## Agenda Item

Report(s) on Planning Applications

A Part 1 Agenda Item

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<td><strong>Proposal:</strong></td>
<td>Erect part 5 storey, part 4 storey hotel with ground floor restaurant, access and car parking on land adjacent to former Esplanade House</td>
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<td><strong>Address:</strong></td>
<td>Eastern Esplanade Southend-On-Sea Essex</td>
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<td><strong>Applicant:</strong></td>
<td>Premier Inn (Hotels) Ltd</td>
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<td><strong>Agent:</strong></td>
<td>Walsingham Planning</td>
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<td><strong>Consultation Expiry:</strong></td>
<td>14th August 2013</td>
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<td><strong>Expiry Date:</strong></td>
<td>20th September 2013</td>
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<td><strong>Case Officer:</strong></td>
<td>Charlotte Galforg</td>
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<td><strong>Plan Nos:</strong></td>
<td>1026/01P, 1026/02G, 1026/03E, 1026/04E, 1026/05E, 1026/06D, 1026/08G, 1026/09G, 1026/11D, 1026/12, 1026/13, 1026/14, JBA 11/98-01B.</td>
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<td><strong>Recommendation:</strong></td>
<td>DELEGATE authority to the Group Manager of Development Control &amp; Building Control, Head of Planning &amp; Transport or Director for Place to GRANT PLANNING PERMISSION subject to completion of a S106 agreement</td>
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1 Background to the application and the Proposal

1.1 Planning permission has previously been granted for several schemes to redevelop this site, including approval in 2009 for a part 6 part 7 storey, 126 bedroom hotel, with bar, restaurant, function room, health club and parking. This development utilized the same footprint for a similar hotel/residential scheme permitted in 2005. The 2005 permission remains extant because ground works around the site have been commenced.

1.2 This application proposes the erection of an 80 bed hotel (Premier Inn) with ancillary bar/restaurant (Brewers Fayre) which is shown as accommodating a total of 190 people within the bar and dining areas. Access to the site would be taken from Eastern Esplanade. 69 car parking spaces are proposed to the rear of the hotel building (including 4 disabled parking spaces). Deliveries would take place from the rear of the building. A taxi drop off point is proposed to be sited within the access road, towards the front of the site. A patio area is proposed to be provided to the front of the property, including external seating. A landscaping scheme has been submitted with the application.
1.3 The ground floor of the development would accommodate the main entrance to the building, including a lobby and joint access to the hotel reception area and restaurant. Hotel and restaurant service areas are located at ground floor. The first floor includes the restaurant toilets and managers bedsit. The remaining accommodation on this floor and the upper floors is hotel bedrooms and ancillary service accommodation.

1.4 The hotel building extends to five floors on the western side and steps down to four storeys across the site. It is a simple, flat roofed, contemporary design. The building includes; balconies, façade projections and a full height bay. Round windows are a feature of the four storey element. The building would be rendered in white silicon based render and would have timber windows. Horizontal timber effect cladding is proposed to provide further detail at ground level to the front and to add interest to the side elevations. Solar panels are proposed to be located on the roof. Part of the car park area would be located under the rear projection of the building.

1.5 The applicant has stated that the development will create circa 64 full and part time jobs and that the development is expected to attract circa 29,800 guests per annum.

1.6 The applicant has submitted the following documents in support of their application: Planning Statement, Design and Access Statement, Flood risk Assessment, Transport Statement, Travel Plan, Geo-environmental site investigation, Daylight and Sunlight Performance analysis, Noise emissions statement, Feasibility Statement for low or zero carbon technologies, drainage statement, car park lighting scheme and Heritage statement.

2 Site and Surroundings

2.1 The application site has an area of circa 0.39 hectares and comprises land which was in part the former British Gas Corporation Gas Works, located on Eastern Esplanade. The site has previously been cleared and preparation works have started for development of the site. Vehicular access is currently taken from Eastern Esplanade. The site is partially bounded by a high brick wall, but the majority of it is now bounded by hoardings. The site lies opposite the beach and foreshore.

2.2 The site is largely rectangular and has boundaries with Eastern Esplanade and the new housing development off Victoria Road and Northumberland Avenue. Development in the vicinity is largely residential consisting of two storey, Victorian terraced housing. That fronting Eastern Esplanade to the east of the site is three storey. Esplanade House a vacant, 4 storey, partially demolished office development and its associated car park flanks the site to the west. The new housing to the north of the site comprises a mix of houses and flats varying in height from 2-3 storey on the periphery of the site to 5 storeys in the centre.
2.3 The site was previously in use as a gas works that incorporated a coal gas extraction plant and gas storage holders. On the frontage of the site behind the former Gas Works wall is a former Home Guard watch post. This lies just outside the site boundary.

2.4 The site is located within the Central Seafront Area and adjacent to a Visitor Accommodation Area designated within the Borough Local Plan. It also lies within the Seafront Area within the Core Strategy and within the Southend Central Area Action Plan boundary (SCAAP), within the St John’s, Central Seafront and the Eastern Esplanade quarter. The site is situated adjacent to a Site of Special Scientific Interest (the estuary) and lies within Flood Zone 3. A WWII pill box lies adjacent to the site. This structure is locally listed.

3 Planning Considerations

3.1 The main issues to be considered are, the principle of hotel development on this site, the design and impact of the development on the wider area and any heritage assets, impact on the surrounding highways network, parking and servicing, impact on neighbouring development, flood risk, decontamination, impact on the natural environment, renewable energy and developer contributions.

4 Appraisal

Principle

Planning Policy: NPPF: Achieving Sustainable Development, Core Planning Principles, Section 1, DPD1 (Core Strategy) policies, KP1, KP2, BLP policies; L1, L2, L6.

4.1 The site was included as proposals site P3a within the BLP and was earmarked for hotel development. This policy was not “saved” as part of the Core Strategy as the site already had planning permission at the time the Core strategy was adopted. The principle of a hotel development on this site was been accepted by virtue of the 2002, 2005 and 2008 permissions, development has commenced on site which means that the previously granted proposals could be completed in accordance with the relevant permission. The building subject of the most recent consent had a maximum height of 7 storeys, 126 bedrooms, plus spa, restaurant and bar and provided 94 parking spaces.

4.2 Policy KP2 of the Core Strategy states that development should “make the best use of previously developed land” and “respect, conserve and enhance the natural and historic environment”.

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4.3 This approach is reiterated in Policy CP4 which states: “Development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.” This will be achieved by: “safeguarding and enhancing the historic environment, heritage and archaeological assets, including Listed Buildings, Conservation Areas and Ancient Monuments”

4.4 Borough Local Plan Policy L1 seeks to encourage proposals to provide new visitor attractions or improve existing tourist facilities, where they enhance the resort’s ability to attract and cater for visitors, increase local employment opportunities and provide for environmental improvements.

4.5 Policy L2 deals specifically with the Central Seafront Area and seeks to promote new leisure facilities and to introduce measures to improve its environment for visitors.

4.6 Policy L6 states “Within the Central Seafront Area and those areas defined as Visitor Accommodation Areas on the Proposals Map, proposals for the establishment, extension or improvement of hotel and guest house accommodation will be encouraged subject to the requirements of Policy H5 and, within Conservation Areas, Policy C4”.

4.7 The merits of providing such facilities and the success that this can play in a visitor destination are recognized and this together with the additional employment that the development will led to is welcomed.

4.8 Thus it can be seen that development which improves existing tourist facilities will generally be supported and taking this into account together with the extant permission for hotel development on the site, there is no objection in principle to the erection of a hotel on this site.

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


4.9 Policy CP4 of the Core Strategy states

“Development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend” and “promoting sustainable development of the highest quality and encouraging innovation and excellence in design to create places of distinction and a sense of place”

4.10 Policy C2 of the Borough Local Plan (BLP) seeks to protect the character and setting of Locally Listed and Listed Buildings.
4.11 Permission has previously been granted for a seven storey hotel building on this site. A large, partially demolished office block currently occupies the adjoining site to the west, and permission has been granted on that site for a substantial development including a 12 storey residential tower which would be located adjacent to the application site. Therefore, there is no objection in principle to a building of the height and scale that is proposed.

4.12 There is no objection in principle to a building of contemporary design and with a flat roof in this location. The detail of the design and the quality of materials will be fundamental to the quality of the development. During the pre-application process the applicant has worked closely with officers and the design of the proposed development is a consequence of those discussions. Greater interest and articulation have been incorporated into the building, faux balconies added and materials refined. Details which were considered to be unacceptable, such as access to the car park via and undercroft, have been removed.

4.13 The resulting development is considered to be appropriate within this seaside location and would form a welcome transition between the Esplanade House site and the residential properties to the east. The design of the building is considered to be an improvement over that which is the subject of the extant permission.

4.14 Locally Listed Structure - The Home Guard Watchpost to the south-west of the site, tucked within the former gas works wall is a locally listed building; it is therefore a Heritage Asset. Whilst this falls outside the application site, the submitted plans show that the wall will be retained and will be incorporated into the boundary treatment for the site. Therefore, the development will not have any detrimental impact on the asset.

4.15 Landscaping – The submitted proposals include a detailed hard and soft landscape scheme and maintenance schedule. Although space within the site for planting is quite limited, a small turfed area, together with hedge, shrub and tree planting is proposed for the front and western side of the building. Further ground cover, hedge and tree planting is proposed along the eastern boundaries of the site and within the car parking area. Given the constraints of the site, the amount and detail of landscaping is considered to be acceptable.

4.16 Lighting – The applicant has submitted some details of the proposed lighting to the rear car park. Whilst there is no objection in principle to this further details are required to ensure the amenities of neighbours are safeguarded. Details of any external lighting of the building will also need to be submitted for consideration as this have a visual impact and possible impact on the adjacent SSSI. This matter can be adequately addressed by condition.
4.17 **Plant** - The applicant proposes to locate the condensers and heat pumps at roof level behind the 2325 mm high parapet where they will be masked from view. There is one condenser located in the rear service yard at ground level, this will also be hidden from view and contained by the yard enclosure. The kitchen extract is discharged at roof level. However, no elevations of the extract equipment has been submitted and details should therefore be agreed by condition. It is anticipated that the equipment will be effectively screened by the parapet roof.

4.18 **Public Art** – Pre application discussions with the applicant highlighted the need to provide public art in or around the site. The applicant has commissioned an artist to prepare a design for the site and has conceived a full size seated figure looking out to sea. The “watching” theme is also intended to refer to the former Home Guard watch post adjacent to the site. The artist has commented: “The proposed sculpture “Man on Bench” will act as a talking point and meeting place, there will be room for people to sit on the bench and also be child friendly as they will be able to climb on it. The piece is non-confrontational and will be accepted by young and old alike, it will suit the location and fit in with the relaxed sitting area incorporated alongside the new development”. The piece is to be cast in bronze. It will be welded to the bench which will be firmly fixed to the paving surface.

4.19 Given the submitted information it is considered that rather than form part of a S106 Agreement, as is normally the case, the public art can be required by way of a suitable condition.

**Traffic and Transport Issues**

**Planning Policies:** NPPF: Section 4, DPD1 (Core Strategy) policies: KP1, KP2, KP3; CP3: BLP Policies: T8, T10, T11, T12, T13, SPD2

**Traffic generation**

4.20 The applicant has submitted a Transport Statement in support of the application. The site is situated in a relatively sustainable location, close to local amenities and it is well located to encourage alternative modes of travel, benefitting from good local bus services and excellent pedestrian and cycle links for both commuting and leisure journeys.

4.21 The proposals would generate in the order of 23 and 45 two-way vehicle movements during the AM and PM peak hours respectively and represents an overall reduction in traffic generation from the site’s extant hotel consent. The extant hotel permission was assessed as part of the Traffic Assessment for the significant development on the adjacent Esplanade House site. That concluded that the combined development would not have an adverse impact on the free flow of traffic within the surrounding highway.
4.22 The applicant has submitted a Travel Plan in support of their application which aims to provide employees and guests with greater information as to the alternative modes of travel available when travelling to and from the surrounding commercial, employment and retail areas; identify opportunities to provide new infrastructure to support sustainable modes of travel for staff and guests; promote the use of alternative modes of travel; and support employees to achieve a shift in travel behaviour away from single occupancy car travel towards more sustainable forms of transport. Implementation of the travel plan should reduce single car occupancy car usage and the consequent impacts of the development on the surrounding highway. Submission and implementation of the travel plan will be a requirement of the S106 Agreement.

Parking

4.23 A total of 69 parking spaces would be provided, including the provision of 4 disabled parking bays, which would be conveniently situated close to the entrance of the building. Applying the EPOA standards this would give rise to a requirement for a maximum of 151 Parking spaces.

4.24 When assessing the adequacy of parking provision is it necessary to examine how sustainable the location of the site is, and how the car park will operate in practice. The hotel and restaurant are complementary in their nature, for example Premier Inn’s peak demand is during the late evening and overnight periods whilst the restaurants busiest periods are during the lunch time and evening meal periods. Furthermore, the restaurant caters for the majority of Premier Inn guests’ breakfasts and evening meals. Therefore, on this basis it is not appropriate to consider each element individually in terms of the generic application of maximum parking standards, but take a more pragmatic approach considering the potential parking demand overall. The applicant has submitted survey data based on similar sites which are currently operational. This shows that at peak times (18.15 – 21.15) there would be a slight overspill of 9 vehicles into the surrounding highway. However, it may be that at these times local car parks would have some capacity to accommodate any such parking, it is considered that improvements to the adjacent bus stop, linking the site to the town centre would also help reduce car usage and consequently car parking demand. The applicant has agreed to make a contribution of £15k to facilitate improvements to the bus stop to the south of the site.

4.25 Access to and the layout of the car parking is considered to be acceptable.

Cycle parking

4.26 There are good pedestrian and cyclist facilities in the vicinity of the site, including footways on both sides of the Eastern Esplanade, which are relatively wide, of good quality and well-lit. In addition, crossing points with dropped kerbs and tactile paving are available. 12 cycle parking spaces will be provided on site, adjacent to the rear entrance of the development. This is considered to be acceptable.
Servicing

4.27 The proposals would also provide sufficient room to allow for service vehicles to access the site, turn and egress in a forward gear.

4.28 Adequate refuse storage is shown to be provided.

Impact on the amenities of adjacent properties

Planning Policies: NPPF: Core Planning Principles, Section 11, DPD1 (Core Strategy) policies, KP2, CP4; Borough Local Plan Policies H5, E5.

4.29 Policies H5 of the BLP and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. When considering the impact of the development on neighbouring occupiers, it is important to take into account that there is an extant permission for a larger development on the site, which could still be completed.

Noise

4.30 The applicant has submitted a noise assessment in support of the application, which examines noise emission from external building services plant and the noise from activity associated with the development such as use of the loading bay, car park/drop-off point and restaurant (including the external seating area).

4.31 The predictions indicate that noise levels from most activities are expected to be acceptable. It should be noted that the reports suggests that the east boundary wall is retained to protect occupiers of 65/66 Eastern Esplanade, the submitted plans show this to be the case, but a condition to this effect is proposed.

4.32 However, noise from the refrigeration condenser associated with the food delivery lorry was noted to have the potential to cause disturbance. It is considered that acoustic screens or relocation of the refrigeration condensers would not be feasible at this specific site. Therefore the applicants have suggested that refrigeration condensers are turned off at noise sensitive times, so as to avoid disturbance to neighbours and that condensers are, where possible, switched off during deliveries. These issues can be addressed through the imposition of appropriate conditions.

Outlook, sunlight and daylight and overlooking.

4.33 It should be noted that whilst balconies are shown on the plans, there will be no access for hotel customers onto these balconies as windows are to be kept fixed shut in order to meet the hotels policy ensuring that customers are not disturbed by any external noise.
4.34 With existing or proposed residential to 3 sides the design has been prepared to ensure adequate spacing from all bedroom windows to the boundaries. One corner bedroom on each floor has a feature window but there is main front facing window and the corner window is c.15m from the adjoining property (65/66 Eastern Esplanade), facing onto the side elevation. It is not considered that these windows will give rise to undue levels of overlooking.

4.35 There are 12 bedroom windows facing the western boundary at a separation of approximately 10m, the approved scheme on the Esplanade House site shows no buildings with which this may conflict, but, for the avoidance of any possible concerns these windows have been designed with side looking bays so that there is no direct overlooking.

4.36 The applicant has submitted a sunlight/daylight assessment which demonstrates that the only potentially affected property, 65/66 Eastern Esplanade would continue to enjoy adequate light to the relevant windows.

Overbearing

4.37 The building is to be sited some 15m from the side elevation of 65/66 Eastern Esplanade and 12m from the western boundary with Esplanade House. It lies approximately 38m from the rearmost property to the north. Given these separation distances, the limited height of the development, and the fact that an extant permission exists for a 7 storey building which projected much closer to the site boundaries, the development would not be overbearing in relation to the neighbouring dwellings.

Flood Risk

Planning Policy: NPPF Section 10, DPD1 (Core Strategy) policies: KP1, KP2, KP3, CP4, BLP policies, U1, U2.

4.38 The site is within flood zones 2 and 3. A Flood Risk Assessment (FRA) has been submitted with the application. The site is protected from tidal flooding by sea defences maintained by the Council. The proposed hotel use is considered to be a “more vulnerable” development. The application must therefore pass the Sequential and Exception Tests.

4.39 The objective of the Sequential Test is to direct new development to the least flood-prone areas. However, the NPPF at para 102 states:

“If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:
• it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared”
4.40 As part of the Core Strategy the Council has also had to have regard to the following considerations inter alia:

i. “excluding such areas from consideration for regeneration and growth would further limit the already limited spatial options available to the Borough to achieve such regeneration and growth, and would require other important sustainability considerations, as set out above, to be compromised;

ii. the overwhelming community support for the Council’s ‘preferred option’ (on which the spatial strategy in this Development Plan Document is very strongly based) indicated through the pre-submission consultation and public participation stages.”

4.41 The spatial strategy set out within the Core Strategy is considered to represent an appropriate balance between these considerations. Equally, it sets out what is considered to be the most appropriate way forward for Southend, seeking to maximise the town’s strengths and opportunities by focusing the majority of growth and regeneration on key regeneration areas, including the Seafront. The proposed hotel use is one for which the seafront location is key and that location is in line with key Core Strategy Policy. The application is therefore, considered to meet the Exception test.

4.42 With regard to the detail of the FRA which has been submitted, the Environment Agency have raised a holding objection on flood risk grounds and that the Flood Risk Assessment contains insufficient evidence for them to correctly access the proposal. In particular they are uncertain that the impacts of climate change are correctly taken into account and that the submitted FRA does not fully consider how people will be kept safe from flood hazards identified. The applicant and Environment agency are currently in discussion to try and resolve these issues. The outcome of discussions will be discussed in the Supplementary Report.

Impact on SSSI

NPPF section 11, Core Strategy Policy KP1, KP2, CP4

4.43 The estuary to the south of the site forms part of the Benfleet and Southend Marshes SPA and Ramsar site It is therefore, of great importance to avoid damage to the environment.

4.44 There is no realistic likelihood of material disturbance to the inter-tidal area by either their staff, overnight guests, or restaurant/bar customers. The development will have no direct impact on the protected area and surface water drainage from the site goes to mains drains, rather than direct to the sea. There will be some illumination of the building and there will be light spill from the windows but this will be no greater than that from the permitted scheme, the scheme on land to the west or many properties elsewhere along the seafront.
4.45 Although there has, at the time of writing, been no response to the consultation with Natural England, the applicant has consulted them separately, prior to submission of the application. The advice from Natural England identifies four areas of potential impact but advises that these can be addressed through conditions relating to construction impacts, and limits as to type of work and when work can take place, that drainage should go to mains drainage and not directly to the foreshore, that any lights to the building should be fixed and not moving and that there should be no firework displays or similar events at the site. Officers are satisfied that suitable conditions can be imposed to this effect and that therefore the development will have no material impact on the SSSI.

4.46 The potential for lizards and badgers to be present on the site has been raised by Parks Officers, and the need for relevant surveys to be undertaken to establish whether or not this is the case. This matter can be controlled by condition.

Contamination

DPD1 (Core Strategy) policies: DPD1 (Core Strategy) policies KP2, CP4; BLP policy U2 Pollution Control.

4.47 As a former gas works there may be concern about possible contamination of the site. However, the site has been fully remediated and copies of the Verification Certificate and letters of approval from the Council and Environment Agency have been submitted in support of the application. The site has been unused, except for commencement of the 2003 scheme, so no new contamination will have taken place. This is further supported by the conclusions of the Geo Environmental site investigation that accompanies the application. This concludes that site does not have any harmful contaminations.

Sustainable Construction

Planning Policy: NPPF Achieving sustainable development, Section 10 DPD1 (Core Strategy) policies: Key Policies: KP2, KP3, CP4, CP8; BLP Policy C11

4.48 Policy KP2 sets out development principles for the Borough and states that:

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

…..development proposals should demonstrate how they incorporate ‘sustainable urban drainage systems’ (SUDS) to mitigate the increase in surface water run-off….”
The applicant has submitted a low and zero carbon energy (LZC) feasibility report with the application. This sets out the options which have been considered. It is concluded that roof top PV cells can be used to generate 6.9% of electricity consumption. It is also proposed to use air source heat pumps to reduce energy consumption, these provide a very effective energy source contribution toward water heating, cooling and heating. The applicants have stated that In total the scheme will provide 45% of all energy consumed on site from LZC sources. Detailed calculations are awaited from the applicant to support this assertion. However officers are satisfied that the required levels can be achieved a condition to this effect has been recommended.

The applicants state they will provide the scheme to a BREEAM “very good” standard. This is supported and welcomed.

The proposed drainage strategy incorporates SUDS in the form of rainwater harvesting, which will ensure a reduction to the rate and volume of runoff discharged from the site in comparison to the previous development proposals.

Thus the development is considered to comply with policy KP2.

**Developer contributions**

**Planning Policy:** NPPF sections 2, 6, 8, 12; DPD1 (Core Strategy) policies KP3, BLP policies: U1.

The Core Strategy Police KP3 requires that:

“In order to help the delivery of the Plan’s provisions the Borough Council will: Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed”.

**Travel Plan**

A travel plan has been submitted with the application and final details of this will need to be agreed. The applicant has agreed that the Travel Plan will need to be subject to a S106 Agreement.

Improvements to bus stop

As set out at para 4.24 a contribution of £15k for works to enhance the bus stop to the south of the site will be part of the S106 Agreement.
4.56 A monitoring fee will be required to cover the cost of monitoring the S106 Agreement. 4% of the monetary contribution and £750 per non-monetary Head of Term is charged: This equates to:
- Travel Plan - £750
- Bus Stop - £600
- Total £1,350

4.57 Without the contributions that are set out above the development would not be considered acceptable. Therefore, if the S106 agreement is not completed within the relevant timescale the application should be refused. An option to this effect is included within the recommendation in section 10.

5.0 Community Infrastructure Levy Regulations

5.1 The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010. The planning obligation discussed above and as outlined in the recommendation below has been fully considered in the context of Part 11 Section 122 (2) of the Regulations, namely that planning obligations are:

a) necessary to make the development acceptable in planning terms; and
b) directly related to the development; and
c) fairly and reasonably related in scale and kind to the development

The conclusion is that the planning obligation outlined in this report meets all the tests and so constitutes a reason for granting planning permission in respect of application 13/00438/FULM

6.0 Conclusion

6.1 The principle of a hotel in this location has been accepted previously and is in accordance with Development Plan Policy. The design of the development and its impact on the streetscene is acceptable. The development would retain the home guard watch post, which is a heritage asset. Traffic generated by the development would not have an adverse impact on the surrounding highway network and subject to measures to encourage customers to use sustainable modes of transport (including improvements to the adjacent bus stop), parking provision on the site is considered adequate. The development will not have an adverse impact on the adjacent SSSI. The amenities of neighbouring properties will not be adversely affected by the development and indeed the impact should be less than that associated with the extant permission. Therefore subject to the resolution of flood risk issues and removal of the Environment Agency’s holding objection, the development is considered to comply with Development Plan Policy and is acceptable.
7.0 Planning Policy Summary


7.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources); CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), SPD1 Design and Townscape Guide: EPOA Vehicle Parking Standards.

7.3 BLP Policies; Borough Local Plan Policies C2 (Historic Buildings), C11 (New Buildings, Extensions and Alterations, C14 (Trees, Planted Areas and Landscaping), H5 (Residential Design and Layout Considerations), L1 (Facilities for Tourism), L2 (Central Seafront Area), L6 (Hotels and Guest Houses), T1 (Priorities), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T12 (Servicing Facilities); T13 (Cycling and Walking), U1 (Infrastructure Provision), U2 (Pollution Control).

7.4 SPD1 Design and Townscape Guide

7.5 SPD 2 Planning Obligations

7.6 EPOA Vehicle Parking Standards

7.7 Southend Central Area Action Plan (Consultation Draft)

8.0 Representation Summary

Environment Agency - Flood Risk - Our maps show the application site lies within Flood Zones 2 and 3, the medium and high risk zone, respectively. The proposal includes the construction of a hotel, which is considered to be ‘more vulnerable’ development in Table 2 of the Technical Guidance to the National Planning Policy Framework (NPPF). The application must therefore pass the Sequential and Exception Tests and be submitted by a site-specific Flood Risk Assessment. No evidence has been submitted to show that these tests have been passed. You must ensure this done before the grant of any planning permission.

A Flood Risk Assessment (FRA) by RLT Engineering Consultants Ltd, referenced 110407 and dated 21 February 2013, has been submitted in support of this application. The FRA is for the erection of part 5 storey, part 4 storey hotel with car parking within Flood Zone 3. The restaurant and reception are located on the ground floor and all sleeping accommodation is located on the first floor upwards.
We have considered the information submitted and confirm that we are raising a holding objection to the application at this stage on flood risk grounds and that the Flood Risk Assessment contains insufficient evidence for us to correctly access the proposal. The FRA submitted with this application does not comply with the requirements set out in paragraph 9 the Technical Guidance to the NPPF. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular:
• We are uncertain that the impacts of climate change are correctly taken into account
• The submitted FRA does not fully consider how people will be kept safe from flood hazards identified

You can overcome our objection by undertaking an FRA which demonstrates that the development is safe without increasing risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection. We would advise the applicant to update the FRA using data from the 2010 SFRA. We would also advise that evidence needs to be shown to prove that the 1 in 200 plus climate change is at their quoted figure of 4.29m AOD as this is considerably lower than figures we hold, otherwise the FRA needs be revised with new figures.

Further information on flood risk at the site and the submitted FRA is provided in the Technical Appendix at the end of this letter.

Pollution Prevention

The pollution of ground water and/or surface water is an offence under the Environmental Permitting Regulations (England and Wales) 2010. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor. Detergents entering oil separators may render them ineffective.

Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

8.1 Natural England – no comments received
8.2 Design and Regeneration – This is an important and prominent seafront site and following recent pre-application discussions the plans have been revised and are considered to present a stronger design approach which has incorporated more articulation and interest across the building, including balconies to the front, a large active frontage at ground floor, and blinkered windows to the side elevation.

- A relatively positive degree of articulation has been added to the front elevation through the introduction of balconies – it is noted from the design and access statement that these are not to be used or accessible from the bedrooms due to sustainability implications. It is regrettable that these spaces won’t be utilised and it is not clear how these spaces will be accessed or managed.
- Homeguard watch post – it will be important to ensure this unique heritage asset is adequately protected during construction works, and this could be dealt with by condition. The proposed works involve restoring a surface to its perimeter to protect foundations from undermining, and the report indicates the watch post is currently in some danger given the undermining of its rear walls. It could be beneficial for the Council’s structural engineer to look at the structure and advise on whether this course of action is appropriate to ensure the long term retention of the watch post. Is there potential to incorporate an information board / plaque to provide some detail on this heritage asset as part of the development?
- Sustainability - A detailed approach to sustainability and carbon reduction is provided, and the information provided suggests that BREEAM very good rating may be achievable on the site (although it’s regrettable that the applicant is not considering registering the scheme for BREEAM purposes-this would certainly be welcomed). In regard to the requirements of Policy KP2, it is indicated that solar panels would be included to the roof, to meet 6.9% of electricity generation needs, although these have not been shown on the plans Details will need to be provided – this could be dealt with by condition although it would be useful to see the solar panels shown on the plans to make an assessment of any potential visual impact. In addition, air source heat pumps are proposed and the report states that overall the scheme will provide 45% of all energy from low carbon sources – while this is very welcome, details will need to be provided to show how KP2 will be met. Condition.
- Public art – artist Giles Penny is to be commissioned to create a piece of public art for the site, which should be a positive addition to the streetscene. The information provided shows a number of interesting pieces and the ‘man on bench’ proposed for the site seems an attractive and multi-functional piece. The proposed location plan shows the bench within the boundaries of the site, where it appears to be separated from the public realm by a boundary wall/planted boundary? Is there a more accessible location where it can be enjoyed by the public if this is the case, i.e. on the street? Details should be agreed by condition to ensure it is installed before the hotel opens.
- Materials – the palette has been simplified, which is welcomed. White render dominates the front elevation, given its prevalence and the potential weathering effect caused by its proximity to the seafront, it would be desirable to have further discussion on the materials used – for example a ‘maintenance free’ / ‘low maintenance’ render?
- Landscaping detail to be agreed, and tree species confirmed with parks/arboricultural officers.
8.3 **Environmental Health** – Potential noise sources from the proposed development have been assessed and a number of recommendations have been included in the Planning Statement and the AECOM Noise Emission assessment. These recommendations shall be implemented.

If the wall between the site and the residential property located at Eastern Esplanade is to be altered in any way then an acoustic barrier is required. Full details would be required to be submitted for approval.

Kitchen extract and plant details for the development have been submitted and assessed against BS4142. Mitigation measures are necessary and are outlined in the planning statement and the acoustic report, these measures shall be implemented.

External lighting information has been provided.

The site is classed as being potentially contaminated land. However a Validation Certificate for Remediation of the site has been submitted Therefore this issue has been addressed.

During the construction phase noise issues may arise which could lead to the hours of work being restricted.

Seek Conditions relating to the following: noise from plant and equipment, retained wall to be maintained or acoustic barrier installed, no external music or amplified noise without prior written consent, loading hours, construction hours, no burning of waste on site, external lighting details. Also informative relating to other legislation and food hygiene.

8.4 **Parks** – the possibility of lizards being present on site is realistic. There is plenty of vegetation and cover for both lizards and food sources (invertebrates). A survey undertaken by an expert herpetologist would confirm their presence or not and would be able recommend mitigation. Surveys should be undertaken no later than the end of October. Reptiles are protected under legislation but their presence/absence would need to be confirmed. Badger presence should also be considered, although unlikely to be present they may be nearby.

8.5 **Highways and Transport – Public Transport** - In order to discourage the use of single occupancy vehicles to the site, a contribution of £15,000 is sought for bus stop infrastructure provision on Eastern Esplanade. Otherwise no objections.
Public Consultation

24 Neighbours were consulted, a site notice displayed and press notice published. One letter raising the following issues has been received.

- Noise – drop off point located close to kitchen window, this is potentially busy and noisy, would it be possible to dispose of/relocate. If this is not possible can it be screened
- The windows/doors on the eastern elevation will overlook our property from all floors. Can these windows be obscure glazed?
- Loss of access to the western and northern boundary of my property for maintenance and repair.

8.6 The application has been called in to Committee by Councillor McMahon

9 Relevant Planning History

9.1 2003 – SOS/02/01390/FUL - planning permission granted to decontaminate land, erect 206 houses and flats and medical centre with 206 parking spaces and accesses to Victoria Road; erect seven storey 60 bedroom hotel, with parking, ancillary and associated facilities and up to 13 residential units on top three floors engineering and decontamination works associated with remediating the site to a standard suitable for use and the development of a mix of uses comprising: 206 flatted and terraced residential dwellings, medical centre, seven storey 60 bedroom hotel (Class C1) incorporating other ancillary and associated facilities; and up to 13 residential units on the upper three floors of the hotel building. Part of former Gas Works site; Land between Eastern Esplanade, Northumberland Avenue and Victoria Road Southend on Sea. Permission was granted subject to a S106 Agreement requiring a S106 Agreement relating to provision of affordable housing, highways works and landscape management.

9.2 2003 - SOS/03/01446/FUL - planning permission granted to allow health club to be used by non residents (Relaxation of Condition 25 on planning permission SOS/02/01390/FUL dated 01/08/2003 which restricted use to residents only)

9.3 2005 - SOS/03/01739/FUL - planning permission granted to erect a medical centre to the Victoria Road/Northumberland Avenue corner and 7 storey 60 bedroom hotel (C1) with parking ancillary or associated facilities and up to 13 residential units (C3) on top 3 floors (amended proposal) subject to S106 Agreement

9.4 2006 - SOS/05/01741/FUL - erect seven storey 67 bedroom hotel, ancillary and associated facilities including health spa and 13 residential units on the top three floors, substation, engineering works to the highway. Members resolved to grant planning permission subject to completion of a S106 Agreement; however the agreement was never completed.
9.5 2009 - 08/00551/FULM - Erect part 6/part 7 storey building comprising 126 bedroom hotel with restaurant and bar to first floor and lay out 94 car parking spaces, cycle store and refuse store. Planning permission granted subject to completion of a S106 Agreement relating to the following issues: submission of a Travel Plan and implementation of measures contained within, provision of public art/payment of public art contribution, provision of a drop off bay to the front of the site.

9.6 Permission has also been granted on the adjoining site to the west to demolish the existing buildings, erect mixed use development comprising 216 flats, 64 bedroom hotel, restaurant and retail floor space in 4, 5, 7 and 12 storey blocks with piazza, semi-underground and surface car parks, cycle parking, associated infrastructure and use of the land fronting Burnaby Road for affordable housing (SOS/10/00140/FULM). At present this permission remains extant.

10 Recommendation

Members are recommended to:

a) DELEGATE to the Head of Planning and Transport or Group Manager of Development Control & Building Control to GRANT PLANNING PERMISSION subject to removal of the Environment Agency holding objection and 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:

- Submission and implementation of Travel Plan
- Contribution of £15k for improvements to the bus stop to the south of the site
- S106 Monitoring contribution of £1,350 to be paid on commencement of development.

b) The Head of Planning and Transport or the Group Manager (Development Control & Building Control) be authorised to determine the application upon removal if the Environment Agency holding objection and subject to 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 begin not later than 3 (three) years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990
02 The development hereby permitted shall be carried out in accordance with the following approved plans: 1026/01P, 1026/02G, 1026/03E, 1026/04E, 1026/05E, 1026/06D, 1026/08G, 1026/09G, 1026/11D, 1026/12, 1026/13, 1026/14 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is carried out in accordance with the Development Plan.

03 No development shall take place until samples of the materials to be used on all the external elevations, 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 to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C111, and SPD1 (Design and Townscape Guide).

04 The development shall not be occupied until hard and soft landscaping has been carried out in accordance with the submitted plans and details (Dwg No JBA 11/69 – 01 B). If any trees are removed or found to be dying, severely damaged or diseased within 3 years; of planting them, they must be replaced with trees of a similar size and species.

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

05 Prior to occupation of the development a landscape management and maintenance plans for a period of 5 years, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented as approved. The plans shall include details of the arrangements for their implementation.

Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the Local environment and biodiversity in accordance with DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C11 and C14, and SPD1 (Design and Townscape Guide).
06 Sixty Nine (69) car parking spaces shall be provided in accordance with plan no 1026/01 prior to first occupation of the development and shall thereafter be permanently retained for the parking of vehicles of visitors to or people working in the building unless otherwise agreed in writing by the Local Planning Authority.

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

07 No part of the development shall be occupied until 12 bicycle parking spaces have been provided in accordance with plan no 1026/01 and the spaces shall be permanently maintained thereafter unless otherwise agreed in writing by the local planning authority.

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

08 In the event that contamination is found at any time when carrying out the approved development it must be reported in writing on the next working day to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken identifying the nature and extent of the contamination having due regard to Generic Risk Assessment for contaminated land, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

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

09 Prior to installation of any external lighting (except car park lighting) of the development the proposed lighting, including design, siting, luminance, hours of illumination and an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light shall be submitted to and approved in writing by the LPA. The lighting shall be installed only in accordance with the approved scheme.
Reason: To protect the amenities of neighbouring properties and the adjacent SSSI and general environmental quality in accordance with, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy C11 and U2.

10 Car park lighting shall only be installed in accordance with the submitted details (Car Parking Lighting Scheme dated 21.02.2013) unless otherwise agreed in writing with the Local Planning Authority.

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

11 No part of the development shall be occupied until the scheme of public art, has been installed in accordance with details submitted with the application. The approved public art must be permanently retained on this site and not moved or removed unless otherwise agreed in writing by the local planning authority.

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

12. Prior to first occupation of the development sustainable drainage shall be installed within the development in accordance with details set out in the submitted drainage statement dated December 2012.

Reason: In order to ensure a satisfactory standard of sustainable drainage in accordance with DPD1 (Core Strategy) 2007 policy KP2.

13. Prior to commencement of development details of the proposed air source heat pumps (size, design and siting) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and those set out in the Feasibility Study dated 20th February 2013 submitted with the application and the air source heat pumps shall be brought into use on first occupation of the development and permanently retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4, and SPD1 (Design and Townscape Guide).

14. The developer shall take reasonable steps to ensure protection of the home guard post shown on plan no 1026/01 rev P during the course of the development.
Reason: In the interests of visual amenity and to protect the character of this locally listed structure in accordance with policy CP4 of the Core Strategy DPD1 policies C2, of the Borough Local Plan and SPD1 (Design and Townscape Guide).

15. 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 and to protect the character of the area in accordance with policy CP4 of the Core Strategy DPD1 policy C11 and SPD1 (Design and Townscape Guide).

16. All foul drainage should enter the main sewerage system and any surface water drainage used by vehicles should pass through an oil interceptor.

Reason: To protect pollution and any changes to the salinity of the foreshore Benfleet & Southend Marshes Site of Special Scientific Interest (SSSI), Special Protected Area (SPA) and RAMSAR site and the surrounding area in accordance with, DPD1 (Core Strategy) 2007 policy KP2 and CP4 and Borough Local Plan 1994 policy U2.

17. No noisy construction or demolition activities (eg concrete breaking or percussive piling) shall take place on site if the air temperature is below freezing or if the ground is frozen or snow covered.

Reason: To avoid any potential impacts from noise upon the Benfleet & Southend Marshes Site of Special Scientific Interest (SSSI), Special Protected Area (SPA) and RAMSAR site and the surrounding area in accordance with, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy U2.

