To contribute the sum of £123,468 which will fund bus stop improvements in Victoria Avenue outside and opposite the Civic Centre, upgrade the subway lighting, introduce CCTV into the subway and fund some town centre cycle parking
- To contribute the sum of £23,000 to fund a new CCTV pole mounted camera
- To contribute the sum of £10,000 towards the introduction of a controlled parking zone in the adjacent roads if required

6.21. **Design and Regeneration** – (original plans) The car parking to the front of the building has now been omitted in favour of landscaping which is a significant improvement. There are, however, no detailed plans of how this area will be
treated – details of the boundary treatment in particular should be requested. There are no objections in principle to part of this space being used for private amenity but it should also be used to enhance the setting for the overall scheme and help to integrate into Carnarvon Road.

6.22. The podium has been widened to 25m which will improve daylight and sunlight to this area and increase the space available. The Design and Access Statement confirms that this area will include pocket parks but there is no mention of play areas or public art both of which should be included in the detailed landscaping plan and preferably included with the application. The information should also cover how the planted areas will be achieved at podium level and the maintenance and management scheme.

6.23. The amenity space for the private units is felt to be inadequate for the number of units it serves. Details of the boundary fence to the crèche should also be requested or conditioned. There is no mention of public art and this will be required as part of the scheme. The entrance to the private housing is given much more prominence than the entrance to the affordable block and this could be seen as ‘dumbing down’ the design of the affordable block which will not achieve a seamless integration. The affordable block, although smaller than the private block, is still a substantial building and therefore requires a substantial entrance.

6.24. **Environmental Health** - The potentially contaminated land map shows mineral extraction to approximately the west half of the application site, a decontamination condition is requested for the site. The use of the various plant rooms needs clarification as regards plant to be installed and potential for noise, fume, odour and vibration emission. Railway noise should be the subject of a PPG 24 assessment, the assessment should also include consideration of the question of noise emission from the Short Street Bus Depot in the early hours of the morning and whether there is an adverse impact. The community use/health use areas need clarification, what are these areas for, will they be used for social events and playing of amplified music. It appears the crèche open area will be immediately below residential facades, noise from use of this area and impact on residents should be assessed and mitigation provided if proved necessary - also the Civic office façade appears to be very close and some form of mitigation may be needed to avoid impact in the summer when outside play area is in use and office windows are open, suggest these points are included in the noise assessment.

6.25. Suggest conditions regarding the following: details of plant to be agreed; decontamination; insulation against railway noise; submission of an acoustic assessment for crèche and outside play area, and scheme of insulation for part floor between crèche and residential accommodation to be agreed and installed; proposed use of community use area to be agreed and any necessary mitigation measures agreed and installed. No amplified speech or music to bee played in community use areas without written permission, details of any external lighting to be agreed, to be directed and screened to protect residential amenity.
6.26. **A&CS Housing** – (Revised plans) Agree that the 30% to be split by agreement across the unit types being provided. In order to meet published need it would be preferable if we could have a larger percentage of one and three beds and slightly less two-bed. Possibly 43 x 1 Bed (35%), 27 x 2 Bed (25%) and 5 x 3 Bed (35%). An alternative split will be considered. The preference is 30% shared sales and 70% rented, however the rented can include intermediate rent as well as social rent.

6.27. **Education** – this development falls within the catchments of Bournemouth Park School and Chase High School. We would request education contributions towards all schooling as the birth rate has gone up, which will fill primaries, secondaries are full and there is increased pressure due to the increased Year 11 staying on rate for post 16, as from September 11th. There is also concern in relation to more flats in what is already a tightly packed area of the town, thus continuing to reduce available play/social play areas for children. Contribution requested £325,991.31. Still have concerns that more flats are being added to the current borough housing stock.

6.28. There is a need for full day care within the area, not creche. If a full day care facility can be provided (and run according to SureStart Criteria) then this will be considered to be the education contribution for the development. [officer note – the applicants have agreed to provide a day nursery]

6.29. **Leisure** – to be reported

6.30. **Enterprise and Innovation** - to be reported

6.31. **Asset Management** – First impressions are that it is good to see an application for a substantial scheme in the Victoria Avenue quarter, and being presented by an applicant with whom the Council shares ambitions for delivery of regeneration. The scheme is however in very close proximity to the Civic Centre and the operational land surrounding it, in particular the Civic Centre East Car Park, the Public Realm to the South of the Civic Centre and the access routes to parts of the site.

6.32. The Council has recently taken the decision to invest substantially in the refurbishment and extension of the Civic Centre over the next two to five years and has, in doing so, committed to remain on the existing site for the foreseeable future. As part of this work, parking is a key issue and it is recognised that the existing car park is used beyond reasonable capacity. The Council is intending to demolish Margaret Thatcher House in the short to medium term and to develop a multi storey car park on the existing East car park to meet the needs of the re-modelled space and the staff and visitor parking needs so the effect that this development will have needs to be considered (over and above that development which is already consented).
6.33. In terms of the remainder of the Victoria Avenue, the Council has, in considering partners in the context of the Civic Centre refurbishment, consulted the Police and HM Courts Service, neither of whom have short to medium term plans for relocation or redevelopment of their sites meaning that residential development of the East Car Park, at least in the medium term, is less likely than envisaged in the Central Area Masterplan. There are therefore concerns about the sterilisation, or at least significant effect on the potential for construction on, or redevelopment of the East Car Park and Margaret Thatcher House. Consideration should also be given to the effect on the outlook across the police car park, having regard to the Council's intention to demolish Margaret Thatcher House.

6.34. The public area to the South of the Civic Centre is public open space, but is not adopted highway (with the exception of a strip along Victoria Avenue itself). There is a concern that the new, proposed development will greatly intensify footfall across this area. This is good news in the context of having a well used public space, however it is likely to mean that most people simply walk across it, increasing the maintenance costs to the Council and the potential for personal injury claims as this area is not inspected with the same rigour as areas of publicly maintainable highway. The Council may therefore wish to request a contribution (by condition/s.106) towards the ongoing maintenance of this area, or possibly to enable its adoption and/or re-landscaping and softening of the area, should planning consent be forthcoming. This matter certainly needs consideration.

6.35. Visitors to the scheme may create additional stress on publicly available parking in the vicinity of the scheme. The most convenient car park for visitors will be the Council's public North car park which is busy at all times and supports essential services including births, deaths and marriages for which immediately proximate parking is essential. Additional demand on this car park may have an impact on the availability of this space for Civic Centre and therefore a direct impact on access to services. It is accepted that intensification of use has benefits in terms of increased revenue, although this car park is busy at all times during the day and in this instance, access to services is of greater importance than additional revenue generation.

6.36. In terms of access, traffic leaving the development is likely to back up along Carnarvon Road so the importance of maintaining clear access in front of the North Car Park access is more important than ever. The effects of failing to do this are likely to mean that at the same busy times, queues may build up towards, and onto Victoria Avenue. Consideration should be given to a requirement for traffic light changes and right turn on to Victoria Avenue.

6.37. The freeholders of the site do enjoy access rights (at all times, with or without vehicles) both across the Council's East car park and also along the accessway to the West of the scheme, such rights being subject to them being responsible for the payment of a contribution towards the costs of repairing and maintaining the accessways and subject also to a condition whereby the Council reserves the right to vary the right over the car park to a no less convenient position to the freeholder (consent not to be unreasonably withheld). The agreement dated 28th November 1996 which sets out these rights is attached for information. The document also includes an absolute covenant prohibiting development on a particular area of the site. The applicant approached the Council for the release of this covenant linked to the previous application however the release has not been agreed by the Council.
Public Consultation

6.38. Advertisement/site notice - Yes


6.40. *Original Plans* - One letter from Cllr Luty objecting on behalf of residents for the following reasons:
   ♦ Overshadowing
   ♦ Loss of privacy
   ♦ Design out of keeping with the surrounding area
   ♦ The development will overload existing parking arrangements
   ♦ Congestion
   ♦ Pollution
   ♦ Increased pressure on local schools and health care facilities

6.41. Two letters received from the Coalition of Borough Residents objecting on the following grounds:
   ♦ Existing empty properties should be reused, the carbon footprint of this new building is impossible to justify. Empty buildings should be renovated before new development takes place.
   ♦ Unacceptable Height of the Tower Block, which would be totally out of keeping with the residential dwellings in Carnarvon Road and surrounding streets
   ♦ Impact on schools and health – 267 units will result in overload of schools and the health care system
   ♦ Loss of light to current residential area
   ♦ Overlooking of homes and gardens
   ♦ People living in over crowded areas suffer from physical and mental physiological problems, break down of sense of community, increasing crime rate and anti social behaviour.
   ♦ Highways and traffic issues, increased traffic in area of high usage resulting impact on noise and pollution.

6.42. It should be noted that some objectors have objected in several different formats e.g. Petition plus pro forma and letter and several objections have been received from different occupiers at the same address.

6.43. One petition with 327 signatures objecting to the application – no grounds specified.

6.44. 104 pro forma letters objecting on the following grounds:
   ♦ Height of the tower block – dominating and out of keeping
   ♦ Impact on the town’s amenities – overload on the local schools and healthcare system
   ♦ Environmental impact regarding loss of light for the current residential area
   ♦ The Infringement on the privacy of residents, overlooking homes and gardens
   ♦ Health and social impact on current residents and those living in tower blocks – physical and physiological problems, break down in sense of community, increasing crime and antisocial behaviour
   ♦ Highway safety and traffic issues – additional traffic in a small area and resulting impact in noise and pollution.
6.45. 42 Letters of objection on the following grounds:

- Too many flats in the area
- Too many flats proposed on the sites
- Already vacant flats in the area so if this development did not go ahead there would be no shortfall
- Adverse impact on the highway network, additional traffic and congestion [Officer Comment – this is dealt with in the report]
- Additional on street parking in already overcrowded area
- Loss of light to adjacent residential properties
- Loss of privacy
- Loss of outlook
- Light Pollution
- Height of building will result in it being unduly imposing
- Do not want a tower block
- Solar Glare from the structure made from glass and steel [Officer Comment – materials would be dealt with by condition]
- Local services will not be able to cope (gas, electricity, sewers, doctors, schools)
- Increased pollution resulting from traffic
- Pollution from noise and dust
- Difficulties of access by emergency services
- There is no need for further high rise flats in the Borough
- High rise flats cause social problems and can lead to mental health problems
- Tower blocks encourage anti social behaviour, graffiti and vandalism
- Increased crime [Officer Comment – No objections from Police Liaison Officer]
- Empty offices in Victoria Avenue should be recycled for residential use together with other empty properties in the Borough.
- Lack of employment for occupiers of the new development
- The existing street is quiet and secure with good community, this would be compromised by the proposed development
- Disturbance during demolition and building works
- Where will children play?
- The scheme represents overdevelopment
- Difficulty of accessing site for construction vehicles
- Loss of value to surrounding properties [Officer Comment – not a planning consideration]
- Increased difficulty selling existing properties [Officer Comment – not a planning consideration]
- This development should not be imposed on local residents
- Impact on TV reception [Officer Comment – not a planning consideration]

Revised plans

6.46. It should be noted that some objectors have objected in several different formats e.g. pro forma and letter and several objections have been received from different occupiers at the same address.

6.47. A letter received from the Coalition of Borough Residents - object strongly on the lack of suitable housing proposed ie houses with three or four bedrooms, of which there is a shortage in Southend, and the application has too many one and two bed flats which are not needed in such numbers.
6.48. 28 pro forma letters objecting on the following grounds:

- Height of the tower block – out of keeping with surrounding residential dwellings
- Impact on the towns amenities – overload on the local schools and healthcare system
- The Infringement on the privacy of residents, overlooking homes and gardens, especially now balconies have been added.
- Health and social impact on current residents and those living in tower blocks – physical and physiological problems, break down in sense of community, increasing crime and antisocial behaviour
- Highway safety and traffic issues – additional traffic in a small area and resulting impact in noise and pollution.
- Lack of consideration for the housing needs of Southend Borough. There is a dearth of mid sized family accommodation with an excess of one bedroom properties.
- The area is a well established community. Not opposed to development of the site in principle but wish to see good quality family orientated housing which will not have such a major impact on current or future residents.

6.49. 18 objection letters, objecting on the following grounds

- Revised plans little different from those originally submitted
- Adverse impact on the highway network, additional traffic and congestion, resulting impact on highway and pedestrian safety.
- Additional on street parking in already overcrowded area
- Loss of light to adjacent residential properties
- Loss of privacy
- Loss of outlook
- Light Pollution
- Height of building will result in it being unduly imposing
- The new building should be no taller than present building
- Tower blocks not particularly suitable means of housing families or the elderly, should be striving to provide community housing that is down to earth and the best possible for years ahead
- In appropriate type of accommodation, Southend needs three and four bedroom homes not more small flats.
- The site should be developed with a mixed development of flats, two and three storey houses to reflect the surrounding community.
- Retrograde concept in social housing
- Do not want more tower blocks
- Strain on local services (gas, electricity, sewers, doctors, schools)
- Damage to surrounding dwellings during construction
- Would be better to refurbish existing buildings and re use them than constructing new tower blocks
- Traffic congestion during construction
7 Relevant Planning History

7.1. April 2003 – outline application for demolition of part of college buildings, redevelop building for 160 flats, erect extension and new floor over part of building, lay out associated car parking, refurbish adult education building (outline) (SOS/03/00128/OUT) agreed in principle by Development Control Committee – delegated for approval to secure a S106 Agreement requiring 20% affordable housing, contribution for transport improvements, contribution towards provision of CPZ and a contribution towards installation of CCTV within the site.

7.2. December 2003 – outline application for demolition of part of college buildings, redevelop building for 173 flats, erect extension and new floor over part of building, lay out associated car parking, refurbish adult education building (outline) (SOS/03/01325/FUL) agreed in principle by Development Control Committee – delegated for approval to secure a S106 Agreement requiring 20% affordable housing, contribution for transport improvements, contribution towards provision of CPZ and a contribution towards installation of CCTV within the site. The S106 Agreement was completed on 18th June 2007.

7.3. 2005 – full application to demolish part of college building, redevelop building for 119 flats (class C3) and use part of ground floor as College (class D1), erect three storey detached block of 12 affordable units, erect refuse store/plant room, lay out associated car parking, amenity areas and landscaping (SOS/05/00311/FUL). Delegated for approval to secure a S106 Agreement requiring 20% affordable housing, a contributions of £80,000 for transport improvements, a contribution of £10,000 towards provision of a controlled parking zone, a contribution of £23,000 towards installation of CCTV within the site. The S106 Agreement was completed on 20th June 2007.

8 Recommendation

Members are recommended to:

a) DELEGATE to the Group Manager of Development Control & Building Control to GRANT PLANNING PERMISSION subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to seek the following:

- Transport contributions – £123,468
- Contribution of £23,000 for CCTV provision within the vicinity of the site
- Contribution of £10,000 to facilitate provision of a Controlled Parking Zone if the development is shown to lead to on street car parking
- Provision of a Day Nursery to be run in accordance with Sure Start criteria or if the nursery is not provided an Education contribution of up to £325,991.31 (taking into account possible reduction given the origin of Affordable Housing occupiers).
• Provision of 30% affordable housing. Unit size and tenure to be agreed.

• Financial Contribution for public art provision sum to be agreed (minimum contribution £20,000).

b) The Group Manager (Development Control & Building Control) be authorised to determine the application upon completion of the above obligation, so long as planning permission when granted and the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:

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

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

02 No dwelling shall be occupied until 250 parking spaces to serve the development and nine drop off spaces to serve the Day Nursery have been provided in accordance with the approved plans the parking and drop off spaces should be permanently reserved for the parking of residents and visitors to the residential units and users of the Day Nursery.

Reason: To make provision for parking and drop off, off the highway and in the interests of highway safety, in accordance with Policies T11 and T8 of the Southend on Sea Borough Local Plan and Policies KP2 and CP3 of the Core Strategy DPD1

03 No part of the development shall not be occupied until 270 cycle parking spaces have been provided all in accordance with the approved plans.

Reason: To ensure a satisfactory standard of off street cycle parking in accordance with Policies T13 and T8 of the Southend on Sea Borough Local Plan and Policies KP2 and CP3 of the Core Strategy DPD1

04 The cycle parking spaces provided in relation to condition 03 shall be permanently reserved for the parking of cycles of occupiers and callers to the premises and not used for any other purposes, whether or not permitted by the Town and Country Planning (General Permitted Development Order) 1995 (or any other Order amending, revoking or re-enacting that Order).

Reason: To ensure a satisfactory standard of off street cycle parking in accordance with Policies T13 and T8 of the Southend on Sea Borough Local Plan and Policies KP2 and CP3 of the Core Strategy DPD1
No dust or fume extraction or filtration equipment or air conditioning, ventilation, or refrigeration equipment shall be installed until details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the Local Planning Authority. The equipment shall be installed in accordance with the approved details and shall be maintained in good working order thereafter.

Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties and future occupiers of the development in accordance with Policies H5 and C11 of the Southend on Sea Borough Local Plan and Policies KP2 and CP4 of the Core Strategy DPD1.

Prior to commencement of development a noise assessment shall be submitted to the LPA, the noise assessment shall meet at requirements of PPG24 and shall include assessment and proposed mitigation measures, and in particular shall include assessment and mitigation of train noise.

Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties and future occupiers of the development, in accordance with Policies H5 and C11 of the Southend on Sea Borough Local Plan and Policies KP2 and CP4 of the Core Strategy DPD1.

Prior to commencement of development an acoustic assessment and scheme of insulation for the party floor between the Day nursery and the residential accommodation above shall be submitted to and approved by the LPA. The development shall be carried out in strict accordance with the approved scheme of insulation.

Reason: To protect the amenities of future occupiers of the development, in accordance with Policies H5 and C11 of the Southend on Sea Borough Local Plan and Policies KP2 and CP4 of the Core Strategy DPD1.

Prior to commencement of development an acoustic assessment of the use of the Day Nursery external play area and mitigation measures to protect residential amenity shall be submitted to and approved by the LPA. The development shall be carried out in strict accordance with the approved mitigation measures.

Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties and future occupiers of the development, in accordance with Policies H5 and C11 of the Southend on Sea Borough Local Plan and Policies KP2 and CP4 of the Core Strategy DPD1.
09 Prior to commencement of development an acoustic assessment of the use of the proposed community use area and proposed mitigation measures shall be submitted to and approved by the LPA. The development shall be carried out in strict accordance with the approved mitigation measures.

Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties and future occupiers of the development, in accordance with Policies H5 and C11 of the Southend on Sea Borough Local Plan and Policies KP2 and CP4 of the Core Strategy DPD1

10 No amplified or live music or speech shall be played in the internal community use areas unless previously agreed in writing by the LPA.

Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties and future occupiers of the development, in accordance with Policies H5 and C11 of the Southend on Sea Borough Local Plan and Policies KP2 and CP4 of the Core Strategy DPD1

11 No external lighting shall be installed within the development unless details of the external lighting have previously been submitted to and approved by the LPA. Details to be submitted for approval shall include design, siting, direction and screening of the light source.

Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties and future occupiers of the development, in accordance with Policies H5 and C11 of the Southend on Sea Borough Local Plan and Policies KP2 and CP4 of the Core Strategy DPD1

12 No development shall take place until samples of the materials to be used on all the external elevations, on any screen/boundary walls and fences, and on all external surfaces have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance Policy C11 of the Southend on Sea Borough Local Plan and CP4 of the Core Strategy DPD1

13 The development shall not be occupied until details of all boundary treatment have been submitted to and approved by the Local Planning Authority and the boundary treatment shown on the approved details shall be installed prior to first occupation of any residential or commercial unit.

