

Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 10th January, 2018

Time: 2.00 pm

Place: Committee Room 1 - Civic Suite

Contact: Tim Row - Principal Democratic Services Officer

Email: committeesection@southend.gov.uk

AGENDA

- 1 Apologies for Absence
- 2 Declarations of Interest
- 3 Minutes of the Meeting held on Wednesday 8th November 2017
- 4 Supplementary Report
- **** **Introduction**
- **** **Reports on Applications with Pre-Meeting Site Visits**
- 5 **17/01708/AMDT - 22A Woodfield Gardens, Leigh on Sea (Leigh Ward)**
(Pages 37 - 50)
- 6 **17/00644/FUL - Cambridge House, 121 Ness Road, Shoeburyness**
(West Shoebury Ward) (Pages 51 - 84)
- **** **Reports on Planning Applications**
- 7 **17/01426/DOV5 - 1307 London Road, Leigh on Sea (Belfairs Ward)**
(Pages 85 - 92)

TO: The Chairman & Members of the Development Control Committee:
Councillor F Waterworth (Chair)
Councillors D Garston (Vice-Chair), B Arscott, B Ayling, M Borton, H Boyd,
S Buckley, T Callaghan, N Folkard, J Garston, R Hadley, H McDonald,
C Mulroney, D Norman MBE, P Van Looy, C Walker and N Ward

PLEASE NOTE: The minibus for the site visits will depart from the bus stop at the front of the Civic Centre at 11.00 a.m.

This page is intentionally left blank

Public Document Pack

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 8th November, 2017

Place: Committee Room 1 - Civic Suite

3

Present: Councillor F Waterworth (Chair)
Councillors D Garston (Vice-Chair), B Arscott, B Ayling, M Borton, H Boyd, S Buckley, M Butler*, T Callaghan, N Folkard, R Hadley, H McDonald, C Mulroney, D Norman MBE, P Van Looy, C Walker and N Ward

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: J K Williams, P Geraghty, M Smith, K Waters, C Galforg, P Keyes, M Warren and T Row

Start/End Time: 2.00 p.m. - 3.40 p.m.

463 Apologies for Absence

Apologies for absence were received from Councillor J Garston (Substitute: Councillor Butler).

464 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Arscott – Agenda Item No. 8: 17/01049/FULH (54 Undercliff Gardens, Leigh-on-Sea) – Non-pecuniary interest: A resident of Undercliff Gardens is a friend;

(b) Councillor Arscott – Agenda Item No. 10 (17/00664/FULM - Toomey Nissan, 831-837 London Road, Westcliff-on-Sea, SS0 9TE) – Non-pecuniary interest: An objector is known to him;

(c) Councillor Arscott – Agenda Item No. 11 (17/01306/FULM - St Thomas More High School, Kenilworth Gardens, Westcliff-on-Sea, Essex, SS0 0BW) – Non-pecuniary interest: School Governor at School within proposed academy led by St Thomas More High School;

(d) Councillor Ayling – Agenda Item No. 12 (17/01464/FULM - Grand Hotel, Broadway, Leigh-on-Sea, Essex, SS9 1PJ) – Non-pecuniary interest: Knows the applicant;

(e) Councillor Boyd – Agenda Item No. 11 (17/01306/FULM - St Thomas More High School, Kenilworth Gardens, Westcliff-on-Sea, Essex, SS0 0BW) – Non-pecuniary interest: Lives close to the school and residents of Arundel Gardens are known to her;

(f) Councillor D Garston – Agenda Item No. 10 (17/00664/FULM - Toomey Nissan, 831-837 London Road, Westcliff-on-Sea, SS0 9TE) – Non-pecuniary interest: An objector is known to him;

(g) Councillor Mulroney – Agenda Item Nos. 7 (17/01379/FULH - 68 Pall Mall, Leigh-on-Sea), 8 (17/01049/FULH - 54 Undercliff Gardens, Leigh-on-Sea), 12 (17/01464/FULM - Grand Hotel, Broadway, Leigh-on-Sea, Essex, SS9 1PJ), 14 (17/00912/FUL - 109 - 111 Broadway, Leigh-on-Sea, Essex, SS9 1PE) and 15 (17/01460/FULH - 29 Hadleigh Road, Leigh-on-Sea, Essex, SS9 2DY) – Non-pecuniary interests: Member of Leigh Town Council and Leigh Society (non-participant in planning); and

(h) Councillor Norman MBE – Agenda Item No. 11 (17/01306/FULM - St Thomas More High School, Kenilworth Gardens, Westcliff-on-Sea, Essex, SS0 0BW) – Non-pecuniary interest: Governor at Westcliff High School for Boys.

465 Minutes of the meeting held on Wednesday 2nd August 2017

Resolved: That the Minutes of the meeting held on Wednesday 2nd August 2017 be received, confirmed as a correct record and signed.

466 Minutes of the meeting held on Wednesday 13th September 2017

Resolved: That the Minutes of the meeting held on Wednesday 13th September 2017 be received, confirmed as a correct record and signed.

467 Minutes of the Meeting held on Wednesday 4th October 2017

Resolved: That the Minutes of the meeting held on Wednesday 4th October 2017 be received, confirmed as a correct record and signed.

468 Supplementary Report

The Committee received a supplementary report by the Deputy Chief Executive (Place) that provided additional information on items referred to elsewhere on the Agenda.

**469 17/01379/FULH - 68 Pall Mall, Leigh-on-Sea (Leigh Ward)
Proposal: Demolish existing garage to rear and erect replacement garage
Applicant: Mr Tracy Meade
Agent: Mr Bruce Warren**

Mr Lee, a local resident, spoke as an objector to the application. Mr Meade, the applicant, responded.

Resolved: That planning permission be REFUSED for the following reason:

1. The proposed garage would, by reason of its height and position coupled with its projection into a shared pedestrian access and the consequent relationship to the existing garage at 28 Canonsleigh Crescent, result in an unduly dominant and oppressive built form prejudicial to the character and appearance of the street scene and harmful to the amenity of users of the pedestrian access whose reasonable sense of a safe and accessible environment would be materially

impaired. The proposal therefore conflicts with the objectives of the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4 and Development Management Document Policies DM1 and DM3.

- 470 17/01049/FULH - 54 Undercliff Gardens, Leigh-on-Sea (Leigh Ward)**
Proposal: Raise ridge height and form hip to gable roof extension, erect dormers to front and rear to form habitable accommodation in roof, erect first floor front extension including enlargement of roof, replacement front balcony, new walkway to rear, relocate main entrance door and alter elevations.
Applicant: Mr Rupert Cousins
Agent: THS Concepts LTD

Resolved: That planning permission be GRANTED subject to the following conditions:

01. The development hereby permitted shall begin no 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: PA-001/F

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 details and/or samples of the facing materials to be used in the construction of external elevations of the building hereby permitted, including the proposed windows, 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 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 the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD policy DM1 and DM6 and The Design and Townscape Guide (2009).

04. The first floor windows in the west side 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) 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 and shall be retained as such in perpetuity. 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: In order to protect the character and appearance of the area and the amenities of the future occupiers from loss of privacy, in accordance with of the

Council's Policies KP2 and CP4 of the Core Strategy DPD1, Development Management DPD2 policies DM1 and DM3.

Informative

01. You are advised that as the proposed development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

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.

- 471 17/00173/UNAU_B - 365 Victoria Avenue, Southend on Sea, Essex. SS2 6NH (Prittlewell Ward)**
Breach of Control: Without planning permission, construction of single storey side extension to north side and single storey rear extension

Resolved: That ENFORCEMENT ACTION be AUTHORISED to secure:

- (a) The removal of the side extension;
- (b) the removal of the rear structure;
- (c) the removal of all rubble, materials and equipment associated with complying with the notice.