18. Demolition or construction works shall not take place outside 8am – 6pm Mondays to Fridays and 8am – 1pm on Saturdays and at no time on Sundays or Bank Holidays

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

19. The noise rating level arising from all plant and extraction equipment should be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor façades and 1m from all other façades of the nearest noise sensitive property with no tonal or impulsive character. The recommendations set out in the submitted AECOM Noise Emission Assessment created July 2011 shall be implemented in full during operation of the approved development.
Reason: To protect residential amenity and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5 and U2.

20. Prior to the existing retaining wall between the site and the 65/66 Eastern Esplanade residential property being altered or removed details of an acoustic barrier to be installed along the boundary of the site with 65/66 Eastern Esplanade shall be submitted to and approved by the Local Planning Authority. The acoustic barrier should be installed in accordance with the approved details and permanently retained thereafter.

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

21. No music amplified noise shall be played within curtilage of the site external to the hotel building without the prior written consent of the Local Planning Authority.

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

22. No loading and unloading of goods or materials at the site shall take place before 07:00 or after 18:00 Monday to Saturday, or at anytime on Sundays or Bank Holidays.

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

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

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

24. Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises, including elevations, shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer’s instructions, unless otherwise agreed in writing by the local planning authority.
Reason: To protect residential amenity and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5 and U2.

25. Prior to the commencement of the development full details of a reptile survey to establish whether reptiles are present on the site shall be submitted to and approved by the Local Planning Authority. Should the presence of reptiles be confirmed the report shall include details of appropriate mitigation measures, (involving translocation if necessary) The scheme of mitigation as approved shall be fully implemented prior to commencement of the development or if appropriate in accordance with an approved schedule of works and mitigation measures.

Reason: To establish whether reptiles are present on the site and to minimise the risk of harm to reptiles in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy U2.

In the event that the planning obligation referred to in part (a) above has not been completed by 19th September 2013 the Director for Place, Head of Planning and Transport or Group Manager (Development Control & Building Control) be authorised to consider whether permission should be refused on the grounds that it has not proved possible to complete a S106 agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the obligation that would have been secured; if so, the Head of Planning & Transport or Group Manager of Development Control & Building Control are authorised to determine the application and agree appropriate reasons for refusal under delegated authority.

Informatives

1. Illumination of the building should be limited to fixed lighting of the building and its immediate environs. It is likely that there would be an objection to any moving lights.

2. No firework displays should take place within the site between the months of October and March (inclusive) in order to prevent disturbance of overwintering wildfowl.

3. Compliance with this decision notice does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. Contact 01702 215005 for more information.
4. The applicant is reminded that this permission does not bestow compliance with the Food Hygiene (England) Regulations 2006 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council’s Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services Department, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ZG.

5. Any acoustic barrier to be installed in relation to condition 20 should be imperforate and formed from any solid material that provides of at least 12 kg/m³ of surface mass and well sealed at the base. The height of the screen should be at least that of the existing wall.

6. The reptile survey required by condition 25 shall be undertaken by a qualified herpetologist and should be carried out no later than the end of October.

7. You should be aware that there is a possible badger presence in the vicinity. When you carry out the work, you must not intentionally kill, injure or take a badger, or intentionally or recklessly damage, destroy or block access to any structure or place that a badger uses for shelter. These would be criminal offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. For more advice contact:
   Essex Wildlife Trust – www.essexwt.org.uk; phone 01621 862960
   Natural England – www.naturalengland.org; phone 0845 6003078
<table>
<thead>
<tr>
<th>Reference:</th>
<th>13/00869/EXTM</th>
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<tbody>
<tr>
<td>Ward:</td>
<td>Kursaal</td>
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<tr>
<td>Proposal:</td>
<td>Hybrid Application to demolish the existing buildings, erect mixed development comprising 216 flats, 64 bedroom hotel, restaurant and retail floor space in 4, 5, 7 and 12 storey blocks with piazza, semi-underground and surface car parks, cycle parking, associated infrastructure (Full Application) and use the land fronting Burnaby Road for affordable housing (Outline Application) (Application to extend the time limit for implementation of 10/00140/FULM granted on 16/08/2010)</td>
</tr>
<tr>
<td>Address:</td>
<td>Esplanade House, Eastern Esplanade, Southend-On-Sea, Essex</td>
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<tr>
<td>Applicant:</td>
<td>Robert Leonard Estates Limited</td>
</tr>
<tr>
<td>Agent:</td>
<td>Bidwells (Mr Steven Butler)</td>
</tr>
<tr>
<td>Consultation Expiry:</td>
<td>14th August 2013</td>
</tr>
<tr>
<td>Expiry Date:</td>
<td>19th September 2013</td>
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<td>Case Officer:</td>
<td>Dean Hermitage</td>
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<tr>
<td>Recommendation:</td>
<td>DELEGATE authority to the Group Manager of Development Control &amp; Building Control, Head of Planning &amp; Transport or Director for Place to GRANT PLANNING PERMISSION subject to completion of a S106 agreement</td>
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This application was deferred at the last meeting of the Development Control Committee pending further information with regards to the development of the adjacent site. Further information in respect of this matter is included within the report below, which has been updated following the August meeting of the Committee.

1 The Proposal

1.1 This application seeks to extend the time limit for the implementation of an existing planning permission (reference 10/00140/FULM), which was granted planning permission by the Development Control Committee, and is dated 16th August 2010. The planning permission expires on 16th August 2013, in accordance with section 91 of the Town and Country Planning Act 1990 (as amended).

1.2 The application relates to a hybrid planning permission (part full planning permission and part in outline) for the redevelopment of the site known as Esplanade House.
The development included 216 flats, a 64 bedroom hotel, restaurant and retail units in blocks ranging from 4 to 12 storeys in height, set around a piazza, with surface and basement parking. The rear portion of the site was granted outline planning permission for affordable housing (all matters reserved).

1.3 The applicant has submitted a Planning Statement in support of the application. This states:

“This planning application seeks to extend the lifetime of 10/00140/FULM by an additional 3 year period to enable the development to be implemented once market conditions sufficiently improve. All aspects of the consented scheme would remain the same including the legal obligation, subject to indexation”.

1.4 The original report to committee is attached as Appendix 1, and outlines the development in more detail.

1.5 The applicant has submitted additional information following the previous Development Control Committee meeting, informing that he also controls the adjacent site (known as the “Ambassador Hotel site”) and that it is a condition of sale of the “Ambassador” site that Esplanade House is demolished within eight weeks of planning permission being granted on that site.

2 Site and Surroundings

2.1 The application site is located on the north side of Eastern Esplanade and also fronts Burnaby Road to the north. It is currently occupied by the vacant and derelict four-storey, former office building known as Esplanade House. The site is generally flat, and largely hard-suraced.

2.2 To the west of the site is a modern residential development of 2 to 5 storeys (Audley Court), set behind two storey Fishermens’ Cottages on Eastern Esplanade (those adjacent are locally listed, and the western-most block are Grade II listed). The site to the east is vacant, and an application for a hotel on the site is currently pending. To northeast is a relatively new development of four and five storey flats and terraced and semi-detached houses.

2.3 To the north of the site lies Burnaby Road and the southern end of Arnold Avenue, which consist of late-Victorian terraces (with some new-build houses on Burnaby Road).

2.4 The site is not allocated on the Borough Local Plan Proposals Map, but lies within the Seafront Growth and Regeneration Area as indicated within the Core Strategy. The site known to be contaminated.
3 Planning Considerations

3.1 The main considerations are the principle of the development, and whether there have been any changes in planning circumstances since permission was granted, and if so whether these affect the decision.

3.2 Circular 08/2005, Guidance on Changes to the Development Control System, provided some useful advice in assessing such applications. It advises that an application to renew an existing planning permission should be refused only where there had been material change in planning circumstances since the original permission was granted, that continued failure to commence the development would prejudice the future pattern of development in the area, or if the renewal was premature.

3.3 This guidance is now replaced with that contained within Department of Communities and Local Government guidance, *Greater Flexibility for Planning Permissions* (2009), which states,

> “applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004...LPAs should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission.”

3.4 Since planning permission was granted in 2010 the East of England Plan has been revoked and The National Planning Policy Framework (NPPF) published, replacing the majority of PSSs and PPGs. Accordingly it is considered that given the material change in planning circumstances since the previous planning permission was granted the proposal should be assessed in light of these changes.

4 Appraisal

Principle of Development

NPPF; DPD1 (Core Strategy) policies KP1, KP2, CP3 and CP8; Borough Local Plan C11 and L6.

4.1 The principle of development was considered acceptable under application 10/00140/FULM, and this is a material consideration. It was considered the loss of the office use of the site (the site’s last lawful use was as B1a) was justified by the provision of new homes, affordable housing, and enhancing the seafront overall, in line with its designation as an area for regeneration and growth.
4.2 The NPPF advises local planning authorities to:

“[support] strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being”.

4.3 The Core Strategy identifies the seafront as a ‘Priority Urban Area’, where appropriate regeneration and growth (including housing) will be focussed and supported in principle. In 2010, the Council published its Strategic Housing Land Availability Assessment (SHLAA), which considers the site appropriate to include development.

4.4 The proposed mix of residential units is weighted towards 2 bedroom units. The NPPF requires local authorities to plan for a mix of housing based on current and future demographic trends. The last Strategic Market Housing Assessment for the Thames Gateway (published in 2010) notes that Southend has a large proportion of one and two bedroom properties, and that demand is strongest for three and four bedroom properties. In addition, whilst Southend is meeting housing targets and can demonstrate a five year supply of housing, the borough is not meeting targets in the delivery of affordable housing.

4.5 The proposed development would contribute 27no 3 beds to local housing stock, and based on the advice of the study published post-decision, it would be preferable to see a greater provision of larger units than was previously granted permission. However, it is noted that a significant portion of the site is given over to affordable housing, which is likely to go on to include a significant proportion of larger family units (for which need in affordable housing is greatest). On this basis the mix of units remains acceptable.

4.6 It is not considered the revocation of the East of England Plan or PPS/PPGs affect the acceptability of the scheme, and the proposal is considered to comply with the NPPF in principle.

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

**NPPF; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11 and SPD1.**

4.7 The application was previously assessed against the PPS1, local policy and guidance and guidance produced by CABE in relation to tall buildings.

4.8 The NPPF has since replaced PPS1 but maintains the same position towards design. It states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
4.9 The proposed development includes a 12 storey block (39m high), 7 storey blocks (25m) and a 5 storey and 4 storey block (17m-18m) set around a public square. The design is considered to be simple and contemporary, and would provide a unified identity across the site and act as a gateway into the central seafront area from the east. The overall design approach and proposed public realm was considered to meet the requirements of the Core Strategy, Local Plan and SPD1 and is also considered to comply with the NPPF.

4.10 The proposed affordable housing is in outline, and thus no design details were provided. An indicative maximum height of 18m was proposed and agreed under the extant permission. This is considered acceptable.

**Living Conditions for Occupiers**

NPPF; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5, H7 and SPD1.

4.11 The NPPF is concerned with creating good quality residential environments, and Local Plan policy H7 is specifically concerned with the formation of self-contained flats. Emerging policy contained within the draft Development Management DPD, provides further guidance on internal living standards, and provides an idea of the direction of policy in the future. The NPPF indicates some weight can be given to emerging policy which is at an advanced stage.

4.12 All of the proposed dwellings would include good levels of internal space (the final details of the affordable housing, which is subject to a ‘reserved matters’ submission is required to meet HCA internal space standards). The 60no 1 bed, 129no 2 bed and 27no 3 bed units would each be afforded a reasonable level of floorspace and outlook, and the majority would include private balconies.

4.13 The proposed living accommodation remains in accordance with local policies, and the NPPF, and is in line with the general thrust of emerging policy in the Development Management DPD.

**Residential Amenity**

NPPF; DPD1 (Core Strategy) policy CP4, Borough Local Plan Policies C11, H5 and SPD1.

4.14 Policy CP4 of the Core Strategy is concerned with safeguarding the amenities of residential streets, and the proposal was assessed against this policy and the Local Plan previously and found to be acceptable. A sunlight and Daylight report was produced previously and privacy was assessed in accordance with local policies. Similarly, the impacts of the proposed uses and intensity of use of the site, including during remediation and construction phases were assessed and considered acceptable subject to conditions. There have been no changes in circumstances nor is there anything as a result of policy changes discussed above which result in a change to this position.
Traffic and Highways Issues

NPPF; DPD1 (Core Strategy) policies KP2 and CP3; BLP policies T8 and T11; EPOA Parking Standards 2001

4.15 The proposed development includes 266 car parking spaces, 30 motor cycle spaces and 242 cycle spaces, plus a robust Car Parking Management Strategy intended to prevent overspill into surrounding streets. There have been no specific policy changes with regards to parking, and no significant changes in local circumstances since 2010. The proposed level of parking and highways impacts therefore remain acceptable, subject to mitigation measures.

4.16 The original planning permission included planning obligations for a number of highways related works, including formation of a taxi rank, loading bays, upgrading of a pedestrian crossing on Eastern Esplanade, a pedestrian refuse on Woodgrange Drive, a new crossing outside the site, upgrading of bus stop infrastructure, plus a cycleway contribution. These works remain necessary to mitigate the impact of the development upon the local highway and as such are recommended to be carried forward with any permission to extend the time limit for commencement of the scheme. The contributions would be index linked to account for inflation since the determination of the original planning application.

4.17 Additional measures (Travel Plan and monitoring, and investigative work into a local ‘controlled parking zone’ in the area) also formed part of the planning obligation and would be carried forward should permission be granted. Full details are included at 4.61 to 4.69 of Appendix 1 to this report.

4.18 Subject to agreement for carrying over the provisions of the previous S106 agreement, the proposal remains acceptable in terms of transport and highways impacts.

Sustainability and Renewable Energy

NPPF; DPD1 (Core Strategy) policies KP2, CP4; SPD1.

4.19 Section 10 of the NPPF is concerned with renewable energy and the reduction of greenhouse gases. Paragraph 93 states:

“Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”.

4.20 Policies KP2 and CP4 of the Core Strategy seek to maximize the use of sustainable and renewable resources. Specifically policy KP2 seeks all new development to include provision for 10% of a new development’s energy needs to come from renewable sources.
Previously the applicant submitted an Energy Statement which sets out measures including enhanced insulation, air tightness, and the use a decentralised low carbon combined heat and power system to serve the hotel, plus a renewable biomass boiler serving dwellings. These measures were previously considered acceptable under policy KP2 of the Core Strategy, and are in accordance with the thrust of NPPF policy on this matter. As such, the proposal remains acceptable in terms of sustainability, subject to appropriate conditions.

Contamination and Site Remediation

NPPF; DPD1 (Core Strategy) policy CP4; Local Plan policy U2.

The site is known to be contaminated due to its historic use as part of a former gas works. The applicant submitted site remediation and assessment reports with the previous application, which were assessed by the Environment Agency.

The Environment Agency raised no objection to this aspect of the development although sought further information concerning the investigation, assessment and remediation of the site. These matters were previously addressed by way of a condition, and there have been no changes in policy that are considered to justify a departure from this.

Flood Risk and Drainage

NPPF; DPD1 (Core Strategy) policies KP1, KP2.

The NPPF sets out advice to local authorities with respect to flooding and drainage, replacing PPS25. Core Strategy policy KP2 is concerned with flood risk and water management. The general thrust of policy on this matter has not changed since the original planning permission was issued, and the guide to PPS25 remains current.

The applicant previously included a report to inform a sequential and exceptions test, in accordance with PPS25 (para.100 of the NPPF advises the same approach is taken). It was previously considered the proposals met the requirements of the sequential and exceptions test, and no material considerations have arisen which would indicate that this is now not the case.

The Environment Agency previously raised no objection to the development on flood risk or drainage grounds subject to the implementation of conditions. These conditions are recommended to be attached to any permission for an extension of time.
Planning Contributions

NPPF; DPD1 (Core Strategy) policies KP3, KP4, CP4, CP6 and CP8; SPD2

4.30 Government guidance contained within Circular 05/05 gives advice in relation to planning obligations. The Community Infrastructure Levy Regulations (CIL Regs) 2010 came into force on the 6th April 2010 (prior to determination of the original planning application) and requires all planning obligations to be: necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.

4.31 The planning obligations required to mitigate transport impacts are discussed in 4.16 above. In terms of affordable housing, policy CP8 of the Core Strategy requires an affordable housing or key worker provision of not less than 30% of the total number of units on site. In this case the transfer of a portion of the site to a Registered Provider (i.e. a housing association) was previously accepted. It was considered this portion of the site could accommodate 65 flats, however it is more likely a registered provider would seek reserved matters for larger units, resulting in space for approximately 50. This was previously considered acceptable as it would better address the borough’s affordable housing needs. The changes in national policy further strengthen this argument.

4.32 The Council’s Education Department have confirmed the previous contribution towards education provision remains relevant (and is indexed linked). Similarly, clauses for a contribution to CCTV, delivery of the proposed hotel and monitoring costs are considered to meet the tests referred to above, and should be carried over with the permission to extend the time limit.

Other Issues

NPPF: DPD1 (Core Strategy) policies KP2, KP3 and CP4; BLP policies C14 and U2.

4.33 All other matters, as detailed in the original report to committee are considered to comply with current policy, subject to relevant conditions.

4.34 Whilst extending the time limit for determination may appear to prolong the commencement of development on this site, the original permission cannot now be implemented. Thus should this application be refused there will be no extant permission on this site. A developer would be required to resubmit a further planning application for the site, thus resulting in a potentially greater delay and incurring greater cost. Such an approach is not considered to accord with the principles of the NPPF, which states that local authorities should approve development proposals that accord with the development plan without delay. The proposal is considered to comply with the development plan.
Summary and Conclusion

4.35 This application seeks to extend the time limit for the implementation of application 10/00140/FULM for the redevelopment of Esplanade House. The proposal has been considered in line with Government guidance applicable to such applications, with focus given to policy changes since the determination of the original planning application.

4.36 The replacement of PPSs, PPGs and associated documents with the NPPF, plus the revocation of the East of England Plan is not considered to affect the acceptability of the proposal. As permitting an extension of time results in a new grant of planning permission, all relevant conditions and planning obligations (S106) must be applied to the new decision.

4.37 Taking into account the above, and all other material considerations, the proposal is considered to comply with policy.

5 Planning Policy Summary

5.1 National Planning Policy Framework (NPPF)

5.2 Development Plan Document 1: Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Housing)

5.3 Borough Local Plan (1994) Policies C11 (New Buildings, Extensions and Alterations), C14 (Trees and Landscaping), H5 (Residential Design and Layout Considerations), H7 (Self-contained flats), T11 (Parking Standards), U1 (Infrastructure), U2 (Pollution Control)

5.4 SPD1 Design & Townscape Guide (2009)

5.5 SPD2 Planning Obligations (2010)

5.6 EPOA Vehicle Parking Standards (2001)

6 Representation Summary

Traffic and Transport

6.1 The comments and advice given in relation to 10/00140/FULM remain valid.

Design and Regeneration

6.2 No objections.
Education

6.3 The education contribution assessment remains the same as that submitted for the 2010 application and agreed S106 document.

Strategy and Planning – Housing

6.4 No objections.

Parks and Trees

6.5 No comments received.

Environmental Protection

6.6 No comments received.

Environment Agency

6.7 The comments provided, and flood risk and contaminated land conditions we recommended in our response to 10/00140/FULM, referenced AE/2010/110060/01-L01, still apply [Officer Comment: The recommendations are included within Section 9 of the main report].

Anglian Water

6.8 No comments received.

EDF Energy

6.9 No comments received.

Fire and Rescue

6.10 No comments received.

Police Architectural Liaison

6.11 No comments received.

Waste and Recycling

6.12 No comments received.
Primary Care Trust

6.13 A contribution of £67,200 is requested in order to mitigate healthcare impacts. The NHS considers this is consistent with the NPPF and CIL regulations [Officer Comment: Officers are of the opinion that insufficient information has been received from the consultee to justify this additional contribution which was not sought previously].

The Airport Director

6.14 No comments received.

The Shoebury Society

6.15 No comments received.

7 Public Consultation

7.1 Press notice published, two site notices posted and 250 neighbouring properties notified by letter. One response has been received at the time of writing, objecting on the following grounds:

- Access off Burnaby Road/Arnold Avenue will over-burden the traffic capacity of the street(s).
- Will affect highway safety in Burnaby Road/Arnold Avenue
- Private accesses should not be obstructed during construction or by the development [Officer Note: This is a civil matter]

8 Relevant Planning History

10/00140/FULM - Hybrid Application to demolish the existing buildings, erect mixed use development comprising 216 flats, 64 bedroom hotel, restaurant and retail floor space in 4, 5, 7 and 12 storey blocks with piazza, semi-underground and surface car parks, cycle parking, associated infrastructure (Full Application) and use of the land fronting Burnaby Road for affordable housing (Outline Application) – Granted Planning Permission 16th August 2010.

08/00405/FUL - Application to demolish buildings and erect a mixed development comprising 220 flats, 64 bedroom hotel, restaurant and retail floor space in 4, 5, 6 and 18 storey blocks with piazza, semi-underground and surface car parks, cycle parking, associated infrastructure and use of the land fronting Burnaby Road for affordable housing – Refused on grounds of height, mix of housing, and lack of parking to serve hotel.
9 Recommendation  
(a) Members are recommended to:  

DELEGATE to the Group Manager of Development Control & Building Control, Head of Planning & Transport or Corporate Director for Place to GRANT PLANNING PERMISSION and GRANT OUTLINE CONSENT (Extension of time) subject to expiration of the publicity period and completion of a Legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to seek the following:  

- That all provisions of the legal agreement pursuant to planning permission 10/00140/FULM are applicable to 13/00868/EXTM.  

(b) The Group Manager (Development Control & Building Control), Head of Planning & Transport or Corporate Director for Place be authorised to determine the application for FULL PLANNING PERMISSION 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 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. The agreed boundary treatment shall be installed prior to the occupation of the residential and commercial units unless otherwise agreed in writing with the Local Planning Authority.  

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

  03 No development shall take place until details of a public art scheme have been submitted to and approved by the local planning authority and thereafter commissioned and installed prior to the occupation of the dwellings and commercial units hereby approved unless otherwise agreed in writing with the Local Planning Authority.
Reason: In the interests of the character and amenity of the area in accordance with Policy C11 of the Borough Local Plan and SPD1 Design and Townscape Guide.

04 No part of the development shall be occupied until 242 cycle parking spaces have been provided in the basement and podium all in accordance with the approved plans. The 216 parking spaces in the basement are to be used only by residents or their visitors and the 26 spaces on the podium are to remain unallocated and for use of visitors to the site unless otherwise agreed in writing with the Local Planning Authority.

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

05 No dwelling or commercial unit shall be occupied until 266 vehicle parking spaces and 30 motorcycle parking spaces to serve the development along with associated hard standings, accesses and drop off and turning areas in accordance with the approved plans. The allocation of these spaces shall be in accordance with the Car Parking Management Strategy required to be submitted prior to the occupation of the hotel, commercial or residential units. The enforcement of the allocation of the parking spaces as defined in the Car Parking Management Strategy shall be the responsibility of the owners of the site unless otherwise agreed in writing with the Local Planning Authority.

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

06 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 unless otherwise agreed in writing with the Local Planning Authority.

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
07 No dwelling or commercial unit shall be occupied until details of a scheme of external lighting have been submitted and agreed in writing with the Local Planning Authority and carried out in accordance with these approved details. Details to be submitted for approval shall include design, siting, direction, screening of the light source and the intended programme of works for their installation unless otherwise agreed in writing with the Local Planning Authority.

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.

08 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 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) unless otherwise agreed in writing with the Local Planning Authority.

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.

09 All planting in the approved landscaping scheme 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 unless otherwise agreed in writing 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.
10. 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 Local Planning Authority.

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

11. 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

12. No amplified or live music or speech shall be played in the internal community use areas or restaurant and retail units unless previously agreed in writing by the Local Planning Authority.

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

13. 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 unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt.

14. Prior to the commencement of development a phasing plan shall be submitted to and approved by the Local Planning Authority which includes when each element of the development will be delivered. This should not be limited to the buildings and must include parking areas, the podium, landscaping and highway works. The development shall only be carried out in accordance with these approved details unless otherwise agreed in writing by the Local planning Authority.
Reason: To ensure the hotel element is delivered as the residential alone would not lead to a regeneration of the local economy or contribute to the role of the seafront as a leisure and tourist destination in accordance with Policy KP1 and CP1 of the Core Strategy

15 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 unless otherwise agreed in writing with the Local Planning Authority.

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

16 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 reusable 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

17 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i. A preliminary risk assessment which has identified:
   a. All previous uses
   b. Potential contaminants associated with those uses
   c. A conceptual model of the site indicating sources, pathways and receptors
   d. Potentially unacceptable risks arising from contamination at the site

ii. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
iii. The site investigation results and the retailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identify any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the proposed development does not cause pollution of Controlled Waters and that the development complies with approved details in the interests of protection of Controlled Waters.

18 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for long-term monitoring of pollutant leakage, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To ensure that the proposed development does not cause pollution of Controlled Waters and that the development complies with the approved details in the interests of the protection of Control Waters.

19 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the proposed development does not cause pollution of Controlled Waters and that the development complies with the approved details in the interests of the protection of Control Waters.
20 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted and obtained written approval form the local planning authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the proposed development does not cause pollution of Controlled Waters and that the development complies with the approved details in the interests of the protection of Control Waters.

21 The development shall be constructed with a minimum finished floor level of 4.64 mAOD.

Reason: To ensure that the development remains dry in the event of flooding to provide adequate protection for the occupants.

22 Prior to the commencement of any development, the flood warning and evacuation plan, reference 0407/09 shall be submitted to, and agreed in writing with, the Local Authority. This flood warning and evacuation plan should form part of the health and safety documentation for the site and shall include information regarding the availability of the Environment Agency’s ‘Floodline’ Flood Waning Service. The flood warning and evacuation plan shall be made available to the owners management company of the site by means of a fixed notice within the building prior to habitation.

Reason: To ensure that occupancy of the development are aware that the site is at risk of flooding and appropriate instructions and responsibilities for the management of persons using the development are defined, communicated and available for the lifetime of the development.

23 Flood Warning notices identifying the main access/egress route (reference 0407/09/06 rev c) from the site shall be erected in numbers, positions and with wording to be agreed with the Local Planning Authority. The notices shall be kept legible and clear of obstruction.

Reason: To provide a clear definition of safe access/egress routes that should be used during flood events and reduce reliance upon Emergency Services.

24 Prior to the commencement of development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed, in writing, with the Local Planning Authority. The scheme shall be constructed and completed before occupancy of any part of the proposed development unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure a satisfactory method of surface water drainage in accordance with Policies KP2 and CP4 of the Core Strategy.

25 Prior to the commencement of development details of the flood gate and the method for its operation shall be submitted to and agreed in writing with the Local Planning Authority. The gates shall be fully operational before occupancy of any part of the development.

Reason: To ensure that the gate is fit for purpose and its operation is clear.

26 Prior to the occupation of any commercial or residential unit the Piazza shall be completed in its entirety to an adoptable highway standard for use by members of the public for the purposes of quiet recreation and enjoyment unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect amenities and to ensure the development Parking Management Strategy is completed in its entirety.

27 Prior to the occupation of any commercial or residential unit a Car Parking Management Scheme shall be submitted to the Local Planning Authority detailing monitoring and review arrangements for the allocation of car and motor cycle spaces within the development and a plan defining the users associated with different parking areas within the development prior to the occupation of the hotel, commercial or residential units. Any change to the user defined parking areas must be first agreed in writing by the Local Planning Authority.

Reason: To ensure the balance of parking allocation meets the needs of users, 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.

28 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 detail how the development will provide for the collection general refuse and reusable and recyclable waste and what strategies will be in place to reduce the amount of general refuse over time. Waste management at the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: 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.
During remediation and construction the owner shall be responsible for ensuring that its employees and sub-contractors and suppliers observe the Remediation and Construction Environmental Management Plan which shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. This plan is to include:

a) Lorry routing and traffic management (including the control of the delivery of materials)
b) Measures for the control of noise
c) Measures for the control of dust
d) Measures in respect of site waste management
e) Working hours
f) Details of the local sourcing of materials
g) Measures to prevent pollution of ground and surface water
h) Measures to protect areas of vegetation and wildlife within the vicinity of the development during construction works
i) Compliance with legal consents relating to nature conservation specifically protected species
j) Details of how the Remediation and Construction Environmental Management Plan will be monitored on site

For the avoidance of doubt the only point of access for vehicles to the development shall be from Eastern Esplanade.

Reason: To minimise the environmental impact and disturbance to existing residents, vegetation and wildlife during construction of the development in accordance with PPS1, 9, 10, 23 and PPG24; East of England Plan policies SS1, ENV1, ENV3, ENV7 and WM6; DPD1 (Core Strategy) policies KP2 and CP4; and policies U2 and T8 of the Southend on Sea Borough Local Plan.

Prior to the first occupation of the development a drawing showing a clearway from Burnaby Road to Eastern Esplanade shall be provided that shall be retained as a public right of way across the development and at all times remain unobstructed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent the obstruction of the walkway from Burnaby Road to Eastern Esplanade and to ensure it always remains open to the public.

Prior to the occupation of the development an Iplus Cityspace type information point shall be provided inside the complex providing bus, rail and taxi information shall be provided including its location in accordance with details which shall be submitted for approval by the Local Planning Authority. The maintenance of the information point shall be at the applicant’s expense and should be kept in good working order at all times.
Reason: To encourage the use of alternative forms of transport and reduce the reliability on the car.

And

c) The Group Manager (Development Control & Building Control), Head of Planning & Transport or Corporate Director for Place be authorised to determine the application for OUTLINE PLANNING PERMISSION upon completion of the obligation referred to in ‘a’) above, 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 a. Application for approval of the reserved matters ‘scale’, ‘layout’, appearance’ ‘access’ and ‘landscaping’ shall be made to the local planning authority not later than 3 years beginning with the date of this permission.

b. The development hereby permitted shall be begun not later than whichever is the later of the following dates:

i) the expiration of 3 years beginning with the date of this permission;

ii) the expiration of 2 years beginning with the approval of the last reserved matter to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

02 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. The agreed boundary treatment shall be installed prior to the occupation of the residential and commercial units.

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

03 No part of the development shall be occupied until the vehicle, motorcycle and cycle parking including associated hard standings, structures, accesses, drop-off and turning areas in accordance with a plan that shall be submitted and approved by the Local Planning Authority.

Reason: To make provision for parking and drop off, off the highway and in the interests of highway safety, in accordance with Policies T13, T11 and T8 of the Southend on Sea Borough Local Plan and Policies KP2 and CP3 of the Core Strategy DPD1
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

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 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.

All planting in the approved landscaping scheme 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.

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.
08 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

09 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

10 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

11 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

   i. A preliminary risk assessment which has identified:
      a. All previous uses
      b. Potential contaminants associated with those uses
      c. A conceptual model of the site indicating sources, pathways and receptors
      d. Potentially unacceptable risks arising from contamination at the site
   
   ii. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
iii. The site investigation results and the retailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identify any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the proposed development does not cause pollution of Controlled Waters and that the development complies with approved details in the interests of protection of Controlled Waters.

12 Prior to occupation of any part of the permitted development, verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for long-term monitoring of pollutant leakage, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To ensure that the proposed development does not cause pollution of Controlled Waters and that the development complies with the approved details in the interests of the protection of Control Waters.

13 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the proposed development does not cause pollution of Controlled Waters and that the development complies with the approved details in the interests of the protection of Control Waters.
14  If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted and obtained written approval form the local planning authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the proposed development does not cause pollution of Controlled Waters and that the development complies with the approved details in the interests of the protection of Control Waters.

15  During remediation and construction the owner shall be responsible for ensuring that its employees and sub-contractors and suppliers observe the Remediation and Construction Environmental Management Plan which shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. This plan is to include:

   a) Lorry routing and traffic management (including the control of the delivery of materials)

   b) Measures for the control of noise

   c) Measures for the control of dust

   d) Measures in respect of site waste management

   e) Working hours

   f) Details of the local sourcing of materials

   g) Measures to prevent pollution of ground and surface water

   h) Measures to protect areas of vegetation and wildlife within the vicinity of the development during construction works

   i) Compliance with legal consents relating to nature conservation specifically protected species

   j) Details of how the Remediation and Construction Environmental Management Plan will be monitored on site

For the avoidance of doubt the only point of access for vehicles to the development shall be from Eastern Esplanade.

Reason: To minimise the environmental impact and disturbance to existing residents, vegetation and wildlife during construction of the development in accordance with PPS1, 9, 10, 23 and PPG24; East of England Plan policies SS1, ENV1, ENV3, ENV7 and WM6; DPD1 (Core Strategy) policies KP2 and CP4; and policies U2 and T8 of the Southend on Sea Borough Local Plan.
16 Prior to the first occupation of the development a drawing showing a clearway from Burnaby Road to Eastern Esplanade shall be provided that shall be retained as a public right of way across the development and at all times remain unobstructed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent the obstruction of the walkway from Burnaby Road to Eastern Esplanade and to ensure it always remains open to the public.

Informatives

01 You are reminded of the hours of operation for construction sites which are that no work audible beyond the site boundary shall take place outside the hours of 7:30 and 18:00 Monday and Friday and 8:00 and 13:00 on Saturday with no work on Sunday or Bank Holidays.

02 The recovery, treatment and disposal of contaminated soils and groundwater are regulated by waste legislation and require a Waste Management Licence or Pollution Prevention and Control Permit.

Treatment of contaminated soil by mobile plant requires a mobile treatment licence. Soil may be re-used on-site as part of a soil recovery operation by registering a waste management licence exemption with the Environment Agency or by obtaining a Waste Management Licence.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid delays.

It is recommended that developers should refer to the Environment Agency’s:

- Remediation position statements outlining its regulatory position on remediation processes
- Guidance on the Definition of Waste: developing Greenfield and brownfield sites for assisting those involved with construction work in deciding whether or not they are handling waste.
- Website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for further guidance

03 For development involving piling or other penetrative ground improvement methods on a site potentially affected by contamination a suitable Foundation Works Risk Assessment based on the results of the site investigation and any remediation, should be undertaken. This assessment should underpin the choice of founding technique and any mitigation measures employed to prevent the process promoting the movement of contamination into the underlying aquifer or impacting surface water quality.
04 Additional water supplies for fire fighting purposes will be required and you should therefore contact the Water Technical Officer at Essex County Fire & Rescue Service before proceeding on 01277 222531.

05 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the applicant will need to ask for the assets to be diverted under Section 185 of the Water Industry Act 1991. Or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

06 With regards to Foul Sewerage and Surface Water a notice is required under Section 106 of the Water Industry Act 1991 to advise of the most suitable connection point. The treatment of foul drainage will be at the Southend Sewerage Treatment Works.

07 With regards to water resources and water supply Essex and Suffolk Water Company should be contacted.

08 An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge or trade effluent can be made to the public sewer.

09 Anglian Water recommends that petrol / oil interceptors be fitted in all car parking / washing / repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

10 Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewerage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

11 Good materials will be required to deliver a successful scheme and will be expected as part of the submission to discharge conditions.

12 The developers should ensure the enclosed car parking areas are adequately naturally or mechanically ventilated to disperse exhaust fumes.

13 Compliance with this decision notice does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended). Contact 01702 215000 for more information.
14 The applicant is reminded that this permission does not bestow compliance with the Food Hygiene (England) Regulations 2005 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council’s Environmental Health Officer for more advice on 01702 215812 or at Environmental Health Service, P.O. Box 5558, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ZG.

d) In the event that the planning obligation referred to in part (a) above has not been completed by the 19th September 2013, the Group Manager (Development Control & Building Control), Head of Planning & Transport or Corporate Director be authorised to refuse planning permission for the application on the grounds of failure to comply with Policy CP6 and CP8 of the Core Strategy and the NPPF.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.
<table>
<thead>
<tr>
<th>Reference:</th>
<th>13/00724/OUTM</th>
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<tbody>
<tr>
<td>Ward:</td>
<td>Eastwood</td>
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<tr>
<td>Proposal:</td>
<td>Erect 15 mixed use commercial units with vehicular access from Progress Road and parking to the rear (Outline)</td>
</tr>
<tr>
<td>Address:</td>
<td>70 Progress Road, Eastwood, Essex, SS9 5LB</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Nevbright 8 Ltd</td>
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<tr>
<td>Agent:</td>
<td>Knight Gratrix Architects</td>
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<tr>
<td>Consultation Expiry:</td>
<td>10th September 2013</td>
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<tr>
<td>Expiry Date:</td>
<td>11th November 2013</td>
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<tr>
<td>Case Officer:</td>
<td>Matthew Leigh</td>
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<td>Plan Nos:</td>
<td>010</td>
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<tr>
<td>Recommendation:</td>
<td>GRANT PLANNING PERMISSION</td>
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</table>
1 The Proposal

1.1 This outline application seeks permission to demolish the existing building and redevelop the site with fifteen commercial units (Class B1, B2 and B8). An indicative layout has been submitted for consideration, together with floor plans which provide an indication of the size of the building. Access and layout are to be considered as part of this application whilst appearance, scale and landscaping are reserved for future consideration.

1.2 The proposed building would have a maximum width of 72.1m and a maximum depth of 35.8m.

2 Site and Surroundings

2.1 The site is located at the north end of Progress Road Industrial Estate adjacent to the junction with Rayleigh Road. It has two frontages, one on Progress Road and the other on Rayleigh Road.

2.2 The site is largely flat and although Rayleigh Road is at a higher level and Progress Road to the west falls gently away from its junction with Rayleigh Road. The existing buildings within the Progress Road Industrial Estate are generally of one or two storey scale with either flat or shallow pitched roofs.

2.3 To the south of the application site is an area served from Brunel Road, which is subject of planning permission (11/00424/BC3M) for the demolition of the existing buildings and erection of 9 two storey office units (B1) and 14 two storey industrial units (B2) with associated parking and landscaping. The area is commercial/industrial in character.

3 Planning Considerations

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

4 Appraisal

Principle of the Development

The National Planning Policy Framework, DPD1 (Core Strategy) policies KP1, KP2 and CP4; BLP policies C11 and E4 and Progress Road Adopted Brief.

4.1 The site currently contains a large industrial building with a lawful use as a storage facility (B8). The site has been vacant since the previous occupier, Safestore, relocated to the southern end of Progress Road. The site is located within the Progress Road industrial estate which is primarily in B1, B2 and B8 use and an allocated employment site on the Local Plan and the Core Strategy.
The Borough Local Plan and Core Strategy policies seek to protect existing employment generating uses. Policy KP1 of the Southend Core Strategy states that regeneration and growth will be focussed within the priority urban areas including the main industrial/employment areas. Policy CP1 of the Core Strategy states ‘Industrial and distribution uses will be supported on existing and identified industrial/employment sites, where this would increase employment densities and/or reinforce their role in regeneration.” It also states; “permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area”. Policy E4 of the Borough Local Plan states that permission will not be granted for proposals involving the loss of industrial warehousing or other business uses on land identified for such uses.