Reason: In the interests of amenity in accordance with Policies E5 and C11 of the Borough Local Plan and CP4 of the Core Strategy DPD1
14 No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping together with a landscape management plan. The scheme of landscaping shall include details of provision of a pocket park and children’s play area and play equipment and details of all the existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development; details of the number, size and location of the trees and shrubs to be planted together with a planting specification, proposed phasing, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established; and details of the treatment of all hard and soft surfaces (including any earthworks to be carried out).

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping and play facilities to serve the development, pursuant to Policies C14 and R5 of the Southend on Sea Borough Local Plan and Policies CP4 and CP7 of the Core Strategy DPD1.

15 All planting in the approved landscaping scheme, the pocket park and children’s play area and play equipment shall be carried and installed out no later than the first planting season following first occupation of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the local planning authority.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping and provision of a play area to serve the development, pursuant to Policies C14 and R5 of Borough Local Plan and Policies CP4 of the Core Strategy DPD1.

16 Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Parts 24 and 25 to those Orders unless previously agreed in writing by the LPA.

Reason: In the interests of visual amenity in accordance with policies C11 and H5 of the Borough Local Plan and policy CP4 of the Core Strategy DPD1.

17 The use of the units shown for “Community” purposes shall be restricted to day nursery, health club, gym or training centre only unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the adjacent residential occupiers in accordance with policies E5 and H5 of the Borough Local Plan and CP4 of the Core Strategy DPD1.
18 Prior to first occupation of the day nursery of units shown for “Community Use” details of proposed hours of opening shall be submitted to and agreed by the LPA, the units shall only be open for business in accordance with the agreed hours of opening unless otherwise agreed in writing with the LPA.

Reason: In order to protect the amenities of surrounding residents in accordance with Policy H5 and E5 of the BLP and CP4 of the Core Strategy DPD1.

19 Within three months of commencement of the development details of SUDs to serve the development shall be submitted to and approved by the Local Planning Authority and thereafter implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory standard of sustainable drainage in accordance with Policies KP2 and CP4 of the Core Strategy DPD1.

20 Prior to first occupation of the development a waste management strategy for the development shall be submitted to and approved by the Local Planning Authority, the strategy shall also detail how the development will proved for the collection of re usable and recyclable waste and waste management for the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure adequate and appropriate storage, recycling and collection of waste resulting from the development in accordance with Policy KP2 of the Core Strategy DPD1.

21 No development shall be commenced until:

a. a site investigation has been undertaken to determine the nature and extent of any contamination, and

b. the results of the investigation, together with an assessment by a suitably qualified or otherwise competent person, and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority.

Prior to the first occupation of the development hereby permitted (or, where the approved scheme provides for remediation and development to be phased, the occupation of the relevant phase of the development)

c. the approved remediation scheme shall be fully implemented (either in relation to the development as a whole or the relevant phase, as appropriate) and
d. A certificate shall be provided to the Local Planning Authority by a suitably qualified or otherwise competent person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: To ensure that the land is not contaminated and in the interest of public health and safety

22 No surface water run off from impermeable vehicle areas shall be discharged into any surface water sewer unless it has first passed through a petrol/oil/grit facility details of which shall have previously been submitted to and approved by the local planning.

Reason: To ensure that the site is adequately drained, pursuant to Policies KP2 of the Core Strategy DPD1

23 Prior to commencement of development a renewable energy assessment will be submitted to and agreed in writing with the Council to demonstrate how at least 10% of the energy needs of the development will come from on site renewable options (and/or decentralised renewable or low carbon energy sources. The scheme as approved shall be implemented and brought into use on first occupation of the development.

Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources, in accordance with Policy KP2 of the Core Strategy DPD1

24 At practical completion the residential units, the Day Nursery and Community units shall meet Secured by Design (or equivalent) standards unless otherwise agreed in writing with the LPA.

Reason: To ensure a reduction in and prevention of crime, in accordance with Policy KP2 of the Core Strategy DPD1.

25 The proposed parking areas should be designed to be capable of attaining achievement of the “Safer Parking Award” -“Park Mark” or equivalent.

Reason: To ensure a reduction in and prevention of crime, in accordance with Policy KP2 of the Core Strategy DPD1

26 On completion of the residential tower, a dual obstruction light shall be fitted to the highest point of the building and thereafter retained.

Reason: In the interests of aviation safety
27 Prior to first occupation of the development all redundant vehicle crossings should be reinstated at the expense of the developer in accordance with details which shall previously have been agreed in writing with the LPA.

Reason: In the interests of highway safety, in accordance with Policies T8 of the Borough Local Plan and CP3 of the Core Strategy DPD1.

28 No meter boxes shall be installed on the front elevation of the premises

Reasons: In the interests of the visual amenity in accordance with Policy CP4 of the Core Strategy DPD1

29 Before any development commences details of existing and proposed levels on the land and in relation to adjoining land shall be submitted to and approved by the local planning authority. The development shall be constructed at the level indicated on the approved drawings

Reason: For the avoidance of doubt.

30 Prior to installation of any Bio mass heating plant, and assessment of the resulting odour and products of combustion and any resulting mitigation measures shall be submitted to and approved by the LPA, Any Bio mass heating plant should be installed in accordance with the approved report and the necessary mitigation measures carried out prior to operation

Reason: To protect the amenities of nearby residents in accordance with Polices H5 of the BLP and KP2 and CP4 of the Core Strategy DPD1.

31 Construction and demolition works including loading and unloading shall only take place between the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday. No works shall to take place on Sundays and Bank Holidays

Reason: To protect the amenities of nearby residents in accordance with Policies H5 of the BLP and KP2 and CP4 of the Core Strategy DPD1.

c) In the event that the planning obligation referred to in part (a) above has not been completed within one year, the Group Manager (Development Control & Building Control) be authorised to refuse planning permission for the application on the grounds of failure to comply with Policies CP6.
<table>
<thead>
<tr>
<th><strong>Reference:</strong></th>
<th>SOS/09/00839/BC3M</th>
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<tbody>
<tr>
<td><strong>Ward:</strong></td>
<td>West Leigh</td>
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<tr>
<td><strong>Proposal:</strong></td>
<td>Erect two storey temporary building to south west of existing science block incorporating external staircase and covered linkway to existing main building.</td>
</tr>
<tr>
<td><strong>Address:</strong></td>
<td>Belfairs High School, Highlands Boulevard, Leigh on Sea</td>
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<tr>
<td><strong>Applicant:</strong></td>
<td>Southend Borough Council</td>
</tr>
<tr>
<td><strong>Agent:</strong></td>
<td>Penoyre &amp; Prasad LLP</td>
</tr>
<tr>
<td><strong>Consultation Expiry:</strong></td>
<td>19th June 2009</td>
</tr>
<tr>
<td><strong>Expiry Date:</strong></td>
<td>17th August 2009</td>
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<tr>
<td><strong>Case Officer:</strong></td>
<td>Dean Hermitage</td>
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<tr>
<td><strong>Plan Nos:</strong></td>
<td>379-PL-101 A; 379-PL-102 A; 379-PL-131</td>
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<tr>
<td><strong>Recommendation:</strong></td>
<td>DELEGATE TO GRANT PLANNING PERMISSION</td>
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1 Proposal

1.1 This application seeks planning permission to erect a two-storey pre-fabricated modular building for a temporary period, ending late 2011.
1.2 The proposed building would be 6.6m high, include a flat roof and be finished in render. It would include external stair to the first floor. The building would have a footprint of approximately 441m² (21m x 21m) and include three classrooms, administration offices, a reception and ancillary uses at ground floor, with four classrooms at first floor level. A covered link would be provided, linking the building with the existing science block.

1.3 The building would be sited to the front of the school site, fronting on to Highlands Boulevard. It is sought in connection with the proposed whole-scale redevelopment of Belfairs High School, an application for which is pending consideration. The proposed building would enable to teaching to continue whilst the existing school buildings are demolished to make way for the proposed redevelopment. The redevelopment of the school is programmed to be completed by the end of 2011, however it must be stressed there is no planning permission for the wider re-development at present.

2 Site and Surroundings

2.1 The application site consists of an area of greenspace to the front of the Belfairs High School site. The wider school site includes a range of buildings of various styles and ages, dating from the 1920s to 2004. The existing school buildings have either flat or low-pitched roofs and are up to three storeys high.

2.2 Highlands Boulevard is a residential street comprising a mix of early 20th Century semi-detached houses and bungalows, with occasional more recent infill. The street is typical of early 20th Century suburbia and is spacious and verdant in character, with dwellings set back behind deep grass verges.

2.3 There are no specific land use designations covering the site under the Local Plan.

3 Planning Considerations

3.1 The main considerations of this application are the principle of development, design and impact on neighbours.

4 Appraisal

Principle of the Development:

Planning Policy Statement 1; East of England Plan policies ETG4, ENV1; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11.

4.1 The proposed building is proposed for a temporary period up to 2011 (or on completion of the redevelopment of the school, currently programmed for completion at the end of 2011). It is acknowledged that temporary school buildings are often required, and temporary buildings are often needed generally to perform a function during a larger redevelopment.

4.2 The supporting information makes clear why the building is required (quite simply, the main building is proposed for demolition and the school will need teaching space while this is done). Its design reflects its temporary nature and is thus not considered a permanent permission should be granted. However, as a temporary building, the principle of development is considered acceptable.
Design and Impact on the Character of the Area:

Planning Policy Statement 1; East of England Plan policies ENV7; DPD1 (Core Strategy) policies CP4; BLP policies C11 and H5.

4.2 The design is typical of “pre-fab” classrooms, however in this case on a larger scale. The building would be accessed from a new footpath along the northwest elevation. Two external staircases would provide access to the first floor classrooms. Each classroom would have adequate natural light and ventilation, however the building would be relatively uninspiring and not of a high standard of design and would not complement the character and appearance of the street.

4.3 As a building its siting and design would not comply with Local Plan policy C11 or Core Strategy policy CP4, however its temporary need is acknowledged. As a temporary structure with a defined end-date the proposal can be considered acceptable in design terms. Conditions are recommended to ensure the building does not remain longer than the temporary period sought/required.

Traffic and Transportation Issues:

Planning Policy Statement 13; East of England Plan policies T8, T9 and T14; DPD1 (Core Strategy) policies CP3; BLP policies T11.

4.4 The proposal would not result in an increase in pupil numbers or teaching staff, and is purely to replace existing accommodation that would be lost during redevelopment.

4.5 The proposal would not result in the loss of parking spaces at the school. Construction of the building would be over the 2009 summer break, and thus construction vehicles would not conflict/add to general school traffic.

4.6 The proposal is considered to comply with the above policy in terms of traffic issues.

Impact on Residential Amenity:

Planning Policy Statement 1 and 3; East of England Plan policies SS1; DPD1 (Core Strategy) policies CP4; BLP policies E4 and H5.

4.7 The proposed building would be approximately 20m from the nearest residential property (No.41 Highlands Boulevard). The distance and physical relationship with residential properties is sufficient to mitigate them from any significant harm. The proposal is considered to comply with the above policy.
Sustainable Construction:

Planning Policy Statement 1; East of England Plan policies ENG1 and WAT4; DPD1 (Core Strategy) policies KP2.

4.8 The building would not include provisions for renewable energy or other sustainability measures. While this would not meet the requirements of Policy KP2, its temporary nature is considered a material consideration which outweighs the requirements of this policy. It is not considered reasonable to require sustainability measures to be programmed into a temporary building with a two-year lifespan. It is of course a further reason to limit the lifespan of the building by condition.

Other Issues:

BLP Policy C14

4.9 There are four trees just outside the location of the proposed building. At least three of these would likely have to be removed or would die as a result of the building. The trees are not significant specimens and would not qualify for Tree Preservation Orders. While the loss of any established tree is regrettable, it is not considered significant harm to the appearance of the area or bio-diversity would result.

4.10 New trees would form part of a landscape scheme in respect of the planned wider development of the site. A condition recommending new trees as part of this application is not recommended, as it may conflict with the wider scheme(s).

Concluding Remarks

4.11 Taking into account the above points and all other material considerations, the proposal is considered acceptable subject to conditions.

5 Planning Policy Summary:

5.1 National Policy Guidance PPS1 (Delivering Sustainable Development).


5.3 DPD1 (Core Strategy) Policies KP2 (Development Principles), CP4 (The Environment and Urban Renaissance) and CP3 (Transport).

5.4 BLP Policies C11 (New Buildings, Extensions and Alterations), C14 (Trees, Planted Areas and Landscaping), E5 (Non-Residential Uses Located Close to Housing), H5 (Residential Design and Layout Considerations), T11 (Parking Standards), T12 (Servicing Facilities) and T13 (Cycling and Walking).

5.5 Supplementary Planning Document 1: Design & Townscape Guide

5.6 EPOA adopted Vehicle Parking Standards
6 Representation Summary:

Leigh Town Council

6.1 To be reported

Design & Regeneration

6.2 To be reported

Children & Learning

6.3 Fully support application; building essential to ensure minimum disruption at the school; will replace some of the specialist science accommodation to enable the school to provide the full curriculum during the construction of the main building; the Head of Service for Commissioning & Infrastructure is the project sponsor and has been fully involved in the decision to provide temporary accommodation.

Adjoining Owners/Occupiers

6.4 Neighbours notified and a site notice posted and press notices posted. At time of writing no responses have been received, however the consultation period had not expired. Any responses will be communicated via a supplemental report.

7 Relevant Planning History

7.1 Application currently pending to “Demolish existing school buildings, erect replacement two storey school building with lower ground floor. Erect single storey building and refuse stores to South boundary, single storey extension to existing Sports Hall, layout hard courts and court fencing, 138 car parking spaces and cycle stores to northwest boundary, re-locate and widen vehicular access onto Highlands Boulevard, form pedestrian access onto Highlands Boulevard, install gates, associated landscaping and erect 1.8m high fence to boundary” (SOS09/00841/BC3M).

7.2 Application granted permission to “Erect part single/part two storey detached building and covered cycle store to southern boundary” (SOS/04/01550/BC3).

8 Recommendation

Members are recommended to DELEGATE TO THE GROUP MANAGER OF DEVELOPMENT CONTROL & BUILDING CONTROL TO GRANT PLANNING PERMISSION subject to the expiry of the publicity period and that no new material planning considerations have been raised and subject to the following conditions:

01 This permission is for a temporary period only and expires on 30th December 2011, by which time the building and all associated materials shall be removed from the site, and the ground reinstated to the satisfaction of the Local Planning Authority.
Reason: To define the scope of the permission in light of the building's design and siting which is not considered to warrant a permanent grant of planning permission, in accordance with Policies CP4 of the Southend on Sea Core Strategy 2007 and C11 of the Southend on Sea Borough Local Plan 1994.

02 This permission has been granted having regard to Core Strategy DPD Policies KP1, KP2, CP3 and CP8; Policies H5, E4 and T11 of the Southend-on-Sea Borough Local Plan; the policies and principles of the East of England Plan Policies; National policy PPS1 and all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.
<table>
<thead>
<tr>
<th><strong>Reference:</strong></th>
<th>SOS/09/00759/CAC; SOS/09/00762/BC3; SOS/09/00851/BC4</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ward:</strong></td>
<td>Milton</td>
</tr>
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</table>
| **Proposal:** | 1. Demolish single storey building to south boundary (Conservation Area Consent).  
                2. Demolish single storey building and part main building to south boundary, erect single storey extension and alter elevation to north, erect two storey extension incorporating canopies to south and west elevation, extend and alter ground floor glazed roof, erect stainless steel and wood green wall frame approximately 6m high to west elevation and layout terrace to south.  
                3. Installation of a temporary unit housing two classrooms with associated ramps. |
| **Address:**  | Barons Court Infant School, Avenue Road, Westcliff-On-Sea, SS0 7PJ |
| **Applicant:**| Southend-on-Sea Borough Council                     |
| **Agent:**    | Camal Architects                                    |
| **Consultation Expiry:** | 6th June 2009                                       |
| **Expiry Date:** | 9th July 2009 (SOS/09/00759/CAC, SOS/09/00762/BC3); 7th July 2009 (SOS/09/00851/BC4) |
| **Case Officer:** | Janine Argent                                       |
| **Plan Nos:** | 1. 23344 PA 090, 23344 PA 100, 23344 PA 098, 23344 PA 104  
                 2. 23344 PA 090, 23344 PA 099, 23344 PA 101, 23344 PA 101, 23344 PA 103, 23344 PA 105, 23344 PA 110, 23344 PA 111, 23344 PA 200, 23344 PA 201, 23344 PA 202, 23344 PA 203, 23344 PA 300  
                 3. 1024.TU.01, 1024.TU.02 |
| **Recommendation:** | GRANT CONSERVATION AREA CONSENT  
                               GRANT PERMISSION SUBJECT TO CONDITIONS  
                               SOS/09/00759/CAC  
                               GRANT PERMISSION SUBJECT TO CONDITIONS  
                               SOS/09/00762/BC3  
                               GRANT PERMISSION SUBJECT TO CONDITIONS  
                               SOS/09/00851/BC4 |
1 Proposal

1.1 Southend-on-Sea Borough Council request Conservation Area Consent (SOS/09/00759/CAC) for the demolition of an existing single storey building to the southern boundary of the site together with part of the main building. The demolition will enable the erection of a single storey extension and altered elevation to the north of the existing building, erection of a two storey extension incorporating canopies to south and west elevation of the main building and an extension and alteration to the ground floor glazed roof, erection of stainless steel and wood green wall frame approximately 6m high to west elevation and layout terrace to south (SOS/09/00762/BC3).

1.2 The proposed materials to be used in the construction of the development comprise of local stock brick and vertical cladding for the walls, seam metal for the roof, matt black aluminium frames for the windows and doors and boundary treatments will remain the same with closed boarded fences.

1.3 Whilst the works commence at the site a separate planning application has been submitted under planning reference SOS/09/00851/BC4 to accommodate pupils whilst the works are undertaken which will be sited on the existing car park to the front of the site.

1.4 Children and Lifelong Learning state that the proposed extensions will enable Barons Court Infant School to transition to becoming a primary school from the 1st September 2010. The extension will provide a significant contribution to providing more primary school places in the centre of town. It should be noted that a report to Cabinet, on the 4th November 2008 agreed that a consultation be undertaken to extend the age range of Barons Court Infant Schools to become a primary school from September 2010. The outcome of that consultation were considered by Cabinet on 17th March 2009 and it was agreed to issue statutory notices for a six week period. There had been overwhelming support for the proposal, and indeed a desire to see it happen by September 2009.
1. The statutory notice was published on 24th April 2009 and there has been an objection. Consequently the matter has been referred to the Schools Adjudicator who will make a decision in July. It should be noted that this process is separate to the planning process and should have no bearing on the determination of the application.

2 Site and Surroundings

2.1 The school is predominantly a single storey modern building with a small first floor element with cement cladding on the exterior walls located within the Milton Conservation Area. The layout of the school is unusual in that the grounds of the school are located to the front of the property with the buildings to the rear. The existing building is between 35-40 years old with numerous internal reconfigurations having been introduced in the intervening years the last of which was a small extension to form a first floor used for staff accommodation.

2.2 The main vehicular and pedestrian access to the school is from Avenue Road.

2.3 To the north of the site is a residential care home and to the south and west are residential properties.

3 Planning Considerations

3.1 The main considerations in the determination of this application are the principle of the development, design, traffic and transportation issues, impact on residential amenity and sustainable construction.