The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case, a compliance period of 2 months is deemed reasonable for the removal of the unauthorised structures.

- 472 17/00664/FULM - Toomey Nissan, 831-837 London Road, Westcliff-on-Sea, SS0 9TE (Blenheim Park Ward)**
Proposal: Demolition of vacant car showroom and workshops, erect four storey building with retail (Class A1) at ground floor level, 31 retirement apartments above with balconies, install terrace at third floor to front elevation, layout parking and install vehicular access on to London Road (Amended Proposal)
Applicant: Mr J. Brook, Laidon Holdings Limited
Agent: Mr C. Green, Town Planning Services

Mr McLernon, a local resident, spoke as an objector to the application. Mr Green, the applicant, responded.

Resolved: That planning permission be GRANTED subject to the following conditions:

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

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

02. The development shall be carried out in accordance with the approved plans: 6766_P12; 6766_P11A; 6766_P300; 6766_P301.0B; 6766_P301.1C; 6766_P301.2C; 6766_P301.3C; 6766_P301.4C; 6766_P301.5C; 6766_P301.6; 6766_P306.1C; 6766_P307.2D; 6766_P307.3C; 6766/P307.1C.

Reason: To ensure the development is carried out in accordance with the development plan.

03. Each of the units hereby permitted shall be only occupied by:

- (i) persons aged 65 years or older; or
- (ii) persons living as part of a single household in the development with such a person or persons aged 65 years or older; or
- (iii) persons who were living as part of a single household in the development with such a person or persons who have since died.

Reason: To define the scope of this permission with respect to parking provision, amenity space, general living conditions and the provision of affordable housing and infrastructure required to support the development, in accordance with Core Strategy (2007) Policies KP2, KP3, CP4, CP6 and CP8 and Policies DM1 and DM3 of the Development Management Document (2015).

04 The communal spaces and guest facility as shown on the approved plans shall be provided before the proposal is occupied and shall not be altered or removed in any way and be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that amenity space and living conditions are safeguarded for future occupiers of the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Council's Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).

05. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above the ground floor (parking) slab level shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including projecting elevational box details including projection, reveals, balustrade, lighting, entrance canopy, screening, fenestration, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in full accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015).

06. The car parking spaces, cycle storage and refuse store shall be implemented in accordance with plan no. 6766/301.4 Revision C prior to occupation of the retail and residential uses hereby approved to provide not less than 29 car parking spaces for the residential use, 14 car parking spaces for the retail use and 5 cycle parking spaces and shall thereafter be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

07. Notwithstanding the details shown on the plans submitted otherwise hereby approved the development hereby permitted shall not be commenced until the Local Planning Authority has approved in writing a full scheme of highways works (including detailed designs and contract details) and the relevant associated highways approvals are in place, in relation to the new service layby and new pedestrian crossing point. The works shall thereafter be undertaken in accordance with the approved details and completed prior to first occupation of the development hereby approved unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highways management and safety in accordance with Core Strategy (2007) policies KP2, CP3, CP4; Development Management Document (2015) policy DM15.

08. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be fully adhered to throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust and dirt during construction
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

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

development, any contamination is found which has not been identified in the site investigation construction shall stop immediately and additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority before construction continues. The remediation of the site shall incorporate the approved additional measures before construction continues.

Reason: To ensure that any contamination on the site 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 policy DM14 of the Development Management Document (2015).

10. The retail unit hereby approved shall not be open for customers outside the following hours: - 07:00 hours to 23:00 hours Monday to Sundays and Bank Holidays.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document.

11. All servicing of the site must take place between 07:00 to 23: 00 hours Monday to Sunday, with the exception of newspaper deliveries. Servicing includes loading and unloading goods from vehicles and transferring rubbish outside the building.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document.

12. No dust or fume extraction or filtration equipment or air conditioning, ventilation, or refrigeration equipment shall be installed at the site until full 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 only 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 occupiers of the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

13. No construction works above the slab level shall take place until full details of both hard and soft landscape works to take place at the site have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures. Details for the soft landscape works shall include the number, size and location of any shrubs, trees and plants to be planted together with a planting specification, the management of the site (e.g. the uncompacting of the site prior to planting) and the initial tree planting and tree staking details. The development shall be

implemented in full accordance with the approved details before it is occupied or brought into use.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

14. The development shall not be occupied until a waste management plan and service plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out only in accordance with the approved details in perpetuity.

Reason: to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

15. No development shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SUDs) Principles) have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is occupied or brought into use and be maintained as such thereafter. Those details shall include:

i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;

ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;

iii) a timetable for its implementation; and

vii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with

Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

16. A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing prior to occupation of the development hereby approved by the Local Planning Authority and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM2.

17. Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

18. Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or adaptation of this legislation of for the time being maybe in force, the retail floorspace hereby approved shall be used only for purposes falling within Use Class A1 and for no other purpose.

Reason: To safeguard the amenities of adjoining residents, in accordance with policies KP2 and CP4 of the Core Strategy, policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide.

19. Before the development is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure the flats comply with Building Regulation part M4(2) 'accessible and adaptable dwellings'.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework, Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2 and Design and Townscape Guide (2009).

20. The development shall not be occupied until details of the privacy screens to be installed at the site have been submitted to and approved in writing by the local planning authority. The development shall be occupied in full accordance with the approved details before it is occupied and be maintained as such in perpetuity thereafter.

Reason: To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings in accordance with the National Planning Policy Framework (2012),

Core Strategy (2007) policies KP2 and CP4, and Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide (2009).

21. Prior to their occupation the proposed first floor windows in the north elevation serving the kitchen to flat 1 hereby approved shall 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 and unopenable, except for any top hung light which shall be a minimum of 1.7 metres above internal floor level. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained as such in perpetuity thereafter.

Reason: To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, and Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide (2009).

Informatives

1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council.

Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

2. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

3. In relation to condition 07 above, the works to existing highway will require a Section 278 agreement or Highways Licence.

- 473 **17/01306/FULM - St Thomas More High School, Kenilworth Gardens, Westcliff-on-Sea, Essex, SS0 0BW (Blenheim Park Ward)**
Proposal: Erect two storey building creating additional class rooms and fitness suite and associated accommodation, layout 10 additional car parking spaces and erect cycle store, layout Multi Use Games Area and associated works
Applicant: St Thomas More High School
Agent: Ingleton Wood LLP

Mr Clark, a local resident, spoke as an objector to the application.

Resolved: That considered of the application be DEFERRED pending a pre-meeting site visit.

- 474 **17/01464/FULM - Grand Hotel, Broadway, Leigh-on-Sea, Essex, SS9 1PJ (Leigh Ward)**
Proposal: Convert existing hotel into mixed use comprising basement wine bar and health club, ground floor restaurants and terrace, 18 self-contained flats on three floors, demolish existing mansard roof and form new replacement mansard roof, erect three storey rear extension with mansard roof, install balconies to rear and sides at first floor and third floor level, external alterations, install extract/ventilation equipment and solar PV panels on roof, layout additional parking, associated landscaping and communal roof terrace and form vehicular access onto Broadway (Amended Proposal)
Applicant: 460 Leisure Ltd
Agent: Smart Planning

MS P Godfrey, a local resident, spoke as an objector to the application. Mr Dadds, the applicant's solicitor, responded.

Resolved: (a) That the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager of Planning & Building Control be DELEGATED to GRANT PLANNING PERMISSION, subject to completion of an AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all of the appropriate legislation to secure the provision of:

- A financial contribution towards secondary education provision of £9,607.57 (index-linked), specifically providing increased capacity at Belfairs Academy which is payable prior to commencement;
- A financial contribution of £2500 to cover the cost of amending the Traffic Regulation Order to accommodate the new vehicular access ;
- The provision of Travel Packs for the commercial uses.