4.2 The National Planning Policy Framework is a material consideration in determining planning applications. The NPPF states that there are three dimensions to sustainable development. These are economic, social and environmental. In relation to economic paragraph 3 states:

“An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure”

4.3 Whilst paragraph 161 states:

“the existing and future supply of land available for economic development and its sufficiency and suitability to meet the identified needs. Reviews of land available for economic development should be undertaken”

4.4 An Employment Land Review within the borough has undertaken (May 2010), the report has identified categories of employment areas spatially and notes the following about Progress Road:

“The site is in reasonable use, but this is being undermined but this is being undermined by increased vacancy rates in poor quality stock and the increased presence of retail trade businesses. The site represents a valuable employment location that is in reasonable use”
4.5 The Progress Road Estate Framework design brief (adopted 2009) states that the vision for the estate is to promote well-connected, sustainable office and high-value added industrial employment opportunities at Progress Road within quality premises and environment. There are several key priorities underpinning the vision with particular reference to the employment uses where B1 (offices, research and development, light industry), B2 (general industrial), and some B8 (storage and distribution) uses should be promoted exclusively within the Estate and other uses including motor showrooms, trade counters should be strictly limited and located on the periphery of the estate.

4.6 The proposed development seeks to redevelop the site with fifteen industrial units (Class B1, B2 and B8). Although there is a reduction in floorspace of approximately 300m$^2$ the provision of a modern, purpose built space that can be used for flexible businesses falling within Class B1, B2 or B8 use is considered to be in accordance with the Development Plan.

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

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

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

4.8 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

4.9 The NPPF states that:

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

“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”
4.10 The Design and Townscape Guide (SPD1) states that:

“The character of all immediate neighbours and the wider townscape should inform their layout, scale and design of any new development”

“The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant… the easiest option is to draw reference from the surrounding buildings.”

4.11 The adopted Design and Townscape Guide paragraph 63 states:

“When planning development on a corner site, the issue of two public frontages needs to be addressed. The context of the adjoining streets including scale, rhythm and form requires a single design solution, and development will be required to present a well-designed and appropriately scaled elevations to both frontages”.

4.12 The adopted Progress Road Brief advocates the need for accessible development blocks to provide the level activity desired. It states that the buildings should be set back no further than 5m from the street boundary, entrances to the premises are required to be visible and clear to create a well-defined land parcel and spaces. The document further advocates the need for the building line to be the ‘face’ of the development and should provide an active frontage wherever possible to the public realm, running parallel to the footpaths along the boundaries. Parking layouts are required to have a minimal visual impact on the Estate.

4.13 The applicant has submitted an indicative floor plan and 3d images. These images appear to show a part two storey and part three storey building. Whilst it is noted that the plans are indicative the proposed appearance is considered provide a vibrant and interesting design within the streetscene. The development provides active street frontages to both Progress Road and Rayleigh Road, whilst the parking area is heavily screened from the public vistas by the main building. Whilst scale and appearance are Reserved Matters the proposal is considered acceptable in terms of visual impact on the streetscene and the character of the area.

Traffic and Transport Issues

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

4.14 The proposed development would provide access to the site from Progress Road across an existing vehicular access. The indicative plan shows an access of 6.3m in width, that is considered capable of accommodating an acceptable entrance and egress to the site.

4.15 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officer Association (EPOA) set out the requirements for each use.
4.16 The Parking Standards are expressed as maximum standards and requires a maximum of 1 space per 30m\(^2\) for B1 uses, per 50m\(^2\) for B2 uses and per 150m\(^2\) for B8 uses. It is also noted that public transport is available in the locality with a bus stop in close proximity to the site along Rayleigh Road. Government guidance encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

4.17 The site currently provides informal car parking provision to the front of the site (facing Rayleigh Road) for the existing properties. The floor area of the existing buildings is around 2000m\(^2\) which would require, on-site car parking provision of fourteen spaces given the lawful B8 use.

4.18 The proposed development would provide 1,700m\(^2\) of floorspace which could be used as either B1, B2 or B8 use. It is proposed to provide thirty car parking spaces to the rear of the building. Based on the parking standards referred to in paragraph 4.16 the maximum parking requirements it could vary, depending on the nature of the use taken up within the units from between 12 spaces to 56 spaces. The provision of 30 spaces is considered to be a reasonable provision given the likely mix of uses and therefore is considered to provide an acceptable level of car parking provision. Furthermore, the site’s location along Rayleigh Road provides good access to public transport.

4.19 The applicant has not provided any details in relation to the servicing of the units. It is considered that the development is capable of accommodating a loading bay within the site and it is therefore considered reasonable to impose a condition requiring such details at the Reserved Matters stage.

4.20 No details have been submitted in relation to the provision of cycle storage. However, it is considered in principle that the site can accommodate the required level of cycle storage and therefore no objection is raised. A condition will be imposed requiring the provision of a cycle store.

**Impact on Residential Amenity:**


4.21 In terms of impact on amenity, to the north of the site is a school; whilst to the west, east and south are commercial premises. Given the nature of the proposed use, and the location of the site within the Progress Road Industrial Estate, it is not considered there will be any detrimental impact in terms of noise and disturbance. With reference to the nearest residential properties, these are located to the northwest of the site with a separation distance of 29m. It is not considered the proposed development will have an adverse impact on residential amenity in terms of being overbearing nor will it result in any overshadowing or domination.
Sustainable Construction:

The NPPF; DPD1 (Core Strategy) policies KP2, CP4 and CP8.

4.22 Policy KP2 of the Core Strategy states; “All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources” and that “at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)”.

4.23 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design in this instance, given that the application is in outline, it is considered reasonable and appropriate to impose a condition on any approval requiring details of renewable options (and/or decentralised renewable or low carbon energy sources) to meet 10% of the developments energy needs to be submitted with reserved matters in accordance with Policy KP2 and Government guidance.

Flood Risk:

DPD1 (Core Strategy) policies KP2 and CP4 and BLP policy C11.

4.24 Paragraph 103 of the NPPF states:

“When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

• within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and

• development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.”

4.25 The site is located with Flood Zone 2. The NPPF request a sequential test to be undertaken. The site has been through a strategic flood risk assessment, which included a sequential test, as part of its allocation as a priority urban areas. The existing use and the proposed use are both considered to be ‘less vulnerable’ within the Flood risk vulnerability classification and therefore the sequential test is met. There is no requirement for an exception test. A flood risk assessment accompanies this application stating that the development will not result in an increase in impermeable areas.
It is considered reasonable that a condition be imposed, in relation to Sustainable Urban Drainage provision on-site is imposed to reduce the risk of flooding and reducing the discharge rate from the site.

5 Conclusion

5.1 It is considered that, subject to appropriate conditions, the proposed development is in accordance with the Development Plan.

6 Planning Policy Summary

6.1 National Planning Policy Framework.

6.2 Development Plan Document 1: Core Strategy KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), and CP4 (The Environment and Urban Renaissance).


6.4 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T12 (Servicing Facilities), T13 (Cycling and Walking) E1 (Employment Promotion), E4 (Industry and Warehousing), E5 (Non Residential Uses Close to Housing) and U2 (Pollution Control).

6.5 EPOA adopted Vehicle Parking Standards.

7 Representation Summary

Design and Regeneration

7.1 The proposal seems to be well designed and is just what the Council is trying to achieve with the Progress Road Development Framework - High quality vibrant well detailed commercial units which make a positive statement in the streetscene. The layout provides active street frontages to both roads and screens the parking area to the rear, the entrances are well defined and there appears to be scope for good landscaping to the front of the development.

Materials are unspecified but appear bold and vibrant which is welcomed. They will need to be of a high quality and details should be included with the Reserved Matters application.

The development will be required to provide 10% renewables but a highly sustainable development should be encouraged and would set the tone for further development in this area.

If built this proposal could be the catalyst for future high quality development and the regeneration and transformation of this area.
Highway Authority

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

Parks

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

Environmental Health

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

The Environment Agency

7.5 Our maps show the site is located in Flood Zone 2, the medium risk zone, although Flood Zone 3 reaches the site boundary in the south east corner, where Eastwood Brook becomes culverted. A Flood Risk Assessment, dated 30 July 2013 and completed by GLNK Ltd has been submitted in support of the application. We therefore have no objection and consider that outline planning permission could be granted to the proposed development subject to appropriate conditions.

Waste Management

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

Public Consultation

7.7 One letter of objection has been received from the planning consultant for Lidl, which raises the following comments and observations:

- Development does not provide 'standard' light industrial floorspace in terms of layout and it is far from clear how they would be services.
- Application does not include any access drawing and the access does not align with the existing kerb line.
- Assume that the applicant has agreed with the local-highway authority that no detailed access of servicing drawings, Transport Statement, public transport improvements, or any other information relating to trip generation and network impacts, is needed to support the planning application.
- The applicant, previously, did not take his interest in the site forward.
- Nevbright 8 Ltd does not control the site and cannot implement the development.
- The applicant would not build the scheme.
- The application is not supported by an analysis of market needs or evidence of occupier demand.
- A different development on a different site, approved in 2011 is unimplemented.
8 Relevant Planning History

8.1 2013 - Planning permission (13/00864/FULM) is currently sought to demolish the existing units at 70 Progress Road and 405-409 Rayleigh Road and erect retail store with associated parking, servicing and landscaping and alter vehicular access onto Progress Road.

9 Recommendation

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

01 Details of the Appearance, Landscaping and Scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin not later than 2 (two) years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of the details mentioned. (R02A)

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

Reason: To protect the special architectural or historic interest of this listed building and to make sure that the development makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C2 and C11, and SPD1 (Design and Townscape Guide).

03 30 car parking spaces shall be provided in accordance with plans approved as part of the reserved matters prior to occupation of the buildings hereby approved and shall thereafter be permanently retained for the parking of vehicles of people working in the building or calling there for business purposes unless otherwise agreed in writing by the local planning authority.
Reason: To ensure that satisfactory off-street car parking is provided in the interests highways efficiency and safety, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, Borough Local Plan 1994 policy T8 and T11, and SPD1 (Design and Townscape Guide).

04 The commercial units, hereby permitted, shall be used for the purposes falling with Class B1, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order and for no other purpose.

Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties and the employment provision within the borough, in accordance with Policy CP1 of the Core Strategy and Policies E5 and H5 of the Southend on Sea Borough Local Plan.

05 All planting in the approved landscaping, submitted as part of the Reserved Matters, scheme shall be carried out within 12 calendar months of the completion 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: To ensure a satisfactory standard of landscaping, pursuant to Policy C14 of the Southend on Sea Borough Local Plan.

06 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 as part of the Reserved Matters and the development shall be carried out only in accordance with the agreed details prior to the first occupation of the development hereby approved. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of sustainable construction and in accordance with DPD1 (Core Strategy) 2007 policy KP2.

07 The development hereby approved shall not be occupied until cycle storage has been provided, in accordance with plans approved at the Reserved Matters Stage, unless otherwise agreed in writing by the Local Planning Authority. The cycle storage shall be retained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the visual amenities of the area, and to provide satisfactory cycle store provision on site, in accordance with Policy H5, H7 and T8 of the Southend on Sea Borough Local Plan.
08 The development hereby approved shall not be occupied until refuse storage has been provided, in accordance with plans approved at the Reserved Matters Stage, unless otherwise agreed in writing by the Local Planning Authority. The refuse storage refuse storage shall be retained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: To provide satisfactory refuse storage provision on site, in accordance with Policies C11 and E1 of the Southend on Sea Borough Local Plan and the Waste Management Guide.

09 A loading bay shall be provided, on-site, in accordance with plans approved as part of the reserved matters prior to occupation of the buildings hereby approved and shall thereafter be permanently retained for vehicles loading or unloading at the development hereby approved unless otherwise agreed in writing by the local planning authority

Reason: To ensure satisfactory servicing facilities are provided and in the interests highways efficiency and safety, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, Borough Local Plan 1994 policy T8 and T11, and SPD1 (Design and Townscape Guide).

10 A surface water drainage scheme, including SuDS drainage which manages surface water drainage up to and including the 1 in 100 year rainfall event inclusive of future climate change, shall be submitted to and agreed in writing by the Local Planning Authority as part of the Reserved Matters and the development shall be carried out only in accordance with the agreed details prior to the first occupation of the development hereby approved. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of sustainable construction and in accordance with DPD1 (Core Strategy) 2007 policy KP2.

11 Full details of flood resilience measures, including waterproofing, floor and wall construction up to 600mm above finished floor level., shall be submitted to and agreed in writing by the Local Planning Authority as part of the Reserved Matters and the development shall be carried out only in accordance with the agreed details prior to the first occupation of the development hereby approved. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of sustainable construction and in accordance with DPD1 (Core Strategy) 2007 policy KP2.
An approved Flood Evacuation Plan for the site, which includes "dry" access/egress from the site for the extreme 1 in 1000 year (0.1%) fluvial event, shall be submitted to and agreed in writing by the Local Planning Authority as part of the Reserved Matters and the development shall be carried out only in accordance with the agreed details prior to the first occupation of the development hereby approved. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide dry access/egress from the site for occupants of the site and Category One Emergency Responders and in accordance with DPD1 (Core Strategy) 2007 policy KP2.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.
<table>
<thead>
<tr>
<th>Reference:</th>
<th>13/00864/FULM</th>
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<tbody>
<tr>
<td>Ward:</td>
<td>Eastwood Park</td>
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<tr>
<td>Proposal:</td>
<td>Demolish existing units at 70 Progress Road and 405-409 Rayleigh Road and erect retail store (1,843sqm GEA), layout parking, servicing and landscaping and alter vehicular access onto Progress Road</td>
</tr>
<tr>
<td>Address:</td>
<td>70 Progress Road, Eastwood, Essex, SS9 5LB</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Lidl (UK) Gmbh</td>
</tr>
<tr>
<td>Agent:</td>
<td>N/A</td>
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<tr>
<td>Consultation Expiry:</td>
<td>1st August 2013</td>
</tr>
<tr>
<td>Expiry Date:</td>
<td>20th September 2013</td>
</tr>
<tr>
<td>Case Officer:</td>
<td>Janine Argent</td>
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<tr>
<td>Plan Nos:</td>
<td>3124 100; 3124 105; 3124 101 J; 1324 102 D; 1324 106; 3124 103G</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>REFUSE PLANNING PERMISSION</td>
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</table>
1 The Proposal

1.1 Planning permission is sought to demolish the existing units at 70 Progress Road and 405-409 Rayleigh Road and erect retail store with associated parking, servicing and landscaping and alter vehicular access onto Progress Road.

<table>
<thead>
<tr>
<th>Proposed site</th>
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<tbody>
<tr>
<td>Site area</td>
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<tr>
<td>Store size (Gross External Floorspace)</td>
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<tr>
<td>(Gross Internal Floorspace)</td>
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<tr>
<td>Sales Floor Area</td>
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<td>Parking Spaces</td>
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<td>Building width</td>
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<td>Building length</td>
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<td>Building Height</td>
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2 Site and Surroundings

2.1 The site is located at the north end of Progress Road Industrial Estate adjacent to the junction with Rayleigh Road. It has two frontages, one on Progress Road and the other on Rayleigh Road.

2.2 The site is largely flat and although Rayleigh Road is at a higher level and Progress Road to the west falls gently away from its junction with Rayleigh Road. The existing buildings within the Progress Road Industrial Estate are generally of one or two storey scale with either flat or shallow pitched roofs.

2.3 To the south of the application site is an area served from Brunel Road, which is subject of planning permission (11/00424/BC3M) for the demolition of the existing buildings and erection of 9 two storey office units (B1) and 14 two storey industrial units (B2) with associated parking and landscaping. The area is commercial/industrial in character.
Planning Considerations

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

4 Appraisal

Principle of Development

National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2, CP1, CP2, CP4; BLP policies E4, C11, the Design and Townscape Guide SPD1 (2009), Progress Road Adopted Brief

4.1 The existing site is vacant and was previously used as a storage facility (B8). The previous occupier Safestore, relocated to the southern end of Progress Road. The site is located within the Progress Road industrial estate which is primarily in B1, B2 and B8 use and an allocated employment site on the Local Plan and the Core Strategy. Policy KP1 of the Southend Core Strategy states that regeneration and growth will be focussed within the priority urban areas including the main industrial/employment areas. Policy CP1 of the Core Strategy states industrial and distribution uses will be supported on existing and identified industrial/employment sites, where this would increase employment densities and/or reinforce their role in regeneration. Policy E4 of the Southend on Sea Borough Local Plan states permission will not be granted for proposals involving the loss of industrial, warehousing or other business uses.

4.2 The National Planning Policy Framework is a material consideration in determining planning applications. Paragraph 24 outlines that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The Council has an up to date plan and Policy CP1 is relevant. Paragraph 26 of the NPPF provides guidance and details for the requirement of an impact test for proposals 2,500 sq m or more. Practice Guidance on Need, Impact and the Sequential Approach was published alongside PPS4 in 2009. The NPPF remains silent on the future of this practice guidance, but in light of the acknowledgement that the key tenant’s of “town centre first”, sequential and impact assessments remain in the NPPF it is considered that the practice guidance remains the most up to date example of how best to undertake such assessments.
4.3 The Progress Road Estate Framework design brief (adopted 2009) states that the vision for the estate is to promote well-connected, sustainable office and high-value added industrial employment opportunities at Progress Road within quality premises and environment. There are several key priorities underpinning the vision with particular reference to the employment uses where B1 (offices, research and development, light industry), B2 (general industrial), and some B8 (storage and distribution) uses should be promoted exclusively within the Estate and other uses including motor showrooms, trade counters should be strictly limited and located on the periphery of the estate.

4.4 The Planning and Retail Statement accompanying this application provides a justification to why the applicant believes this development is an exception to employment policy. The applicant believes Policy E4 of the Southend on Sea Borough Local Plan is permissive where the benefits of granting planning permission outweigh any real or perceived harm. Furthermore, the applicant contends that Policy S1 of the Southend on Sea Borough Local Plan does not specifically require development to be concentrated within existing shopping centres suggesting that Policy S1 does not represent an embargo against retail development outside defined centres. The applicant states that part 1 of Core Strategy Policy CP2 is no longer relevant as it conflicts with the National Planning Policy Framework. Furthermore, the applicant considers the development would not prejudice the role of the Southend Town Centre as a regional centre. In relation to Policy CP1, the applicant considers the proposal will enhance the environment, amenity and condition in the area and would contribute to the objective of regeneration of the local economy in other ways. With respect to the Progress Road Estate Framework Design Brief the applicant considers the framework is clear that exceptions may be made to the general presumption with a new development including regenerative benefits, improving design quality, improving the outlook for adjacent sites, delivering jobs and supporting the area including the function of Eastwood as a local centre. The applicant makes no reference to the Employment Land Review which highlights Progress Road as a significant employment site and has identified that up to 17,000m² of modern employment floorspace to meet the demand and contribute to the Core Strategy employment growth targets could potentially be accommodated. The site is considered attractive for employment use and offer opportunities for redevelopment to support employment growth.

4.5 The Planning and Retail Statement submitted, concludes that in relation to the relevant planning policies the development will deliver significant improvements to the appearance of this prominent site which has lain vacant (in part) for some considerable time and will significantly improve the range and choice of convenience shopping in this part of the Borough and on the edge of Eastwood Local Centre. The development will support up to around 40 jobs.
4.6 The proposed development seeks to redevelop the site for a supermarket (Class A1). The application form accompanying this application provides a background to the existing use. The previous Safestore (Class B8) unit previously employed 4 full time people and the proposed use would employ 40 members of staff 15 full time employees and 25 part-time employees with a total full time equivalent of 27 (FTE) members of staff.

4.7 The applicant has provided two appeal decisions involving the loss of employment land and a Lidl supermarket being allowed to develop on two sites. The first appeal was at 216-218 Rowan Road, London (APP/T5720/V/04/1171394). The Inspector who considered the appeal discussed the employment land matters whereby the application site had been vacant for 9 years and it had been marketed but no serious interest had been expressed. Furthermore, the site was constrained as in the buildings could not be reused, the overall costs of clearing the site would be significant, the site was isolated from any employment areas and it was poorly related to the strategic network. It is considered that this does not provide a good comparison with the application site. Firstly, whilst the site is vacant, there is still considered to be a demand for industrial employment land uses evidenced by an application pending for the redevelopment of the site into 15 units to create 1700sqm of B1 (c) (13/00724/OUTM). Furthermore, the site is not isolated but in one of the most prominent employment land sites within the borough particularly given the road links of Rayleigh Road (A1015) to the north and the arterial road to the south (A127), this is recognised in a 2010 Employment Land Review.

4.8 The second appeal decision referenced by the applicant was at Former Hartwells, Watlington Road, Cowley, Oxford (APP/G3110/A/05/1195688) whereby planning permission was granted for the demolition of existing buildings and erection of a two storey building for use as Class A1 discount food store (1871m²) at ground floor and Class B1 offices (840m²) at first floor plus the provision of 102 car parking spaces. The Inspector acknowledged the site was in a B1, B2 and B8 designated area as part of the local development plan. The appeal was allowed given that an offset of 840m² B1 offices was to be provided which did not conflict with the employment land policy and on balance was considered to provide a clear and significant benefit to employment opportunities in the area. Again, a different set of circumstances to that proposed here.

4.9 Paragraph 22 of the NPPF states that planning policies should avoid long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Whilst the applicant contends Lidl would be the best redevelopment for the site it is considered in this instance there is still an objection to the principle of development, as the site is considered viable for employment use. Consideration has to be given to the fact a current application has been submitted to erect 15 B1 (c) industrial units on the same site creating a floorspace of 1700sqm (13/00724/OUTM). In addition, the job creation of that pending application equates to 44 (persons FTEs) based upon the floorspace per worker (sqm) as detailed in box d.3 of the Planning Employment Land Reviews-Guidance Note.
The applicant has responded to this, questioning the feasibility and the deliverability of application 13/00724/OUTM (a copy of this letter is attached as appendix 1). Of course part of the site is currently occupied.

4.10 In light of the above, although the proposal will facilitate the redevelopment of the existing site given that part of the site is vacant, it would result in a loss of employment land in an identified employment area, and there remains a demand for such land. The overall objectives of the adopted brief looks to improve the appearance of the public realm and provide a higher quality business environment, encouraging research and development industry to locate to the area to create higher end jobs for local people. Permission for an A1 use in this area would not contribute towards the achievement of the aims of the Brief, damage the Council’s ability to meet, the employment objectives of the Core Strategy and therefore would not be in accordance with policy. There is an extant permission for the redevelopment of Brunel Road adjacent which has the potential to invigorate the regeneration of this estate. There is a presumption against change of use within Progress Road to a retail unit (A1), which although would provide jobs, would not reflect the range of employment uses for which this area is allocated. It is considered that the principle of development is contrary to Policy KP1, CP1 of the Core Strategy, and Policy E4 of the Southend on Sea Borough Local Plan, Adopted Progress Road Design Brief, Employment Land Review 2010 and the NPPF.

Design and impact on the character of the area

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

4.11 Paragraph 56 of the NPPF states

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

4.12 Paragraph 60 of the NPPF states:

“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles”.

4.13 Policy KP2 of the Core Strategy requires all new developments to respect the character and scale of the existing neighbourhood where appropriate. Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.
The Adopted Progress Road Brief advocates the need for accessible development blocks to provide the level activity desired. It states that the buildings should be set back no further than 5m from the street boundary, entrances to the premises are required to be visible and clear to create a well defined land parcel and spaces. The document further advocates the need for the building line, as the ‘face’ of the development and should provide an active frontage wherever possible to the public realm, running parallel to the footpaths along the boundaries. Parking layouts are required to have a minimum visual impact on the Estate and are recommended to be built within the environment as much as possible.

The adopted Design and Townscape Guide paragraph 63 states:

“When planning development on a corner site, the issue of two public frontages needs to be addressed. The context of the adjoining streets including scale, rhythm and form requires a single design solution, and development will be required to present a well-designed and appropriately scaled elevations to both frontages”.

Paragraph 67 of the Design and Townscape Guide provides further guidance on the continuity and enclosure of new development:

“New development should continue established street patterns where they are an integral part of local character, particularly building frontage lines which determine the proportions of the street. Buildings that are uncharacteristically set back or set forward from their neighbours often look out of place and create negative spaces that are often neglected”.

The proposal does not adhere to any of the above design principles. The development is set back significantly from the established building frontage line on the Progress Road frontage creating a negative space at an identified key gateway to the estate. The development is dominated by a large area of unattractive car parking and lacks an active frontage to both Progress Road and Rayleigh Road.

The applicant contends that it is unachievable to have a 5m setback in this location and the development is in line with the common building line of Rayleigh Road. The applicant suggests that placing the building at the western end of the site was ruled out for fundamental design reasons, some of them arising from the particular site characteristics, others from operational requirements established through the development of more than 590 Lidl stores over the last 15 years. The applicant states that to have the building facing onto Progress Road at the west of the site a new vehicular access would be required off Rayleigh Road but there is insufficient room to form a safe right-turn lane. The proposal would result in an unavoidably blank rear elevation to Progress Road with the delivery ramp and servicing area more prominent with adverse impact on the public realm resulting in a less prominent building.
4.19 The applicant further contends that the new building has been located at the eastern end of the site to be in line with the Rayleigh Road frontage with the building entrance on the north west corner of the building becomes prominent on both road frontages and has a short accessible pedestrian approach from Rayleigh Road pavement. It will open up views into Progress Road from the North. HGV deliveries will not be visible from the streetscene. The new site entrance for vehicles can be achieved with minimal alterations to the adopted public highway.

4.20 It is not considered the overall scale of the building will have a detrimental impact on the overall character and appearance of the Progress Road industrial estate or Rayleigh Road. In terms of the overall appearance of the building, the applicant contends that the building has been purpose designed to fit the specific site conditions which apply in this location and creates an active frontage on Rayleigh Road. Amended drawings have been received which show additional planting areas and trees incorporated into the car park and along the site perimeter. Metal gates are now shown at the top of the delivery ramp, set in line with the front elevation of the store and brick slips and glazing bays have been added to the Rayleigh Road elevation. Notwithstanding, the amendments proposed it is considered that the poor articulation of the building and lack of fenestration results in an unacceptable form of development that fails to respond positively and fails to take the opportunity to improve the character and appearance of this major gateway to Progress Road from Rayleigh Road. Furthermore, the Design and Access Statement acknowledges that the proposed development at Brunel Road (11/00427/BC3M) is intended to have a bright, modern appearance and to act as a catalyst for regeneration of the wider area. The strategic location of this site at the northern gateway to the estate will result in form of development contrary to the design principles of the Adopted Progress Road Brief and would result in a form of development out of character with the surrounding area contrary to the National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Policy C11 of the Southend on Sea Borough Local Plan, Adopted Progress Road Design Brief and the Design and Townscape Guide.

4.21 Policy C14 of the Southend on Sea Borough Local Plan advocates the need for soft landscaping to form part of any new development. Given the siting of the car parking to the front greater soft landscaping is required to soften the overall appearance to continue to provide a positive enhancement on the character of the area.

4.22 It is not clear where the refuse storage will be sited and if the application is deemed acceptable a condition will be imposed to ensure a full waste management plan is submitted detailing relevant strategies and the siting of the storage in accordance with the Waste Management Guidance.

Traffic and Transportation

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP3; BLP policies T8, T11; EPOA Parking Standards and the Design and Townscape Guide SPD1.
4.23 The proposed development is located along Progress Road, a key connecting route between Southend Arterial (A127) to the south and Rayleigh Road to the north. There are in total five minor roads that are accessed from Progress Road but none are through-roads.

4.24 The existing access from Progress Road will be widened to allow larger vehicles to enter the site and improved to modern design standards. The applicant contends that the existing access point has been designed to accommodate the large number of vehicles including lorries and cars. The highway design is considered to meet guidance and comply with policy.

4.25 The Council’s Highway Officers have reviewed the application and consider at this time the transport assessment submitted does not provide an assessment of the Saturday peak time which would be expected for a food retail development. Furthermore, the transport assessment does not include a junction capacity assessment. The assessment states that there will be 780 pedestrian trips and 72 of these in the identified PM peak. This additional push button demand will lead to a reduction in efficiency of traffic signals. The junction needs remodelling to deal with the extra demand and the signals need to be upgraded to a puffin crossing and a left turn signal introduced from Rayleigh Road onto Progress Road. A contribution of £25,000 is sought for this. There are concerns with vehicles exiting and entering the site as the Transport Assessment suggests there is a reliance on other vehicle drivers giving way and allowing vehicles through. In light of the above, the Council’s Highway Officers raises an objection to the proposed development due to the insufficient information submitted to demonstrate the proposed development will not have a detrimental impact on highway network.

4.26 EPOA Vehicle Parking Standards (2001) state a maximum standard of 1 space per 14m² may be applied to food retail developments. Thus, the proposed sales floor area is 1208m² and 86 spaces based upon 1 space per 14m². The level of parking provision proposed (83 spaces) is acceptable and the Councils Highway Officer has raised no objection. The proposal therefore accords with the EPOA Vehicle Parking Standards (2001).

4.27 The proposed development will include 10 Sheffield cycle stands to the front of the store to accommodate 20 cycles which is considered in accordance with the EPOA vehicle parking standards (2001).

4.28 The Councils Travel Plan co-ordinator has raised no objection to the proposed plan subject to the surveys being implemented and advising the Council who the travel plan co-ordinator is before the development opens. It is considered in this instance this could be dealt with by condition.
4.29 In terms of servicing the Transport Assessment accompanying this application states that Lidl stores receive one articulated HGV delivery per day in the morning before the store opens at 0800. The vehicle returns any refuse and packaging from the store on the return journey and only in exceptional circumstances a second delivery would be made to the store. All Lidl stores are serviced through the car park and via a reverse manoeuvre up to the unloading dock to avoid the need for extensive service areas. A condition could be imposed to ensure the amenities of residents along Rayleigh Road are safeguarded with respect to delivery times.

4.30 In light of the above, the proposed traffic and transportation issues are considered to adhere to Policy CP3 of the Core Strategy, Policy T8 and T11 of the Southend on Sea Borough local Plan subject to conditions of a planning contribution.

**Impact on residential amenity**

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

4.31 In terms of impact on amenity, to the north is a school and to the west, east and south are commercial premises and given the nature of the proposed use it is not considered there will be any impact. With reference to the nearest residential properties, these are located to the northwest of the site with a separation distance of 29m. It is not considered the proposed development will have an adverse impact on residential amenity in terms of being overbearing nor will it result in any overshadowing.

4.32 With respect to noise and disturbance, the proposed opening hours are Monday-Friday 0800-2100 and Sunday and Bank Holidays. Deliveries are anticipated before 0800. In order to safeguard the amenities of the nearby residential occupiers conditions can be imposed. It is not considered the proposal will result in any greater harm than the existing commercial uses associated with the Progress Road Industrial Estate.

4.33 Should permission be granted a condition would be imposed requiring full details of all plant equipment to be installed on the various units to ensure the amenities of the residential occupiers nearby to the development are safeguarded.

**Sustainability**

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

4.34 A Sustainability Appraisal/Energy Statement accompanies this application whereby the overall building construction and operation has been designed to minimise carbon emissions and it proposed ground source heat pumps to provide renewable energy for the building. It is not clear whether this will provide the 10% renewable energy requirement of Policy KP2 and further details are sought but it is considered this can be dealt with by condition.
Flood Risk

National Planning Policy Framework

4.35 The site is located with Flood Zone 2. The NPPF request sequential test to be undertaken. The site has been through a strategic flood risk assessment which included a sequential test as part of its allocation as a priority urban area. The proposed retail use is considered less vulnerable and therefore the sequential test is met. There is no requirement for an exception test. A flood risk assessment accompanies this application stating that at present the site is completely impermeable and is positively drained to the existing watercourse running along the southern boundary of the site in an easterly direction which is designated a Main River of the Environment Agency. Whilst some landscaping will be introduced on the site the reduction in drained impermeable area will provide a benefit in reducing the discharge rate from the site.

Conclusion

4.36 In light of the above, the proposed development by reason of its principle, design and impact on highway network is contrary to the aforementioned policies.

5 Planning Policy Summary

5.1 National Planning Policy Framework

5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP2 (Town Centre), CP4 (The Environment and Urban Renaissance), CP3 (Transport and Accessibility), CP1 (Employment Generating Development), CP6 (Community Infrastructure)

5.3 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations, T8 (Traffic Management and Highway Safety), T11 (Parking Standards), C14 (Trees, Planted Areas and Landscaping), E1 (Employment Promotion), E5 (Non Residential Uses Close to Housing), T12 (Servicing Facilities), T13 (Cycling and Walking), U2 (Pollution Control)

5.4 SPD1 Design & Townscape Guide 2009

5.5 EPOA Vehicle Parking Standards (2001)

5.6 Waste Management Guide

5.7 Southend on Sea Borough Council- Adopted Progress Road Design Brief
6 Representation Summary

Design and Regeneration

6.1 Notwithstanding the principle of the retail use in this location the proposed design and layout does not adhere to any of these design principles. It is set back significantly from the established building frontage line on the Progress Road frontage creating a negative space at an identified key gateway to the estate, it is dominated by a large area of unattractive car parking, and it lacks an active frontage to Rayleigh Road. All of these are contrary to the Progress Road Framework Document and advice in the Design and Townscape Guide. Other design concerns include the poor articulation of the building, the lack of fenestration, the lack of landscaping, the lack of quality materials (striped render for the longest frontage) and the very visible service area which are also unacceptable.

It is therefore considered that, in design terms, this proposal would be detrimental to the character of Progress Road and Rayleigh Road and is unacceptable. The Design and Access Statement acknowledges the quality of proposed development at the Brunel Road site which is ‘intended to have a bright, modern appearance and to act as a catalyst for regeneration of the wider area’ and which adheres to all the above design principles. The intention of the Framework Document is to roll out this kind of quality to other developments in the estate. The strategic location of this site at the northern gateway to the estate means that its form and design will be of particular importance to the delivery of this vision for Progress Road.

Following the submission of amended drawings further comments received state:

- Notwithstanding the other issues such as the principle of the development and location of the built form the proposed increased landscaping is of course welcomed however the amended proposal is by no means considered to be a well landscaped car park and the vehicles will still be dominant in the streetscene.
- Notwithstanding the other issues there would be no objection to the proposed gates subject to details.
- This is a slight increase to the active frontage to Rayleigh Road but a significant proportion of the building approx 73% remains inactive on this principle street frontage and this will be detrimental to the streetscene.
- The amendments are overall an improvement on the original design but the original concerns regarding the appropriate of use, site layout, design and impact of car parking and conflict with the Framework Document still remain.
Traffic and Transportation

6.2 Following a review of the application this afternoon. Detailed below are the highway related comments for the proposed development at 70 Progress Road. The Transport Assessment provides assessment of the PM peak, but does not provide an assessment of the Saturday peak time which we would expect for a food retail development.

Appendix E of the Transport Assessment shows that the Saturday traffic arriving and departing from the site is higher than on a weekday. We require a traffic assessment for the Saturday peak and for the existing flows to be shown.

The Transport Assessment does not include a junction capacity assessment which should be included. The Transport Assessment states that there will be 780 pedestrian trips and 72 of these in the identified PM peak. This additional push button demand will lead to a reduction in efficiency of traffic signals. The junction needs remodelling to deal with the extra demand and the signals need to be upgraded to a puffin crossing and a left turn signal introduced from Rayleigh Road onto Progress Road.

A contribution of £25,000 is sought for this. There are concerns with vehicles exiting and entering the site as the Transport Assessment suggests there is a reliance on other vehicle drivers giving way and allowing vehicles through.

Further details are required on the levels of staff parking spaces associated with the development.

Car/Cycle parking that has been provided is acceptable. Waste/delivery collections are also acceptable.

Environmental Health

6.3 No comments.

Waste Management

6.4 No comments.

Fire Brigade

6.5 The access for the Fire Service is considered satisfactory and more detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage. Applicant is reminded that additional water supplies for fighting may be necessary for this development.
Police Architectural Liaison Officer

6.6 No objections.

Environment Agency

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

Public Consultation

6.8 A site notice was displayed on the 11th July 2013 and 28 neighbours been notified.

Two letters of objection received stating:

- Unsuitable positioning of the site at a very busy junction.
- The additional traffic will exacerbate the situation of traffic along Progress Road and travelling east and west along Rayleigh Road.
- The proposal will have an effect on the local community, businesses and employment and a new store can only expect to share the existing local spend on groceries.
- The loss of small stores would be devastating for the community would lead the area into a steady decline.
- There is no need for an additional store, there are already 3 Lidl stores within 5 miles radius of the proposed store, the nearest being Hadleigh store which is only 3 miles away. Within a similar radius there are at least one of each of the major stores, including Tesco, Sainsbury, Morrisons, Asda, Co-op and numerous smaller convenience stores such as Londis, Nisa and Costcutter and may other independent stores.
- The loss of Essex Timber will result in local shops becoming scarcer, whereas there are far too many food-stores.
- If the Council wishes to preserve Southend as a place of interest for locals and visitors, rather than a giant food store, smaller independent stores should be supported.
- There have been various assumptions both by Lidl and in the local press about the local opinion regarding the proposals. There will be residents who will feel the proposed store will lower their food bill but this is outweighed by residents frustrated by the additional travel time getting onto/across the A127 and seeing other local shops disappearing as a result of the proposed store.
- The proposed development would adversely affect the trading of Essex Timber & Plywood who serves the construction industry in southeast Essex including local builders, carpentry companies and many companies on Progress Road.
- The turnover of the existing Essex Timber & Plywood has increased by 55% over the last year and with the continuing expansion of businesses will increase the number of employees.
• If planning permission is granted for Lidl a clause within the lease allows the freeholder to repossess the premises without any compensation and the business as a timber merchant has been on site since October 1986.
• Lidl claim that if permission is granted Essex Timber will find alternative premises but there are no other suitable premises providing adequate height, yard, parking and access available in Leigh on Sea or immediate surrounding area.
• The local economy and wider community would be adversely affected by such a proposal. There is no need for further retail food stores.
• Traffic congestion is already at capacity at Progress Road and Rayleigh Road Junction and a large retail car park on the immediate corner would make it more difficult for business customers coming and from the Progress Road business Park.