4 Appraisal

Principle of the Development:

Planning Policy Statement 1; East of England Plan policies SS1, ENV6, ENV7; DPD1 (Core Strategy) policies KP2, CP4, CP6; BLP policies C11, U2, U5, U7, U8, T11, T8 and Design and Townscape Guide SPD1.

4.1 Policy CP6 of the Core Strategy advocates the need to improve educational facilities to ensure that support is made to meet the needs of the local community. Policy U7 of the Borough Local Plan states that subject to the maintenance of satisfactory environmental conditions and residential amenities the Borough Council will support the improvement or extension of existing public and private education establishments and will encourage the use of their facilities for community purposes where thus would meet identified requirements. The proposed development will facilitate an expansion of the education facilities available at Barons Court whereby the proposed extension will enable the formation of additional classrooms, school offices and various other rooms for educational purposes.

4.2 The new extensions and reconfiguration internally will provide new teaching facilities together with a landmark building and will enable greater flexibility.

4.3 In light of the above, it is considered that in principle the proposed development is acceptable.
Design:

Planning Policy Statement 1, Planning Policy Guidance 15, Planning Policy Guidance 24; East of England Plan policy ENV6, ENV7; DPD1 (Core Strategy) policies KP2, CP4; Borough Local Plan policies C4, C11, C14, U5, U7 and Design and Townscape Guide SPD1.

4.4 The existing building is predominately single storey flat roof constructed of concrete panels dating back to the 1970’s with numerous open plan areas with no clear delineation or hierarchy of space or circulation. The restrictive nature of the existing layout does not meet the needs of the educational establishment.

4.5 The proposed extensions will result in part of the existing main school building being demolished and a pre fabricated building from the southern boundary. The proposed development comprises of the erection of a single storey extension and alterations to the north elevation, erection of a two storey extension incorporating canopies to south and west elevation, extended and altered ground floor glazed roof, erection of a stainless steel and wooden wall frame with planting approximately 6m high to the west elevation and layout terrace to the south.

4.6 The proposed design of the extensions are of contemporary style, including vertical timber cladding which provides a minimalist contemporary aesthetic to lessen the impact on neighbouring buildings and the character and appearance of Milton Conservation Area. The proposed fenestration matches the existing building and the main entrance will be clearly defined as a focal point in accordance with the provisions of the Design and Townscape Guide SPD1. The Design and Access Statement accompanying this application states that the extensions will enable the formation of a landmark building that will introduce a greener more sustainable design form in accordance with the Building Research Establishment Environmental Assessment Method (BREEAM) ratings. The design of the extensions and alterations will enable greater flexibility within the school to allow for the adaptation in response to any change in provision of teaching facilities.

4.7 The proposed green wall to the front of the site respects the surrounding locality where there is substantial landscaping within the site and within the streetscene. The addition of a green wall contributes to the existing townscape of the area in accordance with the provisions of Policy C14 of the Borough Local Plan whereby any new development should provide landscaping to the respect the surrounding locality where appropriate.

4.8 The site is located within Milton Conservation Area which is characterised by three general styles of architecture including mid Victorian properties, late Victorian properties and the Edwardian period. Policy C4 of the Borough Local Plan states that any new development within the conservation areas should ensure the buildings relate to the general pattern of the development. In this instance, it is considered that although the design of the various extensions are of contemporary nature the development will enhance the appearance of the townscape given that the existing school building is of little architectural merit. The form, mass and scale of the extensions has responds to the surrounding building forms and provides a minimalist design approach to ensure that the development does not detract away from the character and setting of the Milton Conservation Area. In addition, the proposed materials are sympathetic to
existing building and the surrounding locality and the Milton Conservation Area in accordance with the provisions as detailed in Policy C11 and C4 of the Borough Local Plan.

4.9 In light of the above, the existing single storey building to the south boundary to be demolished is of little architectural merit and is not worthy of preservation and will therefore not have a detrimental impact on the character and appearance of the Milton Conservation Area. The existing school building fronting onto Avenue Road is of little architectural merit and does not have any significant impact on the streetscene or adjacent buildings within the vicinity. It is not considered that the proposed design of the extensions and alterations exacerbate this.

4.10 The proposed temporary building will be located on the existing car park to enable the demolition and various extensions to the school to be carried out. The design and access statement accompanying this application suggests that screening will be provided to reduce the visual impact the temporary classroom may cause to the street scene along Avenue Road. The proposed materials to be used include a light beige finish and a white roof. The existing bank and fence will be removed to accommodate the temporary classrooms. Given that the proposed temporary classroom will be for a limited period of time of no longer than 18 months it is not considered that the design of the classrooms and materials will not detract from the character and appearance of the Milton Conservation Area or the streetscene.

4.11 It is not considered that the proposed temporary classroom will have a detrimental impact on the appearance and character of the street scene given the temporary nature of the classroom whilst the building works at the school are carried out. Conditions can be attached relating to screening to ensure that the building will not detract away from the character and setting of Avenue Road together with the prompt removal of the classroom once the new extension has been completed.

4.12 It is therefore considered that the proposed development will enhance the appearance and character of this building and is in accordance with Planning Policy Guidance 15, Policy ENV6, and ENV7 of the East of England Plan, KP2 and CP4 of the Core Strategy, Policy C4, C11 and C14 of the Borough Local Plan and the Design and Townscape Guide (SPD1).

Traffic and Transportation Issues:

Planning Policy Statement 1, Planning Policy Guidance 13; East of England Plan policy ENV7; DPD1 (Core Strategy) policies KP2, CP4, CP3; BLP policies C11, T8, T11, U5; EPOA Parking Standards and the Design and Townscape Guide SPD1.

4.12 Barons Court School has one point of vehicular and pedestrian access off Avenue Road. There are very few designated public parking spaces within the surrounding streets.

Parking

4.13 The existing availability on site comprises of 11 parking spaces of which one is suitable for DDA use together with 25 cycle spaces and any overflow parking is accommodated within the surrounding streets.
4.14 The proposed development will result in the loss of the existing car park due to the temporary classrooms which will be required to be accommodated whilst the works are carried out. The two tables below document the proposed number of students and staff attending the site from September 2009-September 2016 together with the car parking provision:

<table>
<thead>
<tr>
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<th>Sept-09</th>
<th>FTE-09</th>
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<th>FTE-10</th>
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</table>
4.15 EPOA Parking Standards (2001) states that Primary Schools shall have one space per two daytime teaching staff. Policy T11 of the Borough Local Plan states that permission will not normally be granted for any development which would be likely to give rise to additional demand for on-street parking particularly residential areas.

4.16 Given that the existing car park will be lost for a temporary period of 18 months it is imperative to ensure sufficient car parking provision is provided for staff members to reduce the demand for on street parking which would be contrary to the provisions of Policy T11 of the Borough Local Plan. Two letters accompanying the planning application confirm that five parking spaces can be provided at Avenue Baptist Church for the duration of the school year 2009/2010 and will be available free of charge. In addition, parking spaces will be secured at North Road Council Car Park for four spaces for the academic year 2009/10 and one space would be secured for the year of 2013/14.

4.17 In light of the above it is considered that sufficient parking can be provided to accommodate the increase in staff members from September 2010–September 2016 and therefore complies with Policy T8 of the Borough Local Plan.

4.18 However, consideration needs to be given to the number of pupils attending the site. Currently 146 pupils attend the school which will rise to a maximum of 266 in September 2013 which will then be reduced to 236 by 2016. The projected figures are based on the current admissions to the school which will be phased out by 2016. The increased numbers of students could potentially give rise to increased congestion along Avenue Road and demand for on street parking given the projected numbers of students attending the site. A travel plan accompanying this application states the current modes of access to the school include nearly all of the pupils walking to the school and there are a limited number of children cycling to school and even fewer numbers arriving by car. At present there is no current travel plan for the school however conditions could be attached to enable the school to encourage more sustainable forms of transport comprising of a walking bus and cycling to reduce the congestion that may be posed on the streets surrounding the school with specific reference to Avenue Road. A travel plan would advocate the need to decrease the proportion of students travelling by car, increase the proportion of students walking or cycling to school and improve the reliability, availability and attractiveness of public transport and would comply with the provisions of Policy CP3 of the Core Strategy.

4.19 Although the numbers of pupils will significantly increase the intake of pupils will be staggered from 2010-2016 whereby there will be 176 pupils September 2010; 206 pupils September 2011; 236 pupils September 2012; a maximum of 266 pupils September 2013 and then the number of pupils will decrease during 2014-2016 whereby there is a projected figure of 236 pupils. It is therefore considered that sufficient parking can accommodate staff members whilst the proposed works are carried out off site at North Road and Avenue Baptist Church and once the Primary School has been established by September 2010 the existing car park will be reinstated to accommodate 11 spaces and then from 2012 onwards any further staff parking spaces required can be accommodated at North Road car park.
4.20 The school currently has a staggered start time at the beginning of the day from 8:45-8:55 there is a breakfast club starting at 8:00 and the seasonal nursery children attend between 9:00-11:30 and 12:45-3:15. With the intake of older children it is proposed to stagger the end of the school day to ensure the younger children can leave the site before the older children are dismissed.

4.21 In light of the above it is not considered that the proposed development will have a detrimental impact on the highway or pedestrian safety.

**Impact on Residential Amenity:**


4.21 The existing pre-fabricated building is used as a classroom and is of little architectural merit. It is not considered that the demolition of the building will have any adverse impact onto the visual amenities of adjacent neighbours and the demolition hours can be conditioned to ensure any noise and disturbance is restricted between specific hours during the week.

4.22 The proposed temporary classrooms whilst works are taking place will be sited within the existing car park 3m away from the adjacent boundary with 58 Avenue Road and measures 9.8m wide x 16.7m deep x 3.5m high. Part of the temporary classroom will be sited 5.8m in front of the building line of 58 Avenue Road and the proposed height matches the existing log cabin which was previously approved on the 30th January 2009 under planning reference SOS/07/01639/BC3. The temporary classroom will be located 3.2m away from the street and will involve the removal of part of the existing bank on site. However, the applicant states that the bank will be reinstated once the temporary classrooms have been removed which is considered in accordance with Policy C14 of the Borough Local Plan which seeks to preserve planted area, which contributes to the townscape of an area. This element can be conditioned if this application is deemed acceptable.

4.23 In terms of impact onto adjacent neighbours it is not considered that the proposed temporary classroom will have a detrimental impact on the visual amenities of the adjacent neighbours by reason of loss of privacy, noise and disturbance. However, given the existing open aspect of where the car park is currently sited and the proposed location of the classroom it would be essential to safeguard the visual amenity and character of the street scene along Avenue Road which is characterised by mature trees and landscaping. The proposed colour of the building is beige which is not considered to harm the visual appearance of the surrounding locality. However, it is important to ensure screening to the front and side of the classroom is provided and this element can be conditioned to ensure the character and appearance of Milton Conservation Area and the street scene of Avenue Road is preserved and enhanced.

4.24 The proposed two storey extension to the south and west elevation of the main building is not considered to have a detrimental impact on the visual outlook of adjacent neighbours and will provide an interesting design feature. In respect of loss of privacy and overlooking the fenestration on the western elevation has been restricted to the front of the building overlooking the playground to ensure
that no overlooking or loss of privacy will occur to the adjacent residential occupier at 52 Avenue Road. The proposed two storey extension on the south elevation of the main building incorporates windows at first floor level. However, given the distance of some 30m between the proposed extension and 52 Avenue Road and the orientation of the development looking out towards Park Crescent it is not considered that the development will give rise to any overlooking or loss of privacy.

4.25 The proposed design of the extensions and alterations introduces a contemporary design to the existing main building to provide a landmark feature. Given the siting of the development which is set back 39.6m away from the street and the proposed green wall it is not considered that the extensions or alterations will have an overbearing impact on the visual amenity of the surrounding locality, the street scene, adjacent residential occupiers or detract away from the character and setting of Milton Conservation Area. It is therefore considered that the proposed development complies with the provisions of Policy ENV6 and ENV6 of the East of England Plan, policies KP2 and CP4 of the Core Strategy and policies C4 and C11 of the Borough Local Plan and advice contained within the Design and Townscape Guide.

Landscaping

4.26 A Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan and an Ecological Survey have been submitted accompanying the two planning applications for the temporary classrooms and the proposed extensions and alterations.

4.27 The proposed demolition and construction process may impact on the retained trees:

- Temporary Classrooms will result in crown reduction measures to facilitate delivery and removal once works are completed.
- Storage and site office facilities due to the limited space on and off the site facilities will have to be positioned to the rear of the site and great acre will be required to prevent soil contamination that may affect future plant health.
- Construction of foundations for the two storey extension will impact on two trees to the southern boundary to the extent that one tree will have to be removed.
- Scaffolding will be required around the entire development and the branches from the cypress hedge shall be trimmed back to the boundary line to unimpeded access. However, it will not have a detrimental impact on the health or visual amenity of the trees.

4.28 It is considered that the proposed development will not result in the loss of trees of any arboricultural significance and landscaping can be conditioned to ensure that the visual amenity and loss of privacy to the adjacent residential occupiers is not compromised in accordance with the provisions of Policy C11 and C14 of the Borough Local Plan. An informative will be added to the consent reminding the applicant of the need for TPO and TCA consent.
4.29 The proposed development includes the erection of a stainless steel and hardwood frame to support a green wall which enables part of the first floor extensions and alterations to be screened and the visual amenity of the street scene to be safeguarded due to the character of the street with mature landscaping.

Noise and disturbance

4.30 The proposed development requires demolition of apart of the main building and the pre fabricated building to the south boundary of the site and therefore to safeguard the amenities of adjacent residential occupier’s conditions would ensure that specific hours are provided for when the works start and finish daily to safeguard the amenity of nearby residential occupiers.

Sustainable Construction:

PPS1, PPS 23, PPS 22, PPS 10; East of England Plan policy ENV7, ENG1, WAT4, SS1, WM1, WM6; DPD1 (Core Strategy) policies KP2, CP4, CP3; BLP policies C11, T8, T11 and the Design and Townscape Guide SPD1.

4.31 National guidance and relevant planning policy statements together with the East of England Plan, Policy KP2 of the Core Strategy and the Borough Local Plan advocate the need to ensure design maximises the use of sustainable and renewable resources in the construction of development. It also states that all development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources and at least 10% of the energy needs of new development should come from on-site renewable options.

4.32 Accompanying this application is a Design and Access Statement, which states that renewable energy strategies adopted will form part for the educational function of the building. The proposed will be submitted for a BREEAM rating. The building will incorporate a degree of rainwater harvesting. All hard landscaping will be of a permeable type to allow rain falling on the site to permeate into sub-soil and the materials to be used in the construction of the development have been chosen to give an A or A+ rating as designated in the Building Research Establishment (BRE) Green Guide. Given the nature of the proposal conditions can be attached to deal with these issues.

5 Planning Policy Summary:

5.1 Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Guidance 15, Planning Policy Guidance 13 (Transport), Planning Policy Guidance 24 (Noise)


5.3 Development Plan Document: 1 Core Strategy Policies KP2 (Development Principles), CP3 (Transport & Accessibility), CP4 (Environment & Urban Renaissance), CP6 (Community Infrastructure)
5.4 BLP Policies C4 (Conservation Areas), C11 (New Buildings, Extensions and Alterations), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), U2 (Pollution Control), U5 (Access and Safety in the Built Environment), U7 (Existing Educational Facilities), U8 (Provision of New Educational Facilities).

5.5 Supplementary Planning Document 1: Design & Townscape Guide.


5.7 Waste Management Guide.

6 Representation Summary:

Milton Conservation Society

6.1 The Society is supportive to the improvements of the existing school and the architectural solution. The clean, modern approach will be a welcomed improvement to the existing building and a suitable counterpoint to the surrounding Victoria and Edwardian architecture.

However, there are concerns over the impact of an additional 90 pupils and parents/guardians attending the site which will generate stress in Avenue Road and the surrounding streets. The surrounding locality already suffers severe parking stress whereby vehicles are parked across pavements and inadequate pedestrian passing space. The proposed development should include designs for the street at the entrance to the school including enlarging the public pavement space and guarding and bollard design. The parking provision on the surrounding streets should be considered including the removal of one pavement on the north side of Park Crescent for the section of straight road leading from Avenue Road and including angled parking bays, pedestrian friendly road surfacing and further traffic calming. The street design needs to be given the same level of attention and the building design.

The impact on surrounding residents of the noise generated by the additional 90 pupils has not been accounted for within the submitted Acoustic Assessment report.

In light of the above the society objects to the proposed development and would request additional information to be submitted to address the noise and highways concerns.

Essex County Council (Historic Buildings and Conservation)

6.2 No objections to the demolition of part of the main building and recommend consent subject to the approval for any replacement building.

6.3 The new works are completely modern in style, and of a different character to most of the buildings in the conservation area. However, it is good attractive and interesting design and of an acceptably high standard of finish.

6.4 The proposal would have a great impact on the character and appearance of the Conservation Area but, compared to the previous building, it is positively an enhancement. The proposal is recommended for permission to be granted.
6.5 No objections to the installation of a portakabin on this site as long as it is strictly on a temporary basis. Therefore recommend that permission is granted with the condition that a fixed time limit, linked to the completion of the works to the school, is agreed with the local authority.

**Traffic and Highways**

6.6 To be reported on the supplementary report

**Parks and Open Spaces**

6.7 To be reported on the supplementary report

**Parks and Trees**

6.8 To be reported on the supplementary report

**Early Years and under 8’s development**

6.9 No objections.

**Education and Learning**

6.10 The expansion is an integral part of the overall Local Authority Primary Capital Programme to improve the primary school building stock within the borough and also to increase pupil places. The building will need to be ready by September 2010 to accommodate the additional pupils. It is fully funded by the Local Planning Authority and is being managed in-house. In tandem with this planning application a statutory process to increase the age range of pupils the school caters for is underway and will be considered by Cabinet in June 2009.

**Environmental Health**

6.11 To be reported on the supplementary report

**Southend Fire Brigade**

6.12 Access is in accordance with the Essex Act 1987 Section 13. Any building works will have to comply with relevant requirements of Building Regulations and Fire Safety- Procedural Guidance in accordance with Section 13 of Building Regulations 2000 (as amended).

**Design and Regeneration**

6.13 The proposed extension will make a significant enhancement to the design of the school which is currently rather poor. It will provide a strong entrance feature and a new identity which is much need. The scheme responds well to the form, mass and sale of the existing building and its minimal design will compliment the surrounding townscape and the wider conservation area. The building has been well detailed with interesting fenestration and high quality materials and should make a positive contribution to the existing building and the local area.
Adjoining Owners/Occupiers

6.15 Neighbours notified and a site notice posted - two letters of representation received stating:

- The proposed development should ensure it complies with the provisions of the Milton Conservation Area.
- Noise and disturbance should be carefully controlled to not have a detrimental impact onto the amenities of residential occupiers.
- Concerns over potential loss of privacy and overlooking from the first floor elements.

7 Relevant Planning History

7.1 There is an extensive history relating to the site however the applications detailed below are most relevant:

7.2 30th January 2008 - Permission was granted for the erection of a log cabin to be used as classroom.

7.3 10th July 2007 - Permission was granted for the erection of a first floor extension and canopy over main entrance.

7.4 11th September 2006 - Permission was granted for the erection of a canopy over the front entrance and rear play area.