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

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

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

02. The development shall be carried out in accordance with the approved plans: 1391-14A, 1622-01; 1622-02G; 1622-03J; 1622-04K; 1622-05L; 1622-06H; 1622-07E; 1622-08D; 1622-09D; 1622-11B; 1622-12A; 1622-25, Soft Landscape Plan; Location Plan

Reason: To ensure the development is carried out in accordance with the development plan.

03. Prior to the commencement of development samples and / or product details of the materials to be used in the construction / alteration of the external elevations of the development hereby permitted, including bricks (sample required), tiles (sample required), roof materials, stonework (sample required) cladding (sample required) balconies and balustrades, windows and doors including doors and gates to storage areas, dormers, hardstanding and terrace paving, steps and ramp, boundary railings and boundary wall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before it is brought into use.

Reason: To safeguard character and appearance of the locally listed building surrounding Leigh Cliff Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

04. Prior to the commencement of development, a sample panel showing the pointing profile, copings, mortar mix, bricks and brick bond to be used on the extension and brick wall shall be submitted to and agreed in writing by the local planning authority. The works shall be carried out only in accordance with the agreed details unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard character and appearance of the locally listed building surrounding Leigh Cliff Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

05. Prior to the commencement of development, detailed drawings, including all styles of doors and windows, balustrades, balconies and railings, dormers, mansard ridge detail, stonework (window surrounds and boundary wall copings), dormer details including decorative pediments, chimney and parapet detail for the extension and details of the staircase access/lift shaft at roof level at scales of 1:20, 1:10 or 1:1 as appropriate shall be submitted to and agreed in writing by the local planning authority. The development shall only be carried out and in accordance with the approved details.

Reason: To safeguard character and appearance of the locally listed building surrounding Leigh Cliff Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the

Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

06. Prior to the commencement of development of the front terrace hereby approved, details of the junction between the existing building and the proposed terrace, the ramp and the terrace wall/balustrade shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out only in accordance with the approved details.

Reason: To safeguard character and appearance of the locally listed building surrounding Leigh Cliff Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

07. No electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, air conditioning units, boiler flues, ventilation grills or ducting shall be fixed to the exterior of the building other than in accordance with details that have been submitted to and approved in writing by the local planning authority.

Reason: To safeguard character and appearance of the locally listed building surrounding Leigh Cliff Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

08. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above a lower ground floor slab level shall take place until full details of both hard and soft landscape works and proposed boundary treatment have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; means of enclosure, car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting etc.) Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification and the initial tree planting and tree staking details.

The hard landscaping shall be implemented in full accordance with the approved details before the development is occupied or brought into use. The soft landscaping shall be completed before the end of the first planting season following first occupation of the building.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

09. No construction works above a lower ground floor slab level shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas,

has been submitted to and approved by the Local Planning Authority prior to the occupation of the development. The landscaping of the site shall be managed in accordance with the approved plan from occupation in perpetuity.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and policies DM1, DM3 and DM5 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

10. Prior to the commencement of the development details of tree protection measures, in relation to the cedar tree to the front, shall be submitted to and approved by the local planning authority. The approved tree protection measures shall be implemented in full prior to commencement of the development and be retained throughout construction unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the cedar tree to the front of the site is adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

11. The development shall not be occupied or brought into use until space has been laid out within the site in accordance with drawing No. 1622-02G for 28 cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking spaces shown in the approved plans shall be permanently retained only thereafter for the parking of occupiers, staff and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management (2015).

12. The development shall not be occupied or brought into use until the refuse and recycling storage facilities are provided in full within the details shown on approved site in accordance with drawing No. 1622-02G . The refuse and recycling facilities shall be permanently retained as such thereafter.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

13. The development shall not be occupied or brought into use until a waste management plan and service plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter only be carried out in accordance with the approved details.

Reason: to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety

and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

14. 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 development. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) policy DM2.

15. Prior to the commencement of the development details of any extraction and ventilation equipment to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the basement and ground floor commercial space is brought into use. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

16. With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment installed at the site shall be at least 5dB(A) below the prevailing background at 3.5 metres from ground floor façades of the nearest noise sensitive property and 1 metre from all other façades of the nearest noise sensitive property with no tonal or impulsive character.

Reason: In order to protect the amenities of occupiers of the development and surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document 2015.

17. A Noise Management Plan in respect of the non-residential uses hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to the first use of non-residential uses hereby approved. The Noise Management Plan shall include measures to reduce noise transmission from the outdoor terrace area which may cause a nuisance to neighbouring properties including a prohibition on amplified music being played within this terrace area. The non-residential uses at the site shall be managed and operated in full accordance with the measures in the approved Noise Management Plan from them being first brought into use and in perpetuity thereafter.

Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document 2015.

18. There shall be no new orders for dining on the front terrace from 22:30 until the close of business that day and the entire front terrace area cleared of all customers by 23:00 until the close of business that day. Additionally all doors accessing the terrace shall be closed, except temporarily for access and egress, from 23:00 to 08:30.

Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (207) and Policies DM1 and DM3 of the Development Management Document (2015).

19. Notwithstanding the details specified in the submitted acoustic report by SRL dated 20th July 2016, prior to the commencement of the development, an amended acoustic report that also includes an assessment of the noise potential of the function room and health club and which includes recommendations for mitigation measures for these areas shall be submitted and agreed in writing with the local planning authority. These uses in the scheme shall be managed and operated in full accordance with the measures in the approved report from them being first brought into use and in perpetuity thereafter.

Reason: In order to protect the amenities of the first floor flat occupiers of the development and surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (207) and Policies DM1 and DM3 of the Development Management Document 2015.

20. The class A4 (wine bar) use hereby permitted in the basement shall not be open to customers outside the following times: 09:00 to 01:00 on Monday to Saturdays and 09:00 to 23:00 on Sundays and Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development and surrounding residential area from noise associated with patrons leaving the establishment and smokers congregating outside during opening times in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

21. The restaurant, brasserie and function room use hereby permitted at ground floor shall not be open to customers outside the following times: 09:00 to 01:00 on Mondays to Saturdays and 09:00 to 23:00 on Sundays and bank holidays and the French doors to access these areas shall be kept closed from 23:00 to 09:00.

Reason: In order to protect the amenities of occupiers of the development and surrounding residential area from noise associated with patrons leaving the establishment and smokers congregating outside during opening times in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or adaptation of this legislation of for the time being maybe in force, the basement floorspace hereby approved and identified as the Health Club area, as shown on plan No 1662-.9D, shall only be used as a health club (class D2) and for no other purpose whatsoever.

Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

23. The basement floorspace hereby approved and identified as the Health Club, as shown on plan No 1662-.9D shall not be used outside of the following hours: 07:00 to 23:00 Mondays to Sundays.

Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

24. No deliveries or refuse collection shall be taken at or despatched from the non-residential uses hereby approved outside the hours of 07:00 to 19:00 hours Mondays to Fridays and 08:00 to 13:00 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

25. No external lighting shall be installed on the building other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority. No additional external lighting shall be installed on the building or within the site without the prior written consent of the Local Planning Authority.

Reason: In the interest of the visual amenities and character of the conservation area, and to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM5 of the Development Management Document (2015).

26. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development shall not be occupied until details of the secure, covered cycle parking spaces to serve the residential development and separate secure covered cycle parking spaces to serve the commercial uses and additional external visitor cycle parking have been submitted to and agreed in writing by the local planning authority. The approved cycle parking shall be implemented in full prior to first occupation of the development and shall be permanently retained thereafter for the storage of cycles.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

27. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to in full throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust and dirt during construction
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

28. Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no structures such as canopies, fences, loggias, trellises or satellite or radio antennae shall be installed within the development or on the buildings hereby approved unless otherwise previously agreed in writing by the Local Planning Authority.