One letter of support

• The new store will bring much needed redevelopment to a run down and shabby industrial area.
• The added amenities the store officers would be a great improvement along with much needed extra choice.
• Those detractors who wish to retain the "village" feel of Eastwood are wrong it is a rundown industrial area with limited number of retail outlets selling nothing that anyone wants.
• The range of products that Lidl sell will have no impact on the current retail outlets within walking distance, and as the parking is extremely poor in the area, those using cars don’t shop in local stores anyway.

7 Relevant Planning History

7.1 Erect 15 industrial units (Class B1 c) with vehicular access from Progress Road and parking to the rear (Outline)- Pending consideration (13/00724/OUTM)

8 Recommendation

Members are recommended to:

8.1 REFUSE PLANNING PERMISSION:

1 The site is allocated for employment use within the Southend on Sea Core Strategy and Borough Local Plan. The proposed use would lead to the loss of this site for employment use and industrial purposes within the Borough, of which there is a limited supply. This would be contrary to the Local Planning Authority’s policies including KP1 and CP1 of the Core Strategy and policy E4 of the Borough Local Plan which seek to retain satisfactory employment opportunities within areas so allocated and in addition, creating pressure for employment related development in areas not so allocated.
The proposed development, by reason of the design and position of the building within the site would result in an unresolved and unsympathetic design, which would be an incongruous feature within the street scene to the detriment of the character and appearance of the locality contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policy C11 of the Southend on Sea Borough Local Plan, Adopted Progress Road Design Brief and the Design and Townscape Guide.

The proposal has failed to demonstrate that it would not have a detrimental impact on highway safety and efficiency within the vicinity of the site (there is no assessment of Saturday peak-time traffic included within the Transport Assessment submitted, nor has a junction capacity assessment been undertaken), and in the absence of this information the proposal is considered to place increased pressure on highway infrastructure by way of pedestrian and vehicle movements to the detriment of highway safety and efficiency and would be contrary to the National Planning Policy Framework, Policies KP2, KP3, CP6 of the Core Strategy, Policies C11 of the Borough Local Plan, Supplementary Planning Document 1: The Design and Townscape Guide (2009) and Supplementary Planning Document 2: A Guide to Section 106 and Developer Contributions, 2010.
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<tr>
<td>Ward:</td>
<td>Victoria</td>
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<tr>
<td>Proposal:</td>
<td>Erect three storey building comprising of 34 flats supported housing (class C2 use) with training suite/communal lounge and office, layout vehicular access, car parking and amenity space</td>
</tr>
<tr>
<td>Address:</td>
<td>319 - 321 Sutton Road, Southend-on-Sea, SS2 5PF</td>
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<tr>
<td>Applicant:</td>
<td>Insideland (Midlands) Ltd</td>
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<tr>
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<td>Louise Cook</td>
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<tr>
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1 The Proposal

1.1 Planning permission is sought to erect a three storey building comprising of 34 flats for supported housing (class C2 use) with training suite/communal lounge and office, layout vehicular access, car parking and amenity space.

1.2 The proposed development comprises of 34no. one bedroom flats and 17 car parking spaces are proposed to the rear of the building, one of which is a disabled person’s space.

1.3 A communal lounge/training suite is proposed to the front of the building which measures 103sq.m and there is a shared amenity space to the rear of 391sq.m.

1.4 The proposed development will provide the re-provision of Chalkwell Lodge which is a 28 unit supported housing service which provides 24 hour support for people with long and enduring mental health issues. Further details are set out in section 4 below.

1.5 Outline planning permission was granted in 2011 (ref. 10/01121.OUTM) for the demolition of the existing building on site and to erect a part three and part four storey building incorporating Class A2 (Financial and Professional Service) space, Class B1 (Office) space, 27 flats with balconies, roof terrace, car parking, cycles and refuse storage. There was also an application in 2009 which was refused permission and full details of the history of the site can be found in section 7 below.

2 Site and Surroundings

2.1 The site lies to the northeast of the town centre and forms part of an area allocated for industry and warehousing (employment) area as designated by the Core Strategy and Borough Local Plan.

2.2 The site is located on the western side of Sutton Road centrally between the two junctions of Redstock Road and Vale Avenue. The site is adjacent to a row of retail units, 295 – 307 Sutton Road and industrial units at 401 Sutton Road. To the east, south and west of the site are residential dwellinghouses.

3 Planning Considerations

3.1 The main considerations in the determination of this application are the principle of development, design, impact on the streetscene, impact upon neighbouring occupiers, standard of accommodation for future occupiers, parking implications, sustainable construction and planning contributions.
4 Appraisal

Principle of the Development


4.1 The site is located within a priority urban area and forms part of the industrial and warehousing (employment) area as designated by Policy KP1 of the Core Strategy.

4.2 Paragraphs 50 and 51 of the National Planning Policy Framework state;

“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities...)...Local Planning Authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies...They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.”

4.3 Policy E4 of the Borough Local Plan states that permission will not be granted for proposals involving the loss of business uses. Policy CP1 of the Core Strategy states that permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.

4.4 It should be noted that Sutton Road is an area of Southend which has not benefitted from significant regeneration and this site has the potential to contribute significantly to its regeneration.
4.5 An employment review of the Borough has been undertaken. Paragraph 3.35 of the Employment Land Review suggests how the area should be developed in the future and states;

“Sutton Road is located north of the town centre, several units are vacant and the premises are of mixed condition. Part of the area already has permission for residential use and one further site has been promoted for residential for the SHLAA. It is recommended that the site is considered for redevelopment and regeneration with residential led schemes with supporting commercial uses consolidated on the ground floor to serve the community.”

4.6 The proposed development is accompanied with a supporting statement. The proposed development will provide the re-provision of Chalkwell Lodge (located at 35 – 41 Grosvenor Road) which is a 28 unit supported housing service which provides 24 hour support for people with long and enduring mental health issues. Sanctuary acquired the building in 2008 and a review was carried out in conjunction with the Council which concluded that Chalkwell Lodge was no longer viable as supported accommodation. Bedrooms are of substandard size, there is no disabled access or facilities for wheelchair users/people with poor disability, there is no lift and the stairwells are narrow and steep with a significant number of people who require the service are therefore excluded. In 2009 Sanctuary closed down part of the building due to health and safety concerns.

4.7 The applicant states that the remodelling of the existing Chalkwell Lodge building is not a viable option as the building consists of a number of individual terrace houses ‘knocked together’, the structural layout prohibits effective remodelling and the required standards could not be achieved by this approach. Redevelopment of the site would significantly reduce the number of units available. Therefore, the only option for Sanctuary is to seek alternative accommodation.

4.8 Sanctuary has been actively looking for suitable accommodation to replace Chalkwell Lodge since 2008. The number of available sites within the Borough which could accommodate a 34 unit specialist scheme of this kind is limited. Furthermore, the location of the site is very important: a primary aim for the scheme is to build links with local services such as health, employment and training services and to maintain links with the local community. It is therefore important that the scheme is well served by public transport and has access to these key services. The scheme will be fit-for-purpose and promote independent living.

4.9 Following a review of mental health provision in Southend, the Council have identified a need to expand services and to maximise people’s independence. Prior to closing part of Chalkwell Lodge, it had the capacity to accommodate 34 occupants. The proposed scheme will therefore meet the need which Chalkwell Lodge was originally serving.
4.10 The aim of the proposed scheme is the following:

- To support people recovering from mental illness, to enable them to gain independence so that they can move to more long term accommodation.
- The occupants will be of working age with enduring mental health problems. They are vulnerable adults who will not pose a risk to the community and who require the support provided by Sanctuary Supported Living so that they can move on to more independent living. The average length of stay will be 2-4 years.
- Sanctuary Supported Living will work in partnership with a number of agencies, both statutory and voluntary to provide this service, e.g. the NHS, Social Services and the Probation and Mental Health Services.
- The service will provide 24 hour care and support to the occupants promoting education and employment training. The proposed development will provide vocational training to occupants, staff and the local community provided by Sanctuary and its partner organisations such as Sanctuary’s Learning Academy, Skill for Care, Remploy and other local agencies.

4.11 Whist the proposed development will not provide a commercial element, it will provide a communal lounge/training suite at ground floor level facing onto Sutton Road which, as detailed above, can be used by both residents, staff and the local community. The ground floor fenestration will provide an active frontage within the streetscene.

4.12 A marketing statement has also been submitted which details that the site has been marketed for 18 months. It states that whilst the site is currently generally fully let, it has provided accommodation for several different tenants who have wanted to take advantage of the short term, flexible nature of the units. There has not been any interest by tenants who have been interested or prepared to committee to a significant lease term. The property is in need of refurbishment however, due to the nature of the tenant mix and existing informal agreements, it would not be economically viable to refurbish some or all of the units. Despite the 2011 planning permission, there has been no interest from commercial users proposing to take part or all of the proposed accommodation, or an interest from residential developers.

4.13 The site has been recently subdivided into six smaller commercial units which provide accommodation for six separate tenants and employment for a total of nine people. The site currently provided and has done so for a significant period, low levels of employment.

4.14 The proposed development will provide permanent employment for 20-30 people, most of which will be full-time workers, although two or three of the domestic staff are likely to be part-time. The scheme will be staffed on a rota basis so there will be approximately seven staff on duty during the day. The proposed office facilities have been designed so that they can be used by other Sanctuary staff operating in the area.
4.15 In light of the above, no objection is raised to the loss of the existing employment
use of the site. It is also considered that the proposed development is in line with
the recommendations of the Employment Land Review and the NPPF.

4.16 Additionally, the proposed scheme incorporates an efficient use of land which will
enhance the local environment and provide additional housing within the Town
Centre and Central Area, therefore contributing to the Borough’s additional
housing targets outlined in Policy CP8 of the Core Strategy and provide much
needed supported accommodation. The Strategic Housing Local Authority
Assessment (SHLAA) states that the site falls within a part of Sutton Road where
there is ability to repair the townscape as many buildings are coming to the end of
their natural life and re-instate residential uses in order for the area to better relate
to the buildings opposite. It is considered that the proposed development is
consistent with the SHLAA.

4.17 Therefore, it is considered that the principle of development is acceptable.

Design and Impact on Streetscene

National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2,
CP4; Borough Local Plan Policies C7, C11, C14, H5, H8 and the Design and

4.18 Amended plans have been received which have altered the design of the
development. This takes a contemporary approach which in principle there is no
objection to.

4.19 The height of the proposed development steps from two storeys in height adjacent
to the two storey shopping parade to the south of the site, gradually up to a total of
four storeys to the corner of the site adjacent to the entrance. There is no
objection in principle to the height and scale of the building given the extant outline
permission which had a similar scale (maximum of four storeys) and other
permissions in place within close proximity of the site in Sutton Road. The gradual
change in height from two to four storeys ensures that the proposed development
is not unduly prominent or out of scale with the neighbouring shopping parade.

4.20 The roof form has been altered to a shallow pitched roof (3 degrees) and will be
hidden behind the proposed parapets. This is considered satisfactory.

4.21 Whilst there are blank rear elevations, no objection is raised to this given that it will
not be visible in the streetscene and will result in a lower perception of overlooking
to neighbours (although this issue is discussed further below).

4.22 Therefore, in light of the above, no objections are raised to the design of the
building and it is not considered to be detrimental to the character or appearance
of the streetscene.
Impact upon Neighbouring Occupiers

National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP4; Borough Local Plan Policies E5, H5 and H8.

4.23 Residential dwellinghouses adjoin the site at the rear in Redstock Road (to the south of the site) and Gayton Road (to the west of the site). These properties generally have medium sized rear gardens.

4.24 The proposed building at its closest is sited 13m from the rear boundary of the site and there is a further 34m from the boundary to the rear of dwellinghouses in Gayton Road, resulting in a minimum separation distance of 47m which is considered to be a sufficient distance to mitigate overlooking. Whilst there is a drop in land levels to the rear of the site, it is considered that this significant separation distance will prevent the proposed building from being overbearing. Additionally, the fourth floor where the building is at its highest is sited on the corner of the site on the Sutton Road frontage away from neighbouring residential dwellings.

4.25 The neighbouring properties in Redstock Road which back onto the rear of the site have rear gardens of 20m in depth. Where the proposed development is three storeys in height, a minimum back-to-back level of separation of 37m will be achieved which increases to a maximum of 43m. This is a greater level of separation than the 2010 permission and given the levels of separation and orientation of the building to the north of these neighbours, it is not considered that the proposed development would give rise to undue overlooking or loss of privacy or be overbearing upon these neighbours.

4.26 To the north of the site are occupied commercial buildings and there are no issues in respect of overlooking. It is not considered that these windows would prejudice the future development of the commercial site to the north as there is no development brief or planning permission for redevelopment of this site. In light of the above, it is not considered that the proposed development would give rise to overlooking or loss of privacy to neighbouring occupiers.

4.27 Concern has been expressed in respect of impact of the proposed car park located to the rear of the site by neighbours located in Gayton Road. However, it should be noted that there will be a minimum distance of 34m from the rear of these properties to the rear boundary of the application site which is considered to be sufficient to mitigate issues of noise or disturbance from the car park. Boundary treatment along the rear boundary will also help to mitigate the perceived impact on neighbouring occupiers which can be dealt with by condition. Additionally, it should be noted that there is an existing car park in a similar position to the rear of commercial buildings to north of the site accessed off Vale Road which is located in closer proximity to rear gardens than the proposed car parking area.
4.28 It is not considered that the proposal would be detrimental to other nearby residential occupiers given the distance from the application site.

**Standard of Accommodation for Future Occupiers**

National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP4; Borough Local Plan Policies H5, H8 and U2; and the Design and Townscape Guide, 2009 (SPD1).

4.29 The proposed flats vary from 49sq.m to 54.7sq.m in size. The internal sizes and layouts of the units are considered to be acceptable and will have a satisfactory layout.

4.30 In terms of amenity space the following is proposed:

- A communal lounge/training suite at ground floor to the front of the building of 103sq.m; and
- Shared amenity space to the rear of the building of 391sq.m.

4.31 Therefore, the total amount of amenity space is 494sqm which equates to 14.5sqm per unit. This is significantly greater than the current provision at Chalkwell Lodge and will meet the needs of residents.

4.32 The layout, access and siting of the proposed external communal amenity space to the south of the building is considered to be acceptable.

4.33 Therefore, the proposed development satisfies policies H5, H7 and U2 of the Borough Local Plan.

**Parking and Highways Considerations**

National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP3; Borough Local Plan Policies T8 and T11, Essex Planning Officer Association (EPOA) Vehicle Parking Standards.

4.34 The application incorporates 17 car parking spaces (one of which will be a disabled person’s space) located to the rear of the building and accessed off Sutton Road. The EPOA Vehicle Parking Standards for Class C2 uses state that a maximum of one space per resident staff and one space per three bed spaces/dwelling units is appropriate. Therefore, a total of 12 spaces for residents are required. However, there will be no staff residing on the premises as the development will be staffed on a rota basis so there will be approximately 7 staff on site during the day.
4.35 The nature of the use and its proposed residents will result in very few owning cars. This is the experience at Chalkwell Lodge where only one resident currently drives a car. Additionally, the site is located within a location which is sustainable in terms of access to public transport. Bus routes run along Sutton Road and the site is within walking distance of the Town Centre. Therefore, in light of the above, there is no objection to the proposed level of parking provision and it is not considered that a travel plan condition is necessary.

4.36 There is no objection to the proposed access which is in the same position as the existing and also the same as previously proposed under the 2010 outline application (ref. 10/01121/OUTM).

4.37 The proposed bin store is located to the front the site off Sutton Road which will provide convenient and appropriate access for collection vehicles.

4.38 The application is accompanied by a transport assessment which concludes that the proposed development in terms of the number of traffic movements associated with the proposed development will not have an adverse impact on the local highway network and traffic will be evenly distributed along Sutton Road during the AM and PM peak periods. Frequent bus services are available along Sutton Road and train services available from the nearby Prittlewell Station. The previous application did not request a contribution towards additional transport provision and this is again not considered necessary.

4.39 Subject to the above and the conditions imposed below, the proposal is considered to comply with the relevant highways policies.

Sustainable Construction


4.40 Policy KP2 of the Core Strategy states that at least 10% of the total energy needs of a new development should be provided through on-site renewable sources of energy provision (and/or decentralised renewable or low carbon energy sources).

4.41 Paragraph 17 of the National Planning Policy Framework (NPPF) states:

"Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision taking… Planning should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)."
4.42 The applicants have raised concern regarding the provision of renewables on site due to the viability of the development and therefore, no renewables are proposed. However, renewable sources should be used, reflecting both the requirements of the NPPF and Policy KP2. This requirement can be addressed by the use of a condition.

4.43 It is not considered that a SUDS (Sustainable Urban Drainage System) condition is necessary in this instance given that the whole site currently consists of hardstanding and levels of planting proposed will reduce levels of surface water run-off. This is consistent with the 2010 outline application.

Planning Obligations

National Planning Policy Framework; DPD1 (Core Strategy) Policies KP3, CP4 and CP8; SPD2 (Planning Obligations)

4.45 Core Strategy Policy 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.”

4.46 Policy CP8 of the Core Strategy relates to affordable housing and requires that for all residential proposals of 10-49 dwellings, an affordable housing provision of not less than 20% of the total number of units on site are provided.

4.47 In terms of affordable housing, the proposed development forms part of Sanctuary’s bid for Homes and Communities Agency (HCA) funding under the HCA’s Affordable Homes Programme 2011-2015. The scheme represents part of the HCA’s commitment from providers to deliver 1,287 Supported Housing Homes (SHH) for the South East of England which in turn forms part of the overall figure of 6,740 SHH under the Affordable Homes Programme for the whole of England.

4.48 Placements for residents at the proposed development will be via the Supporting People Access Point service which oversees all placements into mental health services and ensures that all residents have a Southend link and are therefore eligible to move into Council accommodation through the Council’s relevant allocations policy.

4.49 In light of the above, the proposed development constitutes 100% affordable housing operated in connection with the Council’s Supporting People department and therefore, a S106 contribution towards affordable housing is not requested in this instance. The proposed use of the building as supported housing (class C2) use can be controlled by condition.
4.50 Additionally, as the proposed development constitutes 100% affordable housing, no education contribution is sought.

4.51 An element of public art can be secured via condition.

4.52 Therefore, no S106 contributions are being sought for the proposed development.

**Summary**

4.53 The principle of development of the site for supported housing (class C2) use has been satisfactorily demonstrated by the applicant and is considered to be acceptable. It is considered that the design of the proposed development and impact on neighbouring occupiers is satisfactory taking into account levels of separation. It is not considered that it would have a detrimental impact on the local highways network and a sufficient number of off-street parking spaces have been provided. Therefore, the proposed development is considered to be satisfactory in accordance with policy, and is recommended for approval subject to the conditions detailed below.

**5 Planning Policy Summary**


5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment & Urban Renaissance), CP8 (Dwelling Provision).

5.3 Southend-on-Sea Borough Local Plan Policies C7 (Shop and Commercial Frontages and Fascias), C11 (New Buildings, Extensions and Alterations), C14 (Trees, Planted Areas and Landscaping), C18 (Commercial Floorspace), H5 (Residential Design and Layout Considerations), H8 (Sheltered Housing and Residential Areas), E1 (Employment Promotion), E3 (Secondary Offices), E4 (Industry and Warehousing), E5 (Non Residential Uses Close to Housing), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T12 (Servicing Facilities), T13 (Cycling and Walking), U2 (Pollution Control).


6  Representation Summary

Traffic and Highways

6.1 No objection.

Design and Regeneration

6.2 To be reported.

Director of Children and Learning

6.3 To be reported.

Environmental Health

6.4 The new development proposal places dwellings fronting directly onto Sutton Road where road traffic noise is known to be high. Therefore, a condition is recommended which requires a scheme for protecting the proposed dwellings from road traffic noise to be submitted to and approved in writing by the Local Planning Authority.

6.5 A plant room is indicated on the plans however, no further detail has been provided. With reference to BS4142, the noise rating level arising from the proposed plant shall be at least 5dB(A) below the prevailing background at 3.5m from the ground floor facades and 1m from all other facades of the nearest property. There shall be no tonal or impulsive characteristics.

6.6 The site is classed as being potentially contaminated land. Therefore, this issue needs to be addressed.

Strategic Housing

6.7 Strategic Housing supports this application and confirms that this scheme forms part of Sanctuary’s bid for Homes & Communities Agency (HCA) funding under the HCA’s Affordable Homes Programme 2011-2015.

6.8 This scheme represents part of the HCA commitment from providers to deliver 1287 Supported Housing Homes (SHH) for the South East of England, which in turn forms part of the overall figure of 6740 SHH under the Affordable Homes Programme for the whole of England.
Essex County Fire and Rescue Service

Access for Fire Service purposes is considered satisfactory subject to the confirmation of the following matters:

- The surface of the access road to the side of the proposed building should be capable of sustaining a load of 12.5 tonnes minimum.
- Although the access roads within the development do meet the minimum required standard, concern is expressed that a single vehicle parked on the access roadway may prevent entry by emergency services. The applicant is advised to include parking restrictions in the access roadway.
- If bollards or other removable barriers are required, then the details of design should be agreed with the Fire Authority.

More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

Public Consultation

Neighbours notified and a site notice displayed. Four letters of representation have been received which object to the proposed development on the following grounds:

- Loss of light.
- Loss of privacy.
- Not a suitable location for the proposed development given its use and alternative sites should be considered.
- Loss of businesses.
- Detrimental to appearance of the local area.
- Objection to more flats in the area – overcrowding and social problems.
- Questions what supported housing is used for and why a communal lounge and training suite is required.

Relevant Planning History

10/01121/OUTM: Demolition of existing building and erect part 3/part 4 storey building incorporating Class A2 (Financial and Professional Services), Class B1 (Office), 27 self contained flats with balconies, roof terrace, car parking, cycle storage and refuse storage at basement level (Outline) – Approved.
7.2 09/00761/OUTM: Demolish existing building, erect part 3/part 4/part 5 storey block of 31 flats incorporating B1/A2 units to ground floor and part basement parking (Outline) – Refused permission on the following grounds:

“01 The proposal, by reason of its excessive scale, massing and bulk would result in a form of development detrimental to the character and appearance of the locality contrary to Polices C11, H5 and H7 of the Borough Local Plan and KP2 and CP4 of the Core Strategy, advice contained within the adopted Design and Townscape Guide (SPD1), and Government guidance contained within Planning Policy Statement: Delivering Sustainable Development (PPS1) and Planning Policy Statement 3: Housing (PPS3).

02 The proposal is considered to result in a loss of privacy for the occupiers of the adjoining residential properties to the detriment of the residential amenities of those occupiers, contrary to Policy to Polices C11, H5 and H7 of the Borough Local Plan and KP2 and CP4 of the Core Strategy and advice contained within the adopted Design and Townscape Guide (SPD1).

03 The proposed development, by virtue of the failure to provide a satisfactory level of highway contribution, is contrary to Policies KP2, KP3 and CP8 of the Core Strategy and Policies H2, T2, T4 and T9 of the East of England Plan.

04 The proposed development, by virtue of the failure to provide a satisfactory level and variety of affordable housing, is contrary to Policies KP2, KP3 and CP8 of the Core Strategy and Policy H2 of the East of England Plan.

05 The proposed development, by virtue of the failure to provide a satisfactory level of education contribution, is contrary to Policies KP2 and CP8 of the Core Strategy.

06 The proposed development, by virtue of the failure to address sustainable construction and design issues and the use of renewable energy resources, is contrary to PPS1 and PPS25, East of England Plan (May 2008) Policies SS1, ENV7, ENG1, WAT1 and WAT4; Policies KP2 and CP4 of the Core Strategy (DPD1), and the Design and Townscape Guide (SPD1).

07 The proposed redevelopment is unacceptable as insufficient evidence has been provided to indicate justification for the loss of the commercial element, in terms of marketing or evidence that a commercial redevelopment has been considered and ruled out, which is considered contrary to the provisions as detailed in Policy CP1 of the Core Strategy.”
Recommendation

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

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: L4003/040, 041, 033A, 034B.

Reason: To ensure that the development is carried out in association with the provisions of the Development Plan.

03. The accommodation hereby approved shall only be used as sheltered housing. It must not be used for any other purpose, including any within Class C2 or C3 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).

Reason: To ensure that the accommodation is used for the specified purpose only, and to ensure future compliance with policies KP2, KP3 and CP4 of the Core Strategy and policies C11, H5, H8, T11, T12 and U2 of the Borough Local Plan.

04. No development shall take place until details including samples of the materials to be used on the external elevations; boundary treatments and hard surfaces have been submitted to and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

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

05. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority.

To ensure a satisfactory standard of landscaping and circulation, pursuant to policies C14 and T8 of the Southend-on-Sea Borough Local Plan and CP4 of the Core Strategy.
06. Prior to the commencement of development, the vehicular access shall be widened in accordance with the approved plans.

Reason: In the interest of highway safety in accordance with policy T8 of the Southend-on-Sea Borough Local Plan.

07. Prior to the first occupation of dwellings, seventeen (17) car parking spaces and cycle storage shall be provided on site in accordance with plan no. L4003/033A and shall thereafter be permanently retained for the parking of private motor vehicles and bicycles solely for the benefit of the occupants of the dwellings, their staff and visitors and for no other purpose unless otherwise agreed in writing by the Local Planning Authority.

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

08. The surface of the access road to the side of the building shall be capable of sustaining a minimum load of 12.5 tonnes. Parking restrictions shall be provided to the access road prior to the first occupation of the building.

Reason: To ensure satisfactory fire vehicle access to the site in the interest of amenity of future occupiers and highway safety in accordance with policies C11, H5, T8 and T12 of the Southend-on-Sea Borough Local Plan.

09. Prior to the first occupation of the development, details of a scheme to protect residents against road traffic noise shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the amenity of future residents in accordance with policies H5 and H8 of the Borough Local Plan.

10. The noise omitted from the plant room shall be at least 5db(A) below the prevailing background at 3.5m from the ground floor facades and 1m from all other facades of the nearest property. There shall be no tonal or impulsive characteristics.

Reason: In the interest of amenity of future and nearby residents and general environmental quality from the intrusion of noise (including tonal and impulsive sounds) in accordance with policies KP2 and CP4 of the Core Strategy and policies C11 and H5 of the Borough Local Plan.
11. Prior to the commencement of the development hereby approved, full
details of energy efficiency and other sustainability measures, including the
provision of at least 10% of the development’s energy needs being provided
from on-site renewable sources, shall be submitted to and agreed in writing
by the Local Planning Authority. The development shall be carried out and
permanently retained in accordance with the agreed details unless
otherwise agreed in writing by the Local Planning Authority.

Reason: To contribute towards sustainable development, in accordance
with Policy KP2 of the Southend-on-Sea Borough Core Strategy and the
National Planning Policy Framework.

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

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

13. No development shall take place until details of a scheme of public art,
has been submitted to and approved in writing by the local planning
authority. The scheme must be carried out in accordance with the approved
details before anyone occupies the development. The approved public art
must be permanently retained on this site and not moved or removed unless
otherwise agreed in writing by the local planning authority.

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

INFORMATIVES

01. The applicant is advised that the site may potentially be contaminated
and are therefore, advised to discuss further with the Council’s
Environmental Health Team prior to the commencement of development.

02. This grant of planning permission does not give permission for the
encroachment of any part of this development, including eaves, guttering,
rainwater goods etc, onto land outside the application site or outside the
control of the applicant. Any such encroachment may require an agreement
under the Party Wall etc Act 1996, and it is the applicant’s responsibility to
ensure any such agreement is made.
03. In relation to condition 06 you are advised to contact the Council’s Highways Engineer (Tel: 01702 215003) to discuss the requisite Highways Licence/Agreements under the Highways Act 1980. You are advised that a Highways Licence/Agreement needs to be in place before any works are carried out to the public highway, and any works to public transport infrastructure (e.g. bus stops, lighting columns) will need to be carried out by a Council approved contractor.

04. If this application is for a new property/properties, you will need to have the development officially named and numbered. The street naming and numbering form is available on the Southend-on-Sea Borough Council’s website at www.southend.gov.uk. If you have further queries, please contact the street naming and numbering service (Highway and Traffic Management Services) on 01702 215003 or email: council@southend.gov.uk.

05. Separate advertisement consent may be required for any advertisements to be installed on the building which may require consent under the Town and Country Planning (Control of Advertisements) Regulations 2007.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.
<table>
<thead>
<tr>
<th>Reference:</th>
<th>13/00640/OUTM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ward:</td>
<td>Victoria</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Erect 29 two storey dwellings, incorporating raised amenity areas with parking under to western most block, layout parking spaces and access road (Outline Application)</td>
</tr>
<tr>
<td>Address:</td>
<td>86 To 104 Salisbury Avenue and 211 - 213 North Road, Westcliff-On-Sea, Essex, SS0 7AG</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Venture Capital Associates</td>
</tr>
<tr>
<td>Agent:</td>
<td>SKArchitects</td>
</tr>
<tr>
<td>Consultation Expiry:</td>
<td>25 July 2013</td>
</tr>
<tr>
<td>Expiry Date:</td>
<td>24 September 2013</td>
</tr>
<tr>
<td>Case Officer:</td>
<td>Matthew Leigh</td>
</tr>
<tr>
<td>Plan Nos:</td>
<td>92-04-11-01, 92-04-11-02 and 92-04-11-03</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>REFUSE PLANNING PERMISSION</td>
</tr>
</tbody>
</table>

![Map Diagram]
1 The Proposal

1.1 This outline application seeks permission to erect 29 two storey dwellings. An indicative layout has been submitted for consideration, together with floor plans which provide an indication of the size of the building. Access and layout are to be considered as part of this application whilst appearance, scale and landscaping are reserved for future consideration.

1.2 The details are as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area</td>
<td>0.4ha</td>
</tr>
<tr>
<td>Height</td>
<td>2 storeys (Maximum height 8.7m)</td>
</tr>
<tr>
<td>No. of units</td>
<td>29 Houses (12no 2 bed and 17no 3 bed)</td>
</tr>
<tr>
<td>Parking</td>
<td>31 spaces (106%)</td>
</tr>
<tr>
<td>Amenity space</td>
<td>Between 32m² and 71m² per dwelling.</td>
</tr>
<tr>
<td>Density</td>
<td>72dph</td>
</tr>
</tbody>
</table>

1.3 The development would provide a raised garden deck, at first floor, with car parking below for the fourteen houses to the west of the site.

2 Site and Surroundings

2.1 The site comprises 0.44 hectares of land situated between Salisbury Avenue and North Road, Westcliff-on-Sea. The North Road/Salisbury Avenue area contains a number of former industrial sites with residential properties located in close proximity. The surrounding residential development within the area is generally characterised by traditionally scaled, two storey, terraced Victorian and Edwardian houses.

2.2 The site was previously occupied by a laundry building at 92-104 Salisbury Avenue and an adjacent warehouse building at 86-90 Salisbury Avenue. To the rear of the laundry building were two terraced properties at 211 and 213 North Road which also fall within the site. However, the site is currently vacant as the properties have been demolished.

3 Planning Considerations

3.1 The key considerations are the principle of the development, design and impact on the character of the area, impact on residential amenity and highway implications. The planning history of the site is also a material consideration.
4 Appraisal

Background to the application

4.1 Outline planning permission was granted on appeal (ref. 07/00088/OUTM) to demolish the existing buildings on site, to erect a part 4/part 3/part 2 storey block comprising 43 flats, lay out parking and landscaping and form two new vehicular accesses onto Salisbury Avenue. The reserved matters application (ref. 08/00788/RESM) was approved on 23rd September 2008 and due to the demolition of the previous building on site this permission is extant.

Principle of the Development

The National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP4 and CP8; BLP policies C11 and H5.

4.2 Government policy is to encourage sustainable development able optimise the use of urban land. The proposed development would be constructed on a site previously occupied by several buildings and so is considered to be previously developed land. The principle of residential accommodation within this site is acceptable, particularly given the extant consent.

4.3 Local Planning Authorities should ensure that the proposed mix of housing on large strategic sites reflects the proportions of households that require market or affordable housing and achieves a mix of households as well as a mix of tenure and price. For smaller sites, the mix of housing should contribute to the creation of mixed communities having regard to the proportions of households that require market or affordable housing and the existing mix of housing in the locality.

4.4 A Strategic Market Housing Assessment for Thames Gateway South Essex was completed in September 2008. An update was published in 2010. The Thames Gateway South Essex Group (sub-region) consists of 5 local authorities being Basildon, Castle Point, Rochford, Southend-on-Sea and Thurrock. The report assesses the housing market for the sub-region while also identifying local need. It is important to note that housing need identified in that report is relevant to both affordable and market housing. The report identifies that Southend has the largest proportion of 1 and 2-bed properties of the above five local authorities and the highest level of vacancy. Demand is strongest for three and four bedroom properties rather than one or two bed properties.

4.5 The proposed scheme would provide 12 two bedroom houses and 17 three bedroom houses which is a form of accommodation that the borough requires and therefore, acceptable in principle.
Design and Impact on the Character of the Area:

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

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

4.7 The NPPF states that:

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

4.8 The Design and Townscape Guide (SPD1) states that:

“The character of all immediate neighbours and the wider townscape should inform they layout, scale and design of any new development”

4.9 As part of the submission of an outline planning application the applicant has provided indicative information in relation to the development’s appearance, even though ‘scale’ have ‘appearance’ been reserved for future consideration.

4.10 The height of the proposed dwellings has referenced the adjoining properties and it is considered that the height proposed would be acceptable in principle.

4.11 The layout of the proposed scheme would include the provision of eight dwellings along Salisbury Road, each measuring 4.4m in width. The existing houses along Salisbury Road are semi-detached and terraced late Victorian two storey houses of a consistent width of around 5m. The proposed layout results in narrow properties that would not respect the urban grain of the area and would be to the detriment of the character and appearance of the area.

4.12 The layout of the proposed development results in three properties facing onto North Road. Each dwelling would have a width of 4.2m; whilst the adjoining properties have a width of around 4.8m. It is considered that the narrower properties would appear out of place within the streetscene and would be to the detriment of the character and appearance of the area.

4.13 Furthermore, whilst ‘appearance’ is reserved for future consideration it is considered that the narrow design of the will restrict the capability of the design of the dwelling to reference local character, such as bays, detailing and fenestration, to reference the adjoining properties which would further detract from the character and appearance of the area.
Traffic and Transport Issues

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

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

4.15 The Parking Standards are expressed as maximum standards and requires a maximum of 1.5 spaces per residential dwelling. Government guidance encourages the reduction in the reliance on the car and promoted methods of sustainable transport. The EPOA standards state where a site has good access to public transport a max requirement of 1 space per dwelling can be applied.

4.16 The proposed development would provide 29 houses, which would require the provision of 29 car parking spaces based on the above standards. The proposed development provides 33 car parking spaces allocated for the residential accommodation. This exceeds the requirements of Policy T11 and the EPOA vehicle parking standards and therefore no objection is raised in relation to residential car parking provision.

Impact on Residential Amenity:


4.17 The proposed eight houses facing onto Salisbury Avenue are in line with the established front building line and are not as deep as the adjoining residential dwellings. Therefore, it is not considered that these properties will have a detrimental impact on the amenity of the adjoining residents in terms of overshadowing and domination. The proposed houses to the rear of these dwellings (Six in total) would be 8.8m from the northern boundary of the site and 12.3m from the southern boundary. It is considered that these separation distances are capable of mitigating against any undue impact upon the amenity of the adjoining residents in terms of overlooking. The twelve houses, located within the middle of the site, are located a minimum of 1.9m from the boundary of the site and the adjoining residential dwelling. However, the proposed dwellings are located in excess of 23m from the rear of no. 215 North Road (the adjoining site) and it is not considered that the development would have an undue impact on the amenity of the adjoining residents in relation to overlooking. The proposed dwellings facing onto North Road follow the front building line of no. 215 North Road and are therefore slightly set back from the building line no.20 North Road it is not considered that the proposed dwellings would be an unneighbourly form of development.

4.18 The windows in the front elevation of the properties overlook the highway or private road which is considered acceptable as it will not impinge on the privacy of existing residents.
4.19 The proposed back to back distance of the dwellings facing onto Salisbury Avenue and the dwellings to the rear is around 15.8m. However, due to the raised garden adequate boundary treatments would afford some privacy and on balance, given this relationship is within the development itself and not with existing properties is acceptable.

4.20 The proposed raised garden would be 2.8m above ground level. It is then proposed to have a 1.8m fence to the boundary of the garden; which would have a total height of 4.6m. The proposed raised garden would be located around 9m from the northern boundary of the site, this distance is considered capable of mitigating against any undue impact upon the amenity of the residents of this dwelling in relation to overshadowing and domination. The proposed raised garden is 2m from the southern boundary of the site. It is considered that a 4.6m high development of this depth would result in an unneighbourly form of development, through a sense of enclosure and overshadowing, to the detriment of the amenity of the adjoining residents.

4.21 The proposed dwellings in the middle of the site would provide a separation distance to the dwellings to the east of between 8.1m and 11.3m. The Council usually would seek a separation distance at first floor of between 10m and 12m. Seven of the proposed twelve dwellings do not provide a distance capable of mitigating against overlooking and it is considered that the proposed development would have a detrimental impact upon the amenity of the adjoining residents in relation to overlooking, due to their proximity with the existing properties.

4.22 The proposed dwellings facing onto North Road provide a separation distance in excess of 14m, to the rear boundary, which is considered sufficient to mitigate against overlooking.

Sustainable Construction:

The NPPF; DPD1 (Core Strategy) policies KP2, CP4 and CP8.

4.23 Policy KP2 of the Core Strategy states; “All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources” and that “at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)”.  

4.24 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design in this instance, given that the application is in outline, it is considered reasonable and appropriate to impose a condition on any approval requiring details of renewable options (and/or decentralised renewable or low carbon energy sources) to meet 10% of the developments energy needs to be submitted with reserved matters in accordance with Policy KP2 and Government guidance.
Developer Contributions:

The NPPF; DPD1 (Core Strategy) policies CP4 and CP8; BLP policies C11, H5, H7 and H10 and the Design and Townscape Guide (2009).

4.25 Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 and under regulation 122 planning obligations must meet the following statutory tests

a) necessary to make the development acceptable in planning terms; and
b) directly related to the development; and
c) fairly and reasonably related in scale and kind to the development.

4.26 SPD2 adheres to the fundamental principle that planning obligations may not be bought or sold and that planning obligations must only be sought to make acceptable development which would otherwise be unacceptable in planning terms.

4.27 It should be noted that Policy CP8 of the Core Strategy states that:

“all residential proposals of 10-49 dwellings or 0.3 hectares up to 1.99 hectares makes an affordable housing or key worker provision of not less than 20% of the total number of units on site”

4.28 The NPPF encourages the provision of a wide choice of high quality homes as well as widening the opportunities for home ownership and the creation of sustainable, inclusive and mixed communities. The Local Planning Authority (LPA) is required to do this through the provision of affordable housing.