8 Recommendation

Members are recommended to GRANT CONSERVATION AREA CONSENT SOS/09/00759/CAC subject to the following condition:

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

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

This consent has been granted having regard to Policies CP4 of the Core Strategy, the Design and Townscape Guide and Policy C4 (Conservation Areas) of the Southend-on-Sea Borough Local Plan and to all other material considerations. The works authorised accord with those policies and in the opinion of the Local Planning Authority would not affect adversely the character of the Conservation Area within which they are located.

Members are recommended to GRANT PERMISSION SOS/09/00762/BC3 subject to the following conditions:

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

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
No development shall take place until details including samples of the materials to be used on the external elevations, and fences, and hardstanding surfaces have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the area, in accordance with Policy SS1, ENV7 of the East of England Plan, policies KP2 and CP4 of DPD1 (Core Strategy) and Policy C11 of the Southend-on-Sea Borough Local Plan and the Design and Townscape Guide SPD1.

Prior to the commencement of the development hereby permitted by the Local Planning Authority, a scheme of soft landscaping shall be submitted to and approved by the Local Planning Authority indicating the location, species and size of all new trees, shrubs and hedgerows to be planted, those areas to be grassed and/or paved, and for a programme of planting and transplanting. The landscaping scheme shall be completed to the satisfaction of the Local Planning Authority during the first planting season after the date on which any part of the development is completed for occupation or in accordance with a programme of planting agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity in accordance with East of England Policy SS1 and ENV7, policies KP2 and CP4 of DPD1 (Core Strategy), and policy C11 of the Southend-on-Sea Borough Local Plan and the Design and Townscape Guide SPD1.

Notwithstanding the details on the approved plans, prior to the commencement of the works to which this condition relates details for the proposed hand rail and new ramp (including materials and finishes) shall be submitted to and approved by the Local Planning Authority and implemented in accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and policy ENV7 of the East of England Plan, policy KP2 and CP4 of the Core Strategy and policy C11 of the Borough Local Plan.

A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the occupation of the new extension to the education facilities at Barons Court Infants School. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Policy ENV7 of the East of England Plan, Policies KP2 and CP4 of the Core Strategy (DPD1) and PPS1.
06 No development hereby permitted shall commence until details of surface water attenuation for the site, based on SUDS principles, have been submitted to and approved by the local planning authority. The works agreed shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory drainage of the site in accordance with PPS25, policy ENV7 of the East of England Plan and policies KP2 and CP4 of the Core Strategy (DPD1).

07 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.

Reason: To protect the residential amenities and character of the area in accordance with policy ENV7 of the East of England Plan, policy CP4 of the Core Strategy and policies C11 and U2 of the Borough Local Plan.

08 No construction works in connection with the development hereby permitted shall take place outside the following times 0730-1800 on Mondays to Fridays and 0800-1300 on Saturdays and no such works shall take place on Bank and public holidays.

Reason: To safeguard the amenities of nearby residential properties, in accordance with Policy C11 of the Southend on Sea Borough Local Plan.

This permission has been granted having regard to Policies KP2, CP3, CP4 and CP6 of the Core Strategy, the Design and Townscape Guide and Policies C4, C11, T8, T11, U2, U5, U7 and U8 of the Southend-on-Sea Borough Local Plan, 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.

Members are recommended to GRANT PERMISSION SOS/09/00851/BC4 subject to the following conditions:

01 The use shall be discontinued within three months of occupation or before the 17th December 2010 and the land to be reinstated.

Reason: In accordance with the wishes of the applicant, because the application has only been made for permission for a temporary period.

02 Prior to the erection of the portakabin hereby permitted, a scheme of soft landscaping shall be submitted to and approved by the Local Planning Authority indicating any existing landscaping including trees, shrubs and hedgerows to be retained together with the location, specifies and size of new shrubs and hedgerows to be planted. The landscaping scheme shall be completed in accordance with a programme of planting agreed in writing by the Local Planning Authority.
Reason: In the interests of the visual amenities of the Milton Conservation Area.

This permission has been granted having regard to Policies KP2, CP3, CP4 and CP6 of the Core Strategy, the Design and Townscape Guide and Policies C4, C11, T8, T11, U2, U5, U7 and U8 of the Southend-on-Sea Borough Local Plan, 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.
Reference: SOS/09/00105/FUL

Ward: Milton

Proposal: Convert second floor into one self contained flat (Class C3).

Address: The Blue Banana, Western Esplanade, Westcliff-on-Sea, SS1 1EE

Applicant: Mr A Innell, The Blue Banana Café

Agent: David Grew Designs

Consultation Expiry: 4th June 2009

Expiry Date: 6th July 2009

Case Officer: Yonas Fentie

Plan Nos: DMG/09/03/2

Recommendation: Grant Planning Permission

1 Proposal

1.1 This application was withdrawn from the April's development control committee as the applicant has submitted wrong certificate of ownership. This has now been resolved.
1.2 The application seeks permission for a change of use of second floor restaurant area to residential use.

1.3 The proposal involves internally subdividing the second floor restaurant area to create a self contained flat comprising one bedroom, a bathroom/toilet and a lounge/kitchen. No changes are proposed to the external elevations.

1.4 In support of this application, the applicant has stated that the flat to be created would only be occupied by an employee of the restaurant and would not be sold or let separately. The applicant goes to suggest that the recurring attempted break-ins to the restaurant would be partially addressed by the proposed change of use.

2 Site and Surrounding

1.1 The application property relates to the Blue Banana Café located on the northern side of Western Esplanade. It forms part of a number of leisure uses within the western end of the seafront.

1.2 The recently built two storey contemporary building lies adjacent to the steps leading up to Clifton Terrace. To the east of the steps is a fish and chip shop with the Esplanade Pub located further to the east. Immediately to the west lies a single storey sitting area with an area of public open space further to the west. The Thames Estuary lies to the south.

2 Planning Considerations

2.1 The main considerations with this application are the principle of the residential use, standards of accommodation and amenity space and whether the proposed use has parking implications.

3 Appraisal

Principle of the use:

Planning Policy Statements PP1, PPS3; DPD1 (Core Strategy) policies KP1, KP2, and CP4; BLP Policies H5, H7 and the Design and Townscape Guide SPD1.

3.1 Policy H7 of the BLP recognises the importance of these types of development in making optimum use of the town’s limited land resources, as long as new flat developments achieve good standard of accommodation, design and layout.

3.2 This is reinforced by PPS3 which encourages the efficient use off urban land to provide mix of housing to support a wide variety of households in sustainable locations with good access to jobs, key services and infrastructure.

3.3 Whilst the proposed residential use complies with the above policies and principles, concerns were raised in that the conversion of this second floor restaurant premises to residential would dilute the core use of the area as an attractive seafront leisure centre.

3.4 It is acknowledged that the site lies within the core leisure district of the seafront and as such any non-leisure use in such prominent locations may weaken the leisure function of the area.
3.5. The proposed changes would only involve internal subdivisions; externally, the building remains unaltered. Should circumstances change; the use can be easily converted back to restaurant use. Given the ground and first floor areas would remain in restaurant use, the proposal is not considered to have a detrimental effect by weakening the core leisure use of this part of the seafront.

3.6. It is noted that a number of leisure units along the seafront, particularly on the eastern side have residential uses on upper floors. The nearby Esplanade Pub has a residential use at second floor level.

3.7. It is noted that such residential uses are occupied during late evenings and early mornings when most leisure premises cease to trade. The proposed residential use is in association with the restaurant use and therefore can be argued that it would enhance passive surveillance thereby reducing fear of crime and ultimately enhancing the vitality and viability of this part of the seafront.

3.8. For the reasons mentioned above and taking into account that upper floor residential uses are a common element along the seafront, the principle of residential conversion is considered acceptable at this location.

Accommodation standards and Amenity Space:


3.9. The proposed second floor flat would provide accommodation in the form of one bedroom, a kitchen/lounge and toilet/bathroom. The terraced area at second floor would serve as amenity space to the occupiers of the flat. By virtue of its limited size, the type of accommodation proposed does not lend itself for family occupation.

3.10. With regards to noise, the proposed flat would be exclusively occupied by a member of staff working at the restaurant, it is therefore reasonable to assume that the flat would only be used after the restaurant is closed for business. Notwithstanding this, and to safeguard the amenity of the occupier of the flat when she/he is not working at the restaurant, a condition will be imposed requiring sound insulation to be installed introduced prior to occupation.

3.11. To ensure the proposed flat would only be occupied by member of staff working in the restaurant and shall not be sold or let separately, appropriate condition will be imposed.

Parking Implications:

BLP Policy T11, EPOA Vehicle Parking Standards.

3.12. By reason of its limited accommodation space, the proposed flat is most likely to be occupied by a single person. Provided that the flat is occupied by a member of staff working in the restaurant, the proposal is not considered to have a material impact on parking provision within this part of the seafront.
Other Matters

3.13. The proposed residential flat does not lend itself to be occupied other than by a single person. Given the restaurant has a dedicated waste storage area, it is not considered reasonable to require dedicated waste storage area for the flat use.

4 Planning Policy Summary:


4.2. East of England Plan (May 2008) ENV7 (Quality in the Built Environment)


4.4. BLP Policies: H5 (Residential Design and Layout Considerations), H7 (Formation of Self Contained Flats), T11 (Parking Standards), U2 (Pollution Control).

4.5. Design and Townscape Guide (SPD1)


4.7. Waste Management Guide

6 Representation Summary:

Environmental Health:

6.1 No objections subject to conditions requiring the accommodation is used in conjunction with the business. [Officer Comment – this would be maintained by conditions 2 and 3]

Adjoining owners/occupiers

6.2 Neighbours notified and site notice posted with no responses received.

6.2 Councillors raised concerns on the grounds that the proposed residential use would dilute the leisure use of the seafront and increase parking demand within the area.

7 Relevant Planning History

7.1 June 2005 – Permission granted to demolish building, erect two storey building to be used as a café (Class A3) – SOS/05/00099/FUL.
7.2 October 2007 – Permission granted to erect two storey side extension and create new second floor; reposition electricity substation and erect bin store and fire escape to rear and from vehicular access onto Western Esplanade – SOS/07/01248/FUL.

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 three years beginning with the date of this permission.

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

02 The proposed residential flat at second floor level shall not be occupied other than by a person solely or mainly employed, or last employed in the restaurant and shall not be let or sold separately to the restaurant business.

Reason: In the interests of maintaining the leisure function of the seafront in accordance with policy KP1 of the Core Strategy (DPD1).

03 The proposed flat shall not be occupied until the floor between the first floor restaurant and the second floor residential use has been insulated in accordance with the details which shall have been submitted to and approved by the Local Planning Authority. The noise insulation measures as installed shall be retained at all times thereafter.

Reason: To safeguard the amenities of the second floor flat from noise nuisance related to the operation of the restaurant at ground and first floor in accordance with Policy U2 of the Borough Local Plan.

Reason for Approval:

This permission has been granted having regard to Core Strategy DPD Policies KP1, KP2, CP4 and CP8; Policies H5, H7, U2 and T11 of the Southend-on-Sea Borough Local Plan; the policies and principles contained within the Design & Townscape Guide SPD, East of England Plan Policies; National policies PPS1 and PPS3 and all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.
1 Proposal

1.1 To erect a conservatory at the rear of a semi-detached dwellinghouse, located close to the Shoebury Garrison Conservation Area. The proposed conservatory would have brick parapet walls with a large window to the south side and a white UPVC and glass sloping roof and frame with double doors, above a brick plinth. The height of the side brick parapet walls would be 3m.
The proposed conservatory would increase the area of the existing living/dining room by 13.5m².

2 Site and Surrounding Area

2.1 The property is a recently built semi-detached dwellinghouse, located at the cul de sac end of Ashes Road, Shoeburyness. The existing semi detached dwellinghouse was granted detailed planning permission in March, 2005, as part of the Shoebury Garrison Development. Condition 5 of the 2005 permission, removed permitted development rights from properties within the development, to “safeguard the character and amenities of the area and to safeguard the amenities of adjoining residential properties, in accordance with policies C4, C11 and H5 of the Borough Local Plan”.

2.2 The existing dwellinghouse is located close to the Shoebury Garrison Conservation Area. The existing property does not have any existing additions or extensions to the rear. The Shoebury Garrison Development is characterised by a high standard of design, with the existing property being a brick construction in a Georgian style, with parapet walls and white timber framed windows. The property backs onto residential properties in Boundary Way and Magazine Road, which have a similar Georgian style and the proposed conservatory, would be highly visible from these and neighbouring properties in Ashes Road.

3 Planning Considerations

3.1 The main considerations are the principle of the development, the design of the proposed conservatory and use of materials in its construction, the relationship of the proposed conservatory with the existing building, the impact of the proposed conservatory on neighbouring amenity and traffic and transportation issues.

4 Appraisal

Principle of the Development


4.1 Condition 5 of the 2005 permission, removed permitted development rights from properties within the development, to safeguard the character and amenities of the area and to safeguard the amenities of adjoining residential properties, it was not introduced to preclude development. Subject to the proposed development safeguarding the character and amenities of the area and the amenities of adjoining residential properties, the principle of development is acceptable.
Design & Impact on the Character of the Area


4.2 In determining this application, regard should be had as to whether it overcomes previous reason for refusal. The previous application for a conservatory to the rear was refused because of inappropriate design and use of materials, which would fail to relate positively to the design of the existing building and neighbouring properties. The proposed conservatory was considered to be detrimental to the character of the existing building and the local area.

4.3 In common with the previous application, the proposed conservatory, with the exception of the side brick parapet walls, would have a white UPVC and glass sloping roof and frame, built above a brick plinth. UPVC does not have the same standard of appearance as a timber frame and would not relate well to the appearance of the existing building. In addition, the proposed extension would not have a rear facing parapet wall. The absence of a rear facing parapet wall would not give the proposed extension a Georgian appearance when viewed from the rear, which would be akin to the existing dwelling. Whilst the site is not within a conservation area, Condition 5 of the 2005 permission, removed permitted development rights from the existing property and other properties, to safeguard the character and amenities of these properties and the surrounding area.

4.4 A design similar to the rear extensions granted planning permission under delegated powers in May 2008 (SOS/08/00444/FUL) at both nos. 20 and 22 Ashes Road, would be encouraged at no.25. These extensions have a symmetrical Georgian appearance, which along with the use of timber frame windows, relate positively to the design of the existing building and neighbouring properties and preserve and enhance the character and appearance of the existing dwellings and the local area.

4.5 The remaining rear amenity space following the construction of the proposed development would be sufficient to meet the amenity needs of the occupiers of the existing dwellinghouse.

Impact on Residential Amenity


4.6 The proposed extension would have a width of 5m and would be set away from the boundary with no.23 Ashes Road by a distance of 0.5m. The height of the side parapet walls would be 3m above ground level and these would project 3.1m into the rear garden area from the rear building line of the existing property. The proposed conservatory would not result in a material loss of sunlight and daylight during the late morning and early afternoon to windows to the rear of no.23.

4.7 Similarly, the proposed development would not result in a sense of enclosure and loss of outlook to the rear of no.23.
Highway, traffic and parking issues


4.8 The addition of the proposed conservatory to the existing dwelling would not result in a need for additional parking, congestion, traffic or highways issues for this site.

5 Planning Policy Summary:

5.1 National Policies: PPS1 (Delivering Sustainable Development) & PPS3 (Housing).


5.3 Core Strategy DPD Policies: KP2 (Development Principles), CP3 (Transport & Accessibility) & CP4 (The Environment and Urban Renaissance).

5.4 Supplementary Planning Document: Design & Townscape Guide.

5.5 BLP Policies: H5 (Residential Design & Layout), C4 (Conservation Areas) and C11 (New Buildings, Extension and Alterations).

6 Representation Summary:

Adjoining Owners/Occupiers

6.1 Neighbouring properties were notified, and one response was received, raising an objection on the following grounds:-

- Loss of daylight and sunlight to the rear of no.23 Ashes Road;
- A pitched or angled roof conservatory would not cause such a significant loss of daylight and sunlight to the rear of no.23 Ashes Road.

6.2 A ward councillor has requested that this application is brought before Committee.

7 Relevant Planning History

7.1 July 2008 - Planning permission refused for the erection of a rear conservatory (SOS/08/00565/FUL), for the following reason:

The proposed development, by reason of its inappropriate design and use of materials would fail to relate positively to the design of the existing building and neighbouring properties and would be detrimental to the character of the existing building and the local area.
Recommendation

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

01 The proposed development, by reason of its inappropriate design and use of materials would fail to relate positively to the design of the existing building and neighbouring properties and would be detrimental to the character of the existing building and the local area, contrary to Policies C11 & H5 of the Southend-on-Sea, Borough Local Plan, Adopted 1994; Policies KP2 & CP4 of the Southend on Sea Core Strategy 2006 and the Southend on Sea, Design & Townscape Guide 2006.
**Reference:** SOS/09/00468/FUL  

**Ward:** Prittlewell  

**Proposal:** An amended application to extend hours of working to 07:00 hrs to 22:00 hrs Monday to Friday and 08:00 hrs to 14:00 hrs on Saturdays, with loading and unloading being restricted to 08:00 hrs to 18:00 hrs Monday to Friday and to 08:00 hrs to 14:00 hrs on a Saturday (Variation of condition 4 on planning permission SOS/94/0306, 1st June 1994 which restricted hours of activity on this site).  

**Address:** BeSafe Ltd, Prince Avenue, Westcliff-On-Sea.  

**Applicant:** PHS BeSafe  

**Agent:** The John Bishop Partnership  

**Consultation Expiry:** 30th April, 2009.  

**Expiry Date:** 2\textsuperscript{nd} June, 2009.  

**Case Officer:** Sean O’Sullivan  

**Plan Nos:** 6428/2  

**Recommendation:** Grant Planning Permission
1 Proposal

1.1 The application is for permission to vary condition 4 on planning permission SOS/94/0306 granted on 1st June 1994 to use the premises for general industrial purposes (Use Class B2). Condition 4 of the 1994 permission states that “Activities may only take place on the land between 08:00 hrs to 18:00 hrs Monday to Friday and 08:00 hrs to 13:00 hrs on Saturdays. No activity is permitted on Sundays or Bank Holidays.”

1.2 The current application seeks to extend the hours of working to 07:00 hrs to 22:00 hrs Monday to Friday and 08:00 hrs to 14:00 hrs on Saturdays. With loading and unloading being restricted to 08:00 hrs to 18:00 hrs Monday to Friday and to 08:00 hrs to 14:00 hrs on a Saturday.

1.3 The objective of these extended hours is for the company to accommodate an additional half shift of new workers to deal with new contracts of work awarded to BeSafe. The applicants anticipate that an additional seven jobs would be created as a result of the proposed extensions in hours.

2 Site and Surrounding Area

2.3 The building on this site was originally used by Ekco TV, until about 1970, and then by Telecom Electronics and electric equipment services. The building was mostly vacant between 1984 and 1992. The current commercial laundry use was reported to the Development Control Planning Committee on 15th September 1993, where Members decided to take enforcement action, pending further negotiation to restrict the use to one that would be more commensurate with B1 light industrial use.

2.4 The building on this site has been in use as a commercial laundry for PHS BeSafe, since planning permission was granted on 1st June 1994 for general industrial purposes (Use Class B2) (SOS/94/0306). The site is located close to the A127 London to Southend Arterial Road, on the south western corner of the junction between Sommerton Avenue and Exford Avenue, Westcliff-On-Sea. Exford Avenue is a residential access road, running parallel to Prince Avenue and the A127.