Reason: In order to protect the character and visual amenities of the locally listed building and surrounding conservation area and airport safety in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

30. No development shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved by the local planning authority. The approved scheme shall be implemented, in accordance with the approved details before the development is occupied or brought into use and be maintained as such thereafter in perpetuity. Those details shall include:

- i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;
- ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as

intended based on the topography of the site and the location of the proposed surface water management features;

iii) a timetable for its implementation; and

vii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

31. Prior to occupation of the flats hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development and thereafter retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and Design and Townscape Guide (2009).

32. Prior to the commencement of the development details shall be submitted to the local planning authority and approved in writing specifying the measure that shall be put in place to ensure that the chimneys on the existing building shall be able to be retained in full. The development shall be implemented only in accordance with the details approved under this condition.

Reason: To safeguard character and appearance of the locally listed building surrounding Leigh Cliff Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

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.

Informatives

01. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued

as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

02. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

03. The applicant is advised that an application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. 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. 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, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991

04. Please note that if you require crane or piling rig to construct the proposal, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority.

05. This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a financial contribution towards affordable housing and secondary education.

06. In the event that the planning obligation referred to in part (a) above has not been completed by 16th November or an extension of this time as may be agreed the Director of Planning and Transport or Group Manager (Planning & Building Control) be authorised to refuse planning permission for the application on the grounds that the development will not provide for education provision. As such, the proposal would be contrary to Policies KP2, KP3 and CP6

07. The applicant is advised that 18 cycle spaces are required for the residential cycle store and 1 space per 100 sqm for the staff of the A3 and A4 uses (which equates to 6 spaces) as well as 10 spaces for the staff of the D2 use which need to be provided within a segregated secure store. In addition to this there is also a

requirement for 1 space per 100 sqm for visitors of A3 and A4 uses which may be located in the external area.

- 475 17/01524/BC3M - Futures Community College Lower College Building, Prospects College, Southchurch Boulevard, Southend-on-Sea (Southchurch Ward)**
Proposal: Erect building to be used as sports hall (Class D2) adjoining existing building
Applicant: Southend-on-Sea Borough Council
Agent: SKArchitects

Resolved: That planning permission be GRANTED subject to the following conditions:

01. The development hereby permitted shall begin no 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 plan: 453P01, 453P02

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

03. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than for demolition and site clearance works, until samples of the materials to be used in the construction of the external elevations of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out only in accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy 2007, Policy DM1 and DM3 of the Development Management Document 2015 and the Design and Townscape Guide 2009.

04. Other than the demolition and site clearance, no development shall take place until a site investigation of the nature and extent of any land contamination present has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority.

The results of the site investigation shall be made available to the local planning authority before any construction begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any construction begins. The site shall be remediated in accordance with the approved remediation measures before the development hereby approved is occupied and evidence to demonstrate that the remediation has taken place shall be submitted in writing to the Local Planning Authority before the development is occupied.

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

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

05. Prior to first occupation of the sports hall hereby permitted, a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority. The Community Use Agreement submitted shall include, but not be limited to, details of the following:

- (i) Hours of opening for the different sporting and community facilities provided at the site.
- (ii) Pricing policy on charging for use of the facilities provided at the site.
- (iii) Policy on access and availability to the sites facilities for non-school users and non-members.
- (iv) Management arrangements for the site and facilities provided, including a mechanism for review of the Community Use Agreement.
- (v) Parking arrangements for users of the site, including cycle parking.
- (vi) Code of conduct for users of the site.

The development shall be occupied in full accordance with the approved Community Use Agreement in perpetuity from the first occupation of the site.

Reason: To secure well managed access to the sports and community facilities provided by the scheme and to ensure sufficient benefit to the development of sport in accordance with the National Planning Policy Framework (NPPF) and policies CP6, CP7 of the Core Strategy (2007).

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

Reason: In the interests of providing sustainable development in accordance with the National Planning Policy Framework (NPPF) and Policy KP2 of the Core Strategy (2007).

07. No development shall take place until details of the implementation, adoption, maintenance and management of the drainage system to be used at the site have been submitted to and approved in writing by the local planning authority. This shall include full details of the sustainable urban drainage systems to be used and how these have been selected. The system shall be implemented and thereafter managed and maintained in accordance with the approved details.

Those details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable urban drainage system throughout its lifetime.

Reason: In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (NPPF), Policies KP2 and CP4 of the Core Strategy (2007) and policy DM2 of the Development Management Document (2015)

08. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities;
- measures to control noise and the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- hours of work.

Reason: To protect residential amenity and general environmental quality in accordance with the general principles of the National Planning Policy Framework (NPPF); Core Strategy (2007) policies KP2, CP4; Development Management Document (2015) Policies DM1 and DM14.

09. The use of the development hereby approved shall be used for no purposes other than for those falling within Use Class D1 or a D2 or combination thereof. Notwithstanding the content of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order revoking or amending or re-enacting this order, the development shall be used for no other purposes falling outside Use Class D1 and/or D2 as defined by the Town and Country Planning (Use Classes) Order 1987.

Reason: In order to protect the impacts on community infrastructure in accordance with policy CP6 of the Core Strategy (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.

Informatives

01. Community Infrastructure Levy Liability Notice (CIL Regulation 65):- You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero due to the specific nature of the use. However, should the nature of the use change then you are advised to contact the planning department to discuss the requirement for planning permission and CIL liability. See www.southend.gov.uk/cil for further details about CIL.

02. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

03. The developer should also consider control measures detailed in Best Practice Guidance "The control of dust and emissions from construction and demolition". <http://www.london.gov.uk/priorities/planning/supplementary-planning-guidance>.

04. The applicant is advised that the design and layout of the sports hall should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to Sport England's "Sports Hall Design & Layouts" design guidance note; <https://www.sportengland.org/facilities-planning/design-and-cost-guidance/>.

**476 17/00912/FUL - 109 - 111 Broadway, Leigh-on-Sea, Essex, SS9 1PE
(Leigh Ward)**

Proposal: Change of use of first floor self-contained flat (Class C3) to restaurant (Class A3) to be used with existing ground floor restaurant, external seating area and alter elevations.

Applicant: The Roslin Beach Hotel

Agent: APS Design Associates - Mr Paul Seager

Resolved: That planning permission be GRANTED 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: 2565 01, 2565 02, 2565 03 Rev C

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

03. Prior to the commencement of the development hereby approved, details of any external materials to be used in the conversion of the building and the provision of the outside seating area must be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority and maintained thereafter.

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 and to preserve the character of the Locally Listed Building and Leigh Conservation Area. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) Policy KP2 and CP4, Development Management Document (2015) Policy DM1 and DM5 and Design and Townscape Guide (2009).

04. The premises shall not be open for customers outside the following hours:

10am to 11pm Sundays to Thursdays (inclusive), including Public and Bank Holidays

10am to 1am Fridays and Saturdays.

Reason: To protect residential amenity and general environmental quality in accordance with, Core Strategy (2007) Policy KP2 and Development Management Document Policy DM1 and DM3 and Design and Townscape Guide (2009).

05. The proposed outside seating area to the front of the premises fronting Broadway and contained within the site boundary, hereby approved shall be removed between 22:00 and 10:00 hours on all days.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document Policy DM1 and Design and Townscape Guide (2009).

06. Prior to the first operation of the restaurant, an assessment shall be carried out by a suitably qualified and experienced acoustic consultant (who would normally be a member of the Institute of Acoustics) and submitted to the Local Planning Authority and approved in writing. The assessment shall demonstrate how the rating level of noise for all activities taking place at the premises shall be managed and mitigated so that they are at least 10dB(A) below the background noise (with no tonal elements) level when measured at neighbouring noise sensitive properties. If noise modelling software is used to calculate the likely levels or impact of the noise then any actual measurement taken such as LA90 must be taken in accordance with BS7445. The management and mitigation identified in the approved document shall be fully in place from first occupation of the first floor as a restaurant and the site shall be managed and maintained in accordance with the approved measure in perpetuity thereafter.