4.29 The proposed development would provide 29 houses and would therefore need to provide six affordable housing units in accordance with the above policy.

4.30 The site falls within the catchment area of Westborough Primary School which is at capacity, as are the neighbouring schools. Whilst the Secondary catchment is Chase High which currently has some available spaces. However, the Council’s longterm forecast shows that there will be a shortfall in secondary spaces. It is considered that a contribution would be required in relation to Primary and Secondary. The figures are £61,229.84 and £87,696.35 respectively totalling a contribution of £148,926.20.

4.31 Whilst it is accepted Public Art is not mentioned specifically within the national planning documents, there is an emphasis on achieving design quality within the built environment, and it is considered that the provision of public art is a key factor in achieving this. It should be noted that Southend Borough Council is committed to the promotion and encouragement of public art. The Design and Townscape Guide states that:

“Developers of key sites will be required to include an element of public art as part of their development or make a contribution to a central public art fund.”
4.32 At the time of the previous application a contribution towards upgrading and maintaining children’s play facilities, of £20,000, was requested due to the short fall in on-site amenity space. The current scheme is considered to provide private amenity space for each dwelling that meets the needs of the future occupants and it is not considered that the contribution would meet the tests set out above, paragraph 4.25.

4.33 The applicant has stated that due to the viability of the scheme that an affordable housing contribution could not be provided on site. The applicant has offered a single payment of £40,000 towards education and appointing an artist to design and install a form of decorative sculptural brickwork to flank elevations along the vehicular and pedestrian access routes.

4.34 A full viability assessment is required if the applicants position is that the S.106 requirements cannot be met due to the viability of the scheme. In this instance, the cost/profit breakdown that has been provided is considered deficient in a number of the areas including supporting reports for site abnormalities, QS cost assessment, detailed valuation reports (include tenures, easements, description etc.), viability appraisal including cash flow and market evidence in relation to estimation of sale/rental values, market evidence in support of sales/rental values and the values assessed for affordable housing. As well as the value of the proposed public art.

4.35 A further letter has been received from the applicant that states he considered that the latest application is an improvement to the extant permission and that the offer is a realistic offer. However, it also confirms that the applicant is not willing to provide the level of information provided to do a full viability appraisal. Therefore, it is considered that the application should be refused on the grounds of lack of S.106 contribution on the basis it has not been demonstrated why the site cannot support a policy compliant scheme.

Other Matters

4.36 The site was previously used as a laundry, which has the potential to cause contamination. No information has been submitted by the applicant however, it is considered reasonable to impose a condition in relation to decontamination of the site is the event of an approval.

5 Conclusion

5.1 The proposes layout of the proposed development results in an incongruous feature in the streetscene that would have a detrimental impact on the character and appearance of the area as well as resulting in overlooking to the adjoining properties in North Road. Furthermore, the proposed development has not sufficiently demonstrated through a viability assessment that a policy compliant scheme with respect to planning obligations can be achieved.
6 Planning Policy Summary

6.1 National Planning Policy Framework.

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


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

6.6 EPOA adopted Vehicle Parking Standards.

7 Representation Summary

Highway Authority

7.1 On for one parking has been provided as is acceptable in highway terms access for refuse vehicles and emergency vehicles has been accommodated, any works to the highway will require a section 278 agreement. Should the developer wish for the spine road to be adopted this will require a section 38 agreement.

Design and Regeneration

7.2 Salisbury Road and North Road are typical of the residential streets found in this part of Southend. They contain modest semi-detached and terraced late Victorian/Edwardian two storey houses of a consistent scale and set on a consistent building line. The regular rhythm of fenestration including single storey bays, prominent chimneys and front doors are key features within the streetscene.

The existing site is currently vacant and creates a large gap in the frontage which is detrimental to the character and enclosure of the street. In principle the proposal to build family houses, arranged in four terraces of varying lengths including restoring the frontages onto Salisbury and North Roads would seem to be appropriate in this location.

The ridge, eaves and building lines align with the existing houses in Salisbury Avenue and North Road and this is considered to be the correct approach. In the centre of the site two new frontages have been created forming a new cul de sac. This seems to be a simple and logical approach and it is suggested that this new street would lend itself to be detailed as a homezone / play street.
The plot widths are noticeably narrower than others in the vicinity but the regular rhythm of the fenestration and other elements on the frontage will reflect a key local characteristic of a repetitive uniform character of the area. Unlike the existing houses, the design if the front elevation is very simple and does not include a bay window so it will rely on good quality detailing and fenestration to ensure that it does not lack interest and articulation. The plans appear to show projecting brick banding under the eaves, party wall divisions with brick corbels, decorative brickwork to the door frame and window surrounds and these items will be important to ensure that the design of the proposal makes a positive contribution to local character.

In the centre of the site the roof design changes from side to side gables to front to back gables and this will add further interest to the scheme whilst maintaining a cohesive character for the development as a whole.

The parking arrangement for the western two terraces is an unusual undercroft arrangement accessed from the new road to the north of the terrace. This means that the private amenity area for these houses is elevated to first floor level above the parking spaces. This would seem feasible and useable providing it is well landscaped. Car parking to the innermost terrace is on the frontage and given the narrow plots there is concern that this may prove to be rather dominant in the streetscene and a good landscaping scheme will be required to mitigate this impact. As mentioned above this proposal would seem to lend itself to a homezone style approach and this needs to be reflected in the landscaping. The three houses that front onto North road appear to have no parking although it is noted that there are 2 spaces in the centre of the site which are unallocated and which can be accessed by a footpath from North Road.

No flank elevations have been provided showing the view from the access road. Looking at the plans and sections it seems that there would be no windows in this elevation and that the screen for the northern most amenity areas would rise almost to second floor eaves level. There is some concern that this may create a rather hostile cannon style environment for pedestrians accessing the houses within the centre of the development. It is noted that the design and access statement comments that an artist will be appointed to design a form of decorative brickwork to enliven these elevations (a S106 public art contribution) and this is welcomed but it this will not improve natural surveillance or reduce the scale of the walls in this location. It will also be important to ensure that there is good visibility for cars exiting the parking area. This access should be well landscaped and lit although space appears to be tight. Further details of this elevation and layout should be requested.

Internally there is some concern that the living areas of the units are undersized for 3 bedroom family houses. The kitchen areas seem rather constrained for the appliances and storage required for a family house and the seating and dining areas appear minimal. The houses with a third bedroom seem to have no extra living area or amenity space than those with two bedrooms. It would be helpful to have sizes for the floor and amenity areas.
Sustainability
This proposal will be required to supply 10% of energy needs from on site renewables. The scheme proposes pv panels on the roof and these would seem acceptable in principle. It is important to ensure however that there is sufficient space for associated plant within the buildings.

Housing

7.3 Department for People could not find any reference to affordable housing within this planning application, in order to meet housing needs inline with the Borough’s Core Strategy DPD, we would require Affordable Housing to be included within this proposed development, In order to meet housing needs inline with the Southend Borough Council’s Core Strategy DPD, Department for People Six affordable housing units are therefore requested.

Environmental Health

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

Parks

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

Anglian Water

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

Essex and Suffolk Water

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

Environment Agency

7.8 Contaminated Land

The application form states that the site was previously used as a laundry, which has the potential to cause contamination. However, we consider that the water environment at this site is of low environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

The developer should address risks to the water environment from contamination at the site, following the requirements of the National Planning Policy Framework and our Guiding Principles for Land Contamination.
**Foul Water Disposal**

The application states the proposed method of foul water disposal to be ‘unknown’. The site is located in a publicly sewered area so the first presumption should be to connect to the mains. A private means of foul effluent disposal is only acceptable when foul mains drainage is unavailable.

Anglian Water Services should be consulted regarding the available capacity in the foul water infrastructure. If there is not sufficient capacity in the infrastructure then we must be consulted again with alternative methods of disposal.

**Sustainability**

Climate change is one of the biggest threats to the economy, environment and society. New development should therefore be designed with a view to improving resilience and adapting to the effects of climate change, particularly with regards to already stretched environmental resources and infrastructure such as water supply and treatment, water quality and waste disposal facilities. We also need to limit the contribution of new development to climate change and minimise the consumption of natural resources.

Opportunities should therefore be taken in the planning system, no matter the scale of the development, to contribute to tackling these problems. In particular we recommend the following issues are considered at the determination stage and incorporated into suitable planning conditions:

- **Overall sustainability**: a pre-assessment under the appropriate Code/BREEAM standard should be submitted with the application. We recommend that design Stage and Post-Construction certificates (issued by the Building Research Establishment or equivalent authorising body) are sought through planning conditions.
- **Resource efficiency**: a reduction in the use of resources (including water, energy, waste and materials) should be encouraged to a level which is sustainable in the long term. As well as helping the environment, Defra have advised that making simple changes resulting in the more efficient use of resources could save UK businesses around £23bn per year.
- **Net gains for nature**: opportunities should be taken to ensure the development is conserving and enhancing habitats to improve the biodiversity value of the immediate and surrounding area.
- **Sustainable energy use**: the development should be designed to minimise energy demand and have decentralised and renewable energy technologies (as appropriate) incorporated, while ensuring that adverse impacts are satisfactorily addressed.
Public Consultation

7.9 Neighbours notified and press and site notices posted. At the time of writing the report two neighbour responses had been received which raised the following comments and observations:

- Concerns in relation to parking.
- Concerns in relation to highways.
- Impact on neighbours foundations.
- Previous issues with the laundry.

8 Relevant Planning History

8.1 The site operated as a Laundry from before 1948, over the years a number of permissions have been granted for various alterations and extensions to the Laundry. The following are considered relevant to this application.

8.2 2007 – An outline application (07/00088/OUTM) to demolish the existing building, erect a part four storey, part three storey and part two storey block comprising 43 flats, lay out parking and landscaping and form two new vehicular accesses onto Salisbury Avenue was refused planning permission. A subsequent appeal against the Council’s decision to refuse the application was allowed. The buildings on site have been demolished and it is considered that the permission is extant.

9 Recommendation

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

1. The proposal, by reason of its layout, would result in narrow dwellings that when viewed from North Road and Salisbury Avenue would appear incongruous within the streetscene to the detriment of the character and appearance of the area contrary to Policies C11, H5 and H7 of the Borough Local Plan, Policies KP2 and CP4 of the Core Strategy and advice contained within the adopted Design and Townscape Guide (SPD1), and Government guidance contained within the NPPF.

2. The proposed development, by reason of its layout, would result in a loss of privacy for the occupiers of the existing dwellings along North Road, to the detriment of the residential amenities of those occupiers, contrary to Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance) of the Core Strategy, Policies C11 (New Buildings, Extensions & Alterations) and H5 (Residential Design & Layout Considerations) of the Borough Local Plan, the Design and Townscape Guide (SPD1) and the NPPF.
3. The proposed development, due to the height, depth and siting of the raised garden, would result in an unneighbourly form of development resulting in an unreasonable sense of enclosure, overshadowing and domination detrimental to the living conditions of the residents of 84 Salisbury Avenue contrary to Policies H5 and C11 of the Borough Local Plan, Policies KP2 and CP4 of the Core Strategy and advice contained within the Design & Townscape Guide and The NPPF.

4. In the absence of a suitable viability assessment and a signed legal agreement the development fails to make necessary contributions for affordable housing, public art or education, which would be required with respect to mitigating the wider impacts of the development on local infrastructure and the townscape. As such the proposal is considered contrary to Policy KP2, KP3 and CP8 of the Southend on Sea Core Strategy 2007 and guidance within SPD1: Design and Townscape Guide and the NPPF.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.
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<td>Address:</td>
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<tr>
<td>Applicant:</td>
<td>Mr R Horban</td>
</tr>
<tr>
<td>Agent:</td>
<td>Third Dimension Group Ltd.</td>
</tr>
<tr>
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<td>Expiry Date:</td>
<td>4 October 2013</td>
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<tr>
<td>Case Officer:</td>
<td>Matthew Leigh</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>REFUSE PLANNING PERMISSION.</td>
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![Map Diagram](image_url)
1 The Proposal

1.1 The application is outline in nature and with all matters reserved. The application proposed to demolish of the existing buildings and to redevelop the site with a four storey block of No. 9 flats and a commercial unit at ground floor. An indicative layout has been submitted for consideration.

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<tr>
<td>Height</td>
<td>4 storeys (Maximum height 11.9m)</td>
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<tr>
<td>No. of units</td>
<td>9 Flats (6no 2 bed and 3no 3 bed)</td>
</tr>
<tr>
<td>Parking</td>
<td>10 spaces (111%) Residential</td>
</tr>
<tr>
<td>Cycle parking</td>
<td>7 Spaces</td>
</tr>
<tr>
<td>Refuse storage</td>
<td>Separate residential and commercial bin stores at ground floor</td>
</tr>
<tr>
<td>Amenity space</td>
<td>None at ground floor level, some flats have balconies or terraces and shared amenity space at roof level.</td>
</tr>
<tr>
<td>Density</td>
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</tbody>
</table>

2 Site and Surroundings

2.1 The site is located on the northern side of London Road, west of its junction with Southbourne Grove. It is a regular shaped site with a frontage of 18m and a maximum depth of 35m.

2.2 The site currently contains two three storey buildings. The streetscene on this side of London consists of a mix of properties with a variety of uses at ground floor and predominately offices and residential accommodation at first floor. The southern side of this part of London Road is bounded by Chalkwell Park.

3 Planning Considerations

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

4 Appraisal

Background to the application

Principle of the Development

The National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP1, CP4 and CP8; BLP policies C11, H5 and H7.
4.1 The proposed development involves the demolition of the existing buildings and the comprehensive redevelopment of the site, through the construction of a four storey building comprising of a commercial unit at ground floor and residential accommodation at first, second and third floors.

4.2 The existing buildings are of no architectural merit and their demolition is not objected to.

Commercial

4.3 The existing use of the site is as tyre fitting at ground floor and office above. The site has been vacant for over twelve months.

4.4 The application proposes one commercial unit at ground floor. The Borough Local Plan and Core Strategy policies seek to protect existing employment generating uses. Policy CP1 of the Core Strategy states ‘Industrial and distribution uses will be supported on existing and identified industrial/employment sites, where this would increase employment densities and/or reinforce their role in regeneration.” Policy E4 of the Borough Local Plan states that permission will not be granted for proposals involving the loss of industrial warehousing or other business uses on land identified for such uses.

4.5 In paragraph 17 of the NPPF a set of twelve core principles that underpin the operation of the planning spatial planning system are set out and these include the requirement to “proactively drive and support sustainable economic development”.

4.6 Whilst more specifically paragraphs 19 and 20 of the NPPF states:

“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

“To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.”

4.7 The provision of one B1 unit of the proposed size and scale would result in a net loss of employment land. However, the site currently provides a relatively poor standard of employment space. An Employment Land Review within the borough was completed in May 2010. The report has identified categories of employment areas to be retained in order to provide additional jobs within the borough. The application site was not identified as part of this review. In this instance redevelopment of the site in a similar manner to the adjacent site to the west would provide further renewal in this area of London Road. A well-planned re-development, which included the provision of modern and usable employment space is considered to satisfy Policy CP1.
Residential Use

4.8 Government guidance seeks to optimise the use of urban land. The proposed development would be constructed on a site currently occupied by several buildings and so is previously developed land. The principle of residential accommodation within this site is considered appropriate; particularly given the adjacent site has planning permission for a similar proposal.

4.9 Moreover, the proposed development would be located along London Road which provides easy access to the local facilities and public transport and is therefore, considered to be a good location for this type of development.

4.10 The principle of the proposed redevelopment is therefore considered acceptable. Other, material considerations are discussed below.

Design and Impact on the Character of the Area:

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5 and H7 and the Design and Townscape Guide.

4.11 It should be noted that good design is fundamentally important to new development and this is reflected in the NPPF 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.

4.12 The NPPF states that:

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

4.13 The Design and Townscape Guide (SPD1) states that:

“The character of all immediate neighbours and the wider townscape should inform they layout, scale and design of any new development”

“The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant… the easiest option is to draw reference from the surrounding buildings.”

4.14 The applicant has submitted an indicative floor plan and elevation of four storeys with a height of 12m. The third floor is set back from the proposed front elevation of the building. It should also be noted that visual cues of the adjoining properties have been repeated within the indicative elevations and it is not considered that the development would appear out of scale or proportion with this part of London Road. It should also be noted that the indicative design heavily referenced a recently approved outline application at 845 - 849 London Road (13/00061/EXTM).
4.15 The indicative plans show that the car parking would be accessed through undercroft access. The Council’s Design and Townscape Guide (Supplementary Planning Document One) states in paragraph 3.1.5.2 in relation to Undercroft parking:

“The entrance must not appear over dominant in the elevations and include sufficient visibility for users“

4.16 Whilst it is accepted that the plans submitted are indicative the width of the proposed building would mean there would be no alternative, but to provide an undercroft access to parking to the rear. The access would be gated and this proposal is considered acceptable in terms of visual impact on the streetscene particularly when taking into account the design of the buildings on site and the previously approved schemes.

Traffic and Transport Issues

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

4.17 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officer Association (EPOA) set out the requirements for each use. Access would remain through an undercroft access way.

4.18 The Parking Standards are expressed as maximum standards and requires a maximum of 1.5 spaces per residential dwelling. It is also noted that public transport is available in the locality with a bus stop in close proximity to the site along London Road. Government guidance encourages the reduction in the reliance on the car and promotes methods of sustainable transport. The EPOA standards state where a site has good access to public transport a maximum requirement of 1 space per dwelling can be applied.

4.19 The proposed development includes nine flats, which would require the provision of nine car parking spaces based on the above standards. The proposed development provides ten car parking spaces allocated for the residential accommodation. This exceeds the requirements of Policy T11 and the EPOA vehicle parking standards and therefore no objection is raised in relation to residential car parking provision.

4.20 The site’s location along London Road provides good access to public transport and local facilities. Whilst the site currently provides informal car parking provision to the front of the site, for four cars, no formal on-site car parking is provided for the existing properties. The floor area of the existing buildings is around 220m² which would require, on-site car parking provision of eight spaces and therefore currently has a shortfall of eight spaces. The proposed commercial unit has a floor area of around 104m² which would require the provision of four spaces and therefore the shortfall from the proposed development would be identical to that currently found on site. The proposed on-site parking provision is therefore, considered acceptable.
Impact on Residential Amenity:

The National Planning Policy Framework; BLP policies C11, H5 and H7 and the Design and Townscape Guide.

4.21 The development is four storeys with a maximum height of 11.9m. The development would be located in excess of 12m from the rear boundary of the adjoining dwellings and 25m from the dwellings to the rear. The indicative plans show the development being stepped in 2.9m at the fourth storey. If permission is granted an informative could be included that identifies that the fourth storey will need to be set back upon submission of the reserved matters.

4.22 The windows at first and second floor area indicatively shown as being 12m from the rear boundary of the residential properties to the north. This separation distance is considered sufficient to mitigate against any undue overlooking. The proposed third floor is indicatively shown as being 14m from the rear boundary of the site. It should also be noted that the indicative elevations provided would mean that the third floor windows would have restricted views down to the adjoining properties due to the set back. It is considered reasonable to impose a condition to prevent the use of the space in front of these windows as any type of amenity space to avoid overlooking of properties to the rear.

4.23 The development would accommodate car parking to the rear of the site. Whilst it is noted that this is in relatively close proximity to the rear boundary of the adjoining residents, the sites are separated by an alley.

4.24 The development is not considered to have an undue impact on the adjoining residents in relation to loss of light due to the extent of the separation between the development and the residential dwellings.

4.25 The proposed development would provide a commercial unit at ground floor. The applicant has indicated on the application forms that the unit is to be used for Class B1 purposes. This is considered acceptable as it would have a limited impact upon the amenity of the future occupiers.

4.26 The proposed development would provide balconies and private terraces for the flats. It should be noted that the indicative plans show that several balconies are of a small size. The proposed development has also proposed the provision of a shared roof garden of around 50m². However, it should be noted that the Council would seek to have the balustrade set back from the front of the building which would reduce the size of the proposed terrace.

4.27 One of the core planning principles of the NPPF is that the planning system should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

4.28 Whilst the Council’s Design and Townscape Guide states:
“Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development”.

4.29 A number of the proposed balconies are of a restricted nature that would not provide a useable amenity space. Furthermore, the development is made up of two and three bedroom flats which would provide family accommodation and it is not considered that the proposed roof terrace will overcome the shortfall in amenity space. It is not considered sufficient amenity space could be included within such a scheme. It is therefore, considered that the proposed amenity space will detract from the living conditions of future occupiers and as such represents overdevelopment of the site. This is contrary to Policy H7 of the Borough Local Plan and the Design and Townscape Guide, which requires proposals to provide adequate areas of amenity space.

4.30 The site is in close proximity to Chalkwell Park, which provides a range of facilities including a playground, playing fields and gardens. However, access to this park is along, and involves crossing, the busy A13 London Road which would restrict accessibility by younger children. This park does not therefore, override the need for adequate amenity space on site for resident use. This has previously been accepted at appeal on other site in close proximity to Chalkwell Park.

4.31 The indicative floor plans will result in restricted natural light to a number of the bedrooms to the flats to the rear of the development. It is considered that an informative should be included that indicates this would not be acceptable at the reserve matters stage, and will therefore require a revised layout of the flats to be provided.

Sustainable Construction:


4.32 Policy KP2 of the Core Strategy states:

“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide”.

4.33 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design in this instance, given that the application is in outline, a condition could be imposed on any approval requiring details of renewable options (and/or decentralised renewable or low carbon energy sources) to meet 10% of the developments energy needs to be submitted with reserved matters in accordance with Policy KP2 and Government guidance.
Other Matters:

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5 and H7, and Waste Management Guide.

4.34 The indicative plan has indicated that refuse store will be included within the main building at ground floor and it is considered reasonable to impose a condition that the refuse provision is in situ prior to the first use of the units.

4.35 The indicative plan has indicated that cycle provision can be provided to the rear of the building. Whilst no details have been submitted in relation to design it is considered in principle that the site can accommodate the required level of refuse and cycle storage and therefore no objection is raised. A condition could be imposed requiring the provision of cycle store capable of providing nine spaces prior to occupation of the flats.

5 Conclusion

5.1 Whilst the application for a mixed use development is acceptable in principle it is considered that there is insufficient amenity space for the future occupiers of the proposed development and is therefore, contrary to government guidance contained within the NPPF and local planning policy within the Development Plan.

6 Planning Policy Summary

6.1 National Planning Policy Framework.

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


6.4 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-contained Flats), T8 (Highway Safety) and T11 (Parking Standards).

6.5 EPOA adopted Vehicle Parking Standards.

7 Representation Summary

Highway Authority

7.1 There are no highway objections to this proposal parking has been provided in accordance with guidance the site benefits from being in a sustainable location with regard to public transport.
Parks And Open Spaces

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

Design and Regeneration

7.3 The proposal seeks outline permission to build a block of 9 flats along London Road opposite Chalkwell Park. The site is adjacent to another development site which was granted outline permission a few years ago for a block of a similar height and form. The same architect has been used and has chosen to replicate the design of the outline permission albeit on a smaller scale. This seems a logical approach in theory however it should be noted that the adjacent permission is also only outline and a recent application has been submitted for a very different elevational treatment so there are no guarantees that this design will go forward. It therefore is useful as a broad reference only and the possibility that this building will be brought forward in isolation must be considered.

As with the neighbouring outline permission the development provides access to the roof terrace and the amenity area, however, this upper storey and the balustrade in particular will be visible from across the road and within the park and will increase the scale of the building. It is noted that the building is much narrower than the adjacent site and it is considered that this will impact on the proportions of the building. It is therefore suggested that this element be amended so that the amenity area runs east to west and is set well back from the southern boundary. This should reduce the public impact of the upper floor and reduce the perceived height of the building to 4 floors only from most viewpoints.

It is important that buildings of this scale are well articulated with features such as projections, balconies and interesting fenestration. In this case the indicative elevational treatment also matches that of the adjacent outline permission and is characterised by the modern feature gables on the frontage. These are considered to work well as they help to break up the scale of the building into proportions which relate to the wider grain of the London Road and will reduce the perceived bulk of the development. The detailing of the windows and balconies and the materials will be an important consideration in due course. The 4th floor is set back around 2m from the frontage and this will help to reduce the scale of the development in the streetscene and considered appropriate. Its design seems overly simplistic and this is something that needs to be developed in the reserved matters application. This should be lightweight and transparent but still have a positive relationship with lower floors.

At ground level it is pleasing to see a sizeable retail unit and this should help to ensure that there is an active frontage to London Road which is a vibrant mixed use area. It is important, however, to ensure that the adjacent vehicular access does not become the dominant feature. The plans show a custom designed gate to screen the entrance which matches the detailing to the balconies above and this is considered to work well in this regard.
It is regrettable that the entrance to the residential units is located behind this gate as this means that it will not have a presence on the street and is contrary to advice contained in the Design and Townscape Guide.

Internally, aside from the concern regarding the location of the entrance, the flats seem of a good size. It is pleasing to see that they each have a private balcony although the balcony to flat 2 appears to be unusable in the most part and should be reconsidered. It is also noted that there does not appear to be any cycle storage with the scheme but it may be possible to convert the commercial lobby into a cycle store as this seems unnecessary as it provides access from the parking area which is almost all allocated to the residential units.

Sustainability
The proposal will be required to comply with Core Strategy KP2 which requires that at least 10% of energy needs be supplied from renewables sources. No information has been provided on this. It is imperative that this requirement is considered early in the next stage of design development to ensure that it is fully integrated into the scheme.

Public Consultation
7.4 At the time of writing the report one neighbour response had been received which was in favour of the development.

7.5 The application was called into the Development Control Committee by Cllr Longley.

8 Relevant Planning History
8.1 No relevant planning history.

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

01. It is not considered provision for an adequate private amenity can be provided to serve the development, to the detriment of the residential amenities of any future occupiers of the proposed development contrary to Policies C11, H5 and H7 of the Borough Local Plan and KP2 and CP4 of the Core Strategy and SPD1 (Design and Townscape Guide) advice contained within the adopted Design and Townscape Guide (SPD1) and government guidance contained with Planning Policy Statement 1: Delivering Sustainable Development (PPS1) and the NPPF.
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.
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<td>Southend Borough Council</td>
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<tr>
<td>Agent:</td>
<td>T C Matthew Chartered Architect</td>
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<td>Matthew Leigh</td>
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1 **The Proposal**

1.1 The proposed development involves the change of use of an existing residential dwelling (Class C3) to a social care facility (Class D1). The use would provide accommodation for the Continuing Care 16+ Team. The Continuing Care 16+ Team is responsible for the care of those young people, who have been removed permanently from their families.

1.2 The development would also involve the demolition of the single storey rear extension and the construction of a new single storey rear extension which would measure 7.3m wide, 7.6m deep and with a maximum height of 4m. The extension would provide accommodation for the Marigold Family Resource Centre which would undertake a number of parenting assessments.

1.3 The development would also include the provision of two car parking spaces that would be accessed through the Civic Centre car park.

2 **Site and Surroundings**

2.1 The site is located on the eastern side of Crowborough Road at its junction with Cararvon Road. It is occupied by a two storey detached dwelling.

2.2 The character of this part of Crowborough Road is residential in nature and is made up of detached, semi-detached and terraced houses. The character of Carnarvon Road is diverse with residential dwellings to the north, whilst municipal buildings (the Civic Centre and the vacant SEEC building) to the south.

3 **Planning Considerations**

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

4 **Appraisal**

**Background to the application**

4.1 The Continuing Care 16+ Team were previously based at Queensway. Many of these young people that this section deal with have recently moved out of foster care and in on their own. Furthermore, they often have no family support and few friends and find living alone very frightening and lonely. Queensway was used by many of these young people for additional support and would spend some of the day, talking with other young people; cooking a lunch and interacting with staff as they would have done with a more traditional support network.
4.2 The Queensway offices have since closed, as the building is in the process of being demolished, and the section has temporarily moved into the FOCUS building. This was always seen as a temporary measure as the facilities available are not considered to be fit for purpose. The FOCUS building is shared with the youth club and other services for young people. There is no place where the young people to use exclusively and there have been a number of incidents involving other young people using the youth centre which has resulted in some of the users of the Continuing Care 16+ Team not feeling comfortable visiting the section and therefore, not being able to access the family type support that they require.

4.3 The current application proposes to use 2 Crowborough Road as a statutory social work base for the team of 8 social workers and would be set up as a homely base for the young people to spend quiet time and to be able to gain access time with their social workers in a parenting and professional way.

Principle of the Development

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

4.4 The site is currently vacant but has recently been used as a residential dwelling. The proposed development would change the use of the site to a social care facility and would therefore, result in the loss of a residential unit.

4.5 Policy CP8 if the Core Strategy resists development proposals that involves the loss of existing dwellings due to the limited land resources in the borough and the need to safeguard an adequate stock of single family dwellings.

4.6 Policy H4 of the Borough Local Plan states that except in special circumstances an application for the loss of a residential unit will be refused. Consideration will only be given to a relaxation of this stance where the proposal meets the following criteria:

1. No separate access to the residential part of the premises exists or can readily be provided, and the living accommodation can, therefore, only be occupied by the business tenant; or

2. the access to the living accommodation is clearly unsatisfactory, for example through rear yards and alleyways; or

3. the premises have been neglected for many years and the likelihood of their return to residential use is remote without excessive expenditure; or

4. the premises are required for:

   a office purposes and are located within a Secondary Office Frontage (see Policy E3), or
b visitor accommodation and are located within the Central Seafront Area or a Visitor Accommodation Area (see Policies L6 and L8); or

5. no suitable premises in non-residential use exist in reasonably close proximity, and

a the premises are required for a community use which meets an identified local need and the provisions of Policies U6, U8, U9 or U10; or

b the premises are required for visitor accommodation outside the Central Seafront Area and Visitor Accommodation Areas and the provisions of Policies L6 and L8 are achieved; or

c the premises are required for an employment generating use. This relaxation will normally only apply to proposals affecting premises located above a Primary Shopping Frontage as defined on the Proposals Map.

4.7 With reference to point 1, this is not relevant to this site as it was not previously mixed use. The access to the property is acceptable having its entrance facing the street. The proposal therefore conflicts with point 2. The premises requires some modernisation but is not in a state of neglect and therefore the development is contrary to point 3 of the policy. The site is within an area not specifically allocated within the local plan as listed in point 4 of the policy and therefore is not in accordance with this point of Policy H4. Point 5(a) refers to the premises being required for a community use where there is no other suitable premises in non-residential use existing in reasonably close proximity. It is not considered that there no other facilities available and no evidence has been provided to demonstrate that there is no other suitable facility available. Points 5(b) and 5(c) are not relevant to this case. It is therefore considered that the development is contrary to policy H4.

4.8 The LPA is sympathetic to the needs of the users of this service, which deals with vulnerable young people and families, and would seek to support such services within the borough. However, this is also balanced against the requirement of providing the necessary number of residential dwellings within the borough. Whilst there are concerns with the loss of the residential dwelling, this has to be balanced against the facilities that the development will provide for the vulnerable members of the Borough. It is considered, on balance, that the provision of a temporary consent of eighteen months would be acceptable as it would provide a temporary solution whilst providing the service with the opportunity to investigate a more appropriate long-term solution.
Design and Impact on the Character of the Area:

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

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

4.10 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

4.11 The NPPF states that:

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

4.12 The Design and Townscape Guide (SPD1) states that:

“The character of all immediate neighbours and the wider townscape should inform they layout, scale and design of any new development”

“The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant… the easiest option is to draw reference from the surrounding buildings.”

4.13 The proposed extension is single storey with a pitched roof. Whilst the extension is relatively deep it is of a subservient nature which integrates satisfactorily with the existing building. The extension has limited views available from public vistas and it is not considered that the design of the extension would have a detrimental impact on the character and appearance of the area.

Traffic and Transport Issues

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

4.14 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officer Association (EPOA) set out the requirements for each use.
4.15 The proposed development would provide an office area of around 70m$^2$ which would require, on-site car parking provision of three spaces. The site currently provides hard standing to the front of the dwelling that can accommodate one car parking space. Furthermore, the development also involves the provision of hard standing to the rear of the dwelling which can accommodate two further car parking spaces and therefore, it is not considered that the proposed development will have a detrimental impact on vehicular safety or highway safety.

**Impact on Residential Amenity:**

The National Planning Policy Framework; BLP policies C11, E5 and the Design and Townscape Guide.

4.16 The proposed development would provide a non-residential use in close proximity to residential dwellings. Noise and disturbance generated by such a use can generally be absorbed when ambient noise levels are high, however they can be very apparent in quieter areas, such as where residential development is in close proximity and during quieter periods such as evenings and Sundays. It is considered reasonable that the surrounding residents should be able to expect some time during the week and weekend, when they can enjoy their properties in relative peace and quiet. The proposed development is on the boundary with adjoining residential properties.

4.17 It is proposed to have the building open from 9:00 to 17:30, Monday to Friday. It is considered that the proposed use, with the proposed opening hours, would not result in an undue impact upon the amenity of the adjoining residents. However, it is considered reasonable to impose a condition restricting the opening times of the site and restricting the use of the site.

4.18 The proposed extension would be 7.6m deep. However, the proposed extension would not extend out as far as existing two storey extension to the dwelling to the north, 4 Crowborough Road, and is set some 2m from the boundary. It is therefore, not considered that the proposed development would have a detrimental impact upon the amenity of the adjoining residents in terms of being unneighbourly and causing an unreasonable sense of enclosure.

5 **Conclusion**

5.1 Although the development provides a service to the community it would reduce the number of residential dwellings within the borough. It is therefore, considered that it would be appropriate to grant a temporary consent for the change of use of the building for a temporary period not exceeding 18 months which would allow sufficient time for a more appropriate site to be identified.

6 **Planning Policy Summary**

6.1 National Planning Policy Framework.
6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP4 (The Environment and Urban Renaissance) and CP8 (Dwelling Prevision).


6.5 EPOA adopted Vehicle Parking Standards.

7 Representation Summary

Design and Regeneration

7.1 The existing property is a detached, 2 storey residential dwelling with single storey garage to its northern boundary, two storey front bay windows, and steeply pitched roof. It is proposed to demolish the existing single storey rear extension, as existing a modest conservatory and utility room, and replace it with a deeper single storey extension with pitched roof to accommodate an assessment room. This would be a significant addition to the property and the plans indicate it would fail to achieve subservience with the parent building, being built to the same front building line and with the roof form failing to replicate the pitch of the existing roof, creating a long and relatively inactive frontage onto Great Eastern Avenue. It is noted that there would likely to limited visibility from the public realm however from a design perspective it would be desirable to see a stronger level of integration with and subservience to the parent building.

Highway Authority

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

Asset Management

7.3 This is a Council owned property. It has been empty for approximately 12 months when the last residents vacated. The Department for People are proposing to take over the property and use it as an assessment centre, given its town centre location, and closeness to the Civic Centre. The application deals with the alterations and change of use needed to make this possible.

Environmental Health

7.4 At the time of writing the report no response had been received.
Network Rail

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

Public Consultation

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

8 Relevant Planning History

8.1 At the time of writing the report no neighbour response had been received.

9 Recommendation

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

01 This permission shall be for a temporary period expiring in 18 months from the date of this permission by which date the use of the building, hereby approved, shall cease.

Reason: The proposal represents an unsatisfactory form of development, the long term retention of which would be detrimental to the housing supply within the borough, contrary to Policies KP2 and CP8; Policy H4 of the Southend-on-Sea Borough Local.

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 13090_P_010 Rev.2.

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

03 The application site shall be restricted to being used in association with Local Government Services only and shall not be used for any other use falling within Class D1 of the Town and Country Planning Use Classes Order 1987 (as amended).

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy E5 and U2.

04 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.
Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide).

05 3 car parking spaces shall be provided in accordance with plan no. 13090_P_010 Rev.2 prior to the first use of the development hereby approved and shall thereafter be permanently retained for the parking of private motor vehicles solely for the benefit of the employees and visitors to the site and for no other purpose unless otherwise agreed in writing by the local planning authority.

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

06 No service users shall be permitted to be on the premises outside of 9:00 hours to 18:00 hours Monday - Friday.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy E5 and U2.

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

PLEASE NOTE

01 You are advised that the development hereby approved is likely to require approval under Building Regulations. Our Building Control Service can be contacted on 01702 215004 or alternatively visit our website http://www.southend.gov.uk/info/200011/building_control for further information.
Reference: 13/01128/BC3

Ward: Milton

Proposal: Use part of highway from Victoria Plaza to junction of Clifftown Road/High Street as weekly market and occasional specialist markets

Address: Pedestrian Highway, High Street, Southend-on-Sea, Essex

Applicant: Southend Borough Council

Agent: Southend Borough Council

Consultation Expiry: 12 September 2013

Expiry Date: 30 September 2013

Case Officer: Sophie Glendinning

Plan Nos: Location Plan, Site Plans Market Stall Locations

Recommendation: GRANT PLANNING PERMISSION
1 The Proposal

1.1 Planning permission is sought to use the part of the highway as a weekly market together with occasional specialist markets.

1.2 The area of highway that the change of use applies to extends from Victoria Plaza at the northern end, to the intersection of the High Street with Clifftown Road at the southern end.

1.3 The proposed weekly market will be a general market, and will be held each Thursday. It is intended that the initial operating time will be 08:00 – 14:00. No details have been provided regarding the layout of stalls however the supporting information submitted states that the area can accommodate a maximum of 45 stalls with each stall allocated an area of 3m x 3m. The general layout will however be for stalls to be located either side of the High Street central walkway. The proposed market will be in addition to various other existing markets including a farmers market and craft market, French, Italian and Bavarian Markets.

1.4 Limited details have been provided with regard to the appearance of the stalls however these will in general consist of a metal frame with a canvas canopy.

2 Site and Surroundings

2.1 The market will be located within the High Street, extending from Victoria Plaza to Clifftown Road. The High Street is entirely pedestrianised at this point and is commercial in character. The High Street is a Primary Shopping Frontage as designated within the Borough Local Plan.

3 Planning Considerations

3.1 The main planning considerations are the principle of the development, design and impact on the streetscene, impact on residential amenity, highways and servicing issues.