2.5 The site adjoins residential properties in Exford Avenue, Dulverton Close and Sommerton Avenue, Westcliff-On-Sea. There is a loading bay on the eastern side of the site and one to the rear, for the loading and unloading of soiled laundry and clean laundry for distribution throughout the United Kingdom. The site area is approximately 1,925 square metres. The western wall of the building has no windows or other openings and forms the boundary with no.8 Dulverton Close and the rear of no.256 Exford Avenue. On the south side of the site, a conifer hedgerow marks with no.9 Dulverton Close and a wooden fence above a concrete base marks the boundary with no.23 Sommerton Avenue.

2.6 To ensure the protection of residential amenity, six conditions were attached to planning permission SOS/94/0306 granted on 1st June 1994 to use the premises for general industrial purposes (Use Class B2). Condition 1 of this permission requires the installation of plant, machinery or other equipment to cause a maximum noise emission from the building of 65 dBA. Condition 2 of this permission requires air conditioning, extraction or ventilation equipment to be installed following the approval of the Council. Condition 3 of this permission limits the noise levels emitted from all operations. Condition 4 limits the hours
of activity on this site. Condition 5 governs the construction of additional on site parking spaces and vehicular access from the adjoining highway. Condition 6 required the boundary treatment between the site and 9 Dulverton Close to be installed following the approval of the Council.

3 Planning Considerations

3.1 The main considerations are the principle of extending the hours of working, loading and unloading on this site, the impact of the change in hours on residential amenity, parking and highway safety.

4 Appraisal

Principle of the Development


4.1 In determining this application, regard must be had as to whether the principle of extending the hours of working, loading and unloading on this site would have an acceptable impact on neighbouring residential amenity, parking and highway safety.

4.2 BeSafe currently employ fourteen full and part time staff on this site, in addition to eight full time and two relief drivers. The proposed change in hours, according to the applicant, would create an additional seven jobs. The building on this site has been in use as a commercial laundry for PHS BeSafe since 1992. Planning permission for the current use of this site was granted on 1st June 1994, with conditions to ensure the protection of neighbouring residential amenity. The Environmental Health Officer has raised no objection to the approval of the extension of hours requested, subject to conditions. Likewise, the Highways and Traffic Engineer has raised no objection to the proposed change in hours.

Residential Amenity


4.3 The site is intensively used, with bays for loading and unloading to the eastern side and rear of the site. Large washers, dryers and areas for folding and packing are located within the building on this site. Boilers heat the water based in the western section of the building. Recent investment has brought in new quieter machines, located in the central area of the building, away from the outer walls. The premises adjoin residential properties, as do other commercial units along the A127.

4.4 Environmental Health officers have raised no objection on the basis of any noise nuisance generated on this site, subject to the noise rating level from any plant machinery being 10dB(A) below the prevailing background noise at the boundary with the closest residential property. Environmental Health officers have also raised no objection to the extended hours of loading or unloading of goods and operation requested with this application.
Traffic and Transportation


4.5 There are parking bays to the front of the site, which can accommodate 15 to 20 cars. There are no plans with this application to increase parking provision on this site. Traffic and Highways officers have raised no objection to the extended hours of loading or unloading of goods and operation requested with this application.

5 Planning Policy Summary:

5.1 National Policies: PPS23 (Planning and Pollution Control), PPS24 (Planning and Noise) & PPG13 (Transportation).


5.3 Core Strategy DPD Policies: KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport & Accessibility) & CP4 (The Environment and Urban Renaissance).

5.4 Supplementary Planning Document: Design & Townscape Guide.

5.5 BLP Policies: U2 (Pollution Control), E1 (Employment Promotion), E4 (Industry & Warehousing), E5 (Non-Residential Uses Located Close to Housing), C11 [New Buildings, Extension and Alterations], U2 [Pollution Control], T8 [Traffic Maintenance and Highway Safety], T11 [Parking Standards], T13 [Cycling and Walking] and T14 [Public Transport].

6 Representation Summary:

Traffic & Highways

6.1 No objection.

Parks & Open Spaces

6.4 No response received.

Environmental Health

6.5 No objection raised, subject to conditions relating to:-

- The limit of noise nuisance generated on site;
- The limit in hours for loading and unloading of goods;
- The limit in hours of operation requested with this application.

Adjoining Owners/Occupiers

6.6 Neighbouring properties were notified, a site notice posted, with 15 responses
received objecting to the application on the following grounds:-

- Unlikely compliance with any further planning permission;
- Damage to surrounding footpaths, verges, street signs, litter and bollards;
- Drivers of large delivery vehicles blocking the street and hurling abuse;
- Increased noise and disturbance in a residential area;
- Increased parking stress in the local area;
- Change of use needed for the premises to return to (B1) Light Industrial/Office Use;
- Risk of 24/7 working;
- Exceeding of existing permitted hours;
- Steam pouring into neighbouring gardens;

7 Relevant Planning History

7.1 June 1994, planning permission granted for use of premises for “General Industrial” (B2).

7.2 September 2002, planning permission refused increased parking provision and access on to Somerton Road.

8 Recommendation

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

01 Before any plant, machinery or other equipment is installed: a) within the building, where that plant, machinery and equipment has a maximum noise emission level of more than 65 dBA (measured 1 metre from the point of highest noise output), or b) externally of the building and roof structures; the details of its design, siting and acoustic performance shall be submitted to and approved by the Borough Council.

Reason: To safeguard the amenities of nearby residential properties, in particular from noise attributable to the operations carried on at the premises and the associated plant and machinery, in accordance with Policies U2 & E5 of the Southend on Sea Borough Local Plan.

02 Before any new or replacement air conditioning, extraction or ventilation equipment is installed full details of its design, siting, discharge points and predicted acoustic performance shall be submitted to and approved by the Borough Council.
03 The noise level attributable to all operations within the premises shall not exceed an LA90 (1 hour) of 49dB measured at a point 6 metres from the boundary of the premises within the garden of the immediately adjacent to residential premises at 9 Dulverton Close.

Reason: To safeguard the amenities of adjoining residential properties, in accordance with Policies U2 & E5 of the Southend on Sea Borough Local Plan.

04 Within two calendar months of the date of this permission six additional parking spaces shall be provided on hardstandings within the curtilage of the site, together with properly constructed vehicular access to the adjoining highway, all in accordance with details which shall have been submitted to and approved by the Borough Council, such provision to be permanently reserved for the parking of vehicles of occupiers and callers to the premises and not used for any other purpose.

Reason: To safeguard the amenities of adjoining residential property, in accordance with Policies U2 & E5 of the Southend on Sea Borough Local Plan.

05 Within two calendar months of the date of this permission a screen wall or fence shall be erected along the boundary of the site with 23 Somerton Avenue and 9 Dulverton Close in accordance with details previously submitted to and agreed with the Borough Council. The wall or fence shall be backed with such planting as may be agreed with the Borough Council.

Reason: To safeguard the amenities of adjoining residential properties, in accordance with Policies U2 & E5 of the Southend on Sea Borough Local Plan.

06 The noise rating level emanating from plant machinery, shall be at least 10dB(A) below the prevailing background at the boundary of the nearest residential property. There shall be no tonal characteristics in order to protect amenity.

Reason: To minimise noise nuisance and safeguard the amenities of nearby residential properties, in accordance with Policies U2 & E5 of the Southend on Sea Borough Local Plan and PPS24.

07 The loading and unloading of goods to the premises, shall not take place at all on Sundays and Bank Holidays and not before 08:00 hours on any Monday to Friday, 08:00 hours on any Saturday nor after 18:00 hours on any Monday to Friday, nor after 14:00 hours on any Saturday.
Reason: To minimise noise nuisance and safeguard the amenities of nearby residential properties, in accordance with Policies U2 & E5 of the Southend on Sea Borough Local Plan.

08 The premises shall not be open for use at all on Sundays and Bank Holidays and not before 07:00 hours on any Monday to Friday, 08:00 hours on any Saturday nor after 22:00 hours on any Monday to Friday, nor after 14:00 hours on any Saturday.

Reason: To minimise noise nuisance and safeguard the amenities of nearby residential properties, in accordance with Policies U2 & E5 of the Southend on Sea Borough Local Plan.

INFORMATIVES

The applicant is reminded that this permission is separate to the need to comply with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990. For more information, applicants should contact the Council’s Environmental Health Officer for more advice on 01702 215812 or at Business Regulation, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ZG.

REASON: FOR APPROVAL

This permission has been granted having regard to East of England Plan Policies: SS1 (Achieving Sustainable Development), T4 (Urban Transport), T9 (Walking, Cycling & Other Transport), T13 (Public Transport Accessibility), T14 (Parking) & ENV7 (Quality in the Built Environment); BLP Policies: U2 (Pollution Control), E1 (Employment Promotion), E4 (Industry & Warehousing), E5 (Non-Residential Uses Located Close to Housing), C11 [New Buildings, Extension and Alterations], U2 [Pollution Control], T8 [Traffic Maintenance and Highway Safety], T11 [Parking Standards], T13 [Cycling and Walking] and T14 [Public Transport; and the Southend on Sea, Design & Townscape Guide 2006 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.
1 Proposal

1.1 The proposed development would involve the construction of a two storey dwelling to the rear of 65 Cambridge Road. The proposed dwelling would face on to Scratton Road.

1.2 The dwelling would measure 5.2m wide, a maximum of 11.5m and with a maximum height of 8.9m and would provide accommodation in the form of a living room, kitchen, dining area and garden room at ground floor and three bedrooms and a bathroom at first floor.
2 Site and Surrounding

2.1 The application property is located within the Clifftown Conservation Area and has two road frontages one on Cambridge Road and one on Scratton Road where it is proposed to access the new dwelling. The application property is two flats and until recently there was a parking space off Scratton Road. There are double yellow lines directly outside of the property and across the street however there is no restriction further to the west however this is usually heavily parked in peak times.

2.2 To the east of the property is number 35 Scratton Road which is two storeys and built to the boundary at first floor with some setback at ground floor level and a window to the stairs. To the west is the garage for 67 Cambridge Road.

2.3 Further to the east of the property are the terraces numbers 1 to 32 Scratton Road which are nearly identical in design to that of the proposed dwelling.

3 Planning Considerations

3.1 The main considerations of this application are principle of the development, design and impact on the Conservation Area, traffic and transportation issues, and impact on residential amenity.

4 Appraisal

Principle of the Development:

Planning Policy Statement 1, Planning Policy Statement 3, East of England Plan policies SS1 and ENV7; DPD1 (Core Strategy) policies KP2, CP4 and CP8; BLP policies C11 and H5.

4.1 It should be noted that Government policy is to maximise the use of urban land. The proposed development would be constructed on a site which is the rear garden of an existing dwelling and so is considered to be previously developed land.

4.2 It should also be noted that application Reference SOS/07/01556/FUL to erect a two storey dwellinghouse was not refused on the principle of a dwelling on the site.

Design and Impact on the Character of the Area:

Planning Policy Statement 1, Planning Policy Statement 3, East of England Plan policies SS1 and ENV7; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C4, C11 and H5.

4.3 It should be noted that good design is fundamentally important and this is reflected in PPS1 and PPS3 as well as Polices C11 and H5 of the Local Plan, Policies KP2 and CP4 of the Core Strategy and the Design and Townscape Guide states that the Council is committed to good design and will seek to create attractive, high-quality living environments.

4.4 As already stated the site is located in the Clifftown Conservation Area, PPG15, in relation to conservation areas, states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.
4.5 The conservation area is typified by a range of types and styles of early Victorian terraced properties. This particular street block does not have the same quality of terrace properties as elsewhere in the conservation area and it is not considered appropriate to mimic the designs of the neighbouring properties.

4.6 Scratton and Cambridge Roads do not run directly parallel to each other and consequently as you travel west the properties reduce in depth. Due to this there are properties fronting Scratton Road only at the eastern end at the confluence with Nelson Street. However, no properties fronting Scratton Road at the western end. If the application were to be approved this would then be the furthermost dwelling to the west of the street block fronting Scratton Road.

4.7 The Inspector when dismissing the previous appeal on the site only raised one concern in relation to the design of the proposed dwelling. This was in relation to the fenestration, and stated:

“the proposed ground and first floor windows in the front elevation would appear very similar in depth a feature that is uncharacteristic of the style of Victorian architecture in the Conservation Area where the ground floor windows appear to be of greater depth and therefore have more emphasis than the first floor.”

4.8 The current application has changed the windows on the front elevation so that they respect the existing architecture and it is considered that the amended proposal overcomes the inspectors objections to the previous appeal.

4.9 The level of amenity space proposed for the dwelling is 30m² and is located to the rear of the property facing south maximising solar gains, whilst this is considered to be relatively small it is similar to the previous application. No objection was raised by the Inspector to this level of amenity space in deciding the previous appeal. It is considered to be unreasonable to raise such an objection at this time.

4.10 The amenity space for the flats at number 65 Cambridge Road will be drastically reduced from 120m² to 40m². However it is still considered that this will be sufficient to meet the needs of the flats. This was a similar arrangement to the previous application, SOS/07/01556/FUL.

Traffic and Transportation Issues:

Planning Policy Statement 1, Planning Policy Guidance 13, East of England Plan policies SS1, ENV7, T2, T4 and T9; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies H7, T8 and T11.

Parking

4.11 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officer Association (EPOA) set out the requirements for each use.

4.12 The parking space that was provide for 65 Cambridge Road with access off Scratton Road have been replaced on the forecourt fronting Cambridge Road. Therefore the proposed new dwelling would not result in a net loss of parking to the flats.
4.13 No on site car parking is proposed as part of the application. The site is in a sustainable location close to a range of public transport facilities and services. It should also be noted that the inspector raised no concerns in relation to car parking and did not dismiss the appeal in respect of car parking provision. It is therefore not considered that a refusal could be sustained upon appeal.

**Impact on Residential Amenity:**

PPS1, PPS3, East of England Plan policies SS1, SS2, H1 and ENV7; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5, H7 and H10 and the Design and Townscape Guide.

4.14 The windows in the flank wall of number 35 Scratton Road will have a reduction in daylight as a result of the proposal however this is to a stair well and is not protected as it is not a habitable room and therefore no objection is raised on this basis.

4.15 The windows at ground floor level will be a minimum of 3.5m from the boundary and at first floor these will be 6.5m from the boundary. The ground and first floor windows of 65 Cambridge Road will be 4.5m from the boundary. This separation distance would not usually be acceptable however because the applicant owns both of the properties it is a case of buyer beware and would not be a reason to refuse the application.

5 **Planning Policy Summary:**

- Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance) and CP8 (Dwelling Provision).
- Supplementary Planning Document 1: Design & Townscape Guide
- BLP Policies C4 (Conservation Areas), C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), T8 (Highway Safety) and T11 (Parking Standards).
- EPOA adopted Vehicle Parking Standards.

6 **Representation Summary:**

**Highway Authority**

6.1 No further comments due to the appeal.

**Park and Open Spaces**

6.2 Awaiting response.

**The Milton Conservation Society**

6.3 Awaiting response.
The Southend Society

6.4 Awaiting response.

Network Rail

6.5 No objection.

Adjoining Owners/Occupiers

6.6 Neighbours notified and a site notice posted. Nine letters were received which raised the following comments and observations:
- Parking on street is a problem.
- Plans similar as before.
- Loss of daylight
- Right to light
- Raise electricity bill
- Effect health and safety
- Smell
- Sewage
- Tree
- Concerns in relation to pipe work and damp
- Human Rights
- May not be able to get insurance
- Problems with car parking
- Health of adjoining residence.

6.7 Two petitions were received which contained 38 signatures.

7 Relevant Planning History

7.1 Application for outline planning permission refused by the Development Control Committee for the following reasons, the design, fenestration, materials and garage were considered to be out of character with the early Victorian properties of the locality and detrimental to highway safety by way of the vehicles inability to enter and leave the site in a forward gear. (SOS/07/00731/OUT).

7.2 Application for a vehicle crossover approved at 65 Cambridge Road which will allow for the parking of two vehicles clear of the highway. This was recently constructed. (SOS/07/01288/FUL).

7.3 An application, Reference SOS/07/01556/FUL, to erect two storey dwellinghouse on land at rear was refused on the 27th of February 2008. This application was appealed, and dismissed. It should be noted though it was dismissed solely in relation to the fenestration in the front elevation of the dwelling.

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 three years beginning with the date of this permission.
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02 No development shall take place until samples of the materials to be used on the external elevations, hard surfacing and boundary treatment have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To safeguard the visual amenities of the area, in accordance with Policies H5 and C4 of the Southend on Sea Borough Local Plan.

03 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Class A-E to those Orders.

Reason: The site of the development hereby approved is restricted in size and additional development could result in an unacceptable form of development contrary to Policy H5 of the Council's Local Plan.

04 Any areas of redundant crossing to be reinstated to footway at applicant’s expense.

REASON: In the interest of highway safety and in accordance with Policy T11 of the BLP.
1 Proposal

1.1. The proposed development involves the change of use of the existing retail unit (Class A1) which operates at ground and first floor to a Financial and Professional Services (Class A2). The site is proposed to be used as a bank.

2 Site and Surrounding

2.1 The site is located on the western side of the High Street, 23m south of its junction with Elmer Approach. The site has a frontage of some 14.7m, and a return frontage along Luker Road of some 38m. The site has a retail floor area of 1,316m².
2.2 The site is located within a primary shopping area. The retail unit is currently vacant. The retail block currently compromises off seven A1 units, three of which are vacant, an A2 use and a sui generous unit.

3 Planning Considerations

3.1 The key planning issues from this application relate to the principle of the development, its impact on the vitality and viability of the High Street, highways issues and impact on the amenity of the area.

4 Appraisal

Principle of the Development:

Planning Policy Statement PPS6; East of England Plan policies SS1 and ENV7; DPD1 (Core Strategy) policies KP1, KP2, CP1, CP2 and CP8; BLP policies S1 and S5.

4.1 PPS6 advises that banks are appropriate uses in district centres. More specifically PPS6 states that:

“A diversity of uses in centres makes an important contribution to their vitality and viability. Different but complementary uses, during the day and in the evening, can reinforce each other, making town centres more attractive to local residents, shopper and visitors”.

4.2 Policy S5 of the Borough Local Plan aims to safeguard the Primary Shopping Frontage. More specifically the policy states that “development that would mean that the proportion of retail units would fall below 80%, within either individual street block or centre as a whole, will not normally be granted”.

4.3 The proposed development would involve the change of use of an existing A1 retail unit to a bank (Class A2). The percentage of the High Street in retail use is currently 81.6%. The proposed A2 use would reduce the percentage of retail uses in the High Street down to 78.4%.

4.4 The block that the site is within currently has 70.1% A1 uses, which is below the required 80% of Policy S5. The proposed development would reduce the percentage down to 48.7% which is clearly contrary to Policy S5.

4.5 The proposed development would also involve the provision of the equivalent of more than two non-A1 retail units adjacent to each other which is contrary to Policy S5.

4.6 The site is a key site within the town centre and it should also be noted that the unit is currently vacant and has been for some time. The current location of the banks is on the periphery of the town which limits its contribution to the vitality and viability of the centre as a whole. The relocation of the bank from this peripheral location to the centre of the high street will draw more footfall and therefore passing trade into the heart of the retail area thereby contributing to the vitality and viability of this shopping area which is consistent with the objectives of PPS6. Such an approach also recognises the current exceptional economic conditions that prevail and the unique circumstances that arise from these conditions.
Moreover, the relocation of the bank will free up an additional unit which could be used for an A2 use that would support the viability and vitality of the town centre and contribute to the diversity of uses. Alternatively it could be used for an A1 use without planning permission which would not affect the percentage of retail and would therefore be in accordance with retail policies.

Given the exceptional circumstances it would be prudent to limit the period in which the permission could be implemented to two years.