Reason: To ensure inaudibility in noise sensitive premises and to protect the environment of people in neighbouring properties and general environmental

quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document Policy DM1 and Design and Townscape Guide (2009).

07. Activities at the site shall be carried out so as to not give rise to structure borne noise to any noise sensitive premises including those within the building to which this application relates.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document Policy DM1 and Design and Townscape Guide (2009).

08. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, before the first floor restaurant area hereby approved, is first brought into use, an acoustic lobbied entrance to the ground floor main entrance of an adequate size shall be provided, in order to ensure that the outer door can be closed before the inner door is opened, in accordance with details that have previously been submitted to and agreed in writing by the Local Planning Authority. Except for ingress and egress, both outer and inner doors to the front entrance lobby shall remain closed between 21:00 and 10:00 hours the following day whilst customers remain on the premises on all days.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document Policy DM1 and Design and Townscape Guide (2009).

09. No deliveries and/or collections to the premises shall be undertaken except between: 07:00 to 19:00 hours Monday to Friday and 08:00 to 13:00 hours Saturdays, with no deliveries or collections at all on Sundays, Public or Bank Holidays.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document Policy DM1 and Design and Townscape Guide (2009).

10. The construction works associate with this permission shall be restricted to between 08:00 and 18:00hrs Monday to Friday, 08:00 and 13:00hrs on Saturdays and not at all on Sundays, Public or Bank Holidays.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document Policy DM1 and Design and Townscape Guide (2009).

11. The development hereby approved shall be used for no purposes other than a restaurant (Use Class A3). The site shall be used for no other purposes falling within Use Class A3 as defined by the Town and Country Planning (Use Classes) Order 1987 as amended or any other use permitted under the Town and Country planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or re-enactment of these orders.

Reason: To enable future control to be retained in relation to the use of the building and to reflect the specific circumstances that has provided justification for the proposed use at the application site.

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.

Informatives

01. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil

02. You will need to get separate planning permission for any alterations to the existing windows and may need advertisement consent if you wish to put up any signage at the property.

03. 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

04. The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2013 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

05. For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to – Guidance on the Control of Odour

and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from www.DEFRA.Gov.UK

477 17/01460/FULH - 29 Hadleigh Road, Leigh-on-Sea, Essex, SS9 2DY (Leigh Ward)

Proposal: Erect single storey side extension and extend existing balcony, install door to side elevation, removal of 2 Yew Trees (subject to tree preservation order) and erect detached outbuilding with decking area with associated landscaping and boundary treatment

Applicant: Mr & Mrs Jeremy and Amanda Holmes

Agent: Mosley Thorold Architects

Resolved: That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than three years from the date of this decision. (C01A)

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990. (R01A)

02. The development hereby permitted shall be carried out in accordance with the following approved plans: A1000C, A1001C, A1002C, A1010F, A1011C, A1020F, A1021C, A1022C, A1030C, A3000C, A3001D, A3002C, A3003E, A3010E, A3011E, PJC-0649-003

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan. (R01D)

03. The materials used for the external surfaces of the proposed side extension and balcony shall match those used on the existing dwelling unless differences are shown on the drawings hereby approved or are required by other conditions attached to this permission

Reason: To safeguard the visual amenities of the Leigh Conservation Area, in accordance with policies This is as set out in Core Strategy (2007) policies KP2 and CP4, Development Management DPD (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

04. The proposed door to the existing utility area on the southern side of the property shall be constructed from timber in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the Leigh Conservation Area, in accordance with policies This is as set out in Core Strategy (2007) policies KP2 and CP4, Development Management DPD (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

05. The materials used for the external surfaces of the proposed outbuilding shall be painted timber featheredged weather board, timber fascia, painted timber or aluminium windows and doors and a wildflower green roof unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the visual amenities of the Leigh Conservation Area, in accordance with policies This is as set out in Core Strategy (2007) policies KP2 and CP4, Development Management DPD (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

06. The boundaries treatments and means of enclosure installed at the application site in association with this permission shall be as set out on approved drawing No. PJC-0649-003 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the visual amenities of the Leigh Conservation Area, in accordance with policies This is as set out in Core Strategy (2007) policies KP2 and CP4, Development Management DPD (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

07. Three replacement trees shall be planted at the site by the end of the first planting season following completion of the development (end of March). The replacement trees shall comprise 1 x Swedish whitebeam (*Sorbus intermedia* 'Brouwers'), 1 x Scots pine (*pinus sylvestris*) and 1 x bird cherry (*prunus padus*) and shall be heavy standard (5-6m in height and 18-20cm girth) at time of planting and be planted in the locations shown on approved plan No PJC-0649-003. The trees shall be supplied, planted and maintained in accordance with 'BS 8545 2014 Trees: From Nursery to Independence in the Landscape Recommendations'. Any tree that fails within 3 years of planting shall be replaced with the same specification.

Reason: To mitigate for the loss of existing preserved trees and to safeguard the visual amenities of the Leigh Conservation Area, in accordance with policies. This is as set out in Core Strategy (2007) policies KP2 and CP4, Development Management DPD (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

08. No site clearance, preparatory work or development shall take place in association with this development until the protection measures set out in the submitted Arboricultural report titled 'Arboricultural Impact Assessment for 29 Hadleigh Road by PJC Consultancy dated 14th August 2017' have been implemented in full. These measures shall be maintained and the consent implemented in accordance with the approved protection measures for the extent construction period as associated with this consent.

Reason: To make sure that the trees on the site are adequately protected during building works in the interests of visual amenity and in accordance with the Core Strategy (2007) policies KP2 and CP4, policy DM1 of the Development Management Document (2015) and advice contained in the Design and Townscape Guide (2009).

09. The outbuilding hereby permitted shall solely be used for purposes incidental to the use of the main dwelling No 29 Hadleigh Road and for no other purpose including as habitable accommodation.

Reason : To safeguard the visual and residential amenities of the surrounding area in accordance with Core Strategy (2007) Policies KP2 and CP4 and Development Management DPD (2015) Policy DM1.

Informative

01. You are advised that as the proposed development equates to less than 100 sqm of additional floorspace so the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

Chairman: _____

DEVELOPMENT CONTROL COMMITTEE

AGENDA: 10th January 2018

WARD	APP/REF NO.	ADDRESS
-------------	--------------------	----------------

Pre Site Plans Report

Leigh	17/01708/AMDT	22A Woodfield Gardens Leigh on Sea
West Shoebury	17/00644/FUL	Cambridge House 121 Ness Road

Main Plans Report

Belfairs	17/01426/DOV5	1307 London Road Leigh-On-Sea
-----------------	---------------	----------------------------------

DEVELOPMENT CONTROL COMMITTEE

DEVELOPMENT CONTROL COMMITTEE

INTRODUCTION

- (i) **Recommendations in capitals at the end of each report are those of the Corporate Director of Place, are not the decision of the Committee and are subject to Member consideration.**
- (ii) All plans have been considered in the context of the Borough Council's Environmental Charter. An assessment of the environmental implications of development proposals is inherent in the development control process and implicit in the reports.
- (iii) Reports will not necessarily be dealt with in the order in which they are printed.
- (iv) The following abbreviations are used in the reports:-