Principle of the Development

National Planning Policy Framework;(Core Strategy) policies KP1, KP2, CP2, BLP policies S1 and S5 and the Design and Townscape Guide SPD1 (2009)

3.2 Policy S1 of the Borough Local Plan requires that any new shopping developments should be concentrated in the Borough’s existing shopping centres. The Core Strategy Policy CP2 also states that Southend town centre should remain the first preference for all forms of retail development and for other town centre uses attracting large numbers of people. Furthermore, Policy CP2 (Town Centre and Retail Development) states that town centre and retail development should be located within these centres, and should contribute to their vitality and viability. Whilst still only at consultation stage, the draft Southend Central Area Action Plan also seeks to encourage the provision of a street market within this location.
Paragraph 137 states that “the contributions markets make to the vitality and viability of a town centre is recognised in National Policy. An attractive market could help to diversify the Town Centre’s retail offer. It would encourage more visitors and trade and bring additional street activity and add to the general shopping experience the Town Centre has to offer”. It is considered that the proposed market would be in accordance with the above policies, and would contribute to the retail function, vitality and viability of the High Street, and as such is considered acceptable in principle.

**Design and Impact on the Streetscene**

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

3.3 Limited details have been provided with regard to the design and appearance of the stalls however these will be provided by the stall holder, and generally consist of ‘pop up’ stalls made of aluminium cast with reinforced grooved legs and integral awning or standard market stalls on various sized with reinforced steelwork and canopies. The proposed market stalls will be comparable to the existing markets within the High Street, and would be in keeping with the commercial character of the High Street. Pitch spaces will be restricted to a slot 3m x 3m as such the general layout and position of the stalls will be regularised. The proposed market stall would therefore not be detrimental to visual amenity.

**Impact on Residential Amenity**

**National Planning Policy Framework, East of England Plan Policies SS1, ENV7; DPD1 (Core Strategy) policies KP2 and CP4; BLP Policies C11, H5, E5**

3.4 Policy E5 of the Borough Local Plan requires that non-residential activities within or adjoining housing areas will be required to respect the character of the locality and not adversely affect residential amenity in terms of appearance, noise, odour, parking, traffic or other activity. Policy H5 of the Borough Local Plan requires all development within residential streets to be appropriate in its setting by respecting neighbouring development, existing residential amenities and the overall character of the locality.

3.5 The proposed market is located in the High Street which is commercial in character, and it is noted that various other markets currently take place which are comparable to the proposed market. Furthermore the market would operate between the hours of 08:00 – 14:00, which is outside of noise sensitive hours. Given the commercial character of the High Street, the proposed market would not result in any additional impact on residential amenity.
Highways and Parking Implications


3.6 This part of the High Street is a pedestrianised area which has a high volume of pedestrian traffic, and therefore it is important that pedestrian movement is not compromised. The stalls are laid out either side of the central pedestrian footpath and there would be a separation distance of approximately 5m between the stalls and the retail units extending along either side of the High Street. This would leave a central access for pedestrians, access to shops and access for emergency vehicles/fire escape.

3.7 Traders would access the stalls from the top end of the High Street via London Road where there is bollard controlled access, and that they would exit the High Street via the automated bollards at the junction of Clifftown Road and the High Street. The applicant has stated that the market stalls will be set up between 06:30 – 08:30 with all vehicles off the High Street by this time. The market will close at 14:00 with all vehicles to be off the pedestrianised highway by 3:30pm. A speed limit of 5mph is imposed within the High Street and vehicles will be escorted off the High Street.

3.8 There are several public car parks in the town centre which would provide parking for traders vehicles.

Waste

BLP Policy U2 (Pollution Control)

3.9 A waste management agreement will be put in place, and stall holders will sign up to this. This is the same agreement that the existing stall holders are bound to. In addition, visiting markets are provided with two 1100ml bins which are delivered and emptied daily. This is considered sufficient enough to satisfy the volume of waste likely to be generated. An informative will be added in relation to the disposal of waste water.

4 Planning Policy Summary

4.1 National Planning Policy Framework

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

4.3 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), T8 (Traffic Management and Highway Safety), U2 (Pollution Control), S8 (Improvements to Primary Shopping Frontages), S1 (New Shopping Developments).
5.1 There are no objections to the principle of this application which would see a regular market brought to the High Street. This is in general conformity with the approach set out by the SCAAP (DP2) which has sought to encourage the provision of a street market in this location and this would be welcomed to add to the vibrancy of the High Street. From a design perspective, limited information has been provided in regard to the market stalls or proposed stallholders (e.g. type of goods/products etc it is understood however that the stallholders are to provide their own stalls). The design and access statement notes that materials / colours will be monitored to ensure these are attractive however it is not clear how this will be enforced.

Highways and Transport

5.2 No objections

Environmental Health

5.3 The following conditions are recommended:

- Waste water from the stall to be disposed of in an authorised manner to the foul drainage system. No waste water to be discharge to the surface water grills/drains in the high street
- All general waste from the stalls to be appropriately contained while on site and subsequently removed and disposed of in an authorised manner

Asset Management

5.4 No comments received at time of writing this report

Waste Management

5.5 No comments received at time of writing this report

6.1 Site notice displayed – no representations received at the time of writing this report.

6.2 This application is being brought before the Development Control Committee as it is a Council application.
7 Relevant Planning History

7.1 None relevant

8 Recommendation

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

01 The development hereby permitted shall begin not later than three years from the date of this decision.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Site Plans: Market Stall Locations.
Reason: To ensure that the development is carried out in accordance with provisions of the Development Plan.

03. The proposed market hereby approved shall only operate between the hours of 08:00 – 14:00 on Thursdays. The market stalls and all associated waste and traffic shall be cleared from the highway no later than 15:30 on the same day.
Reason: To safeguard the character and amenities of the area, in accordance with Policy C11 of the Southend on Sea Borough Local Plan.

04. The proposed market hereby approved shall contain no more than 45 stalls with each stall occupying an area of no more than 3m x 3m.
Reason: To safeguard the character and amenities of the area, in accordance with Policy C11 of the Southend on Sea Borough Local Plan.

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

Any associated waste water must be removed from the site and disposed of in an acceptable manner. Please contact the Council’s Environmental Health Team for further information (Ph: 01702 215000)
<table>
<thead>
<tr>
<th>Reference:</th>
<th>13/01184/BC3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ward:</td>
<td>Victoria</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Erect Two Storey Dwelling, and Lay Out Parking and Garden Area on Land to the Rear of No.159 Bournemouth Park Road</td>
</tr>
<tr>
<td>Address:</td>
<td>159 Bournemouth Park Road, Southend-On-Sea, Essex, SS2 5JN</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mrs J. Lansley (Southend Borough Council)</td>
</tr>
<tr>
<td>Agent:</td>
<td>AK Design Partnership LLP</td>
</tr>
<tr>
<td>Consultation Expiry:</td>
<td>11.09.2013</td>
</tr>
<tr>
<td>Expiry Date:</td>
<td>11.10.2013</td>
</tr>
<tr>
<td>Case Officer:</td>
<td>Darragh Mc Adam</td>
</tr>
<tr>
<td>Plan No’s:</td>
<td>3257.15 Rev. P2, 3257.14 Rev. P3</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>DELEGATE to the Group Manager of Development Control and Building Control or Head of Planning &amp; Transport to GRANT PLANNING PERMISSION subject to the expiry of the publicity period</td>
</tr>
</tbody>
</table>
1 The Proposal

1.1 Planning permission is sought to erect a two storey dwelling fronting onto Byron Avenue, and lay out parking and garden space for the dwelling. The dwelling would have an overall depth of approximately 11.4m (8.6m at first floor level), width of 7m, and height of 7.3m. The dwelling would have a pitched roof with a cropped gable end to the eastern roofslope. Two parking spaces would be laid out on hardstanding to the north east of the site, and a private garden area would be laid out behind these spaces and to the side of the dwelling.

1.2 The proposed dwelling would have the following approximate dimensions/areas:

<table>
<thead>
<tr>
<th>Description</th>
<th>Area (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross internal floor area</td>
<td>110</td>
</tr>
<tr>
<td>No. of bedrooms</td>
<td>3</td>
</tr>
<tr>
<td>Bedroom 1 (m²)</td>
<td>13.6</td>
</tr>
<tr>
<td>Bedroom 2 (m²)</td>
<td>8.2</td>
</tr>
<tr>
<td>Bedroom 3 (m²)</td>
<td>13.2</td>
</tr>
<tr>
<td>Kitchen (m²)</td>
<td>12</td>
</tr>
<tr>
<td>Dining room (m²)</td>
<td>12.1</td>
</tr>
<tr>
<td>Lounge (m²)</td>
<td>15.6</td>
</tr>
<tr>
<td>Main bathroom (m²)</td>
<td>4.7</td>
</tr>
<tr>
<td>Cupboard Space (m²)</td>
<td>2.6</td>
</tr>
<tr>
<td>Front &amp; side amenity area (m²)</td>
<td>110</td>
</tr>
</tbody>
</table>

1.3 Materials to be used on the exterior elevations of the proposed dwelling would include ‘Hanson Autumn Glow’ red facing brickwork, ‘Marley Eternit’ smooth grey interlocking tiles, felted flat roof to rear over kitchen and porch canopy, ‘Tikkurlia RAL 7015’ grey upvc windows, ‘Birtley Lindisfame’ black front door, ‘Tikkurlia RAL 7015’ grey glazed upvc rear door, close boarded 1.8m high fencing to boundaries, tarmac to vehicle hardstanding areas, and ‘Marshalls Richmond’ natural paving stones to pathways.

1.4 The application is brought before the Committee as the Council is the applicant.

2 Site and Surroundings

2.1 The application site is located behind No. 159 Bournemouth Park Road and adjacent No. 30 Byron Avenue. At present it is an undeveloped portion of land, unoccupied, and grassed over. It was historically part of No. 159’s rear garden.
2.2 The site is located within a residential area. Dwellings on Byron Avenue are generally of terraced form. There is a general uniformity of setback, roof form and elevational treatment. Parking is unrestricted on Byron Avenue. Land levels on the site are flat.

3 Planning Considerations

3.1 The main issues for consideration are the principle of the development, design and relationship with adjacent development and the streetscene, impact on neighbours, living conditions for future occupiers, parking implications, and use of on-site renewables.

4 Appraisal

Principle of Development


4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD Policies KP2, CP1, CP4 and CP8. Paragraph 56 of the NPPF states; “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

4.2 Regarding infill development, the Design and Townscape Guide advises that the size of a site together with an analysis of local character and grain will determine whether sites are suitable for development. Where considered acceptable in principle, the key to successful integration of infill sites into the existing character is to draw strong references from the surrounding buildings such as maintaining the scale, materials, frontage lines and rooflines of the neighbouring properties which reinforce the rhythm and enclosure of the street.

4.3 It is considered the proposal is acceptable in principle subject to more detailed considerations of design.

Design

4.4 Policy C11 of the Borough Local Plan (BLP) states that new buildings and extensions or alterations to existing buildings should be designed to create a satisfactory relationship with their surroundings in respect of form, scale, massing, height, elevational design and materials. Policy H5 of the BLP requires all development within residential streets to be appropriate in its setting by respecting neighbouring development, existing residential amenities, and the overall character of the locality.

4.5 SPD1 sets out key considerations for infill development which include maintaining the scale, materials, frontage lines and rooflines of neighbouring properties and reinforcing the rhythm and enclosure of the street. It is stated that the Borough Council will restrict infill development where any of these matters are detrimentally affected. It is acknowledged in some cases that a site may be too small or narrow to accommodate a completely new dwelling and trying to squeeze a house onto the site would significantly compromise its design quality and be detrimental to neighbouring properties and local character. In such circumstances, unless an exceptional design solution can be achieved, infill development will be considered unacceptable.

4.6 The design is well resolved and site specific approach that has referenced neighbouring properties in terms of eaves height and roof form. The site lends itself to a more innovative approach being at the end of a terrace of housing, and having slightly different site dimensions than its neighbours. Whilst a full hipped roof has not been incorporated to the eastern roofslope, the cropped hip achieves an acceptable level of integration with neighbouring dwellings. A projecting hip over the front bay also ties in well with similar features on neighbouring dwellings. Whilst the building line would sit slightly forward from No. 30 Byron Avenue, the separation distance between the properties mitigates the difference. The dwelling would be well articulated and is considered to result in a positive addition to the streetscene. Overall the design and layout of the dwelling is considered acceptable and in accordance with policies C11 and H5 of the Borough Local Plan, and advice contained within SPD1.

4.7 The materials specified in paragraph 1.3 above are considered appropriate to the area and of adequate quality. Given the constrained nature of the site, it is considered appropriate to remove permitted development rights to prevent over development and the potential for adverse impacts to neighbouring properties.

**Impact on Neighbouring Properties**

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

4.8 Policy H5 of the BLP requires all development within residential streets to be appropriate in its setting by respecting neighbouring development, existing residential amenities, and the overall character of the locality.
4.9 It is not considered that the proposed dwelling would result in adverse overshadowing given the orientation of the site and separation distances to neighbouring properties to the north. In relation to overlooking, the rear windows at first floor level would overlook the rear end of neighbouring gardens, however such overlooking is characteristic of urban areas and is already possible between dwellings on Byron Avenue and Bournemouth Park Road. It can be conditioned that a window on the side (west) elevation be obscure glazed and non-opening, and as such there would be no overlooking of habitable room windows in neighbouring properties.

4.10 It is not considered the proposed dwelling would be overbearing to neighbouring properties. It would be well separated from dwellings to the north and east. In relation to the neighbouring dwelling to the west, there would be a separation distanced of 2m between the properties, and whilst the proposed dwelling would extend beyond the rear building line of the neighbouring property, it would only do so at ground level with a flat roof rear projection which is not considered excessive in height or depth.

**Living Conditions for Future Occupiers**

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

4.11 There are no internal space standards set out within the Core Strategy, however the NPPF and the Core Strategy set out aspirations with regards to quality of life and high quality residential environments. An Issues and Options Consultation Document has been prepared for a Development Management Development Plan Document. In this document minimum dwelling and room sizes are set out. For a flat capable of accommodating three persons a minimum gross internal floor area of 57m² is prescribed. The following is also prescribed:

- Storage cupboard with minimum floor area of 1.5m² for 3 person dwelling;
- Suitable space for provision of a washing machine, drying clothes & waste bins;
- Minimum floor areas for bedrooms to be no less than 7m² for a single bedroom, and 12m² for a double/twin bedroom;
- Suitable cycle storage with convenient access to the street frontage;
- Provision of non-recyclable waste storage facilities; and,
- Refuse stores to be located to limit nuisance caused by noise and smells and should be provided with a means of cleaning.
4.12 It should be noted however that only limited weight can be given to the Draft Development Plan Document standards as they have not been formally adopted. It is considered the proposed dwelling adheres to this guidance and would provide for a good standard of accommodation. All rooms would have openings to allow adequate outlook and natural light to penetrate the main living areas. Amenity space with a total area of approximately 110m² would be provided for which is considered adequate for a dwelling of this size. Rear/side Amenity space of approximately 140m² is available to No. 159 Bournemouth Park Road, which is considered acceptable.

Parking Implications


4.13 Policy T11 of the BLP states that Council will require the provision of off-street car parking spaces and permission will not normally be granted for any development which would be likely to give rise to additional demand for on-street parking, particularly in residential areas. The EPOA Vehicle Parking Standards state that a maximum of 1.5 spaces is appropriate for a dwelling in an urban location.

4.14 Two parking spaces would be provided which is considered acceptable and in accordance with policy and guidance.

Use of On Site Renewable Energy Resources

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

4.15 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from on site renewable resources, and also promotes the minimisation of consumption of resources. No information has been provided regarding renewable energy sources, however a condition could be added to address this requirement, and it is likely to be readily achievable by way of solar panels, for example, on the southern roofslope.

Conclusion

5.1 The proposed dwelling would not be out of character with or detrimental to the character of adjacent properties, and adequate living conditions would be provided for future occupants. An adequate level of parking would be provided.

Planning Policy Summary

6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP1 (Employment Generating Development), CP4 (Environment & Urban Renaissance), and CP8 (Dwelling Provision).

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


7 Representation Summary

Public Consultation

7.1 Eight neighbours notified of the application. A site notice was also displayed outside the site. No responses received at time of writing of report.

Design and Regeneration

7.2 To be reported.

Traffic and Highways

7.3 No objections.

Asset Management

7.4 No objection.

Housing

7.5 To be reported.

8 Relevant Planning History

8.1 No recent planning history.

9 Recommendation

Members are recommended to DELEGATE to the Group Manager of Development Control and Building Control or Head of Planning & Transport to GRANT PLANNING PERMISSION subject to the expiry of the publicity period:
1. The development hereby permitted shall begin not later than three years from the date of this decision.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 3257.15 Rev. P2, 3257.14 Rev. P3.

   Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

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

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

4. Materials to be used on the external elevations shall be confined to ‘Hanson Autumn Glow’ red facing brickwork, ‘Marley Eternit’ smooth grey interlocking tiles, felted flat roof to rear over kitchen and porch canopy, ‘Tikkurlia RAL 7015’ grey upvc windows, ‘Birtley Lindisfame’ black front door, ‘Tikkurlia RAL 7015’ grey glazed upvc rear door, close boarded 1.8m high fencing to boundaries, tarmac to vehicle hardstanding areas, and ‘Marshalls Richmond’ natural paving stones to pathways, unless otherwise agreed in writing with the Local Planning Authority.

   Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of this part of the Leigh Cliff Conservation Area. This is as set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C4 and C11, and SPD1 (Design and Townscape Guide).
The car parking space(s) shall be provided in accordance with plan no. PL101 3257.15 Rev. P2 prior to occupation of the dwelling hereby approved and shall thereafter be permanently retained for the parking of private motor vehicles solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the development and implemented in full prior to the first occupation of the dwelling house. This provision shall be made for the lifetime of the development.

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

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

Informative:

1. Any works that are required within the limits of the highway require the permission of the highway authority and must be carried out under supervision of that authority’s staff. The Applicant is therefore advised to contact the authority prior to the commencement of works.

2. If this application is for a new property/properties or for a conversion of an existing property, you will need to have the development officially street named and numbered. The street naming & numbering form is available on the Southend-on-Sea Borough Council’s website at www.southend.gov.uk. If you have further queries, please contact the street naming and numbering service (Highway and Traffic Management Services) on 01702 215003 or email: council@southend.gov.uk.
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<tr>
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<tr>
<td>Ward:</td>
<td>Milton</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Use shop (Class A1) as self-contained flat (Class C3) and alter front elevation (Part Retrospective)</td>
</tr>
<tr>
<td>Address:</td>
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<tr>
<td>Applicant:</td>
<td>Argent Developers Ltd</td>
</tr>
<tr>
<td>Agent:</td>
<td>DPA Ltd</td>
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<td>13 September 2013</td>
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<td>Case Officer:</td>
<td>Sophie Glendinning</td>
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<tr>
<td>Plan No’s:</td>
<td>102.001, 102.002, 102.200</td>
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<tr>
<td>Recommendation:</td>
<td>REFUSE PLANNING PERMISSION</td>
</tr>
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</table>
1 The Proposal

1.1 Planning permission is sought to change the use of a ground floor commercial unit to self-contained flat, and alter the front elevation. It is noted that the material alterations to the front elevation have already been carried out and as such the application is part retrospective.

1.2 The proposed flat would contain one bedroom and would have an open plan kitchen/living area and a bathroom and would have an internal floor area of 34.2m².

1.3 The proposed changes to the front elevation include a new ground floor front facade with a central entrance door and windows.

1.4 No parking spaces would be provided for the flats. There would also be no amenity space or space for bin storage or cycle storage.

2 Site and Surroundings

2.1 The application property contains a two storey semi-detached property located on the eastern side of Milton Road. This part of the ground floor of the property was previously in use as a retail unit with the remainder of the property at ground and first floor currently in use as three one bedroom flats. The attached property contains a dwelling. Immediately adjoining the property to the south is Milton Gate Mews which serves the development to the rear.

2.2 The surrounding area is of a mixed character although contains predominantly commercial uses. Opposite the site to the west a new residential development is currently being constructed.

3 Planning Considerations

3.1 The main considerations of this application are the principle of the change of use, design, impact on the amenities of neighbouring properties, living conditions for future occupiers, and parking implications.

4 Appraisal

Principle of Change of Use

4.1 Government advice currently states that all sites should be examined in order to determine their potential for redevelopment for residential purposes. It should also be noted that Government policy is to make the most efficient use of urban land. The proposed development would be within the curtilage of previously developed land, in accordance with guidance contained within the National Planning Policy Framework (NPPF). The remainder of the site is in residential use, and there is residential in the locality. Whilst this part of Milton Road also has a commercial character, the attached property is in residential use and the commercial character gradually diminishes towards this end of Milton Road. As such an additional residential unit in this location is considered acceptable, provided it meets all appropriate accommodation policies and Government guidance.

4.2 The site contains a retail units and as such the proposal would result in the loss of this commercial use. Retail is however not considered an employment use and the premises is not within a protected shopping frontage in the Borough Local Plan. As such there is no objection in principle to the loss of the retail use, provided all other materials considerations are addressed as set out below.

Design

Borough Local Plan Policy C11 and SPD1

4.3 The proposed alterations to the front consist of a new ground floor facade. This would be rendered to match the remainder of the building and would include a central white UPVC access door and windows which would be curved. There would be a monpitch roof over. Whilst the style of windows would not replicate that of the original windows, the proposed alterations result in a comparable appearance in terms of the location of the openings and the proportion of glazing to render.

Impact on Neighbouring Properties

Borough Local Plan Policy C11, H5 and SPD1

4.4 The proposed flat would be compatible with the attached property in terms of the use, and it is noted that the remainder of the property is in use as flats, and would therefore be likely to have less of an impact on the residential amenity of neighbouring properties than the existing retail use. The proposal is therefore considered to be in accordance with BLP Policy H5.

Living Conditions for Future Occupiers

4.5 There are no internal space standards set out within the Core Strategy, however the National Planning Policy Framework and the Council’s Core Strategy set out the Government’s aspirations with regards to quality of life and high quality residential environments. Furthermore, the Council’s emerging Development Management Plan Document sets out indicative residential space standards of 30m² and 45m² for self contained accommodation capable of accommodating 1 and 2 occupants respectively. The proposed flat would have an internal floor area of 34.2m². It is considered that this would be of a sufficient size based on single occupancy.

4.6 Regarding amenity space for flatted developments, SPD1 advises that developments which provide little or no private amenity space will only be acceptable in exceptional circumstances and will be required to justify their reasons. Usable balconies and terraces can provide valuable additional private amenity areas particularly on flatted schemes but should normally be provided in addition to a larger area of amenity space usually provided at ground level. No ground level amenity space is proposed in this development. However, it is considered that, given the constraints of the site and the proximity to areas of public space, and that the unit would provide only one bedroom and therefore would not be occupied by a family, the lack of amenity space is considered acceptable in this instance.

4.7 SPD1 requires that safe, secure, weatherproof and convenient cycle parking be provided as part of developments. It is also required that refuse and recycling areas be provided and that these should be integral to development, and also should be: accessible within reasonable carrying distance from the highway; not dominate the frontage, and to be well screened and ventilated. No provision has been made for cycle or bin storage. It is not considered that details of such provision could be requested by way of condition as there are concerns that any bin and cycle storage areas would be poorly accessible and screened, and would not be secure.

Traffic and Transportation Issues


4.8 EPOA (2001) Parking Standards advocate an average off-street parking provision of 1.5 spaces per dwelling as a maximum that should be provided, particularly in urban locations. Policy T11 of the Borough Local Plan requires the provision of adequate parking and servicing facilities for new development.
4.9 No car parking spaces are proposed for the flat. The surrounding area is subject to parking stress at particular times however it is noted that the parking demand for the for a one bedroom flat would be comparable to the existing lawful A1 use. Furthermore the site is within a sustainable location being within walking distance to the town centre and public transport links. As such it is considered that the absence of on-site parking is acceptable in this location given the sustainable location and limited level of accommodation proposed.

5 Planning Policy Summary


5.3 Southend-on-Sea Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), H7 (The Formation of Self-Contained Flats), T8 (Traffic Management & Highway Safety), and T11 (Parking Standards).


6 Representation Summary

Public Consultation

6.1 Eight neighbours notified of the application and a site notice displayed – no representations received.

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

Traffic and Highways

6.3 The application site is within a sustainable location being close to residential amenities, the town centre and public transport links. Particularly In the absence of any car parking the proposed dwelling should however provide cycle storage.

Design and Regeneration

6.4 There appears to be very little impact on the front elevation. The only issue would be the precedent that this may set for the rest of the commercial parade.

Environmental Health

6.5 No comments received at the time of writing this report
7 Relevant Planning History

7.1 None relevant

8 Recommendation

REFUSE PLANNING PERMISSION for the following reasons:

01 The proposed development would constitute a poor quality residential environment due to lack of bin and cycle storage. This would be contrary to Policies KP2 and CP4 of the Core Strategy, Policies C11 and H5 of the Borough Local Plan, guidance contained within the Design & Townscape Guide SPD1 and Government guidance contained within the National Planning Policy Framework.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

INFORMATIVE:

The Council is aware that a new shopfront has been installed at the site for which planning permission has not been granted. You are advised to seek retrospective planning permission for this and are reminded of the Borough Council’s power to take legal action against unpermitted development.
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<thead>
<tr>
<th>Reference:</th>
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<tbody>
<tr>
<td>Ward:</td>
<td>Milton</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Convert office space into three self-contained flats, layout refuse and cycle storage</td>
</tr>
<tr>
<td>Address:</td>
<td>20 Weston Road, Southend-on-Sea, SS1 1AS</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr J. Twitchen</td>
</tr>
<tr>
<td>Agent:</td>
<td>Pryor Project Management</td>
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<tr>
<td>Consultation Expiry:</td>
<td>31.07.13</td>
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<td>Expiry Date:</td>
<td>05.08.13</td>
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<td>Case Officer:</td>
<td>Louise Cook</td>
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<tr>
<td>Plan Nos:</td>
<td>20WRSOS/01a and 02a</td>
</tr>
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<td>Recommendation:</td>
<td>GRANT PLANNING PERMISSION</td>
</tr>
</tbody>
</table>
This application was deferred by Members from the August Development Control Committee for Officers to go back to the applicant to gain further information regarding the marketing of the property.

1 The Proposal

1.1 Planning permission is sought to change the use of the building which has a lawful use as office space into three self-contained flats. Each flat has one-bedroom.

1.2 The following external alterations are proposed to the existing building:

- Demolition of part of an existing single storey rear projection.
- Access ramp at rear with formation of cycle store
- Formation of bin store to ground floor
- Layout basement bin store under existing ground floor staircase to front.

1.3 There is no off-street parking at present or proposed.

2 Site and Surroundings

2.1 The application site is located on the northern side of Weston Road within close proximity to its junction with Clarence Road.

2.2 The site is located within a secondary office frontage within Southend Town Centre. The site is located within close proximity of Southend High Street.

2.3 The area is predominantly characterised by office uses and some residential properties.

3 Planning Considerations

3.1 The main planning considerations for this application are principle of development, design, visual impact in the streetscene, standard of accommodation for future occupiers, potential impact on neighbouring occupiers and traffic and highway issues.

4 Appraisal

Principle of Development

National Planning Policy Framework, Core Strategy Policies KP2, CP1 and CP4 and Borough Local Plan Policies E3, E4 and H7.

4.1 The application seeks permission to change the use of the building from an office use to three self-contained flats. The offices are currently vacant.
4.2 Policy E3 of the Borough Local Plan relates to Secondary Offices and acknowledges that there are many small companies and local professional services which are an important source of local employment and therefore, the establishment of office suites is encouraged in areas designated as such.

4. Whilst currently vacant, the existing use in the past would have provided employment and as such the application is assessed in accordance with the current policies in relation to employment including Policy CP1 of the Core Strategy and Policy E4 of the Borough Local Plan.

4. Policy CP1 of the Core Strategy seeks to resist planning permission for proposals which would involve the loss of existing employment land unless it will contribute significantly to the objective of regeneration of the economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.

4. Policy E4 of the Borough Local Plan states that:

“Permission will not be granted for proposals involving the loss of industrial, warehousing or other business uses on land identified for such uses on the Proposals Map. Elsewhere permission will only be granted where this would bring clear benefits to the town in terms of jobs created or facilities provided; would result in the relocation or extinguishment of a use which is compatible with the amenity or proper development of the surrounding area; or where it can clearly be demonstrated that premises are no longer suitable for that use…”

4. The applicant has submitted the following supporting information following the August meeting of the Development Control Committee:

“In respect of my attempts to market the property I would like to make the following submission:

1. I have had to accept a reduced rent on the building for a prolonged period of about two years until early 2013 because there is no demand at all for offices in an Edwardian building that was built as a dwellinghouse. During this period the property was used mainly for training young people with educational needs in media studies. They could not afford to continue despite the low rent.
2. There is an enormous footage of empty office space in central Southend-on-Sea. This may be due to the recession. There is no reason to believe that the situation will change.
3. Where letting occurs this is normally in open-plan offices, which allow supervision and interaction of staff, for call centres and otherwise.
4. Sorrells of Clarence Street, Southend-on-Sea (Peter Alabaster) are my commercial agents, and they have made every effort to let this property since early 2013 as offices. There has been no interest whatsoever despite the property appearing in the usual online sites.”
5. *I have been forced to accept that the property cannot be let as offices, and I am now paying business rates on an empty property. This could continue indefinitely unless another use for the building is found.*
6. *Reverting the property to its use as domestic accommodation returns it to its situation in 1985 when it was an HMO.*
7. *There is a strong demand for good, affordable accommodation in central Southend-on-Sea, which this property may provide.*
8. *The Government has indicated that planning permission to change office use to domestic use is going to be automatic.*

4.6 In light of the above, it is considered that there is justification to allow the loss of the office use on this basis and the conversion back into a residential use. It is also recognised residential use may now be possible under Class J of the General Permitted Development Order (permitted development). Therefore, the principle of the proposed development is considered to satisfy policy CP1 of the Core Strategy and policies E3 and E4 of the Borough Local Plan.

**Design and Impact on the Streetscene**


4.7 There are no external alterations proposed to the building itself apart from the demolition of an existing single storey rear extension. A ramp at the rear of the building will be provided together with a bin store. Given the position of these elements, they will not be overly visible or detrimental to the character and appearance of the streetscene.

4.8 A bin store is proposed to the front of the building. This will be largely hidden behind and form part of the existing front boundary wall. It is not considered that this would be detrimental to the character and appearance of the streetscene.

4.9 The proposed bin store for the basement flat will be located beneath the stairs serving the ground floor flat and therefore, will not be visible in the streetscene.

**Impact on Neighbouring Occupiers**

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

4.10 Given the lawful use of the building currently as offices, it is considered that the proposed change of use together with limited external alternations would not have a material impact on neighbouring occupiers in terms of noise, disturbance or levels of activity.
Standard of Accommodation for Future Occupiers


4.11 Three one-bed flats are proposed, each spread out over the three floors. Each flat is approximately 59sq.m in size.

4.12 Like for like rooms are proposed to be stacked over one another across the floors and all habitable rooms have non-obscure windows which will allow adequate natural light and ventilation.

4.13 No amenity space is proposed as there is only a very small yard area at the rear which is 2.7m deep and there is no direct access onto this from any of the flats.

4.14 It is noted that the site is within the town centre and there is access to public open space and the seafront and the units, being one bedroom, would not accommodate families.

Traffic and Highway Issues

National Planning Policy Framework, Core Strategy Policies KP2 and CP4 and Borough Local Plan Policies T10 and T11 and the Essex Planning Officer Association Vehicle Parking Standards

4.15 The application site has no off-street parking and none is proposed. There is on-street pay and display parking in the local area.

4.16 However, the site is located within a very sustainable location; it is close to the travel centre, bus routes and mainline train stations. The proposal includes provision for cycle parking.

4.17 EPOA vehicle parking standards require a maximum of 1 space per 30sq.m for office uses (i.e. a total of 6 spaces) and 1 space per unit for residential accommodation in sustainable locations. Therefore, whilst the site has no off-street parking, taking into account the lawful use of the building as offices (class B1 use) and the location of the site, it is not considered that the proposed change of use to three one-bedroom flats would result in increased on-street parking stress or have any material impact on parking or traffic generation.

4.18 The ground floor bin store will be shared between the ground and first floor flat. All refuse stores are located a suitable distance from the highway and are considered to be acceptable.
5 Planning Policy Summary


5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP1 (Employment Generating Development) and CP4 (The Environment and Urban Renaissance).

5.3 Borough Local Plan Policies E3 (Secondary Offices), E4 (Industry and Warehousing), C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), H7 (The Formation of Self-Contained Flats), T10 (Town Centre Parking – On Street) and T11 (Parking Standards).

5.4 Design & Townscape Guide, 2009 (SPD1).


6 Representation Summary

Highways

6.1 No objection. The site is located within a sustainable location with regard to access to public transport and public car parks within the area.

Public Consultation

6.2 Neighbours notified and a site notice put up – No letters of representation have been received.

6.3 The application has been called into the Development Control Committee by Cllr J. Garston.

8 Relevant Planning History

8.1 13/01175/PA3COU: Change of use from office (B1a) to dwelling (C3) – Pending consideration.

8.2 85/1569: Use residential premises as offices – Approved.

8.3 87/0597: Erect part single/part first floor/part three storey rear extension – Approved.
9 Recommendation

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

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 20WRSOS/01a and 02a.

Reason: To ensure that the development is carried out in accordance with provisions of the Development Plan.

03. The proposed bin stores shall be provided prior to the first occupation of the flats in accordance with plan no. 20WRSOS/02a and permanently retained for residents.

Reason: To provide suitable storage for waste resulting from the development in accordance with Core Strategy policies KP2 and CP4.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.
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<td>Ward:</td>
<td>Milton</td>
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<td>Proposal:</td>
<td>Erect two storey outbuilding for use as garage and games room at rear of 24 and 26 Park Road</td>
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<tr>
<td>Address:</td>
<td>24 and 26 Park Road, Westcliff-On-Sea, Essex, SS0 7PE</td>
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<tr>
<td>Applicant:</td>
<td>Mr And Mrs Giles</td>
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<tr>
<td>Agent:</td>
<td>Trudys Architectural Consultants</td>
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<td>Matthew Leigh</td>
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<td>Proposed Detached Outbuilding For Garaging, Proposed Outbuilding</td>
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<td>Recommendation:</td>
<td>DELEGATE to the Group Manager of Development Control &amp; Building Control or Head of Planning and Transport to GRANT PLANNING PERMISSION subject to the expiry of the neighbour notification period</td>
</tr>
</tbody>
</table>
1 The Proposal

1.1 The proposed development involves the construction of a two storey outbuilding to the rear of 24 and 26 Park Road. The proposed out-building would measure 10.4 wide, 8.7m deep and 6.9m.

1.2 The development would provide accommodation in the form of a garage at ground floor and a games room and toilet at first floor. The development also includes a single storey projection that would provide a veranda for seating.

2 Site and Surroundings

2.1 The application relates to 24 and 26 Park Road. 24 Park Road is a two storey dwelling, whilst no. 26 has been converted into flats. The application relates to an area of hard standing to the rear of the properties that faces onto Park Lane.

2.2 Park lane is a small access road which extends from Park Road, to Park Street. Several of these properties have garages and outbuildings to the rear which provide off street parking. The surrounding area is residential in nature.

2.3 Architectural style and form of buildings varies along Park Lane where there are a mixture of garages, vacant buildings and residential dwellings. The site is located within the Milton Conservation Area which is also covered by an Article 4 Direction.

3 Planning Considerations

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

4 Appraisal

Principle of the Development

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

4.1 The principle of provide facilities, such as garages and games rooms, in association with residential accommodation is considered acceptable in principle. Other material planning considerations are discussed below.

Design and Impact on the Character of the Area:

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11 and H5 and the Design and Townscape Guide.
4.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF as well as Policies C4, C11 and H5 of the Local Plan and Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that the Council is committed to good design and will seek to create attractive, high-quality living environments.

4.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act imposes a duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reiterated in national guidance in the NPPF. Policy C4 only allows new development in conservation areas where it would not be detrimental to the local scene and the character of the area. Policy C11 requires new development to create a satisfactory relationship with its surroundings.

4.4 The site is located in the Milton Conservation Area and therefore special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

4.5 The development involves the construction of a two storey building to the rear of 24 and 26 Park Road. The building is proposed to be constructed from timber cladding with a tiled roof. A detached outbuilding has already been constructed to the north (no. 26 Park Road). It should be noted that the design and visual cues of the adjoining outbuilding have been heavily referenced in the design of this scheme.

4.6 Whilst it is noted that the proposed development is wider than the adjoining outbuilding it is not considered that this would be to the detriment of the appearance of the development.

4.7 The proposed development is considered to preserve the character and appearance of the conservation area and would be acceptable in visual terms.

**Traffic and Transport Issues**

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

4.8 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officers Association (EPOA) set out the requirements for each use. The Parking Standards are expressed as maximum standards and public transport is available in the locality and the site is in close proximity to the Southend Town Centre. It should also be noted that the authority also takes into account Government guidance contained within the NPPF which encourages the reduction in the reliance of the car and promote methods of sustainable transport.
4.9 The site currently is hardstading and is used for car parking provision for both 24 and 26 Park Road. The proposed development would provide a garage at ground floor that, which would be 9.9 wide and two entrances of 4.3m wide. It is therefore, considered that the garage could accommodate four reasonable sized cars and subject to an appropriate condition, requiring the garage to be used for car parking of both 24 and 26 Park Road the proposed development would not have a detrimental impact upon highway safety or vehicular movements.

Impact on Residential Amenity:


4.10 Outbuildings can be constructed up to 2.5m high adjacent to a boundary without the need for planning permission. The proposed outbuilding is 6.8m in height.

4.11 The outbuilding is located a minimum of 10m from the main rear wall of the adjoining dwellings. Whilst it is sited up to the flank and rear boundaries, given the depth and width of the adjoining garden, on balance, it is not considered that the development has a detrimental impact upon the adjoining property in relation to overlooking, overshadowing or domination.

4.12 It is not considered that the use of the first floor as a games room would result in any undue impact upon the amenity of the adjoining residents in relation to noise and disturbance.

5 Conclusion

5.1 The proposed development is considered to preserve or enhance the character of the conservation area is accordance with the Planning (Listed Buildings and Conservation Areas) Act and is in accordance with the Development Plan.

6 Planning Policy Summary

6.1 National Planning Policy Framework.

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


6.5 EPOA adopted Vehicle Parking Standards.
7 Representation Summary

Highway Authority

7.1 No objection.

Design and Regeneration

7.2 24 Park Road falls within Milton Conservation Area. It is proposed to erect a two storey outbuilding to the rear of the property which has a frontage onto Park Lane. There are a few similar buildings along Park Lane already and therefore this proposal is therefore not objected to subject to the materials being conditioned.