Traffic and Transportation Issues:

Planning Policy Statement 1, Planning Policy Guidance 13, East of England Plan policies SS1, ENV7, T2, T4 and T9; DPD1 (Core Strategy) policies KP2, CP2 and CP4; BLP policies T8 and T11.

Traffic Generation

The proposed development involves the change of use of an existing A1 unit to an A2 unit. Both uses have a car parking requirement of one car parking space per 20m², therefore the development would not provide a net increase in car parking requirements. With this in mind and the town centre location it is not considered that an objection can be raised to the proposal in relation to a lack of on site car parking provision.

Impact on Amenity:

Planning Policy Statement 1; East of England Plan policies SS1; DPD1 (Core Strategy) policies KP2 and CP4; BLP policy C11.

The site is located in a busy high street location. The site is currently vacant but is an A1 unit. It is not considered that the proposed development would have a detrimental impact upon the amenity of the area in relation to noise and disturbance.

Other Matters:

Planning Policy Statement 6; East of England Plan policies SS1 and ENV7; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C7 and S5.

The applicant has provided elevations and floor plans for the proposed development. The application is for a change of use and whilst these plans have not formally been assessed as part of the application it is considered that the proposed elevational treatment would not be considered acceptable.

The proposal would include a bank of four cash machines on the High Street elevation resulting in an inactive frontage which could be to the detriment of the character of the area. The proposal would also involve the loss of the entrance onto Elmer Approach and covering over existing glazing which would provide a blank visually inactive elevation. Any changes to the elevations would be the subject of a separate application and should contribute to the visual interest and the vitality of the area and encourage usage of the retail frontage.

Planning Policy Summary:

- East of England Plan (May 2008) Policies SS1 (Achieving Sustainable Development) and ENV7 (Quality in the Built Environment)
- Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP2 (Town Centre and Retail Development) and CP4 (The Environment and Urban Renaissance)
- Supplementary Planning Document 1: Design & Townscape Guide
- BLP Policies C7 (Shop and Commercial Frontages and Fascias), C11 (New Buildings, Extensions and Alterations), S1 (New Shopping Development), S5 (Non-Retail Uses), L5 (Entertainment and the Arts), T11 (Parking Standards)
- EPOA adopted Vehicle Parking Standards
- Waste Management Guide

6 Representation Summary:

Highway Authority

6.1 The bank is relocating from a nearby town centre site. No objection.

Parks And Open Space

6.2 No objection

Adjoining Owners/Occupiers

6.3 Neighbours notified and no responses were received.

7 Relevant Planning History

7.1 3rd September 2002 – Permission approved to demolish cinema and erect part 4/ part 6 storey college campus building with vehicular access onto Luker Road (Phase 2 College Development) (02/00501/FUL).

7.2 14th May 2004 – Permission approved to demolish building in two phases and clad exposed walls and roof following demolition of Phase 1 (SOS/04/00475/FUL).

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 2 year beginning with the date of this permission.

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

Informative:

The proposed alterations to the shop front along High Street and Elmer Approach will require separate Planning Permission. Any changes to the elevations must add to the visual interest and vitality of the shopping area and be consistent with its location in a busy retail location. Extensive areas of dead or inactive frontage will usually not be accepted.
This permission has been granted having regard to S5 (Non Retail Uses) together with the Core Strategy, 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.
Reference: SOS/09/00604/FUL

Ward: Chalkwell

Proposal: Allow public access to public conveniences between the hours of 9am until sunset from 1st April until 30th September (Variation of condition 04 on planning permission SOS/08/00324/FUL dated 16/04/08 which stated that the public conveniences must be available for use during restaurant opening hours)

Address: Toulouse Ltd, Western Esplanade, Westcliff-On-Sea, SS9 8FE

Applicant: Mr C Thorne

Agent: Key Architectural

Consultation Expiry: 8th May 2009

Expiry Date: 30th May 2009

Case Officer: Yonas Fentie

Plan Nos: 018.07/03

Recommendation: Grant Variation to Condition 4
1 Proposal

1.1. The application seeks to vary condition 04 of planning permission SOS/08/00324/FUL and proposes new opening hours for the public conveniences at Toulouse between the hours of 9am to 8pm from 1st April until 30th September. This is sought in order to resolve the current inconsistency between the terms of the lease and the planning condition. The proposed opening hours of the public conveniences would be the same as the opening hours when managed by the Council.

1.2. Condition 04 of planning permission SOS/08/00324/FUL required the public conveniences to be made available for use by the public at times when the business use hereby approved is open to the public, unless otherwise agreed in writing by the Local Planning Authority.

1.3. The opening hours of the restaurant were set out by condition 03 and required the toilet to open between the hours of 10:00 and 23:30 Monday to Saturday, 10:00 and 22:00 on Sundays, Bank and Public Holidays.

2 Site and Surrounding

2.1. The application property relates to the Toulouse Restaurant located on the northern side of Western Esplanade. It forms part of a number of leisure uses within the western end of the seafront.

2.2. The recently built single storey contemporary building is situated in a prominent seafront location backing onto residential properties along the Leas. The nearest public conveniences are located some 500m to the east.

3 Planning Considerations

3.1. The main purpose of this application is to amend the wording of condition 04 of planning permission SOS/08/00324/FUL so that it is consistent with the lease agreement.

4 The Lease:

4.1. On 16th May 2008, the Council completed a lease in respect of the former public toilets for the conversion by the leasee (current applicants) to a restaurant and associated public conveniences. The terms in the lease included an obligation on the tenant to keep the toilets open to the public use between 9am to sunset during 1st April to 30th September.

5 The Planning Condition:

5.1. Condition 04 of planning permission SOS/08/00324/FUL required the public conveniences to be open for the public at all times when the restaurant business is open - between the hours of 10:00 and 23:30 Monday to Saturday, 10:00 and 22:00 on Sundays, Bank and Public Holidays.

5.2. Before the site was re-developed, the previous single storey block on the site was used as public conveniences. These toilets, which were owned and maintained by the Council, were available for public use during the summer period only from the 1st of April to 30th September from 9am to sunset.
6  Appraisal

6.1. As discussed above, there are inconsistencies between the lease and the planning condition in so far as the opening hours of the public conveniences are concerned.

6.2. The arrangement immediately before the redevelopment of the site was that the public conveniences were open from the 1\textsuperscript{st} of April to 30\textsuperscript{th} September from 9am to sunset. This is consistent with the lease agreement and also with the proposed new opening times of the public conveniences.

6.3. In terms of the service provided to the public, the revised openings of the public conveniences as requested by this planning application are the same as those opening hours when the toilets were managed by the Council. This suggests that the level of service to the public has not been compromised.

6.4. This application which is submitted to align the opening hours as set out in the terms of the lease and the requirements of the planning permission is therefore considered acceptable.

7  Other Matters

7.1. Consultation responses from different departments of the Council including Waste Management and Street Scene Asset Management and Tourism Promotion suggested that the public toilets remain open when the restaurant is open for business in-line with the existing planning condition.

7.2. It is accepted that increasing the opening times of the public conveniences offers an improved service to the public and visitors. However this would mean that the planning condition would still be inconsistent with the lease requirements and will not solve the current issue.

7.3. Sunset is a recognised term which is published each day in the press and as such is not considered to raise concerns with regards to meeting the conditions test as set out in Circular 11/95.

7.4. Concerns were raised from Councillors and members of the public in relation to the wording of the application as set out in the neighbour notification letter. This has been amended and a site notice posted to address this concern.

8  Planning Policy Summary:


8.2. Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance) and CP6 (Community Infrastructure).

8.3. BLP Policies: L1 (Facilities for Tourism), U1 (Infrastructure provision).

8.4. Design and Townscape Guide (SPD1)
9 Representation Summary:

Asset Management:

9.1. Noted that the proposed opening hours are the same when the public conveniences were managed by the Council. The amenity benefit to the public would be significant if the longer opening hours of the toilets can be secured.

Waste Management and Street Scene:

9.2. Would like if the public conveniences were to remain open at all times when the restaurant is open for business.

Adjoining owners/occupiers

9.3. Neighbours notified and site notice posted, two responses received objecting the proposal on the following grounds with no responses received.

- The proposal would compromise the level of service provided to the public

- There are no public toilets within close proximity and this would particularly affect the elderly, disabled and those with young children

9.4. Councillors raised concerns on the grounds that the proposed variation may compromise public toilet provision on this part of the seafront.

10 Relevant Planning History

10.1. 28 October 2008 – SOS/07/01629/FUL - Permission granted to erect single storey extension to east side of building, convert public convenience into restaurant/cafe (Class A3) and bar (Class A4), erect external staircase to Eastern Esplanade elevation, layout external seating area to lower ground floor western side of building and alter elevations.

10.2. 16 April 2008 – SOS/08/00324/FUL - Permission granted to erect single storey extension to east side of building, convert public convenience into restaurant/cafe (Class A3) and bar (Class A4), erect external staircase to Western Esplanade elevation, lay out external seating area to lower ground floor western side of building and alter elevations (Amended Proposal relating to opening hours).

10.3. 4 December 2008 – SOS/08/01456/AD - Application for approval of details pursuant to Conditions 02, 08, 09, 10, 12, 13 and 14 of planning permission SOS/08/00324/FUL – With the exception of condition 08, other conditions were discharged.

11 Recommendation

Members are recommended to GRANT VARIATION TO CONDITION 4.

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

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
02 No development shall take place until samples of the materials 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: To safeguard the visual amenities of the area, in accordance with Policy C11 of the Southend on Sea Borough Local Plan.

03 The premises shall not be open for business other than between the hours of 9.00 and 22.30 Sunday to Thursday and 9.00 and 23.00 Fridays and Saturdays.

Reason: To safeguard the amenities of nearby residential properties, in accordance with Policy H5; of the Southend on Sea Borough Local Plan.

04 The Male WC, Female WC and Disabled WC shown on the approved plan, shall be made available for use by the public between the hours of 9am until sunset from 1st April until 30th September, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of public amenity, and to define the scope of this permission in accordance with Policy KP1 of the Southend on Sea Core Strategy 2006.

05 Notwithstanding any provisions to the contrary, the roof of the building (apart from the area shown as "open eating area" on the approved plans) shall not be used as a seating area, nor should any tables and chairs be placed on it, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and amenities of the area, in accordance with Policy C11 of the Southend on Sea Borough Local Plan.

06 Notwithstanding any provisions to the contrary, no tables and chairs/seating shall be placed on the public highway to the front of the building.

Reason: In the interests of pedestrian safety and amenity.

07 Notwithstanding any provisions to the contrary the use of the building hereby approved shall be A3 (restaurant) with (A4) bar area, as defined by the 2005 Use Classes Order, and not for any other use, including purely A4 uses.

Reason: To define the scope of this permission and safeguard the amenities of adjoining properties, in accordance with Policy C11 of the Southend on Sea Borough Local Plan.
The use shall not commence until extract ventilation, filtration and deodorising equipment have been installed in accordance with a scheme including details of the predicted acoustic performance of the system, and of discharge points, which shall have been submitted to and approved by the local planning authority. The equipment as installed shall be retained in good working order at all times thereafter.

Reason: To safeguard the amenities of adjoining properties, in accordance with Policy C11 of the Southend on Sea Borough Local Plan.

Full details of a refuse storage and collection facility shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of works on site.

Reason: To make satisfactory provision for refuse storage particularly having regard to the location of the premises opposite the Leas Conservation Area, in the interests of Policy C4 of the Southend on Sea Borough Local Plan.

No development shall be commenced until:

a) A site investigation has been undertaken to determine the nature and extent of any contamination, and

b) The results of the investigation, together with an assessment by a suitably qualified or otherwise competent person, and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. Prior to the first occupation of the development hereby permitted (or, where the approved scheme provides for remediation and development to be phased, the occupation of the relevant phase of the development):

c) The approved remediation scheme shall be fully implemented (either in relation to the development as a whole or the relevant phase, as appropriate), and

d) A Certificate shall be provided to the Local Planning Authority by a suitably qualified or otherwise competent person stating that remediation has been completed and the site is suitable for the permitted end use. Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety.
11 Works of construction and demolition shall only take place between the hours of 7.00 to 6pm Monday to Friday, 8.00 to 13.00 on Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining properties, in accordance with Policy C11 of the Southend on Sea Borough Local Plan.

12 Details of guardrailing around the roof of the building shall be submitted and approved in writing by the Local Planning Authority prior to commencement of development. The railings shall then be erected in accordance with the approved details.

Reason: In the interests of safety and general amenity.

13 Details of signage identifying the public toilets shall be submitted and agreed in writing by the Local Planning Authority and erected in accordance with the approved details prior to the first use of the building.

Reason: To safeguard the amenities of the area, in accordance with Policy C11 of the Southend on Sea Borough Local Plan.

14 Details of any external lighting to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority prior to installation.

Reason: To safeguard the character and amenities of the area, in accordance with Policy C11 of the Southend on Sea Borough Local Plan.

Reason for Approval:
This permission has been granted having regard to Core Strategy DPD Policies KP1, KP2, and CP6; Policies L1 and U1, of the Southend-on-Sea Borough Local Plan; the policies and principles contained within the Design & Townscape Guide SPD, East of England Plan Policies; National policies and all other material considerations. The variation of the condition 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.
This application was deferred at Development Control Committee on 20 May 2009 for further clarification on some of the stalls.

1 Proposal

1.1. The proposed development involves the use of pedestrianised highway, known as Royal Square, as an open air market. The use of the site as a market would be for a maximum of an eight week period between June and September.
1.2. The proposed market would consist of a maximum of seven stalls consisting of wooden huts and a ‘tetrahedron’ pyramid structure, with a maximum height of 8.1m. The stalls would sell a variety of products such as crepes, sweets and bratwurst; whilst the pyramid structure would house a bar.

2 Site and Surrounding

2.1. The site is located at the northern end of Pier Hill, the intersection with Church Road and Royal Terrace. It is a triangular shaped site with a maximum width of 46m and a maximum depth of 35m, which is hardsurfaced and contains public seating and landscaping.

2.2. The site is allocated as the Central Seafront Area and as existing pedestrian access within the Borough Local Plan. The site is also located in the extended Clifftown Conservation Area.

3 Planning Considerations

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

4 Appraisal

Principle of the Development:

Planning Policy Statement PPS3; East of England Plan policies SS1 and ENV7; DPD1 (Core Strategy) policies KP1, KP2, CP2 and CP4; BLP policies L1, L2 and C11.

4.13 The Summer Market is part of the 2009 Events Programme, which has been agreed by the Events Cross Part Working Group.

4.14 The proposed development would involve the provision of an open air market for the maximum period of eight weeks between June and September. The site has recently been hard surfaced by the Council and new seating, bins and landscaping provided. The area is proposed to be an attractive gateway between the seafront and the Town Centre. The newly regenerated area is intended to attract visitors that have come to the sea front up and through the town centre, by providing a visually attractive urban townscape. It is also to be an area that can be used by visitors through sitting out on benches and enjoying the view across the foreshore.

4.15 It is considered that the provision of a market in this area could potentially encourage visitors to the seafront up to the market. It should also be noted that the site was used as a temporary market for two weeks last summer and during the air show. This market use was undertaken under a permission granted by the Town and County Planning GPDO. The site falls within the Central Seafront Area, within which the Council will promote new leisure facilities.

4.16 It is not considered that an objection could be raised to the principle of the site being used as a market provided it meets all other policy requirements.
Design and Impact on the Character of the Area:

Planning Policy Statement 1, East of England Plan policies SS1 and ENV7; DPD1 (Core Strategy) policies KP2; BLP policies C11.

4.17 The proposed structures are of limited architectural merit but are relatively small in scale and similar in nature to the market use that is provided along the High Street, which already benefits from planning permission. The proposed bar is of a distinctive design which has been based on a windmill. This structure would be placed in the middle of the market area as a focal point. The ‘tetrahedron’ pyramid bar will be visible from the seafront and would engage visitors and attract them up into the High Street.

4.18 As already stated the site is in the Clifftown Conservation Area. The design of the structures and the use of the site as a market on a temporary basis is not considered harmful to the conservation area and therefore meets the guidance within PPG15.

4.19 It is not considered that an objection in relation to design of the proposed market stalls within this area could be sustained upon appeal.

Traffic and Transportation Issues:

Planning Policy Statement 1, Planning Policy Guidance 13, East of England Plan policies SS1, ENV7, T2, T4 and T9; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies H7, T8 and T11.

Pedestrian and Highway Safety

4.20 The application site would still provide pedestrian access to the south, and it is not considered that the proposal would affect the movement of pedestrians in such a manner as to be detrimental to the free flow of pedestrians or to highway safety.

4.21 It is also considered that the area has been laid out to accommodate free movement of pedestrians, both using the market area and passing through.

Parking

4.22 The proposed development is located on the periphery of the town centre. The site is relatively small and it is considered that the development would be ancillary to the retail use of the town centre or the leisure uses of the sea front. Given the public car parking provision located within the vicinity of the site. No objection is raised on parking grounds

Impact on Amenity:

Planning Policy Statement 1, Planning Policy Guidance 24, East of England Plan policies SS1 and ENV7; DPD1 (Core Strategy) policies KP2; BLP policies E5.

4.23 The site is located adjacent to the Royals shopping centre along the seafront. It is not in close proximity to residential accommodation. Environmental Health offices considered that the proposal would be unlikely to cause any issues in relation to odour in this site.
5 Planning Policy Summary:

- Planning Policy Statement 1, Planning Policy Guidance 15
- Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP2 (Town Centre and Retail Development) and CP4 (The Environment and Urban Renaissance)
- Supplementary Planning Document 1: Design & Townscape Guide
- BLP Policies C11 (New Buildings, Extensions and Alterations), L1 (Facilities for Tourism), L2 (Central Seafront Area), T8 (Traffic Management and Highway Safety) and T11 (Parking Standards)
- EPOA adopted Vehicle Parking Standards
- Waste Management Guide

6 Representation Summary:

**Renaissance Southend**

6.4 To be reported

**Highway Authority**

6.5 No objection

**Southend Society**

6.6 To be reported

**Essex County Council**

6.7 To be reported

**Environmental Health**

6.8 No objection in principle. Conditions requested in relation to music, odours, generator and water.

**Asset Management**

6.9 No objection.

**Property**

6.10 To be reported

**Adjoining Owners/Occupiers**

6.11 Neighbours notified and a site notice posted at the time of writing the report two letters had been received raising no objection to the proposal.
7 Relevant Planning History

7.1 An application (SOS/03/00793/OUT) to remodel Pier Hill including removal of pedestrian bridge and terraces, carrying out of retaining works, erection of kiosks, canopy, lifts and footbridge linked to High Street and formation of terraces, observation deck, water feature and other work was approved on the 20th August 2003. The works included the provision of a two storey extension to the Royal Shopping Centre to provide a café. This part of the application was outline in nature and has since lapsed.

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 The use of the site as a market and the provision of stalls on site shall not exceed a cumulative eight week period between June and September inclusive.

Reason: Consistent with the limited nature of the decision.

03 The land shall not be used until provision has been made for the storage of refuse and waste materials in accordance with details which shall have been submitted to and approved by the local planning authority.

Reason: To make satisfactory provision for refuse storage, pursuant to Policy C11 of the Southend on Sea Borough Local Plan.