BLP	- Borough Local Plan
DAS	- Design & Access Statement
DEFRA	- Department of Environment, Food and Rural Affairs
DPD	- Development Plan Document
EA	- Environmental Agency
EPOA	- Essex Planning Officer's Association
DCLG	- Department of Communities and Local Government
NPPF	- National Planning Policy Framework
NPPG	- National Planning Practice Guidance
SPD	- Supplementary Planning Document
SSSI	- Sites of Special Scientific Interest. A national designation. SSSIs are the country's very best wildlife and geological sites.
SPA	- Special Protection Area. An area designated for special protection under the terms of the European Community Directive on the Conservation of Wild Birds.
Ramsar Site	- Describes sites that meet the criteria for inclusion in the list of Wetlands of International Importance under the Ramsar Convention. (Named after a town in Iran, the Ramsar Convention is concerned with the protection of wetlands, especially those important for migratory birds)

Background Papers

- (i) Planning applications and supporting documents and plans
- (ii) Application worksheets and supporting papers
- (iii) Non-exempt contents of property files
- (iv) Consultation and publicity responses
- (v) NPPF and NPPG
- (vi) Core Strategy
- (vii) Borough Local Plan

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

DEVELOPMENT CONTROL COMMITTEE

Use Classes

- Class A1 - Shops
- Class A2 - Financial & Professional Services
- Class A3 - Restaurants & Cafes
- Class A4 - Drinking Establishments
- Class A5 - Hot Food Take-away

- Class B1 - Business
- Class B2 - General Industrial
- Class B8 - Storage or Distribution

- Class C1 - Hotels
- Class C2 - Residential Institutions
- Class C3 - Dwellinghouses
- Class C4 - Small House in Multiple Occupation

- Class D1 - Non-Residential Institutions
- Class D2 - Assembly and Leisure
- Sui Generis - A use on its own, for which any change of use will require planning permission

DEVELOPMENT CONTROL COMMITTEE PROTOCOL FOR PRE – MEETING SITE VISITS

Purpose of Visits

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

Selecting Site Visits

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

Procedure on Site Visits

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

This page is intentionally left blank

Reference:	17/01708/AMDT	<h1>5</h1>
Ward:	Leigh	
Proposal:	Application to vary condition 02 (approved plans) and condition 03 (matching materials) relocation of glazed area to flank wall and amendments to materials (Minor Material Amendment of Planning Application 15/01313/FUL dated 29.09.2015)	
Address:	22A Woodfield Gardens, Leigh-On-Sea, Essex, SS9 1EW	
Applicant:	Ms Karen Daly	
Agent:	Mr David Grew	
Consultation Expiry:	25.10.2017	
Expiry Date:	15.11.2017	
EoT Date:	20.12.2017	
Case Officer:	Robert Lilburn	
Plan Nos:	15/26 No.1 A; 15/26 No.3(2) A	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 This application was deferred from the 13 December meeting of Development Control Committee for a site visit. The report is unchanged except for further detail in Section 4 on the comments made by the appeal inspector about materials when deciding to allow the appeal relating to 15/00490/FUL.
- 1.2 Permission is sought to vary condition 02 (Approved Plans) and condition 03 (materials) of planning permission 15/01313/FUL dated 30.09.2015.
- 1.3 The development granted permission and already commenced further to application 15/01313/FUL is described as *'Form pitched roof extension with dormers to rear and recessed balcony to side (Amended Proposal)'*.
- 1.4 The conditions and reasons are as follows:

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 15/26/1; 15/26/3 & Site Plan.

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

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

Reason: In the interests of visual amenity 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, Development Management DPD Policy DM1, and SPD1 (Design and Townscape Guide).

- 1.5 The amendments proposed are as follows:

1. Replace balustrade and balcony with a part-glazed, full height screen finished externally in glass with grey frames and grey "Hardie Plank" cladding.
2. The glazed screen would incorporate doors.

- 1.6 The works have already been carried out. The application has been submitted following a planning enforcement investigation into alleged unauthorised development (not in accordance with the approved plans).

2 Site and Surroundings

- 2.1 The application site is located on the east side of the Woodfield Gardens cul-de-sac, and is occupied by a two storey semi-detached dwelling with roof accommodation, which has been converted into two flats. The building is unusual in design as it has a subservient two-storey outrigger to the side with square bay windows facing south.

- 2.2 The building has been subject of an application for a hip to gable enlargement and rear dormer extension, with recessed balcony within the roof. This was allowed on appeal following concerns relating to the size of the rear dormer extension (15/00490/FUL refers). A concurrent amended proposal (15/01313/FUL) incorporated a revised dormer design and was also approved.
- 2.3 Planning permission has recently been refused for alterations to existing roof and formation of roof garden to second floor (17/00850/FUL).
- 2.4 Woodfield Gardens is residential in character, comprising two storey semi-detached dwellings. Apart from the application site and the semi-detached dwelling to the north, which are of larger scale and marginally different design, the rest of the properties in the immediate streetscene are of a relatively consistent design and scale. Blocks of flats are also located to the south of the property, as are two-storey dwellings which face on to Grand Parade. The land slopes downwards to the south.

3 Planning Considerations

- 3.1 The key considerations of this application are the principle of the development, design and impact on the character of the area and impact on residential amenity.

4 Appraisal

Principle of Development

National Planning Policy Framework, Policies KP1, KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009)

- 4.1 The dwelling is located within a residential area. An extension or alteration to the property to provide additional living accommodation is considered acceptable in principle. Other material planning considerations are discussed below.

Design and Impact on the Character of the Area

National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)

- 4.2 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Paragraph 56 of the NPPF states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*.
- 4.3 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document.

- 4.4 According to Policy KP2 of the Core Strategy new development should “*respect the character and scale of the existing neighbourhood where appropriate*”. Policy CP4 of the Core Strategy requires that development proposals should “*maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development*”.
- 4.5 Policy DM1 of the Development Management Document states that all development should “*add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features*”.
- 4.6 Policy DM3 advises that “*Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:*
(i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building, and ensures successful integration with it; and
(ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and
(iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area”.
- 4.7 The Design and Townscape Guide also states that “*the Borough Council is committed to good design and will seek to create attractive, high-quality living environments*”.
- 4.8 Paragraph 366 of The Design and Townscape Guide advises that “*proposals for additional roof accommodation within existing properties must respect the style, scale and form of the existing roof design and the character of the wider townscape*”.
- 4.9 The gable has been infilled with slate grey “Hardie plank” cladding and slate-grey glazing and door frames. The glazing extends to the roof apex.
- 4.10 While the slate grey contrasts with the red roof tiles, white verges and rendered walls, it is neutral in appearance and of a quality finish. It distinguishes the roof gable from the remainder of the building and lends it a low visual profile.
- 4.11 It is considered that a matching material would have a higher visual profile, while the grey Hardie plank and glazing are akin to the void which would be apparent if the originally approved scheme with a recessed balcony had been implemented.
- 4.12 It is noted that the Planning Inspector commented in determining the appeal relating to application 15/00490/FUL that “*In considering the suggested conditions I have had regard to Paragraph 206 of the Framework and the Planning Practice Guidance in terms of the use of planning conditions. A condition requiring the development to be carried out in accordance with the submitted drawings is necessary for the avoidance of doubt and in the interests of proper planning.*”

A further condition requiring the development to be carried out with matching materials is reasonable in the interests of the character and appearance of the street scene. However, a condition requiring original work in terms of method of construction would be onerous given the age of the building and the fact that the works do not replace an existing feature such as a dormer”.

- 4.13 Therefore, while the materials do not match those on the existing building, it is considered on balance that they are appropriate to the context and do not materially harm the character and appearance of the original building, having regard to the development already approved and the comments made by the appeal inspector.
- 4.14 The secondary hipped roof to the front outrigger has been retained as indicated on the earlier approved plans and the applicant has shown this on the submitted drawings.