Milton Conservation Area

7.3 We refer to this application and wish to point out that it also concerns 26 Park Road which is used as 2 self-contained flats. The freehold of both properties is in the ownership of the occupiers of 24 Park Road which is a single family dwellinghouse and the main area of the rear garden at 26 has been subsumed into the garden of 24 Park Road leaving the flat tenants a small amenity area.

Historically this terrace of Victorian houses had gardens attached at the rear with access onto Park Lane and cars could be parked within the gardens. This annexing of the garden into the curtilage of the adjoining property interrupts the Victorian pattern of development and is to the detriment of the occupiers of 26 Park Road by reason of loss of amenity area. The plan does not show parking provision for this property within the proposed building. This means that the flat dwellers will have to park their vehicles on the surrounding highway which is an area of high parking stress. In addition it appears from the plan that there will no longer be a pedestrian right of way for the flat dwellers onto Park Lane which might be a problem in the case of fire.

This application was considered by our Committee which had no objection to the building in principal although it was felt that the window design could be improved, but wish to OBJECT to the application for the following reasons:-

Loss of parking provision for 26 Park Road which will exacerbate parking problems in the area
Loss of garden area for 26 Park Road
Loss of pedestrian access from 26 Park Road onto Park Lane

If the application is approved we request that the Council attach a condition to the permission that requires that two parking spaces within the building be provided and permanently reserved for the occupiers of 26 Park Road.
Public Consultation

7.4 Three neighbours have objected to the application and have raised the following comments and observations:

- Access.
- Does not maintain the existing parking situation.
- Increases on-street parking demand.
- No street context is shown.
- The rear (garden side) wall does not appear to align with the rear wall of the building at 28 Park Road.
- Neither the applicant nor we will be able to maintain our own flanks walls.
- A tiled roof is proposed yet our existing neighbouring property has a slate roof, as was the original finish along the terrace.
- The half dormers do not match those at 28 Park Road.
- over-development.
- The cladding will not match the deep offset connections of the existing timber cladding on our neighbouring building.
- The scale of the timber cladding should match that at 28 Park Road, or be close to it.
- The pilasters between the garages appear to be unresolved and show weatherboarding when they should ideally describe solid posts.
- The proposed surfacing to the driveway is not shown.
- The doorway leading from the garden to/from the stairway does not meet Building Regulation standards.
- Loss of light.
- Views into property.

7.5 One letter has been received in support of the application.

7.6 The application was called into Development Control Committee by Councillor J Garston.

8 Relevant Planning History

8.1 No relevant planning history.

9 Recommendation

9.1 Members are recommended to DELEGATE GROUP MANAGER OF DEVELOPMENT CONTROL & BUILDING CONTROL OR TO THE HEAD OF PLANNING AND TRANSPORT TO THE HEAD OF PLANNING & TRANSPORT TO GRANT PLANNING PERMISSION subject to expiry of the publicity period and no new planning issued being raised subject to the following conditions:
01 The development hereby permitted shall begin not later than three years from the date of this decision.

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Detached Outbuilding For Garaging, Proposed Outbuilding

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

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

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

04 The car parking spaces hereby approved and shall permanently be retained for the parking of private motor vehicles solely for the benefit of the occupants of 24 and 26 Park Road and their visitors and for no other purpose unless otherwise agreed in writing by the local planning authority.

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

05 The building shall only be used for purposes incidental to the enjoyment of 24 and 26 Park Road and not for residential occupation unless agreed in writing by the local planning authority.

Reason: In the interest of the amenity of the area and to ensure an appropriate form of development in accordance with Polices KP2 and CP4 of the Core Strategy, Polices C11 and H5 of the Borough Local Plan and guidance contained within the Design and Townscape Guide.
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

PLEASE NOTE

01 You are advised that the development hereby approved is likely to require approval under Building Regulations. Our Building Control Service can be contacted on 01702 215004 or alternatively visit our website http://www.southend.gov.uk/info/200011/building_control for further information.
| **Reference:** | 13/00624/FULH |
|**Ward:** | West Leigh |
|**Proposal:** | Erect part single/part two storey side and rear extension |
|**Address:** | 6 Vardon Drive, Leigh-On-Sea, Essex, SS9 3SR |
|**Applicant:** | Mr. & Mrs. Rawlings |
|**Agent:** | DK Building Designs Ltd |
|**Consultation Expiry:** | 09.07.2013 |
|**Expiry Date:** | 15.07.2013 |
|**Case Officer:** | Darragh Mc Adam |
|**Plan No’s:** | Revision No. C – Sht 1 of 2, Revision No. D – Sht 2 of 2 |
|**Recommendation:** | REFUSE PLANNING PERMISSION |
1 The Proposal

1.1 Planning permission is sought to erect 1-2 storey side and rear extension. To the side, the extension would be approximately 13.5m deep, 1.2m wide, and have a ridge height of 8.1m. The rear extension would be approximately 5.0m deep at ground level and 3.7m deep at first floor level, 6.9m wide at ground level and 5.7m wide at first floor level, and 3.5m high at ground floor and 8m high to first floor. The ground floor extension would have a mono-pitch roof and the two storey element of the extension would have a pitched roof to tie with the roof form on the main dwelling.

1.2 The materials to be used on the exterior elevations of the proposed extensions would include render, concrete tiles to match existing, and upvc double glazed windows and doors.

1.3 This application was deferred from the August Committee following a request from members for further information on the amended plans and how this affects the adjacent dwelling.

1.4 The proposed site plan originally submitted was inaccurate as it showed a 0.5m greater separation distance from the boundary to the adjoining dwelling (No. 8) than what is actually the case. Amended plans were received showing the correct separation distance. The separation distance between the proposed extension and the neighbour’s window is 2.7m, whereas the original plan indicated 3.2m. This reduced distance results in the extension further infringing a 45° vertical line taken from the centre of the window, which is used as an indicator to establish whether an adverse loss of light would occur. On re-assessing the impact to the neighbouring property (No. 8), it is considered, on balance, that the side extension would cause overshadowing to a degree likely to cause an adverse impact to a habitable room window in the side elevation of the neighbouring property. It was on this basis that the proposal was recommended for refusal at the August Committee, and this recommendation remains.

2 Site and Surroundings

2.1 The application property is a two storey detached dwelling located on the south side of Vardon Drive. The dwelling has a hipped roof and gable roof section with a front bay window. There is a detached garage to the rear of the property which would be demolished to make way for the proposed rear extension. The front curtilage of the property is hard surfaced and used for parking. The property to the north east boundary is a bungalow. The south west boundary of the site runs along the rear boundaries of houses in Highlands Boulevard.

2.2 The property has an average sized rear garden, relative to the surrounding area, which is bounded to the sides by fencing. Land in the area slopes down to the north east.
2.3 The surrounding area is residential in character. Nearby dwellings on Vardon Drive are predominantly bungalows, whilst nearby dwellings on Highlands Boulevard are predominantly two storeys in height.

3 Planning Considerations

3.1 The main considerations of this application are the principle of the development, design, any impact on neighbouring properties, and traffic/highways issues.

4 Appraisal

Principle of Development


4.1 This proposal is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP4. Also of relevance include Borough Local Plan Policies relating to design and local design guidance. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. Subject to detailed considerations, the proposal is considered acceptable in principle.

Design

Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C11 and H5, and Design and Townscape Guide (SPD1)

4.2 Dealing firstly with the side extension, SPD1 requires that in order to avoid side extensions becoming overbearing and dominating the original property, they should be designed to appear subservient to the parent building by ensuring the extension is set back behind the existing building frontage line, and that its design, and in particular the roof, is fully integrated with the existing property. The proposed side extension would be set behind the front elevation of the dwelling and it is considered it would appear subservient to the original dwelling. It would have a roof form in keeping with that of the main dwelling. The side extension is considered to be acceptable in terms of size and design relative to the existing property in accordance with Policies H5 and C11 of the Borough Local Plan and SPD1.

4.3 The resulting dwelling would not appear out of keeping in the streetscene. Although adjacent properties in Vardon Drive are bungalows, the extension will not appear dominant or overbearing because they relate well to the existing dwelling. The development is considered to comply with policies C11 and H5 of the Borough Local Plan and SPD1.
Impact on Neighbouring Properties

Borough Local Plan Policies C11 and H5, and SPD1

4.4 It is considered that the proposed side extension would result in the adverse loss of light to a habitable room window at the neighbouring property to the northeast (No. 8). This window appears to be the sole source of light to the habitable room in question which benefits to a degree from south aspect. A 45° line taken from the mid-point of this window in both the horizontal and vertical plane would be infringed upon by the proposed extension at the proximity proposed, and would be detrimental to the living conditions of the occupiers of this property by way of a loss of light.

4.5 In terms of overlooking, it is not considered that the proposed works would give rise to any adverse overlooking opportunities. New openings proposed in the side elevations at first floor level would be high level openings only. It is not considered the new door in the north east elevation would enable any adverse overlooking as any views would largely be screened by a boundary fence.

4.6 It is not considered the extensions would be overbearing to neighbouring properties to the site. Whilst the rear extension would be constructed up to the south western boundary, there would be a separation distance of at least 15m to the nearest rear wall of dwellings along Highlands Boulevard. The rear extension would be separated from the rear boundary of the site by approximately 16m and as such there would be no overbearing impacts to dwellings on Adalia crescent. In relation to the north eastern boundary abutting No. 8 Vardon Drive, it is not considered the side extension would be overbearing as the flank wall of No. 8 Vardon Drive would be separated from it by approximately 2.7m.

Traffic/Highways

Borough Local Plan Policies T8 and T11

4.7 Whilst an existing rear garage to the dwelling would be demolished, there would still be sufficient space to the front curtilage of the dwelling to park at least two cars and accordingly it is not considered there would be any adverse parking or highway impacts.

5 Conclusion

5.1 The proposed extensions, by reason of siting, design, form and profile would not be out of character with or detrimental to the character and the visual amenities of the street scene or adjacent properties. It is considered however that the extension, due to its proximity to the adjacent dwelling and its depth, would result in a loss of sunlight and daylight to No. 8 Vardon Drive.
6 Planning Policy Summary


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

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


7 Representation Summary

Public Consultation

7.1 Eleven neighbours notified of the application. Four objections received raising the following issues:

- Problems with surface water drainage in area.
- Proposed development would destroy open aspect enjoyed to rear of properties in area.
- The footprint of the proposed extension is at least 100% the size of the existing property [Officer Comment: This is incorrect. The extension is approximately 85% the size of the existing property.].
- Loss of view will occur and this negatively impact on value of neighbour property [Officer Comment: These are not material planning considerations].
- If application is approved the applicants may try to sell the property [Officer Comment: This is not a material planning consideration].
- Extension will give rise to overlooking, and reduce natural daylight to neighbouring properties.
- Extension will be overbearing and give a feeling of closed in.
- Two storey extension is not in character with other properties in the area and increases the bulk and massing to an unacceptable level which creates over-development. Vardon Drive is mainly bungalows.
- The garden area to No. 6 will be very small following the development.
- Existing house is rendered cream. Ground floor extension will be brick and present an ugly wedge, be unsightly and incongruous.
- The garage to no. 6 will be removed at a time when the Council are introducing double yellow lines in the area due to parking pressure.
Design and Regeneration

7.2 Materials and fenestration to match existing.

Leigh on Sea Town Council

7.3 - This proposal not only extends the depth of the house by 5m, on the NE side, but 3.6 m of that is 2 storeys high and only 1 m from the boundary with no 8. As no 8 is a small bungalow and built on much lower ground than no 6, the proposed building would appear overbearing and dominant from no 8 and cut a lot of light and sun from the side window, the patio doors and the patio of no 8, causing considerable loss of amenities.

- Because the new door in the north-east elevation is set high and there is a change in ground levels, it should be confirmed that there is no risk of this overlooking the side window of no 8.

- It is considered an un-neighbourly application.

Ward Councillor

7.4 Cllr. Lamb requested that this application go before the Development Control Committee for consideration.

8 Relevant Planning History

8.1 Planning permission granted in November 2012 to ‘Erect single storey side and rear extension’ - 12/01291/FULH.

8.2 Planning permission refused in July 2005 to ‘Erect single storey and first floor front extension’ - 05/00813/FUL.

9 Recommendation

REFUSE PLANNING PERMISSION for the following reason:

The extension because of its height, depth and proximity to No. 8 Vardon Drive would result in a loss of both sunlight and daylight to the adjoining property and be detrimental to the residential amenities of the occupiers of this property contrary to Policies C11 and H5 of the Borough Local Plan, Policies KP2 and CP4 of the Core Strategy, and advice contained within the Design & Townscape Guide SPD1.
Note:
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.
<table>
<thead>
<tr>
<th>Reference:</th>
<th>13/00660/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ward:</td>
<td>Milton</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Convert existing dwellinghouse into two self-contained flats</td>
</tr>
<tr>
<td>Address:</td>
<td>15 Winton Avenue, Westcliff-On-Sea, Essex, SS0 7QU</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr P Bennett</td>
</tr>
<tr>
<td>Agent:</td>
<td>New World Designers</td>
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<tr>
<td>Consultation Expiry:</td>
<td>20.08.2013</td>
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<tr>
<td>Expiry Date:</td>
<td>21.09.2013</td>
</tr>
<tr>
<td>Case Officer:</td>
<td>Darragh Mc Adam</td>
</tr>
<tr>
<td>Plan No’s:</td>
<td>Sheet 1 of 1</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>REFUSE PLANNING PERMISSION</td>
</tr>
</tbody>
</table>
1 The Proposal

1.1 Planning permission is sought to convert a dwellinghouse into two self-contained flats.

1.2 The two flats would have the following approximate dimensions/areas:

<table>
<thead>
<tr>
<th></th>
<th>Ground Floor Flat</th>
<th>First Floor Flat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross internal floor area (m²)</td>
<td>74</td>
<td>72</td>
</tr>
<tr>
<td>Bedroom 1 (m²)</td>
<td>14.2</td>
<td>14.2</td>
</tr>
<tr>
<td>Kitchen (m²)</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Dining room (m²)</td>
<td>11.4</td>
<td>18.1</td>
</tr>
<tr>
<td>Living room (m²)</td>
<td>16.1</td>
<td>16.6</td>
</tr>
<tr>
<td>Bathroom (m²)</td>
<td>4</td>
<td>3.75</td>
</tr>
<tr>
<td>Storage (m²)</td>
<td>0.9</td>
<td>0.7</td>
</tr>
<tr>
<td>Private amenity area (m²)</td>
<td>42</td>
<td></td>
</tr>
</tbody>
</table>

1.3 Both flats would be accessed through the existing main entrance to the dwelling which would lead to a shared hallway. There would be no off-street parking spaces.

1.4 It is stated in the Design and Access Statement accompanying the application that the property has been used as two non self-contained separate units of accommodation for some time, and photographic evidence shows kitchens, bathrooms, bedrooms and living rooms on both floors. A signed oath has also been submitted by the owner of the property stating that each floor has been laid out as such for some time, and that when family lived in the property they generally led separate lives.

2 Site and Surroundings

2.1 The application property is a two storey terraced property located on the north side of Winton Avenue. The dwelling is finished with brick and render and has a pitched tile roof. There is a small front curtilage to the dwelling which is landscaped.

2.2 The property has a small rear garden, relative to other gardens in the area, and is bounded to the sides by fencing. The Fenchurch Street to Shoebury railway line lies beyond the northern boundary.

2.3 The application property forms part of a run of dwellings of a generally similar design and scale. The site is located in a residential area. Land in the area slopes down to the south west. On-street parking is available in the area.
3 Planning Considerations

3.1 The main considerations of this application are the principle of the development, any impact on neighbouring properties (residential amenity), living conditions for future occupiers, and parking implications. As no alterations to the elevations are proposed, design issues do not require assessment.

4 Appraisal

Principle of Development


4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance include Core Strategy DPD Policies KP2 and CP4. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building.

4.2 Policy H3 of the Borough local Plan seeks to retain an adequate stock of small single family dwelling houses and permission will normally be refused for the redevelopment or conversion of such properties having a gross floor area, as originally constructed, of 125m² or less. The existing dwelling has a gross floor area of approximately 150m² and as such the loss of this dwelling as a single household is not contrary to Policy H3.

4.3 BLP Policy H6 states that conversions to flats will normally be refused where the number of properties originally constructed as single family dwellinghouses which have already been converted to such uses (in addition to non-self contained accommodation) represents more that 10% of the total residential frontage in the street block. A review of records indicates that there are at least four properties on the north side of the street originally built as dwelling houses which have been converted to flats. This represents approximately 57% of the total residential frontage in the street block (i.e. of a total of 7 properties). The conversion of the application dwelling would further increase the number of converted properties in the street block above the 10% limit, further reduce the attractiveness of the street for families, and is contrary to policy.

4.4 The Thames Gateway South Essex Strategic Housing Market Assessment (SHMA) 2008 (updated in 2010) demonstrates that Southend-on-Sea contains a lower proportion of social rented properties (12%), above average private renting and flatted accommodation (linked partly to the sub-division of larger properties). The borough has the largest proportion of 1 and 2 bedroom properties of the five other local authorities within the region. Demand is strongest in Southend for three and four bedroom properties.
4.5 Policy CP8 of the Core Strategy identifies the number of dwellings the Council is required to deliver up to 2021. The Annual Monitoring Report (AMR) for 2011 currently states that the Council is ahead of its target for delivering the number of dwellings required within the plan period. The AMR clearly indicates that the majority of dwellings that have been completed since 2002 are flats. This demonstrates that fewer houses have been built during this time and therefore the retention of existing houses is required to ensure an appropriate housing mix is maintained.

4.6 The Council’s emerging Development Management Document states that there is a shortage of family housing in Southend-on-Sea and advises against the conversion of existing single dwellings into two or more dwellings. Whilst this is indicative of emerging Council policy on this issue, limited weight has been given to this document.

4.7 The SHMA clearly indicates that there is a shortage of family housing and that there is above average supply of 1 and 2 bedroom units within the borough. Having regard to the above, it is not considered there are any reasons why the conversion of this dwellinghouse into two self contained flats would justify an exception to policy. Neither is the supporting information provided by the applicant (summarised in paragraph 1.4) considered relevant to justify an exception to policy. Be it as it may that the property is laid out with kitchens, bathrooms living rooms and bedrooms on both floors, this does not necessarily mean that the property has effectively functioned as two independent living units. They both share an entrance and a rear garden area, and the layout may be reflective of a particular family/household structure (i.e. extended family living under the one roof yet with a degree of separation) rather than reflective of a purpose built layout. The lawful use of the building is considered to be a single dwellinghouse.

4.8 The proposed development is considered unacceptable in principle as it would be contrary to Policy H6 of the Borough Local Plan.

Impact on Neighbouring Properties

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

4.9 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy H5 of the Borough local Plan requires that development respect existing residential amenities, and Policy C11 requires that new extensions create a satisfactory relationship with surroundings.
4.10 It is not considered the proposed conversion to two flats would give rise to any adverse impacts to neighbouring properties in terms of overlooking or overshadowing.

Living Conditions for Future Occupiers

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

4.11 The internal room areas are set out in section 1.2 above.

4.12 There are no internal space standards set out within the Core Strategy, however the National Planning Policy Framework 2012 and the Council’s Core Strategy set out the Government’s aspirations with regards to quality of life and high quality residential environments. The flats would have gross internal floor areas of 72m² and 74m² respectively which is a good standard of accommodation. All rooms would have openings to allow natural light to penetrate the living areas.

4.13 In relation to amenity space, only the ground floor flat would have access to a private amenity area. Whilst the first floor flat would have no access to a private amenity area, it is considered acceptable in this instance given that it would only have one bedroom (and therefore unlikely to appeal to families) and also because the Cliffs public gardens are within approximately 200m away which is comfortable walking distance.

4.14 The Councils’ Design and Townscape Guide requires that safe, secure, weatherproof and convenient cycle parking be provided as part of developments. The Councils’ Design and Townscape Guide also requires that refuse storage and recycling should be integral to development, and should be: accessible within reasonable carrying distance from the highway; not dominate the frontage, and to be well screened and ventilated. No cycle or refuse storage space has been indicated on plans however this could be addressed by way of condition if minded to grant planning permission.

Parking Implications


4.15 Policy T11 of the BLP states that Council will require the provision of off-street car parking spaces and permission will not normally be granted for any development which would be likely to give rise to additional demand for on-street parking, particularly in residential areas. The EPOA Vehicle Parking Standards state that a maximum of 1.5 spaces per dwelling should be provided in urban locations.
4.16 The existing property does not benefit from any off street parking. This would similarly be the case for the proposed development and there is no opportunity to provide any. Given the sustainable location of the site near to the town centre, it is not considered the lack of parking in itself would justify a reason for refusal.

**Conclusion**

4.17 The proposed development is unacceptable in principle as it would result in an undesirable proportion of single family dwellinghouses converted into flats, to the detriment of the character and amenities of the area generally.

5 **Planning Policy Summary**


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

5.3 Southend-on-Sea Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), H3 (Retention of Small Family Houses), H6 (Protecting Residential Character), H7 (The Formation of Self-Contained Flats), T8 (Traffic Management & Highway Safety), and T11 (Parking Standards).


6 **Representation Summary**

Public Consultation

6.1 Nine neighbours notified of the application. No responses received.

Traffic and Highways

6.2 There are no highway objections to this proposal. The site benefits from being in a sustainable location with regard to public transport with good links in close proximity.

Ward Councillor

6.3 Cllr Ware-Lane has requested that this application go before the Development Control Committee for consideration.
7 Relevant Planning History

7.1 No recent relevant planning history.

8 Recommendation

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

01. The development together with existing house conversions in the street would result in more than 10% of properties in the street block, originally constructed as single family dwellinghouses having been converted to flats and therefore fails to contribute to a balanced housing mix and would be detrimental to the character of the area, contrary to Policy H6 of the Borough Local Plan.

Note:
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.
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<tr>
<td>Ward:</td>
<td>Eastwood Park</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Fell two Oak trees to front (Application for works to trees covered by a Tree Preservation Order)</td>
</tr>
<tr>
<td>Address:</td>
<td>62 Nobles Green Road, Eastwood, Essex, SS9 5QQ</td>
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<tr>
<td>Applicant:</td>
<td>Mr &amp; Mrs Ashman</td>
</tr>
<tr>
<td>Agent:</td>
<td>Duramen Consulting Ltd</td>
</tr>
<tr>
<td>Consultation Expiry:</td>
<td>5th July 2013</td>
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<td>Janine Rowley</td>
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| Plan or Document No’s: | External Feature Course Levels-G3932-1  
Claim Details 1st November 2011-Innvovation Group  
Site Investigation Report-Mat Lab Limited 12th July 2011  
Geo-Serv Limited- OM868INF 15th June 2012  
Mat Lab Site Investigation Report- 24th April 2008  
Tree Data |
| Recommendation: | GRANT CONSENT TO FELL TWO OAK TREES |
1 The Proposal

1.2 Permission is sought to fell two oak trees to the front of No. 62 Nobles Green Road. The application has been made by the occupant(s) of No. 60 Green lane. The trees are referred to as T9 and T10. One tree is in private ownership and one tree is owned by Southend on Sea Borough Council and is within the highway verge. The tree preservation order is reference 2/1958/c.

1.2 The applicant claims that the proposed felling is necessary as the trees have been implicated as a contributory factor in the recurrence of subsidence damage to the bungalow (no. 60). Live oak roots have been sampled from the front boreholes in the vicinity of the damaged property at depths below the foundations. The subsoil beneath the foundation is shrinkable clay and shows signs of desiccation.

2 Site and Surroundings

2.1 As stated, the trees are located to the front of No. 62 Nobles Green Road. Nobles Green Road is a residential road containing a variety of housing types and styles. There are a number of mature trees on both sides of the road. The land in the area slopes to the south.

3 Planning Considerations

3.1 The main planning considerations relates to whether the loss of the trees and the amenity value they provide is justified by the need to remove the trees given the alleged damage caused. Also of consideration is whether the works to the trees are necessary for the prevention or abatement of a nuisance. Case law has concluded that a nuisance must be an actionable nuisance (i.e. causing damage) rather than simply causing a nuisance (i.e. causing leaf litter to fall into a property). Trees the subject of Tree Preservation Orders should be protected from felling unless it is absolutely necessary.

4 Appraisal

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

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

4.2 The two oak trees in question are covered by TPO reference number 2/1958/c. Both are established, mature oaks set in grass which is continuous from the front garden of 62 Nobles Green Road and the highway verge so that no visible boundary mark exists. Both trees have had their crowns reduced in the past and show healthy regrowth. There are no signs of any serious diseases or disorders on either tree. Both trees form part of the treescape of Nobles Green Road and have a high amenity value to the area to the area.
4.3 The applicant has submitted supporting information advocating the felling of the trees for reasons of damage caused to the property. The supporting information submitted including the Innovation Group Summary Report dated December 2011, Soil testing and monitoring readings since February 2008, and site investigations. The information submitted demonstrates there is a recurrence of subsidence damage to the bungalow. The live Oak roots have been sampled from the front boreholes in the vicinity of the damaged property at depths below the foundations. The level monitoring readings show a marked cyclical pattern of soil movement and confirm the only remaining adverse influence on the performance of the structure is moisture removal by the Oak.

4.4 It is considered that the pruning of the trees should not be considered as representing an effective or reliable long-term alternative solution, as the severity of pruning required to impact on the trees water use would result in trees which no longer fulfil their visual amenity function. Although hydration channels (which are sometimes used to counter soil desiccation) have been discussed within the report due to the limited depth of the front garden it is not an alternative solution and may potentially lead to a further subsidence claim. Furthermore, a root barrier across the front of the property and underpinning has been implemented in the past but has not solved the problem of the trees affecting the property.

4.5 It is considered that sufficient justification has been provided to fell the two oak trees.

5 Representation Summary

Public Consultation

5.1 Five neighbours have been notified of the application. A site notice was also displayed at the tree. One letter of objection has been received stating:

- The granting of permission of this application would undoubtedly lead to a new application to all other residents on the eastern side of the road to fell the trees in front of their houses as well. These trees were there before the current residents moved in and they accepted the risks and responsibilities associated with the proximity of protected trees [Officer Note: each application is dealt with on its own merits].

- All the trees on the eastern side of the street are protected by preservation orders. If this protection means anything at all then such application should arguably be dismissed without consultation. Similar requests have been made and refused so the Council should act in a consistent manner and refuse this application.

- The proposal to fell both trees could result in affecting neighbouring properties including the road surface, pathways, the removal of any Oak trees from Nobles Green Road would devalue the street’s attractiveness and, hence the local environment.
In according protection to these trees their environmental value over their natural lifespan was recognised. This should be respected by the current council.

Houses can be repaired but the trees cannot be reinstated. The Council cannot support its rhetoric on environmental values.

**Design and Regeneration**

5.2 Large oak trees are the defining characteristic of Nobles Green Road and the two preserved oaks at number 62 have significant public amenity value and form part of the wider group of oaks in this part of the street.

Whilst the report seems to confirm that the damage is being caused by oak trees it also seems to be suggesting alternative remedial measures to deal with the problem rather than felling the trees (– see summary report section 7 future action which recommends masonry beaming and rehydration channels). This would be the best option and would enable the tree to continue to make a value contribution to public amenity [**Officer Note: other potential solutions are discussed in the main body of the report**].

**Parks / Trees**

5.3 The evidence provided with this application should be in accordance with the TPO’s: A Guide to the Law and Good Practice Addendum – May 2009, section 6.40C Alleged subsidence damage to property (Communities & Local Government publication) which outlines:

**Previous damage to property**

The summary report by Innovation Group (December 2011) states that there have been three previous occurrences of crack damage to property 60 Nobles Green Road where the owner’s representatives claimed that tree root related subsidence was the cause. These were:

- **1976** – Repair work included the installation of a root barrier in addition to superstructure crack reinforcement and redecoration. (Details are not provided of the type, depth or exact location of this root barrier).
- **1996** – Repair work included foundation strengthening by underpinning to the front, left corner of the bungalow. Traditional concrete underpinning was used to a depth of 1.1m.
- **2006** – Damage returned, once again centred on the front, left corner. It is not mentioned in the summary report but the previous owner’s representatives, OCA Ltd, made an application to fell the TPO oak tree located in the front garden of 60 Nobles Green Road in June 2009 using the evidence of the 2006 damage. This application was approved in August 2009 and subsequently the oak tree was felled.
Description of Damage
The current damage to the property is outlined within the distortion survey supplied in the summary report (Innovation Group, December 2009).

Site Investigations
Two sets of site investigations are provided with this application, both carried out by Matlab Ltd. The first was done in April 2008 and the second in July 2011. On both occasions trial pits (TP) and boreholes (BH) were excavated to the front and the rear of the bungalow at 60 Nobles Green Road. In 2008 the TP/BH1 was taken at the mid-point of the front elevation and the TP/BH2 at the rear, left corner of the main bungalow. At this time the TPO oak in the front garden of 60 Nobles Green Road was still there. In 2011 the second TP/BH1 was taken at the front, left hand corner of the bungalow (the point closest to the two oak trees still there) and the second TP/BH2 at the rear was a remote borehole located in the lawn beyond the bungalow.

Foundation depths and tree root samples
2008 Front: Foundation depth 0.86m below ground level.
  Tree roots up to 5.0mm in diameter sampled to a depth of 4.0m.
  Rear: Foundation depth 0.84m below ground level.
  Tree roots up to 2.0mm in diameter sampled to a depth of 2.5m.

2011 Front: Foundation depth 1.10m below ground level
  Tree roots up to 2.0mm in diameter sampled to a depth of 4.0m
  Rear: Foundation depth - not applicable as this was a remote borehole.
  Tree roots up to 1.0mm in diameter sampled to a depth of 2.75m.

It can be seen from the above that tree roots were found below the foundation depth to the front of the property in 2011 and to the front and the rear below the foundation depth in 2008.

Tree root identification
2008 Front: Roots sampled between 0.86-4.0m. Single root identified as Quercus (oak) with abundant starch content which indicates the root was active (alive) when it was sampled. Five other roots were identified as also being oak.
  Rear: None of the sampled roots were identified.

2011 Front: Roots sampled between 1.1m-4.0m. Single root identified as either Quercus (oak) or Castanea (sweet chestnut). There was no starch content in this root as such it was not active when sampled (i.e. dead). Two further roots were sampled between 1.1m-2.5m and also identified as either Quercus (oak) or Castanea (sweet chestnut). The starch content was present but low so the roots were alive when sampled. Ten other roots were sampled at this depth and identified as either Quercus (oak) or Castanea (sweet chestnut).
  Rear: None of the sampled roots were identified.
As there are no sweet chestnut trees in the vicinity it can be concluded that all these roots are indeed from oak trees. Also the two oaks trees in question at the front of 62 Nobles Green Road are located very close to one another. As such it is not reasonable to request DNA analysis of the tree roots sampled at the front of the property as roots from both oak trees are likely be present in the samples taken.

Soil descriptions & testing
The subsoil descriptions from both site investigations at the rear and the front of the property is for firm, brown clay with slight variations.

2008 Front: Between a depth of 0.93-1.75m in the borehole the moisture content appears relatively low varying between 12-21%. The plasticity index at 0.93m is 13% which is low but increases to 38% at 1.75m and 39% at 2.75m which are intermediate readings indicating a intermediate shrinkage potential of the clay subsoil.

2008 Rear: Between similar depths of 0.93-1.75m the subsoil at the rear has higher moisture content between 24-26%. The plasticity indices of the subsoil at the rear are also slightly lower showing values with a maximum of 32% at 1.75m

2011 Front: Between a depth of 1.55-3.75m in the borehole the moisture content appears pretty constant between 26-29% which is slightly higher than the readings in 2008. This could be related to the removal of the TPO oak tree in 2009 from the front garden of 60 Nobles Green Road. The plasticity indices of the subsoil show high values of 46% at a depth of 1.55m and 2.75m which indicates a high shrinkage potential. It should be remembered that the location of this borehole was different to the one taken at the front of the property in 2008. This demonstrates that the characteristics of the subsoil can change even within a short distance and with changing depth.

Rear: This remote borehole in the rear lawn shows moisture contents varying 26-34% between the depths of 0.75-3.75m which are the highest recorded from the samples taken in both investigations. The plasticity indices of the subsoil show high values between 41-55% from the same samples, which indicates a high shrinkage potential.

2008 An oedometer (swell) test was carried out on soil samples from both front and rear bore holes. The results from the front of the property show a distinct high value of swell at a depth of 1.75m and a second but lower raised value at a depth of 2.75m. These values are distinctly higher than the values at the same depth from the bore hole taken at the rear of the property. This indicates that the soil is likely to be desiccated at this depth of 1.75m, which is below the foundation level. In addition to this the results using the Atterberg Limits (Driscoll criteria) also indicate soil dryness or desiccation below the foundation depth at the front of the property.
2011 The use of a penetrometer plot was used for the both the front and rear borehole soil samples. I am unfamiliar with this type of testing and would advise that a structural engineer is consulted for interpretation of the readings and the plot produced.

Once again, using the Atterberg Limits (Driscoll criteria) and suction testing indicates soil dryness or desiccation below the foundation depth at the front of the property.

Heave potential analysis have also been carried out show readings of 2mm for the front and 4mm for the rear of the property.

Arboricultural Report
An arboricultural report is usually supplied with this type of application but in this case a rudimentary tree survey and site plan only was included.

Monitoring Readings
The property has been monitored since February 2008 with readings taken every eight weeks. The readings when viewed as a graph show distinct cyclical patterns of movement, particularly for those monitoring points towards the front, left corner of the property. The magnitude of the cycles does appear to fall after the end of 2009 which may coincide with the removal of the TPO oak tree from the front garden of 60 Nobles Green Road. However cycling is still evident particularly at monitoring points 8-12 which are situated along the front, left hand corner of the bungalow. This seasonal type of movement is indicative of vegetation induced clay shrinkage below the foundation level, leading to subsidence damage.

Innovation Group, Summary Report, December 2011
Although this report pre-dates the last monitoring report it concludes that the evidence provided indicates that the two TPO oak trees at the front of 62 Nobles Green Road being the cause of the subsidence damage to 60 Nobles Green Road. It recommends that both trees are removed but makes proposals for alternative repair work should the trees remain. Costs of this work do not appear to have been included.

Summary of evidence provided with application
Information has been provided in support of this application which demonstrates:
- This is a recurrence of subsidence damage to the bungalow.
- Live oak roots have been sampled from the front boreholes in the vicinity of the damaged property at depths below the foundations.
- The subsoil beneath the foundations is shrinkable clay.
- The clay subsoil under the foundations shows signs of desiccation.
- Level monitoring of the property indicates vegetation induced seasonal variation.
Sufficient evidence has been provided to implicate the two TPO oak trees at the front of 62 Nobles Green Road with the on-going damage occurring at 60 Nobles Green Road. Whilst rehydration channels have been detailed in the information submitted it is not considered a full alternative and they will not offer an alternative method of stabilisation whilst retaining the trees. The overall problem is extraction of moisture from the clay subsoil.

**Structural Engineer Building Control**

5.4 **Partial underpinning to a depth of 1.1m to the front and left corner (1996)**

Partial underpinning is not considered to be an effective solution, it creates an isolated stiff spot in comparison to the rest of the building. Based on NHBC Chapter 4.2, underpinning to a depth of 1.1m is less than the required depth for a foundation with an oak tree at a distance of 10m.

**Innovation Group’s report, Page 8**

The damage is classified to be slight to moderate, but Category of damage to BRE Digest 251 was not noted.

There can be no guarantee that the clay subsoil will stabilise after the oak trees are removed. It is the nature of clay subsoil to depend on the unpredictable weather, for a supply of adequate rain water to maintain its water content.

Rehydration Channels may address the issue [Officer Comment: Whilst rehydration channels have been detailed in the information submitted it is not considered a full alternative and they will not offer an alternative method of stabilisation whilst retaining the trees].

5.5 **Ward Councillor**

Cllr. Walker has requested this application be dealt with by Development Control Committee.

6 **Conclusion**

6.1 The justification for wishing to fell the trees is acceptable. Oak roots were found under the property in question. Given that there are no other oak trees nearby, on the balance of probabilities they must be from the oak trees to the front of No. 62 (T9 and T10). The plasticity value of soil in the vicinity of the property demonstrates that the soil has high potential for volumetric change, and it is considered highly likely that the trees are contributing to subsidence damage to No. 62 Nobles Green Road.

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

7 Planning Policy Summary


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

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


8 Relevant Planning History

8.1 Prune and reduce the crown of 2 Oak Trees (Works to trees covered by a Tree
Preservation Order)- Granted (10/01582/TPO)

8.2 Prune 3 Oak Trees (Works to trees covered by a Tree Preservation Order)-
Refused (09/01639/TPO)

8.3 Prune oak tree to front  (Works to a tree covered by a Tree Preservation Order)-
Refused (07/01699/TPO)

8.4 Prune oak tree to front walls (Works to a tree covered by a Tree Preservation
Order)- Granted (07/01427/TPO)

8.5 Prune Oak tree at front- Granted (04/01437/TPO)

8.6 Prune Oak trees at front- Granted (00/00666/TPO)

8.7 Prune Oak tree in front garden and Oak tree on front boundary- Granted (96/0935)

8.8 Erect single storey side and rear extensions with pitched roof- Granted (88/1824)

9 Recommendation

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

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

    Reason: To enable the circumstances to be reviewed at the expiration of
the period if the consent has not been implemented, in the interests of
Policy C14 of the Southend on Sea Borough Local Plan.
2. The works shall be carried out in accordance with BS 3998 (2010) by a suitably qualified person.

   Reason: In the interests of visual amenity and to protect adjoining trees, pursuant to Policy C14 of the Southend on Sea Borough Local Plan.

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

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

**Reason for Approval**

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

**Informative:**

1. The Council accepts no responsibility for any possible damage related to this permission.
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<tr>
<td>Proposal:</td>
<td>Demolish existing side extension and garage, erect two storey side extension with basement, first floor rear extension and form balcony with privacy screen, staircase to rear, alter elevations and vehicular crossover and install railings to front (amended proposal)</td>
</tr>
<tr>
<td>Address:</td>
<td>24 Scratton Road, Southend-on-Sea, SS1 1EN</td>
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<tr>
<td>Applicant:</td>
<td>Mr P. Digby</td>
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1 The Proposal

1.1 Planning permission is sought to demolish the existing side extension and garage and to erect a two storey side extension with basement, first floor rear extension and to form balcony with privacy screen, and staircase to the rear, alter the elevations and install vehicular crossover with railings to the front.

1.2 The proposed two storey side extension will measure a maximum of 3.4m wide x 10.3m deep x 9m high. A raised walkway is proposed to the side of the extension.