This permission has been granted having regard to Policies C11 (New Buildings, Extensions and Alterations), L1 (Facilities for Tourism), L2 (Central Seafront Area), T8 (Traffic Management and Highway Safety) and T11 (Parking Standards) together with the Core Strategy, 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.
### Reference:
SOS/09/00955/BC4

### Ward:
Milton

### Proposal:
Erect stage and associated marquee between June and September

### Address:
Pedestrian Highway, Grove Terrace, Southend-on-Sea

### Applicant:
Southend Borough Council

### Agent:
Southend Borough Council

### Consultation Expiry:

### Expiry Date:
27 July 2009

### Case Officer:
Matthew Leigh

### Plan Nos:
Received 1 June 2009

### Recommendation:
Delegate to the corporate director to grant planning permission subject to the expiry of the publicity period and no new material planning considerations have been raised

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1 **Proposal**

1.2. The proposed development involves the provision of a stage along the pedestrianised highway, known as Royal Square, and is to be used in association with the open air market, Reference SOS/09/00629/BC4. The provision of the stage would be for a maximum of an eight week period between June and September.
1.3. The proposed stage would be screened by a marquee, which would measure 6m wide, 3m deep and with a maximum height of 4m.

2 Site and Surrounding

2.1 The site is located at the northern end of Pier Hill, the intersection with Church Road and Royal Terrace. It is a triangular shaped site with a maximum width of 46m and a maximum depth of 35m, which is hardsurfaced and contains public seating and landscaping.

2.2 The site is allocated as the Central Seafront Area and as existing pedestrian access within the Borough Local Plan. The site is also located in the extended Clifftown Conservation Area.

3 Planning Considerations

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

4 Appraisal

Principle of the Development:
Planning Policy Statement PPS3; East of England Plan policies SS1 and ENV7; DPD1 (Core Strategy) policies KP1, KP2, CP2 and CP4; BLP policies L1, L2 and C11.

4.24 The Summer Market is part of the 2009 Events Programme, which has been agreed by the Events Cross Part Working Group.

4.25 The proposed development would involve the provision of a stage within a marquee in conjunction with an open air market for the maximum period of eight weeks between June and September. The site has recently been hard surfaced by the Council and new seating, bins and landscaping provided. The area is proposed to be an attractive gateway between the seafront and the Town Centre. The newly regenerated area is intended to attract visitors that have come to the sea front up and through it to the town centre, by providing a visually attractive urban townscape. It is also to be an area that can be used by visitors sitting out on benches and enjoying the view across the foreshore.

4.26 It is considered that the provision of a market in this area could potentially encourage visitors to the seafront up to the market. It should also be noted that the site was used as a temporary market with an ancillary stage for two weeks last summer during the air show. This has been undertaken under a permission granted by the Town and Country Planning (General Permitted Development) Order. The site falls within the Central Seafront Area, within which the Council will promote new leisure facilities.

4.27 There is no objection in principle to the stage area and marquee provided it meets all other policy requirements.
Design and Impact on the Character of the Area:

Planning Policy Statement 1, East of England Plan policies SS1 and ENV7; DPD1 (Core Strategy) policies KP2; BLP policies C11.

4.28 The proposed stage structure will be covered by a marquee. The proposed marquee is basic in design. As already stated the site is in the Clifftown Conservation Area. The design of the marquee on a temporary basis is not considered harmful to the conservation area and therefore meets the guidance within PPG15.

Traffic and Transportation Issues:

Planning Policy Statement 1, Planning Policy Guidance 13, East of England Plan policies SS1, ENV7, T2, T4 and T9; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies H7, T8 and T11.

Pedestrian and Highway Safety

4.29 The stage will be located within the proposed ‘Summer Market’ and it is considered the site would still provide pedestrian access to the south, and it is not considered that the proposal would reduce the opportunity for movement of pedestrians to such a level to be detrimental to the free flow of pedestrians or to highway safety.

Parking

4.30 The proposed development is located on the periphery of the town centre. The provision of a stage is considered to be used in conjunction with the market as a whole and that the market area is relatively small and it is considered that the development would be supporting the retail use of the town centre or the leisure uses of the sea front. Given the public car parking provision located within the vicinity no objection is raised on parking grounds.

Impact on Amenity:

Planning Policy Statement 1, Planning Policy Guidance 24, East of England Plan policies SS1 and ENV7; DPD1 (Core Strategy) policies KP2; BLP policies E5.

4.31 The site is located adjacent to the Royals shopping centre along the seafront. It is not in close proximity to residential accommodation. The stage would primarily be used at the weekends, hosting local bands between 12:00 hours and 18:00 hours as well as at these times on occasional Fridays. Piped music is also proposed to be played Monday to Friday 12:00 hours and 18:00 hours and on Saturdays between 18:00 hours and 20:00 hours. Environmental Health offices do not raise an objection in principle to the proposal but do considered it appropriate to impose conditions in relation to noise and disturbance.

5 Planning Policy Summary:

- Planning Policy Statement 1, Planning Policy Guidance 15 and Planning Policy Guidance 24
- Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP2 (Town Centre and Retail Development) and CP4 (The Environment and Urban Renaissance)
Supplementary Planning Document 1: Design & Townscape Guide
- Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), L1 (Facilities for Tourism), L2 (Central Seafront Area), T8 (Traffic Management and Highway Safety) and T11 (Parking Standards)
- EPOA adopted Vehicle Parking Standards
- Waste Management Guide

6 Representation Summary:

Renaissance Southend

6.12 To be reported

Highway Authority

6.13 To be reported

Southend Society

6.14 To be reported

Essex County Council

6.15 To be reported

Environmental Health

6.16 No objection, subject to appropriate conditions.

Asset Management

6.17 To be reported.

Property

6.18 To be reported

Parks and Open Spaces

6.19 To be reported

Adjoining Owners/Occupiers

6.20 Neighbours notified and a site notice posted at the time of writing the report no letters had been received.

7 Relevant Planning History

7.1 An application (SOS/03/00793/OUT) to remodel Pier Hill including removal of pedestrian bridge and terraces, carrying out of retaining works, erection of kiosks, canopy, lifts and footbridge linked to High Street and formation of terraces, observation deck, water feature and other work was approved on the 20th August 2003. The works included the provision of a two storey extension to the Royal Shopping Centre to provide a café. This part of the application was outline in nature and has since lapsed.
7.2 An application to use private street as open air market for a maximum of eight weeks between June – September is also under consideration (SOS/09/00629/BC4).

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 three years beginning with the date of this permission.**

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

02 The use of the proviso of a stage on site shall not exceed a cumulative eight week period between June and September inclusive.

**Reason:** Consistent with the limited nature of the decision.

03 The stage shall only be used 12pm and 6pm Friday to Sunday and at no other times unless agreed in writing with the Planning Department.

**Reason:** To safeguard the amenities of the adjoining properties, in accordance with Policy C11 of the Southend on Sea Borough Local Plan and Planning Policy Guidance 24.

04 Recorded music will be kept at a background level only. This is defined at such a level that the average person on the premises is able to have a conversation without having to raise their voices.

**Reason:** To safeguard the amenities of the adjoining properties, in accordance with Policy C11 of the Southend on Sea Borough Local Plan and Planning Policy Guidance 24.

This permission has been granted having regard to Policies C11 (New Buildings, Extensions and Alterations), L1 (Facilities for Tourism), L2 (Central Seafront Area), T8 (Traffic Management and Highway Safety) and T11 (Parking Standards) together with the Core Strategy, 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.
<table>
<thead>
<tr>
<th><strong>Reference:</strong></th>
<th>SOS/09/00655/FUL</th>
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<tbody>
<tr>
<td><strong>Ward:</strong></td>
<td>Milton</td>
</tr>
<tr>
<td><strong>Proposal:</strong></td>
<td>Change of use of outbuilding to office (Class B1)</td>
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<tr>
<td><strong>Address:</strong></td>
<td>Rear of 15 Preston Road, Westcliff-On-Sea, SS0 7NB</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Mr B Blanchard</td>
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<tr>
<td><strong>Agent:</strong></td>
<td>Mr B Blanchard</td>
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<tr>
<td><strong>Consultation Expiry:</strong></td>
<td>12 June 2009</td>
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<tr>
<td><strong>Expiry Date:</strong></td>
<td>30 June 2009</td>
</tr>
<tr>
<td><strong>Case Officer:</strong></td>
<td>Yonas Fentie</td>
</tr>
<tr>
<td><strong>Plan Nos:</strong></td>
<td>Plan titled Ground &amp; Upper Floor Plans, West, East and South Elevations, Section A-A, B-B dated 07/04/09.</td>
</tr>
<tr>
<td><strong>Recommendation:</strong></td>
<td>Grant planning permission</td>
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</tbody>
</table>

### 1 Proposal

1.1 Planning permission is sought to use the former coach house building as office/studio (Class B1). The proposal would create a total floor space of 60m² comprising an office, toilet and workroom on the ground floor with an archive room, a further office and toilet at first floor. Refuse storage is provided at the western elevation with two cycle storage spaces located at the ground floor lobby area.
1.2 At ground floor, the building has a number of windows and doors, majority of which are fitted in obscured glazing.

1.3 At first floor, the building has a Juliet balcony with French doors to its western elevation, a small suspended balcony area and associated French doors to its southern elevation, windows to its northern and eastern elevations.

1.4 The office premises are proposed to open from 9:30am–6:30pm Monday to Friday and 9:30am–2:00pm on Saturdays. Full-time equivalents of 2-3 staff are expected to work in these premises.

1.5 This application follows a number of applications which were refused by the Local Planning Authority and subsequently dismissed by the Planning Inspectorate. The application does not involve alterations to the building; however some of the windows and doors would be fitted with obscure glass and solid panels.

2 Site and Surrounding

2.1 The application site relates to a former coach house building located to the rear of 15 Preston Road. The building is brick built with a rendered finish to its northern and western elevations with an interlocking tiled roof currently covered by large expanse of vegetation.

2.2 A private access road known as Hamlet Mews runs along the west elevation of the building and provides rear access to the properties in Preston Road and Hamlet Court Road. Hamlet Mews is accessed from Canewdon Road to the north and Leonard Road to the south.

2.3 To the east of the site, along Preston Road are residential properties. To the west side of the access road are properties in Hamlet Court Road, which outbuildings to the rear, used ancillary to the ground floor commercial uses. Majority of the upper floors of these commercial premises are in residential uses.

2.4 To the south along Leonard Road is the main line railway between London Fenchurch Street and Shoeburyness with Westcliff railway station located within a short walking distance from the application site.

2.5 The site is well served by different modes of transport and lies within walking distance to Hamlet Court Road; a defined primary shopping frontage offering a variety of services including shops and restaurants.

3 Planning Considerations

3.1 The main considerations with this application are the principle of use, impact on residential amenity and parking.
4 Appraisal

Principle of Use:

Planning Policy Statement PPS1; East of England Plan policies SS1; BLP policy E5.

4.1 The appeal property lies on the eastern side of Hamlet Mews. Whilst majority of properties on the eastern side of the Mews are residential, properties on the western side of the mews are mixed with ground floors in commercial use and upper floors in residential.

4.2 Previous refusals and subsequent appeals which were dismissed by the Planning Inspectorate have not raised objections to the principle of office use at this site. Therefore, provided the proposal satisfies other considerations, the principle of office use is acceptable.

Impact on Neighbours:

Core Strategy DPD Policies KP2 & CP4, BLP Policies H5, U2; Design & Townscape Guide.

4.3 The building has first floor windows on its southern and northern elevations. These windows overlook the rear amenity areas of properties along Preston Road and Hamlet Court Road.

4.4 The Juliet Balcony at the western elevation fronts onto a two storey outbuilding on the western side of Hamlets Mews. This outbuilding, located to the rear of 34/36 Hamlet Court Road appears to be have been used for storage purposes. Given the separation distance maintained between the upper floor residential premises at Hamlet Court Road, this Juliet balcony is not considered to raise concerns by reason of overlooking and loss of privacy.

4.5 In relation to a previous appeal decision relating to the B1 (office) use of this building, the Planning Inspector commented that the Juliet balcony at the southern elevation, which does not allow sitting out would not have a material harmful impact on the living conditions of the occupiers of 11 Preston Road. This assessment is considered reasonable and as such no objections are raised in this regard.

4.6 The Inspector also raised concerns with regards to the first floor window on the northern elevation. The submitted plans show this window fixed shut and obscured glazed. Provided this is maintained by an appropriate condition, this window is not considered to result in adverse impact on the rear amenity areas of neighbouring residential properties.

4.7 In one of the appeal decisions relating the residential use of this building, the Inspector noted that the ability of the applicant to open the ground floor doors backing into the rear gardens of 15 Preston Road was likely to increase the unacceptable effect of the proposal on the living conditions of the occupiers of 15 Preston Road.

4.8 With the exception of a window within the roof space, all windows on the eastern elevation (facing the rear amenity area of 15 Preston Road) are shown in either obscured glazing or fitted with solid panels. The ground floor door is also fixed shut with solid panels and high level windows obscure glazed.
4.9 The window within the eastern elevation of the roof space is serving a landing and as such it is not considered to result in a significant level of overlooking. Provided that the ground floor door and other fenestrations on the eastern elevation are maintained in obscured glazing and fixed shut, which will be secured by condition, the proposal is not considered to have a material impact on the amenities of 15 Preston Road to justify the refusal of this application.

Parking

PPG13, East of England Plan policies, T2, T4 and T9; BLP policies, T13 and T14.

4.10 National, Regional and Local plan policies seek to reduce reliability on the private car by promoting sustainable modes of transport including walking, cycling and public transport.

4.11 The proposal offers two cycle storage spaces within the building. Furthermore, the site is highly accessible by different modes of public transport. Westcliff train station is within walking distance of the application site with train links between Shoeburyness and London Fenchurch Street.

4.12 In relation to a previous appeal decision relating to the B1 (office) use of this building, the Planning Inspector took the above into account and decided that the refusal of this application on parking grounds could not be justified. The Inspector’s assessment of this issue is an important material consideration and on that basis it is considered that this application could not be refused on the issue of parking.

Standards of Office Accommodation:

4.13 In order to safeguard the amenities of neighbouring occupiers, majority of the windows are fixed shut and fitted in solid panels or obscure glazing. The amount of natural light entering these office premises is therefore reduced, making the building rely on artificial lighting. In the interests of bringing this outbuilding back into use and given that the office is not likely to be occupied by more than three staff, this arrangement is considered acceptable.

Other matters:

4.14 A refuse storage space of some 0.75m² is provided at ground floor. Given the limited nature of the floor space provided, this space is considered sufficient to cater for the needs of the future occupiers of these office premises.

5 Planning Policy Summary


5.4 BLP Policies C11 (New Buildings, Extensions and Alterations), E5 (Non-Residential Uses Located Close to Housing), T13 (Cycling and Walking), T14 (Public Transport).

5.5 Supplementary Planning Document 1: Design & Townscape Guide.

6 Representation Summary:

Environmental Health:

6.1 To be reported.

Traffic and Highways

6.2 Unlikely to be any significant issues from highway point of view.

Adjoining owners/occupiers:

6.2 Neighbours notified – No comments received.

7 Relevant Planning History

7.1 There are a number of planning histories on the site, the most relevant ones include:

7.2 04/10/2006 – SOS/06/01082/FUL - Retain use of building as detached dwelling and alter elevations at the rear of 15 Preston Road and form parking space to rear of 15 Preston Road (Part Retrospective) (amended proposal) – Refused under delegated powers and dismissed on appeal.

7.3 04/10/2006 – SOS/06/01078/FUL - Use building as office (class A2) – Refused under delegated powers and dismissed on appeal.

7.4 14/09/2006 – SOS/06/00922/FUL - Use building as office/studio (class B1) – Refused under delegated powers and dismissed on appeal.

7.5 28/07/2006 – SOS/06/00689/FUL - Retain use of building as detached dwelling at the rear of 15 Preston Road and form parking space to rear of 15 Preston Road (Part Retrospective) – Refused under delegated powers and dismissed on appeal.

7.6 10/11/2004 – Development Control Committee authorised Enforcement Notice, requiring the removal of kitchen units and all appliances and cease the use of the property for residential accommodation. Enforcement Notice was served on 13/01/2005.

7.7 10/09/2008 - Development Control Committee authorised Enforcement Notice, requiring the reinstatement of the building prior to the insertion of unauthorised windows and alterations. Enforcement Notice was served on 22/10/2008.

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 three years beginning with the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02 The first floor window on the northern elevation shall be fixed shut and fitted with obscure glazing (the glass to be obscured 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).

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential property(ies), in accordance with Policy E5 of the Southend on Sea Borough Local Plan.

03 The lower part of the first floor window on the eastern elevation shall be fitted with solid panels and the upper part fitted with obscure glass; (the glass to be obscured to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, and unopenable apart from any top hung light which shall be a minimum of 1.5m above internal floor level.

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential property(ies), in accordance with Policy E5 of the Southend on Sea Borough Local Plan.

04 The lower part of the ground floor rectangular window on the eastern elevation shall be fitted with solid panels and the upper part fitted with obscure glass; (the glass to be obscured to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, and unopenable apart from any top hung light which shall be a minimum of 1.7m above internal floor level.

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential property(ies), in accordance with Policy E5 of the Southend on Sea Borough Local Plan.

05 The lower part of the ground floor circular windows on the eastern elevation shall be fitted with solid panels and the upper part fitted with obscure glass; (the glass to be obscured to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, and unopenable apart from any top hung light which shall be a minimum of 1.7m above internal floor level.

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential property(ies), in accordance with Policy E5 of the Southend on Sea Borough Local Plan.

06 The lower part of the ground floor door on the eastern elevation shall be fitted with solid panels and the upper part fitted with obscure glass; (the glass to be obscured to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, and unopenable apart from any top hung light which shall be a minimum of 1.7m above internal floor level.
Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential property(ies), in accordance with Policy E5 of the Southend on Sea Borough Local Plan.

07 No windows or doors shall be formed in elevations or within the roofspace other than shown on the approved plans unless otherwise agreed in writing.

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential property(ies), in accordance with Policy E5 of the Southend on Sea Borough Local Plan.

Reason for Approval:

This permission has been granted having regard to Core Strategy DPD Policies CP4; Policies C11, ES, T13 and T14 of the Southend-on-Sea Borough Local Plan; the policies and principles contained within the Design & Townscape Guide SPD, East of England Plan Policies; National policies PPG13 and all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.
1 Proposal

1.1 The proposed development involves the demolition of the existing garage, outbuildings and removal of the roof and the erection of part single part two storey side and rear extensions together with the formation of dormer windows to the front and rear.

1.2 The proposed materials comprise of face brick colour wash render to the walls, plain tiles and mineralised felt for the roof and upvc for the windows and doors.
1.3 It should be noted that this application is the third application that has been submitted. The most recent application under reference SOS/07/00868/FUL sought consent for the erection of a part single part two storey side and rear extensions with dormers to front and rear (amended proposal) which was dismissed on appeal on the 29th July 2008 due to the proposed extensions causing material harm to the character and appearance of the area.

1.4 The proposed development comprises of several amendments whereby

2 Site and Surroundings

2.1 The property is a two-bedroom detached bungalow occupying an irregularly shaped plot on the end of a residential cul-de-sac. Vardon Drive contains a variety of dwelling types, including two storey houses and chalets, but is dominated by semi-detached bungalows which, in some cases, have been altered to provide rooms within the roof space. It is these bungalows which define the overriding character of the area.

3 Planning Considerations

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

4 Appraisal

Principle of the Development:

Planning Policy Statement 1, Planning Policy Statement 3; East of England Plan policies SS1, ENV7; DPD1 (Core Strategy) policies KP2, CP4; BLP policies C11, H5, H3, H1, T11, T8 and Design and Townscape Guide SPD1.