Impact on Residential Amenity

National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)

- 4.15 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”* The Design and Townscape Guide also states 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”*.
- 4.16 Paragraph 364 of The Design and Townscape Guide states that *“where new balconies are proposed on existing buildings, care needs to be taken to ensure that the design is of a high quality, of an appropriate style for the period of the property and that the privacy of neighbours is not compromised”*.
- 4.17 The windows and doors installed face in a south-south-westerly direction from the same position as the balcony balustrade which had been previously approved as part of the roof extension. At present a secondary hipped, ridged roof is situated immediately in front of the glazed doors. This arrangement is unchanged from the arrangement shown on the plans approved in application 15/01313/FUL and on appeal further to application 15/00490/FUL. As in those cases, the glazed doors are situated approximately 43m from the rear wall of the neighbouring properties to the south and 18.4m from the boundaries of their rear gardens.
- 4.18 It is noted that, when considering the appeal in relation to application 15/00490/FUL, the inspector stated:

“I note the comments in terms of the living conditions of nearby neighbours and the potential for overlooking.

However, given the distances between the development and openings at nearby dwellings and the angles involved, I see no reason not to concur with the Council's assessment that there would not be material harm in this respect from the proposal.

- 4.19 The alteration as carried out encloses the balcony into a space fully integrated with the rest of the living accommodation, rather than an outdoor balcony. This may allow for potentially longer 'dwell times' and use through the seasons, as the use of the area would not be dictated by weather patterns. It also enlarges the space back into the building from which views may be taken, potentially accommodating more people than the narrower approved balcony. At the same time, however, the glazed area which affords outward views in the manner of a balcony is narrower than the approved balcony. Additionally, the area thus enclosed within the dwelling is a landing rather than a habitable room. The approved balcony was to be 4.1m in width, while the panel of glazed doors is 3m in width.
- 4.20 It has been established in application 15/001313/FUL and the above-noted appeal decision that the distance between the approved development including the balcony and the most directly-affected residential properties was sufficient to preclude a significant loss of privacy resulting to nearby occupiers including those at Grand Parade. The glazed screen would be the same distance from all nearby receptors, including Grand Parade, as the balcony. It follows that the distance would continue to be sufficient as to avoid a material loss of privacy, notwithstanding the different characteristics of the use of the area in either proposal. It is considered on this basis that a refusal of planning permission for any overlooking that might arise would be unreasonable. Additionally in the case of the proposal under consideration, the screen would be narrower than the balcony, and potential views thereby more curtailed. This would further reduce the opportunity for views available from the room.
- 4.21 It is therefore considered that the proposal would not have a greater effect on the privacy of nearby occupiers than the approved scheme, and would thus maintain the amenities of residents.
- 4.22 It is noted that the submitted plans show three glazed doors to the flank rather than fixed panes. The use of any part of the roof as a terrace or balcony would require a grant of planning permission. No explanation has been offered as to the intentions for the doors. At the present time there would appear to be no scope to access the adjacent secondary roof other than for storage access, maintenance or emergency. Additionally, a set of opening doors would allow for ventilation during warm weather.
- 4.23 A condition on any planning permission for the development has been considered. Any condition should meet the six tests for planning conditions set out in the National Planning Policy Framework. Paragraph 206 of the NPPF states "Planning conditions should only be imposed where they are:
- 1.necessary;
 - 2.relevant to planning and;
 - 3.to the development to be permitted;
 - 4.enforceable;
 - 5.precise and;
 - 6.reasonable in all other respects."

- 4.24 It is considered that limiting the ability to open the doors would be unreasonable.
- 4.25 Given the need for planning permission to form a balcony or roof terrace a condition with respect to this would be unnecessary. A condition to simply restrict egress from the doors would be unenforceable. It is considered reasonable that the development should be granted planning permission with the ability to open the doors.
- 4.26 It is considered that the development would maintain neighbour amenities and would be consistent with the above-noted development plan policies.

5 Conclusion

- 5.1 The principle of extending and altering the building is acceptable. On balance it is found that the design is appropriately sympathetic and respectful to the character of the original building, maintaining the visual amenities of the wider area. The development does not lead to a significant loss of privacy to neighbouring occupiers, maintaining the amenities, character and quality of the residential environment. The application is therefore recommended for approval.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2012) : Section 7 (Requiring Good design)
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)
- 6.3 Development Management DPD 2015: DM1 (Design Quality) and DM3 (Efficient and Effective Use of Land)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015

7 Representation Summary

Leigh Town Council

- 7.1 No objections confirmed.

Design and Regeneration

- 7.2 No comment received.

Public Consultation

7.3 Seventeen neighbours were notified and two letters of objection have been received, as follows:

- Applicant may build a roof garden at later date;
 - Proposal is different to what has been approved, and has been built;
 - Proposal would not have been approved in this form;
 - Overlooking and loss of privacy;
 - The scale of the proposal is beyond the earlier approval and dominates the gable end;
 - Effectively a much deeper balcony than under the approved scheme;
 - Anomalous appearance of the outrigger roof following the formation of balcony;
 - Questions the potential for further alterations relating to the outrigger roof;
 - 'Grandstand' view of no.53 Grand Parade and neighbours;
 - Visual balance between the conjoined properties is damaged;
- The proposal conflicts with the conditions imposed by an earlier planning appeal decision.

[Officer comment: These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case].

8 Relevant Planning History

- 8.1 17/00850/FUL - Alter existing roof and form roof garden to second floor. Refused.
- 8.2 15/01313/FUL - Form pitched roof extension with dormers to rear and recessed balcony to side (Amended Proposal). Approved.
- 8.3 15/00490/FUL - Form pitched roof extension with dormers to rear and recessed balcony to side. Appeal allowed.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall be retained in accordance with the following approved plans: 15/26 No.1 A; 15/26 No.3 (2) A.**

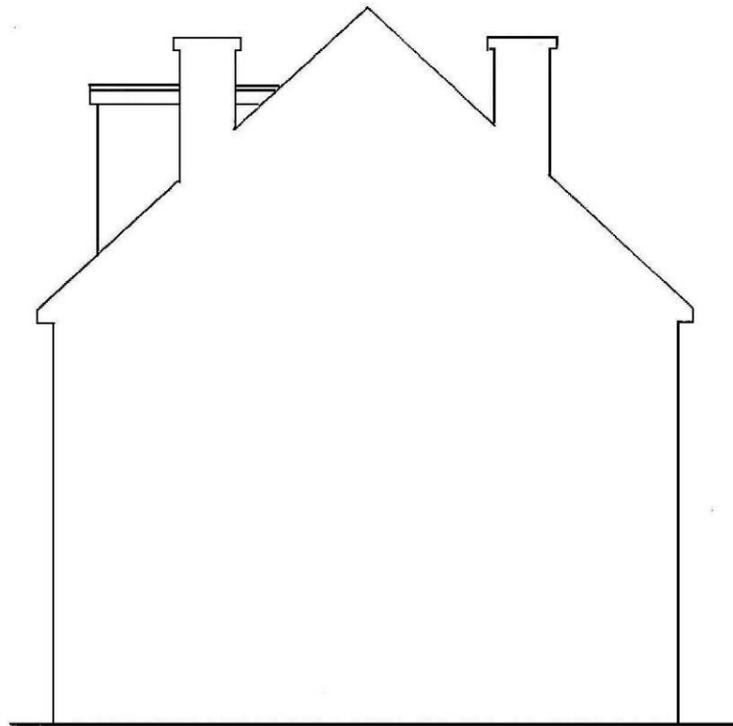
Reason: In the interests of visual amenities, pursuant to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy 2007 and Policies DM1 and DM3 of the Development Management Document 2015.

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.