1.3 The proposed first floor rear extension will measure a maximum of 5.7m wide x 1.35m deep. A balcony is also proposed to the rear of the extension which will have a 1.8m high obscure glazed privacy screen along the eastern elevation. The proposed side and rear extensions will form an ‘L-shape’ wrapping around the existing building.

1.4 This is an amended application following the refusal of a similar proposal (ref. 12/01234/FULH) which was refused permission for the following reasons:

“01. The proposed rear extension by reason of its design and associated glazed privacy screen would appear incongruous and fail to satisfactorily integrate with the character and appearance of the existing dwellinghouse, to the detriment of the character and appearance of the dwellinghouse, streetscene and wider Conservation Area. This is contrary to the National Planning Policy Framework, East of England Plan Policy ENV7, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C4, C11 and H5 and the Design and Townscape Guide, 2009 (SPD1).”

2 Site and Surroundings

2.1 The existing building is the end property in a terrace of similar buildings in Scratton Road which is part of the Clifftown Conservation Area. The terrace makes a positive contribution to the conservation area.

2.2 Key aspects of the terrace’s character includes: two storeys plus basement, simple slate roof form, strong rhythm of chimneys, sash windows and open porches and historic railings (reinstated in some properties). Overall the terraces have simple designs mostly flat fronted and well proportioned although in three instances there where double height bay windows have been added mid terrace location. These are of traditional design and at least 2 are evident on the historic mapping of 1922.

2.3 The Clifftown Conservation Area Character Appraisal identifies these properties as being part of the original planned estate and the terrace is identified as Class 4 houses (The smallest and simplest houses in the estate but a key part of the original estate.)
3 Planning Considerations

3.1 The main planning considerations for this application are principle of development, design, impact on the streetscene and character and appearance of the conservation area, impact on neighbouring occupiers and issues of traffic and transportation.

4 Appraisal

Principle of Development

National Planning Policy Framework, Core Strategy Policies KP2 and CP4

4.1 There is no objection to the principle of extending this residential dwellinghouse subject to the considerations detailed below being satisfactorily addressed.

Design, Impact on the Streetscene and Conservation Area


4.2 Policy C4 of the Borough Local Plan states;

“All buildings....which contribute to the character of Conservation Areas will be protected and enhanced. Proposals for demolition and development will normally be permitted only where they would not be detrimental to the local scene and character of the area. All development affecting Conservation Areas should meet the following requirements:

i. the position and design of new buildings should respect the general pattern of the area, and should preserve or enhance as appropriate its townscape character;
ii. the mass of extensions and new buildings should be in scale and harmony with the existing and neighbouring buildings and with the area as a whole;
iii. the proportions, detailing and materials of extensions, alterations and new buildings should be appropriate to the area and sympathetic to the existing and neighbouring buildings.”

4.3 Whilst the application property has retained much of its historic character, it has been altered to the front to accommodate a garage and covered walkway and this has meant that the original side entrance and decorative porch details have been lost. The current front door and garage are of poor design and are considered to be detrimental to the historic character of the building and the wider conservation area. These alterations were made some time ago.
4.4 The key issue is whether reducing the gap to the neighbouring terrace will have a detrimental effect on the character of the street as a while and whether this would set a precedent for the other end of terrace properties in this part of the Conservation Area.

4.5 It is considered that the proposed extension has been sympathetically designed to make it appear as part of the original terrace. Taking into account the existing circumstances (the presence of a very poor side extension and existing materials) it is considered that the proposed two storey side extension would be an improvement to the character and appearance of the Conservation Area. However, it should be noted that this is unique case and future applications for similar schemes would need to be looked at on their merits. Details of materials and detailing can be dealt with by condition.

4.6 Concern was raised under the application, ref. 12/01234/FULH with the previously proposed western balcony and obscure glazed screen which would have been visible in the streetscene and fail to satisfactorily integrate with the traditional style of the property and would appear out of character, to the detriment of the Conservation Area. However, this element of the proposal has been omitted.

4.7 With regard to the previously proposed rear extension, its design incorporated a shallow roof pitch and appeared to be awkward, failing to successfully integrate with the existing dwellinghouse. However, under the current proposal the roof of the rear extension has been revised so that forms an extension to the rear pitch of the existing roof. It is now considered that this is a satisfactory design in keeping with the existing dwelling and will not have a detrimental impact on the character or appearance of the conservation area.

4.8 In respect of the alterations to the existing railings, these will be altered and the hedge to be removed. The replacement railings will black iron railings which are considered to be acceptable and in keeping with the character and appearance of the streetscene and Conservation Area.

4.9 Therefore, the proposed development is considered to satisfy Core Strategy policies KP2 and CP4, Borough Local Plan policies C4, C11 and H5 and the Design and Townscape Guide, 2009 (SPD1).

Impact on Neighbouring Occupiers


4.10 The alterations to the front of the dwellinghouse (the proposed vehicular crossover to be widened and the replacement railings) will have no impact on the amenities of either immediate neighbouring occupier.
4.11 With regard to the impact on the neighbour to the east of the site (no. 23 Scratton Road), by reason of its siting the proposed two storey side extension will have no impact on this neighbouring occupier.

4.12 The proposed first floor rear extension will not extend any further rearward than the existing single storey flat roof extension at the application property and a small section of this will have a flat roof which will not project any further rearward than the neighbour’s (no. 23’s) first floor flat roof extension which is located up to the site boundary. A small balcony and privacy screen is proposed adjacent to no. 23 however, given its limited depth it is not considered that it would be overbearing upon or detrimental to the amenities of the neighbouring occupier at no. 23.

4.13 The proposed side extension will be sited one metre off the site boundary and therefore, a minimum separation distance of 4.4m will be retained between the proposed extension and the neighbouring property at no. 25. This level of separation increases to 5m to the front of the property due to the angle of the neighbouring property.

4.14 It is not considered that the proposed development would result in an undue loss of light to the neighbour at no. 25 which benefits from main habitable windows only on the front and rear of the property.

4.15 It is not considered that the proposed development would give rise to overlooking or loss of privacy to neighbouring occupiers given the position of windows, balconies and privacy screens.

4.16 Therefore, in light of the above, it is not considered that the proposed development would be detrimental to the amenities of neighbouring occupiers and satisfies the above policies.

**Traffic and Transportation**

*National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies T8 and T11*

4.17 The proposed development will result in the loss of the existing garage however, one off-street car parking space will be retained.

4.18 The site is located within a sustainable location in terms of access to public transport and the Town Centre and many properties only benefit from the one off-street parking space. Therefore, there is no objection to the loss of the garage and this was not objected to under the previous application.

4.19 It is not considered that the widening of the existing vehicular access would be detrimental to highway or pedestrian safety.

4.20 Therefore, it is considered that the proposed development satisfies policies T8 and T11 of the Borough Local Plan.
Planning Policy Summary


5 Representation Summary

Design and Regeneration

5.1 Whilst it has retained much of historic character, number 24 has been altered at the front to accommodate the garage and covered way and this has meant that the original side entrance and decorative porch detail (see no. 7 Scratton Road) have been lost. The replacement front door and garage are of poor design and are considered to be detrimental to the historic character of the building and the wider conservation area. These alterations were made some time ago.

5.2 The agent has chosen to replicate the design of the existing terrace in the extension with no set back. As the terrace is very flat fronted and characterised by the repetition of key elements and, as the existing building is rendered, it would be possible, with good detailing and windows, to make this appear as if it were part of the original terrace with only the reduction in width as a giveaway. The relocation of the door to the front, although not in its original location, would not be out of character with other properties in the street including one or two of the end properties. On balance, taking these issues into account, it is considered that in this case the existing circumstances (presence of a very poor side extension and existing materials) justify the principle of a two storey side extension because the net result would be an improvement in the character of the conservation area. This is a unique case and future applications for similar schemes would need to be looked at on their merits.

5.3 The amendments made to the rear elevation are a significant improvement over the previously refused scheme and are not longer objected to subject to good quality materials and detailing. The step in the building line and the change of materials from render to stock brick on the side elevation will help to break the massing of the proposal on this side and this is welcomed.

5.4 The proposal to reinstate the original style of railings to the front is welcomed.
Highways

5.5 No highways objection however, the telegraph pole and BT utility cover would need to be relocated in order to accommodate the extended/altered crossover. The developer would need to contact the relevant utility companies to arrange this before the crossover can be altered.

The Southend Society

5.6 To be reported.

Public Consultation

5.7 Neighbours notified and a site notice displayed – One letter of representation has been received which objects to the application on the following grounds:

- No. 24 is an end of terrace property and a mirror image of no. 25. The nature of the proposed extension is out of character, to the detriment of the streetscene and conservation area.
- Loss of symmetry.
- Detrimental to the original design of the property.
- Overbearing, out of scale and increased sense of enclosure between the site and no. 25.
- Loss of openness and visual separation and detrimental to the streetscene and conservation area. Contrary to policy.
- Distort original design of the property and its proportions.
- Loss of privacy, detrimental to the amenities of the neighbouring property.
- The raised walkway is not in keeping with the area and result in loss of privacy to the neighbour.
- The excavation works to create a new basement would carry a risk to neighbour’s foundations. [Officer comment: This is potentially a Building Regulations or Party Wall matter and not a material planning consideration.]
- The existing garage appears to be joined to the original front boundary wall and could compromise its structure. [Officer comment: This is potentially a Party Wall matter and not a material planning consideration.]

5.8 The application has been called in to the Development Control Committee by Cllr Ware-Lane.

6 Relevant Planning History

6.1 12/01234/FULH: Demolish existing side extension and garage, erect two storey side extension with basement, first floor rear extension and form balconies with privacy screens, staircase to rear, alter elevations and vehicular crossover and install railings to front – Refused permission for the following reasons:
“01. The proposed rear extension by reason of its design and associated glazed privacy screen would appear incongruous and fail to satisfactorily integrate with the character and appearance of the existing dwellinghouse, to the detriment of the character and appearance of the dwellinghouse, streetscene and wider Conservation Area. This is contrary to the National Planning Policy Framework, East of England Plan Policy ENV7, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C4, C11 and H5 and the Design and Townscape Guide, 2009 (SPD1).”

7 Recommendation

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

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

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

02. The development hereby permitted shall be carried out in accordance with the approved plans: 1203/5A, 6, 7C, 8D, 9, 10.

Reason: To ensure that the development is carried out in accordance with provisions of the Development Plan.

03. No development shall take place until samples of the materials to be used on the external elevations of the dwelling, on any screen/boundary walls, fences and gates, and on any driveway, forecourt or parking area have been first submitted to and approved by the Local Planning Authority. The development shall be carried out and permanently retained in accordance with the approved details.

Reason: To safeguard the character and appearance of the streetscene, and Conservation Area in accordance with Policies C4 and C11 of the Borough Local Plan and Policies KP2 and CP4 of the Core Strategy DPD1.

04. No development shall take place until drawings that show details of windows, doors, eaves, verges and cills, window reveals, quoin detailing, banding, guttering and fascia boards by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out and permanently retained in accordance with the approved details.

Reason: In the interest of visual amenities of the streetscene and Conservation Area in accordance with Policies C4 and C11 of the Borough Local Plan and Policies KP2 and CP4 of the Core Strategy DPD1.
Informative

01. This grant of planning permission does not give permission for the encroachment of any part of this development, including eaves, guttering, rainwater goods etc, onto land outside the application site or outside the control of the applicant. Any such encroachment may require an agreement under the Party Wall etc Act 1996, and it is the applicant’s responsibility to ensure any such agreement is made.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.
<table>
<thead>
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<th><strong>Reference:</strong></th>
<th>13/00955/FUL</th>
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<tbody>
<tr>
<td><strong>Ward:</strong></td>
<td>St Laurence</td>
</tr>
<tr>
<td><strong>Proposal:</strong></td>
<td>Layout land at rear of 13 and 14 Smallholdings and use as private car park (amended proposal)</td>
</tr>
<tr>
<td><strong>Address:</strong></td>
<td>14 Smallholdings, Eastwoodbury Lane, SS2 6UT</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Mr S. Murray &amp; Mr J. Peacock</td>
</tr>
<tr>
<td><strong>Agent:</strong></td>
<td>Mr M. Warner</td>
</tr>
<tr>
<td><strong>Consultation Expiry:</strong></td>
<td>02.09.13</td>
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<td>24.09.13</td>
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<tr>
<td><strong>Case Officer:</strong></td>
<td>Louise Cook</td>
</tr>
<tr>
<td><strong>Plan Nos:</strong></td>
<td>202</td>
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<tr>
<td><strong>Recommendation:</strong></td>
<td>REFUSE PLANNING PERMISSION</td>
</tr>
</tbody>
</table>
1 The Proposal

1.1 Planning permission is sought to use the land and gardens at No’s 13 and 14 Smallholdings as a private car park. Up to 100 car parking spaces are proposed (including nine for disabled users) with access taken from the property’s existing access off Eastwoodbury Lane.

1.2 The site would be surfaced in a permeable material and an existing outbuilding would be used as an office. The proposal would be operated 24 hours a day, seven days a week.

1.3 The application is an amended proposal following refusal of application ref. 12/00182/FUL which was dismissed at appeal. This was a scheme for no. 14 Smallholdings only for the layout of 64 parking spaces. In conclusion, the Inspector dismissed the appeal and stated:

“Overall I find that the lack of proven need for the proposal and the adverse effect on residential character and amenity, highway safety and traffic flow do not outweigh the potential job creation of the proposal.” (paragraph 16)

2 Site and Surroundings

2.1 The site consists of a pair of semi-detached cottages known as Smallholdings Cottages and their gardens. Both cottages are in residential use.

2.2 The site lies in a semi-rural setting, at the western end of the stopped up Eastwoodbury Lane. To the north and west of the site lies the Southend Airport airfield.

3 Planning Considerations

3.1 The main planning considerations for this application are the principle of development, impact on residential amenity, the character of the area and highways implications.

4 Appraisal

Principle of Development

National Planning Policy Framework; Core Strategy Policies KP1, KP2 and CP1 and Borough Local Plan policy T17

4.1 The site is within residential use and the two dwellings that are within the site are not proposed to be demolished or changed to commercial use. Therefore, there are no housing policy implications. However, if permission was granted it may result in pressure to change the use to complement the parking activity at some future time.
4.2 The Core Strategy and Policy T17 of the Local Plan supports appropriate airport-related development, provided regard is had to the impact on the highway network and residential areas. The proposal is likely to attract custom from airport passengers. It is noted that the airport had adopted an Airport Surface Access Strategy (ASAS) which was a requirement of the 2010 planning permission for the extended runway and was developed by the Airport Transport Forum (which includes officers from the planning and highways departments). This document makes adequate provision for parking in relation to the expanding airport.

4.3 Notwithstanding the above, there is no policy objection to the use of the land for a private car park, which had the potential to create employment. However, its acceptability will be determined by detailed matters, discussed below.

Residential Amenity and Character of the Area

National Planning Policy Framework; Core Strategy policies KP2 and CP4; Borough Local Plan policies E5 and T17

4.4 The above policies are concerned with creating good quality residential environments and protecting residential amenities. The proposal will result in up to 100 car parking spaces being introduced into what are effectively residential gardens.

4.5 The previous application was dismissed by the Inspector on the basis that the proposal would be detrimental to the living conditions of the occupiers of the adjoining dwelling. However, as the application site has now been extended to include the adjoining neighbour (13 Smallholdings) it is not considered that an objection can be raised on this basis.

4.6 Notwithstanding the above, the area has an open, spacious, semi-rural character. As recognised in paragraph 5 of the Inspector’s decision, “the proposal would make a significant change to the current residential character and appearance of the site.” It is considered that the proposed development will result in a very large area of hardstanding which is out of character and would detract from the appearance of the local area, contrary to policy E5 of the Borough Local Plan and CP4 of the Core Strategy.

Highway Considerations

National Planning Policy Framework; Core Strategy policies KP2 and CP3; Borough Local Plan policy T8.

4.7 The previous application was dismissed by the Inspector on the basis that it would be detrimental to highway safety and the free flow of traffic. Reference was made to the access gate which has been on erected on Eastwoodbury Lane by the Council.
4.8 Paragraph 11 of the appeal decision states;

“There is only a short stretch of Eastwoodbury Lane between the appeal site and the roundabout at the junction with St Laurence Way. Although there is kerbside space beyond the gate up to the appeal site, if only a few cars were to back up while drivers waited for the gate to be opened, the free flow of traffic and consequently highway safety, on the roundabout and St Laurence Way would be compromised.”

4.9 Whilst the gate is outside the application site and not in the applicant’s control, it is owned by the Council and the Council’s Highways Department have agreed that it can be removed if required. This would prevent congestion between the appeal site and the junction with St Laurence Way and is considered to overcome the previous reason for refusal. A Grampian condition can control this and the gate would be removed at the applicant’s expense.

4.10 Given the size of the site, there would be no shortage of on-street and off-street parking for the existing dwellings and therefore, no objection is raised on this basis.

Other Issues

National Planning Policy Framework; Core Strategy policies KP2 and CP4; Borough Local Plan policy U2

4.11 The site does not fall within the Public Safety Zone around the airport runway. The airport director previously advised that there would not be an adverse effect on aerodrome operations or any safeguarding objections. The previous appeal decision was not dismissed on this basis.

4.12 In terms of flood risk, the site is not within a high flood risk area. It is considered suitable surfacing materials could be controlled by condition in order to manage surface water.

Conclusion

4.13 Whilst it is considered that the application has overcome two previous reasons for refusal on the basis of the impact on the neighbour and traffic and highway flow, it is not considered that the proposal has overcome the impact upon the residential character of the area and the increase in the number of spaces of the proposed development in comparison to the previous application will exacerbate the impact on the character and appearance of the area. There is no established need for public parking in this area, to otherwise warrant harm to the character of the area.

-5 Planning Policy Summary

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

5.3 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T17 (Southend Airport).

5.4 Design & Townscape Guide, 2009 (SPD1).

6 Representation Summary

Highways

6.1 The removal of the gate would overcome the previous objection to the free flow of traffic in the local area.

6.2 Still relevant is the Core Strategy and Policy T17 of the Local Plan supports appropriate airport-related development, provided regard is had to the impact on the highway network and residential areas. The proposal is likely to attract custom from airport passengers. It is noted that the airport had adopted an Airport Surface Access Strategy (ASAS) which was a requirement of the 2010 planning permission for the extended runway and was developed by the Airport Transport Forum (which includes officers from the planning and highways departments). This document makes adequate provision for parking in relation to the expanding airport.

Airport Director

6.3 No comments received.

Public Consultation

6.4 Neighbours notified and a site notice displayed – Four letters of representation have been received which object to the proposed development on the following grounds:

- Increased traffic, disturbance, noise and congestion.
- Detrimental to highway safety.
- Detrimental to neighbours.
- Inappropriate change of use of the land in this restricted, residential area.
- No need for such development.

6.5 The application has been called in by Cllrs Flewitt, Lewin and Walker.
7 Relevant Planning History

7.1 12/00182/FUL: Layout land and use as private car park at 14 Smallholdings – Refused; appeal dismissed.

8 Recommendation

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

01. The proposed development will result in a very large area of hardstanding which is out of character and would detract from the appearance of the local area, contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policy E5 of the Borough Local Plan and the Design and Townscape Guide, 2009 (SPD1).
<table>
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<td>Ward:</td>
<td>Milton</td>
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<tr>
<td>Proposal:</td>
<td>Erect three dwellinghouses, layout parking and amenity space (amended proposal)</td>
</tr>
<tr>
<td>Address:</td>
<td>Land Rear Of 36 To 46 Milton Road, Westcliff-On-Sea, Essex</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr D Lawreson</td>
</tr>
<tr>
<td>Agent</td>
<td>David Plant Architecture Ltd.</td>
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<td>Consultation Expiry:</td>
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<td>Matthew Leigh</td>
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<tr>
<td>Recommendation:</td>
<td>GRANT PLANNING PERMISSION</td>
</tr>
</tbody>
</table>
1 The Proposal

1.1 The application seeks to redevelop an existing car park with a no. 3 two storey dwelling houses.

1.2 Two of the dwellings would measure 8m wide, a maximum of 9.6m deep and have a maximum height of 8.2m. Whilst the third dwelling would measure 8.1m wide, a maximum of 8.5m deep and have a maximum height of 8.8m. Accommodation would be provided in the form of a living room, kitchen, dining room, study, utility room and toilet at ground floor and four bedrooms, a bathroom and an en-suite at first floor.

1.3 The proposed development would also include three garages, the layout of parking space, hard standing and the provision of private amenity space.

1.4 Access to the proposed three dwellings will be through the recently completed development (12/00535/FUL) to the south.

2 Site and Surroundings

2.1 The site is located on the southern side of London Road and is accessed from a private drive. The site is currently occupied by a car park.

The character of London Road is predominately made up of two storey properties. Directly to the south of the site is a new development of six houses. Houses within the Milton Conservation Area are located to the east of the site.

3 Planning Considerations

3.1 The key considerations are the principle of the development, design and impact on the character of the area, impact on highway implications, residential amenity and sustainable construction. The planning history of the site is also a material consideration.

4 Appraisal

Background to the application

4.1 Planning permission was granted to redevelop the site to the south by through the provision of a block of four terraced houses and two detached dwellings in 2012. The current application is by the same developer and proposes to access the site through the previously approved site.

4.2 In 2012 a planning application for the redevelopment of the site for three houses was submitted. The application was withdrawn prior to determination.
Principle of the Development

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

4.3 The proposal involves the comprehensive redevelopment of the existing site, through the construction of three dwellings. The site historically has been used as a private car park for informal car parking provision.

4.4 Government guidance seeks to encourage sustainable development and optimise the use of urban land. The proposed development would be constructed on a site which is considered to be previously developed land. With this in mind no objection is raised in relation to the principle of residential accommodation.

4.5 Local Planning Authorities should ensure, for smaller sites, the mix of housing contributes to the creation of mixed communities having regard to the proportions of households that require market or affordable housing and the existing mix of housing in the locality.

4.6 A Strategic Market Housing Assessment for Thames Gateway South Essex was completed in September 2008 and was updated in 2010. The Thames Gateway South Essex Group (sub-region) consists of 5 local authorities being Basildon, Castle Point, Rochford, Southend-on-Sea and Thurrock. The report assesses the housing market for the sub-region while also identifying local need. It is important to note that housing need identified in that report is relevant to both affordable and market housing. The report identifies the following:

4.7 Southend has the largest proportion of 1 and 2 bed properties of the above five local authorities and the highest level of vacancy. Demand is strongest for three and four bedroom properties rather than one or two bed properties.

4.8 The proposed scheme would provide 3 four bedroom houses which is meeting local and therefore, no objection is raised to the principle of the development.

Design and Impact on the Character of the Area:

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

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

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

4.11 The Design and Townscape Guide (SPD1) states that:

“The character of all immediate neighbours and the wider townscape should inform they layout, scale and design of any new development”

4.12 The design of the dwellings is similar in nature to those approved on the site to the south, under application (12/00535/FUL). Due to the location of the site to the rear of the existing buildings along Milton Road and Avenue Road the proposal would be heavily screened and would not be to the detriment of the character of the area.

4.13 The proposed development would also include the provision of garages for each dwelling. The garages are relatively small in scale with a pitched roof. It is considered that the proposed garages are of an acceptable design.

4.14 It is not considered that the development would have a detrimental impact upon the character of the area or have a detrimental impact upon the adjoining conservation area.

Traffic and Transport Issues

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

4.15 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officers Association (EPOA) set out the maximum requirements for each use. The authority also takes into account Government guidance which encourages the reduction in the reliance of the car and promote methods of sustainable transport. The maximum parking standards for residential development is 1.5 spaces although this is reduced, to one space per dwelling, if the site is in a sustainable location with good access to public transport.

4.16 The site is in a sustainable location within walking distance to the town centre and public transport links; and it is considered that the provision of one car parking space per dwelling is acceptable in this location. The proposed development would provide one garage per dwelling which is considered to be acceptable. Tandem spaces would also be available on the driveway in front of the garages.
4.17 The proposed dwellings will be accessed through a recently approved housing scheme. This development is accessed by a private drive that is 4.8m in width and is constructed as a shared surface; also providing pedestrian access to the development. It is considered that due to the relatively low number of residential properties serviced by the access, the proposed access way as a shared surface is acceptable.

**Impact on Residential Amenity:**

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

4.18 The proposed dwellings are a maximum of 8.2m in height. ‘Plot 1’ is located 3.5m from the western boundary of the site and the rear gardens of the properties to the west are a minimum of 21m deep. At the time of the previous application the dwelling was proposed to be 1m from the boundary. ‘Plot 2’ is located a minimum of 3.5m from the boundary of the site and the rear gardens of the properties to the east are approximately 14m deep. At the time of the previous application this dwelling was also proposed to be 1m from the boundary of the site. At the time of the previous application it was considered that the development due to the height, scale and relationship with plots 1 and 2 with the adjoining residential properties would have created an unreasonable sense of enclosure. It is considered that the reduction in height of the two dwellings and the increase in separation distance has overcome the previous concerns.

4.19 ‘Plot 3’ is located adjacent to the recently constructed row of terrace properties. The dwelling will be located over 20m from the nearest dwelling to the east and it is therefore not considered that this dwelling would have an undue impact upon the amenity of the adjoining residents in terms of causing an unreasonable sense of enclosure or loss of light. It should also be noted that this aspect of the development was not considered to result in a detrimental impact upon the amenity of the adjoining residents at the time of the last application.

4.20 The windows in the front elevations of the proposed dwelling would overlook the access way, turning circle and parking spaces which is considered to be acceptable.

4.21 Each dwelling would have a private amenity space in excess of 60m² which is comparable in size to the houses recently approved planning permission to the south. ‘Plot 1’ and ‘Plot 2’ provide a rear garden depth in excess of 10m which is considered capable of mitigating against any undue impact form overlooking or prejudicing the site to the north coming forward for redevelopment. ‘Plot 3’ provides a rear garden depth of around 7m which is comparable to the isolation distances accepted at the time of the redevelopment of the site to the south. It is therefore considered, on balance, that the development would not result in an undue impact upon the neighbours to the east through overlooking.
Sustainable Construction:

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4 and CP8.

4.22 Policy KP2 of the Core Strategy states:

“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources” and that “at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)”.

4.23 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design in this instance, given that the application is for the redevelopment of the site it is considered reasonable and appropriate to impose a condition on any approval requiring details of renewable options (and/or decentralised renewable or low carbon energy sources) to meet 10% of the developments energy needs to be submitted with reserved matters in accordance with Policy KP2 and Government guidance.

4.24 With regard to Sustainable Urban Drainage Systems, the site at present comprises entirely of hardstanding and the proposed development will decrease the levels of surface water run-off as new soft landscaped areas and areas of permeable paving are proposed. The proposed car parking spaces will be installed in permeable paving which will allow water to infiltrate through them.

5 Conclusion

5.1 The design of proposed development is similar in nature to the recently completed dwellings to the south of the site and it is considered that the principle of the development and the design of the dwellings is in accordance with the development plan. It is considered that the alterations to the design and siting of ‘Plot 1’ and ‘Plot 2’ have overcome the concerns in relation to the impact upon the amenity of the adjoining residents.

6 Planning Policy Summary

6.1 National Planning Policy Framework.

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


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

7 Representation Summary

Highway Authority

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

Design and Regeneration

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

Environmental Health

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

Parks

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

Waste Management

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

EDF Energy

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

The Milton Conservation Area

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

The Fire Brigade

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

British Gas

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

Public Consultation

7.10 28 neighbours were notified and a site notice was displayed. At the time of writing the report no responses had been received.

7.11 The planning application has been called before the Development Control Committee by Councillor Ware-Lane.
8  Relevant Planning History

8.1  A planning application (12.01603/FUL) to redevelop an existing car park with a no. 3 two storey dwelling houses was withdrawn.

9  Recommendation

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

01  The development hereby permitted shall begin not later than three years from the date of this decision.

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

02  The development hereby permitted shall be carried out in accordance with the following approved plans: 131.01_200, 131.1_201, 131.1_202, 131.1_203 and 131.01_001C

   Reason:  To ensure that the development is carried out in accordance with the provisions of the Development Plan.

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

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

04  Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as requested), or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Class A, B, C, D and E to those Orders.

   Reason:  In the interest of amenity and in accordance with DPD1 (Core Strategy 2007) policy CP4, Borough Local Plan 1994 policy H5 and SPD1 (Design and Townscape Guide).
05 3 car parking space(s) shall be provided in accordance with plan no. 131.1_200 prior to occupation of the dwelling(s) hereby approved and shall thereafter be permanently retained for the parking of private motor vehicles solely for the benefit of the occupants of the dwelling(s) of which it forms part and their visitors and for no other purpose unless otherwise agreed in writing by the local planning authority.

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

06 No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping. This shall include 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, 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: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the local environment and biodiversity in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C11 and C14, and SPD1 (Design and Townscape Guide).

07 All planting in the approved landscaping scheme shall be carried out within 12 calendar months of the completion 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: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the local environment and biodiversity in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C11 and C14, and SPD1 (Design and Townscape Guide).
08 No development shall commence until 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. The development shall be carried only in accordance with the agreed details.

Reason: In the interest of sustainable development and in accordance with Policy KP2 of the Southend on Sea Borough Core Strategy

09 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 the interest of sustainable development and in accordance with Policy KP2 of the Southend on Sea Borough Core Strategy

REASON FOR APPROVAL:

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

PLEASE NOTE

01 The applicant is reminded that they will be liable for any damage done to the public highway arising from the works and should take appropriate precautions to protect them from damage or interference during the construction works.

02 You are advised that the development hereby approved is likely to require approval under Building Regulations. Our Building Control Service can be contacted on 01702 215004 or alternatively visit our website http://www.southend.gov.uk/info/200011/building_control for further information. (I77)
03 If this application is for a new property/properties or for a conversion of an existing property, you will need to have the development officially street named and numbered. The street naming & numbering form is available on the Southend-on-Sea Borough Council’s website at www.southend.gov.uk. If you have further queries, please contact the street naming and numbering service (Highway and Traffic Management Services) on 01702 215003 or email: council@southend.gov.uk. (I64)
<table>
<thead>
<tr>
<th>Reference:</th>
<th>13/01043/FUL</th>
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<tbody>
<tr>
<td>Ward:</td>
<td>Belfairs</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Demolish existing dwellinghouse and erect replacement detached dwellinghouse and layout parking to front (Amended Plans)</td>
</tr>
<tr>
<td>Address:</td>
<td>134 Woodside, Leigh-On-Sea, Essex, SS9 4RE</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr And Mrs P Vaufrovard</td>
</tr>
<tr>
<td>Agent:</td>
<td>Smith And Metson Architects</td>
</tr>
<tr>
<td>Consultation Expiry:</td>
<td>10 September 2013</td>
</tr>
<tr>
<td>Expiry Date:</td>
<td>4 October 2013</td>
</tr>
<tr>
<td>Case Officer:</td>
<td>Matthew Leigh</td>
</tr>
<tr>
<td>Plan Nos:</td>
<td>X301 and TP401</td>
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<tr>
<td>Recommendation:</td>
<td>GRANT PLANNING PERMISSION</td>
</tr>
</tbody>
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![Map Image]
1  The Proposal

1.1 The application is partially retrospective in nature and involves the demolition of the existing dwelling and the construction of a new dwelling.

1.2 The development would provide accommodation in the form of a lounge, kitchen dining area, study, TV den, utility room and wet room at ground floor and three bedrooms, three en-suites and a balcony at first floor.

1.3 The application is almost identical to a previously approved scheme for extensions and alterations to the original dwelling. With the exception that the current development has two less windows in the northern elevation at ground floor.

1.4 The dwelling previously on site has been completely demolished due to structural issues with the walls that were due to remain following the previous proposal which was granted planning permission to extend the dwelling (13/00081/FUL)

2  Site and Surroundings

2.1 The site is located on the western side of Woodside southwest of its junction with Park View Drive. The site is occupied by a detached chalet.

The streetscene in this part of Woodside is made up of detached bungalows and chalet bungalows.

3  Planning Considerations

3.1 The key considerations are the principle of the development, design and impact on the character of the area, impact on residential amenity and highway implications. The planning history of the site is also a material consideration.

4  Appraisal

Background to the application

4.1 Planning permission (13/00081/FULH) was granted earlier this year for the demolition of the existing garage, the erection of a part single storey and part two storey front, side and rear extension and a dormer to the side and rear elevation and a recessed balcony to the rear.

4.2 The above permission was commenced. The works to the existing dwelling resulted in four sections of wall remaining. These walls were all straight sections that contained no corners or junctions. It is these aspects that give walls their inherent strength and the engineer therefore required their demolition as they were not fit for purpose.
4.3 A complaint was received by the Council that the dwelling had been demolished. The applicant, at this time, was in the process of submitting a retrospective application to regularise the development.

**Principle of the Development**

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

4.4 Government policy seeks to optimise the use of urban land. The proposed development involves the provision of a new larger dwelling replacing a previous dwelling. In this context it is considered the development is acceptable in principle, provided it meets all other policy requirements in the Development Plan and is in line with all relevant Government guidance.

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

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

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

4.6 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

4.7 The NPPF states that:

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

> “that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”
4.8 The Design and Townscape Guide (SPD1) states that:

“The character of all immediate neighbours and the wider townscape should inform their layout, scale and design of any new development”

“The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant… the easiest option is to draw reference from the surrounding buildings.”

4.9 The proposed development is a modern designed dwelling. The appearance of the development is identical in nature to the previously approved alterations and additions and it is not considered that the proposed appearance is still acceptable and in accordance with the Development Plan.

Traffic and Transport Issues

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

4.10 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officers Association (EPOA) Parking Standards set out the requirements for each use. The Parking Standards are expressed as maximum standards and requires a maximum of 1.5 spaces per residential dwelling.

4.11 The development provides hardstanding to the front of the dwelling for car parking provision. This space could accommodate upward of two cars. It is therefore, not considered that an objection can be raised to the proposed development in relation to car parking provision or impact on highway safety.

Impact on Residential Amenity:


4.12 The proposed development would result in a dwelling of a maximum depth of 16.5m, which is a larger footprint than the original dwelling. However, the dwelling to the south (no. 132) has a relatively large single storey flat roofed rear extension which means that the proposed development only extends pass the adjoining dwelling to the south by 1.4m and would provide an isolation distance from the extension to the boundary of 1m. The new dwelling would also be sited closer to the property to the south than the building line of the existing dwelling. The adjacent dwelling also has a small separation distance approximately 0.5m off the flank boundary. The proposed dwelling projects beyond the original dwelling on-site. However, the neighbouring property has a significant step back so it is at its deepest adjacent to the application site and the proposed dwelling. Although the proposed dwelling will be set further away from the flank boundary than the original garage it will be significantly higher and also be set slightly forward of the building line of the existing garage.
It will extend approximately 4m in front of the neighbouring property on this side which appears to serve a bedroom. This window is east facing and therefore will receive morning sun. Given that the roof pitches away from the boundary and that it is also hipped within the front elevation, on balance, it is not considered that the proposal will be harmful to the amenities of the adjacent dwelling by causing an unreasonable sense of enclosure. Furthermore given the orientation of neighbouring property to the south of the application site it will not affect light into the window within the front elevation on this side of the dwelling. It should also be noted that the impact upon the amenity of the adjoining residents is identical in nature to that of the previously approved extensions.

4.13 The flat roofed section of the dwelling would extend out around 1m past the adjoining dwelling to the north (no.136). Given the low scale nature of this element of the proposal it is not considered this would lead to an unacceptable impact upon the adjoining residents in relation to causing unreasonable sense of enclosure or loss of light.

4.14 The proposal includes the provision of two windows and three roof lights in the south elevation which faces directly towards the neighbouring property to the south and therefore has the potential to result in loss of privacy to the neighbour due to overlooking. The windows serve two en-suite bathrooms and provide secondary light to two bedrooms and therefore, it is considered reasonable to impose a condition to ensure the windows are obscure glazed to protect the amenity of the adjoining residents.

4.15 The development includes the provision of a recessed first floor balcony at the rear which will be accessed off the master bedroom. The balcony would be constructed within the hipped roof and the balustrade is proposed to be set back from the edge of the roof by 0.5m. This setback is considered, on balance, to mitigate against overlooking of the adjoining neighbour at no. 132. Furthermore, it is considered that the separation distance, to the north, is sufficient to mitigate against overlooking of this property.

4.16 The proposed dwelling would provide a rear garden area capable of meeting the outdoor needs of the future occupiers.

5 Conclusion

5.1 The proposed development is almost identical in nature to approved extensions and additions to the original dwelling on site and it is considered that the proposed dwelling is in accordance with the Development Plan.

6 Planning Policy Summary

6.1 National Planning Policy Framework.

6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP4 (The Environment and Urban Renaissance) and CP8 ( Dwelling Provision).

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

6.5 EPOA adopted Vehicle Parking Standards.

7 Representation Summary

Highway Authority

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

Design and Regeneration

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

Public Consultation

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

8 Relevant Planning History

8.1 2012 – A planning application (12/01122/FULH) to demolish the existing garage and the erection of a part single storey and part two storey front, side and rear extension with a dormer to the side and rear elevation and a balcony to the rear was refused planning permission.

8.2 2012 – A planning application (12/01442/FULH) for the demolition of the existing garage and the erection of a part single storey and part two storey front, side and rear extension. The development also included the provision of a dormer to the side and rear elevation and a balcony to the rear. The development was granted planning permission.

8.3 2013 - A planning application (13/00081/FULH) for the demolition of the existing garage and the erection of a part single storey and part two storey front, side and rear extension. The development also included the provision of a dormer to the side and rear elevation and a balcony to the rear. The application was granted planning permission.
9 Recommendation

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

01 The development hereby permitted shall be carried out in accordance with the following approved plans: TP401

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

02 Within 3 months of the date of this decision, samples of the facing material to be used, including glazing, shall be submitted to the local planning authority. The works must then be carried out in accordance with the approved materials unless otherwise agreed in writing by the local planning authority.

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

03 The development hereby approved shall not be occupied until one car parking space has been provided on hardstanding and shall thereafter be permanently retained for the parking of private motor vehicles solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose unless otherwise agreed in writing by the local planning authority.

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

04 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as requested), or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Class A, B, C, D and E to those Orders.

Reason: In the interest of amenity and the amenity of the adjoining residents and in accordance with DPD1 (Core Strategy 2007) policy CP4, Borough Local Plan 1994 policy H5 and SPD1 (Design and Townscape Guide).
05 The flat roof of the development hereby approved, to the east of the terrace, shall not be used as a sitting out area or similar amenity area or for any other purpose unless otherwise agreed in writing by the local planning authority. The roof can however be used for the purposes of maintenance or to escape in an emergency.

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

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

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

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

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