4.1 The principle of the development is considered in the context of the above policies, which seek to protect the character and amenities of residential streets. The existing bungalow is close to the small family house threshold and it could be substantially extended under permitted development rights. The Planning Inspector, in determining the 2008 appeal raised no objection in principle to this form of development. No objection is raised to this application in principle.
Design and impact on the character of the area:

Planning Policy Statement 1, Planning Policy Statement 3; East of England Plan policies SS1, ENV7; DPD1 (Core Strategy) policies KP2, CP4; BLP policies C11, H5, T8, T11 and the Design and Townscape Guide SPD1.

4.2 Some of the written representations raise concerns over the design of the proposal. The proposed extensions will enable the two bedroom bungalow together with kitchen, lounge, bathroom to form a two storey dwelling with three bedrooms, kitchen, sun room, study, lounge, living/dining room area and utility room together with an integrated garage. Two dormer windows to the front and rear will be formed together with the erection of a single storey rear extension together with the formation of a balcony at the rear to be accessed from the landing and bedroom on the rear elevation of the property.

4.3 The proposed extensions will result in a fundamental change in the character of the property. The Design and Townscape Guide states that alterations to existing buildings should not destroy the existing character and that the scale of an extension should respect the scale of the existing building. In this instance the proposed multiple extensions poorly relate to the existing dwelling by reason of design, size and bulk and would result in incongruous and unsympathetic features to the detriment of the appearance and character of the dwelling and the visual amenities of the adjacent neighbour and the street scene contrary to the provisions of Policy ENV7 of the East of England Plan, Policy KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance) of the Core Strategy DPD, Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations) of the Borough Local Plan and Design and Townscape Guide (SPD).

4.4 The proposed front and rear dormer windows fail to relate to the provisions of the Design and Townscape Guidelines (SPD1). The dormer windows by reason of their size scale and form would appear as a dominant and obtrusive features rather than an incidental features within the roof slope. The dormer windows would be detrimental to the appearance and character of the existing dwelling and of the street scene and occupiers of the adjacent properties.

4.5 Given the nature of the design of the proposed roof alteration and the proposed extensions at the side and rear, the proposal is contrary to the provisions of planning policy and has not overcome the concerns raised by the Planning Inspector in which the previous planning application (SOS/07/00868/FUL ) was dismissed on appeal as the proposed development would cause material harm to the character and appearance of the area.
Traffic and Transportation Issues:

Planning Policy Statement 1, Planning Policy Guidance 13; East of England Plan policy ENV7; DPD1 (Core Strategy) policies KP2, CP4, CP3; BLP policies C11, T8, T11, U5; EPOA Parking Standards and the Design and Townscape Guide SPD1.

Parking

4.10 The proposed development incorporates the removal of existing garage with the formation of an integral garage within the proposed two storey side extension. The maximum dimensions of the proposed garage are 2.4m by 10.1m which is in accordance with the provisions of Highways Guidance as detailed within Appendix 12 of the Design and Townscape Guide SPD1. The proposed extensions will not result in any loss of parking to the front of the site and is therefore in accordance with the provisions of Policy T8 of the Borough Local Plan and EPOA Parking Standards (2001).

Impact on Residential Amenity:


4.13 In terms of impact on neighbours, the proposed extensions are located 1m from the boundary with 106 Vardon Drive and the proposed single storey element incorporating the garage is located on the boundary with 149 Vardon Drive. It is considered that the proposed extensions will introduce an overbearing incongruous feature to the detriment of the visual amenities of adjacent neighbours and will materially detract away from the current open outlook enjoyed by neighbouring properties contrary to the provisions of Policy C11 of the Borough Local Plan and the Design and Townscape Guide SPD1.

4.14 It is considered that the proposed development by reason of its height, form and scale will have a detrimental impact on the visual amenities of the existing street scene contrary to the provisions of policy ENV7 of the East of England Plan; policy C11 of the Borough Local Plan and advice contained within the Design and Townscape Guide (SPD1).

4.15 In terms of loss of privacy and overlooking there are no flank windows proposed on the extended dwellinghouse however, the proposed bi-folding doors which lead onto the balcony at the rear of the property will result in overlooking and loss of privacy to the adjacent neighbours of 106 and 149 Vardon Drive.

4.16 The proposal also incorporates the formation of a balcony at the rear of the property equating to an area of 9.08m². It is considered that given the siting and the extent of the proposed balcony it will have a detrimental impact on the amenities of nearby residential occupiers by reason of overlooking and noise and disturbance which is contrary to the provisions as detailed within Planning Policy Guidance 24, policy C11 of the Borough Local Plan and advice contained within the Design and Townscape Guide (SPD1).
5 Planning Policy Summary:

5.1 Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Statement 3 (Housing), Planning Policy Guidance 13 (Transport), Planning Policy Guidance 24 (Noise)


5.4 Supplementary Planning Document 1: Design & Townscape Guide.

5.5 BLP Policies C11 (New Buildings, Extensions and Alterations), H3 (Retention of Small Family Houses), H5 (Residential Design and Layout Considerations), T8 (Traffic Management and Highway Safety), T11 (Parking Standards).


5.7 Waste Management Guide.

6 Representation Summary:

Leigh Town Council

6.1 Objection to the proposal. The proposed development has an unsatisfactory relationship with the surroundings in terms of form, scale, massing, height and elevation design, contrary to the Borough Local Plan Policy C11. The development does not respect the neighbouring development, residential amenities and character of the locality, in an area of predominantly bungalows contrary to Policy H5 of the Borough Local Plan. The development will result in the loss of a small family dwelling house contrary to Policy H3 of the Borough Local Plan. The development is contrary to the guidance as contained within the Design and Townscape Guide. The development will result in a terracing effect from enlarged ground floor plans. The proposed balcony would be detrimental to the amenity of neighbours by reason of overlooking. Vardon Drive is characterised by an open aspect and this would be lost and set an inappropriate precedent.

West Leigh Residents Association

6.2 Overdevelopment of the site, out of character with the surrounding properties and loss of privacy to the surrounding properties.
Adjoining Owners/Occupiers

6.2 Neighbours notified and 10 responses received objecting to the proposed development on the grounds of:

- Overdevelopment of the site.
- Small bungalow dwellings need to be preserved.
- The height of the proposal is considered out of context with the surrounding development and will have an overbearing impact onto adjacent neighbours.
- The design, bulk and mass of the building is unattractive and out of scale with the properties within the vicinity of the site.
- The proposed development does not accord with any policies within the Borough Local Plan.
- The proposed development would set a precedent for the rest of the street.
- The balcony at the rear of the site will result in overlooking and loss of privacy to adjacent neighbours.

7 Relevant Planning History

7.1 20th September 2008 - Permission refused to erect part single/part two storey side and rear extensions with dormers to front and rear (amended proposal) on the grounds of design and impact onto adjacent properties together with the loss of a small family dwellinghouse. An appeal under reference APP/D1590/A/08/2068270 was dismissed on the grounds that the proposed development would be harmful to the character and appearance of the area.

7.2 14th March 2007 - Permission refused to erect a part single/part two storey side and rear extensions with dormers to front and rear under reference (SOS/07/00155/FUL) on the grounds of design and impact onto the visual amenities of the streetscene.

8 Recommendation

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

01 The proposed development as a result of its unsatisfactory design, massing and bulk is out of context with the surrounding development and will appear incongruous in the streetscene to the detriment of the character and appearance of the area contrary to the provisions of Policy ENV7 of the East of England Plan; Policies KP2 and CP4 of the Core Strategy; Policies C11 and H5 the Borough Local Plan and advice contained within the adopted Design and Townscape Guide (SPD1).

02 The proposed front and rear dormer extensions, by reason of its design, size, scale and form would be an incongruous and unsympathetic feature that does not relate satisfactorily to the existing roof to the detriment of the appearance and character of the dwelling and the residential amenities of neighbouring occupiers contrary to Policy ENV7 of the East of England Plan, Design and Townscape Guide (SPD), Policy KP2 and CP4 of the Core Strategy DPD, Policies C11, H5 of the Borough Local Plan.
<table>
<thead>
<tr>
<th>Reference:</th>
<th>SOS/09/00698/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ward:</td>
<td>Chalkwell</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Demolish existing garage and erect double garage with link roof to existing house and erect two detached two storey dwellings with one vehicle access and form two new vehicular accesses onto Esplanade Gardens.</td>
</tr>
<tr>
<td>Address:</td>
<td>129 Chalkwell Avenue, Westcliff-on-Sea</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Elmore Contractors Ltd</td>
</tr>
<tr>
<td>Agent:</td>
<td>R S Coombs Ltd.</td>
</tr>
<tr>
<td>Consultation Expiry:</td>
<td>16th June 2009</td>
</tr>
<tr>
<td>Expiry Date:</td>
<td>15 June 2009</td>
</tr>
<tr>
<td>Case Officer:</td>
<td>Matthew Leigh</td>
</tr>
<tr>
<td>Plan Nos:</td>
<td>90/01A, 90/02A, 90/03A, 90/04, 90/05, 90/06, 90/07 and 90/08</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Grant planning permission</td>
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</table>

1 Proposal

1.1. The proposed development involves the demolition of the existing garage and the construction of 2 No. two storey dwellings, dwellings “A” and “B”. One dwelling would be to the west of the existing dwelling whilst the second dwelling would be constructed to the south. The development would also include the erection of a double garage to service the existing dwelling and the formation of two new accesses onto Esplanade Gardens.
1.2. The dwelling facing onto Esplanade Gardens (Dwelling “A”) would measure a maximum 15.9m wide, a maximum of 10.5m deep and with a maximum height of 9m. The dwelling would provide accommodation in the form of a living room, family room, kitchen, dining room, utility room, toilet and garage at ground floor and four bedrooms, a bathroom and two en-suites at first floor.

1.3. The dwelling facing onto Chalkwell Avenue (Dwelling “B”) would measure a maximum of 10.4m wide, 10m deep and with a height of some 9m. The dwelling would provide accommodation in the form of a living room, dining room, toilet, kitchen, family room and utility room at ground floor and four bedrooms, a bathroom and two en-suites at first floor. A detached garage is also proposed to service this dwelling.

2 Site and Surrounding

2.1. The site is located on the western side of Chalkwell Avenue, on the northeast corner of its junction with Esplanade Gardens. It is a regular shaped site having a frontage of some 45m onto Chalkwell Avenue and a return frontage onto Esplanade Gardens of some 49m.

2.2. The site is currently occupied by a detached house and a detached garage. Hard surfacing is provided to the front of the site for car parking provision, whilst the detached garage is accessed off Esplanade Gardens.

2.3. The streetscene in this part of Chalkwell Avenue and Esplanade Gardens is characterised predominately by detached houses.

3 Planning Considerations

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

4 Appraisal

Principle of the Development:

Planning Policy Statement PPS3; East of England Plan policies SS1 and ENV7; DPD1 (Core Strategy) policies KP1, KP2, CP4, and CP8; BLP policies C11 and H7.

4.1. Government policy is to maximise the use of urban land. The proposed dwellings would be constructed within an existing dwellings curtilage and so is considered to be previously developed land. It is therefore considered that the use of the land for residential development is in accordance with PPS3 and acceptable under Policy CP8 of the Core Strategy.
Design and Impact on the Character of the Area:

Planning Policy Statement 1, Planning Policy Statement 3, East of England Plan policies SS1 and ENV7; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C7, C11, H5 and H7.

4.2. Good design is fundamental to high quality new design and its importance is reflected in PPS1 and PPS3 as well as Policies C11 and H5 of the Local Plan, Policies KP2 and CP4 of the Core Strategy and the Design and Townscape Guide (SPD1) states that the Council is committed to good design and will seek to create attractive, high-quality living environments.

4.3. It is considered that the site is a large corner plot, which offers further opportunities for development. This part of Chalkwell Avenue is characterised by relatively large residential dwellings on spacious plots, however it should be noted that this site has a more generous plot than the surrounding properties.

4.4. This part of Chalkwell Avenue is not considered to have a uniform character or appearance as the area contains a mix of property types and styles, however the dwellings do predominately have a strong character, this character is continued round into Esplanade Gardens. The proposed dwellings are considered to be of a similar style to the dwellings within the vicinity and would provide enough space around them for the setting. Therefore there is no objection to the proposed dwellings in relation to design.

4.5. The proposed detached garage is of a style and design that is associated with residential dwellings. It is not considered that an objection can be raised to the proposal in relation to the design of the garage.

Standard of Accommodation and Amenity Space

4.6. The proposed development would provide rear garden amenity for the proposed dwellings in excess if 120m², which is considered capable of meeting the outdoor needs of the future occupiers of the dwellings.

4.7. Whilst it is accepted that the proposed development would greatly reduce the private amenity provision for the existing dwelling, the dwelling would still benefit form an area in excess of 150m² and it is not considered that an objection can be raised to the proposal in relation to the reduction in size of the amenity space of the existing dwelling.

Traffic and Transportation Issues:

Planning Policy Statement 1, Planning Policy Guidance 13, East of England Plan policies SS1, ENV7, T2, T4 and T9; DPD1 (Core Strategy) policies KP2, CP2 and CP4; BLP policies T8 and T11.

Parking

4.8. Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officer Association (EPOA) set out the requirements for each use.
4.9. The parking standards are expressed as maximum standards and public transport is available in the locality. The authority also takes into account Governmental guidance contained within Planning Policy Guidance 13: Transport (PPG13) which encourages the reduction in the reliability of the car and promote methods of sustainable transport.

4.10. The proposed development would involve the demolition of the existing garage for the existing dwelling. Whilst it is accepted that the proposed development would involve the provision of a replacement garage it is considered that the development could potentially remove the on site car parking provision for the existing dwelling. With this in mind, it is considered reasonable to impose a condition that the new garage is provided prior to the demolition of the existing garage.

4.11. The proposed development would provide a garage for both dwellings which is considered capable of accommodating a reasonably sized car. The hard standing to the garages could potentially provide further on site car parking provision and it is therefore not considered that an objection can be raised to the proposal in relation to on site car parking provision.

Impact on Residential Amenity:

PPS1, PPS3, East of England Plan policies SS1, SS2, H1 and ENV7; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, E5, H5, H7 and H10 and the Design and Townscape Guide.

4.12. The proposed windows in the front elevations would face the highway which is considered acceptable. The proposed windows in the rear elevation of dwelling “A” would be 10m from the rear boundary of the site, whilst the windows in the rear elevation of dwelling “B” would be in excess of 15m from the rear boundary of the site. Both of which are considered capable of mitigating against overlooking to the adjoining residences.

4.13. Due to the orientation of dwelling “A” within the site and the relationship with the adjoining dwelling it is not considered that the development will have an undue impact upon the adjoining residence in relation to overshadowing and domination. Dwelling “B” will be set back 2.5m from the adjoining dwelling along Chalkwell Avenue and would be 1m from the boundary, it is not considered that the proposed dwelling would not have an undue impact upon the adjoining residence in relation to overshadowing or domination.

Sustainable Construction:

PPS1, PPS3, East of England Plan policies H2; DPD1 (Core Strategy) policies CP4 and CP8; BLP policies C11, H5, H7 and H10 and the Design and Townscape Guide.

4.14. It should be noted that PPS3 (Housing) states that developments should:

“Facilitates the efficient use of resources, during construction and in use, and seeks to adapt to and reduce the impact of, and on, climate change.”
4.15. Policy KP2 of the Core Strategy states; “All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources”. It should also be noted that Policy WAT4 of the East of England Plan requires “that sustainable drainage systems are incorporated in all appropriate developments”.

4.16. The applicant has supplied information in relation to sustainability and renewable energy uses, which has indicated that the proposal can potentially meet the requirements of Policy KP2 of the Core Strategy and WAT4 of the East of England Plan. It is therefore considered reasonable to impose a condition in relation to further details for any approved scheme.

5 Planning Policy Summary:


5.3. Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP2 (Town Centre and Retail Development), CP4 (The Environment and Urban Renaissance) and CP8 (Dwelling Provision).

5.4. Supplementary Planning Document 1: Design & Townscape Guide,

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

5.6. EPOA adopted Vehicle Parking Standards.

5.7. Waste Management Guide.

6 Representation Summary:

Highway Authority

6.1. Response awaited.

Environmental Health

6.2. Response awaited.

Parks and Open Space

6.3. Response awaited.

Property Services

6.4. Response awaited.
Housing
6.5. None required.

Design and Regeneration
6.6. Reflects the scale and urban grain of the area. Provision of ground source heat pumps is also welcomed. No objection.

Chalkwell Residential Association
6.7. Response awaited

Adjoining Owners/Occupiers
6.8. At the time of writing the report seven neighbour responses had been received, which raised the following comments and observations:
♦ Site is not large enough
♦ Concern in relation to flooding
♦ Highway safety
♦ Support application, which makes appropriate use of unused building plots
♦ Loss of light
♦ Cause disruption to Southend Carnival and Southend Fun Run
♦ Loss of privacy
♦ The existing house will be renovated into flats.
♦ Works traffic would be disruptive
♦ Concern in relation to damage to roads and pedestrian footpaths
♦ Out of character
♦ Car parking
♦ Great improvement to previous scheme
♦ Type and amount should fit in with surrounding area

7 Relevant Planning History
7.1. 17th July 2008 – Permission refused to demolish existing building, erect part two and part three storey block comprising fourteen self contained flats, lay out parking spaces, cycle stores, refuse store and amenity area. Extend existing vehicular crossover onto Chalkwell Avenue and form new vehicular crossovers onto Esplanade Gardens. (SOS/08/00482/FULM).

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 three years beginning with the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
02 No development shall take place until samples of the materials to be used on the external elevations, hard surfacing and boundary treatment have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To safeguard the visual amenities of the area, in accordance with Policy CP4 of the Core Strategy and Policy H5 of the Southend on Sea Borough Local Plan.

03 The existing garage on site will not be demolished until the proposed garage to service 129 Chalkwell Avenue has been constructed along with a properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To make provision for parking off the highway, in accordance with Policy T11 of the Southend on Sea Borough Local Plan.

04 No dwellings shall be occupied until car parking provision through hardstanding and garages have been provided, together with a properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To make provision for parking off the highway, in accordance with Policy T11 of the Southend on Sea Borough Local Plan.

05 The garages and hard standing provided in relation to conditions 03 and 04 shall be permanently reserved for the parking of vehicles in accordance with the main uses of the site and for no other use whatsoever.

REASON: To make provision for parking off the highway, in accordance with Policy T11 of the Southend on Sea Borough Local Plan.

06 Prior to the commencement of the development hereby approved, details of energy efficiency and other sustainability measures, including the provision of at least 10% of the development hereby approved's energy needs being provided from renewable sources, shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be carried only in accordance with the agreed details.

REASON: In accordance with Policy KP2 of the Southend on Sea Borough Core Strategy.
07 No dwellings hereby approved shall be occupied until a sustainable urban drainage scheme including porous hard surface materials has been submitted to and agreed with the local planning authority. The development shall only be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In accordance with Policy KP2 of the Southend on Sea Borough Core Strategy.

08 This permission has been granted having regard to Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), T8 (Traffic Management and Highway Safety) and T11 (Parking Standards) together with the Core Strategy, 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.

Background Papers

(i) Planning applications and supporting documents and plans
(ii) Application worksheets and supporting papers
(iii) Non-exempt contents of property files
(iv) Consultation and publicity responses
(v) Borough Local Plan
(vi) Relevant PPGs, DCPNs and Circulars

NB Other letters and papers not taken into account in preparing this report but received subsequently will be reported to the Committee either orally or in a supplementary report.