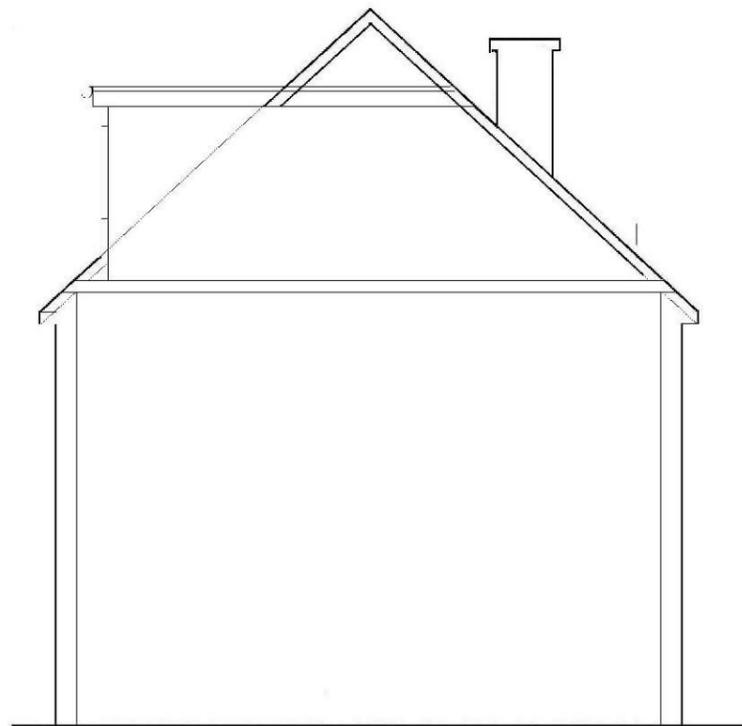
This page is intentionally left blank



PROPOSED REAR ELEVATION

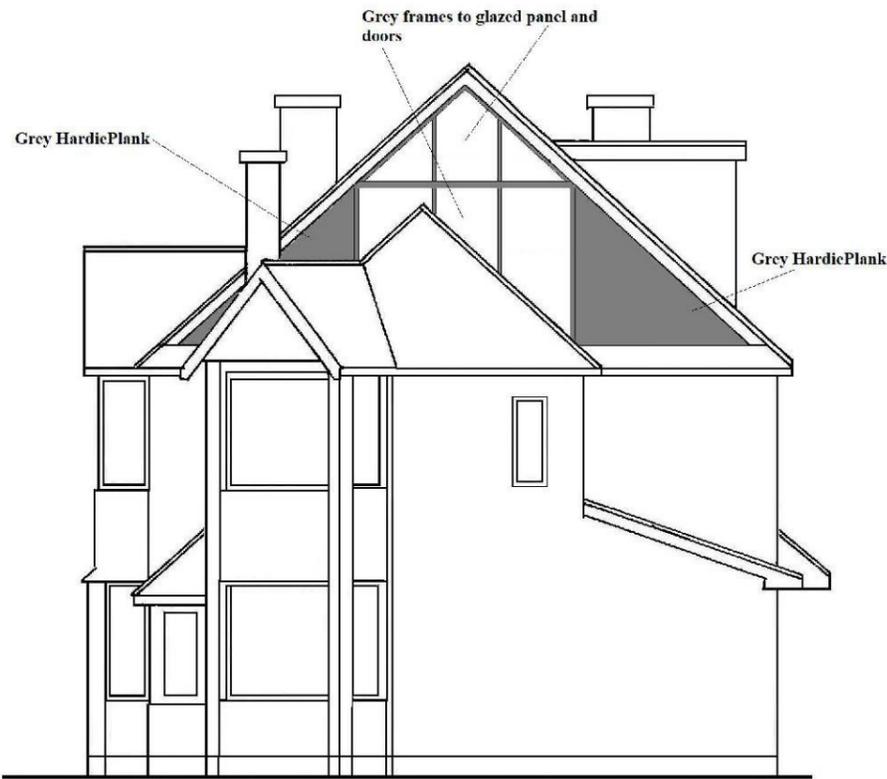


PROPOSED SIDE ELEVATION



PROPOSED SECTION

47



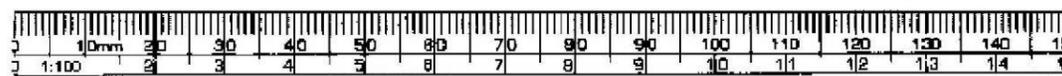
PROPOSED SIDE ELEVATION



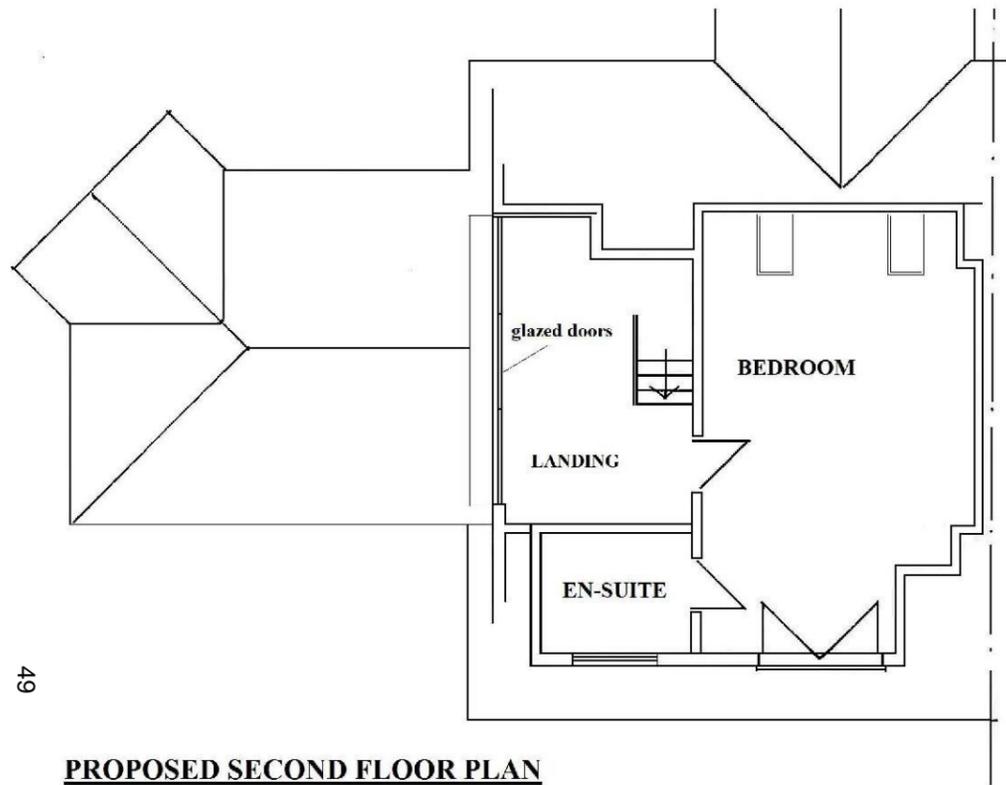
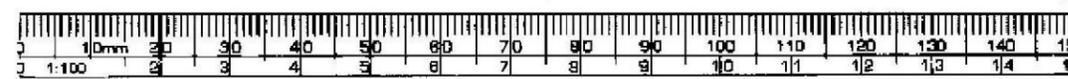
PROPOSED FRONT ELEVATION

APPLICATION FOR NON-MATERIAL AMENDMENT
FOLLOWING GRANT OF PLANNING PERMISSION
15/01313/FUL

PROPOSAL:- ROOF EXTENSIONS	
ADDRESS:- 22a WOODFIELD GARDENS, LEIGH	
CLIENT:- KAREN DALY	
D. M. GREEN Dip (Bldg Man.), L.C.C.O.B., M.R.I.C.S.	
TITLE:- PROPOSED ELEVATIONS	
JOB No - 15/26	DRAWING No 1 A
SCALE - 1:100 @ A3	DATE - AUG 15 amended Sep 17
	

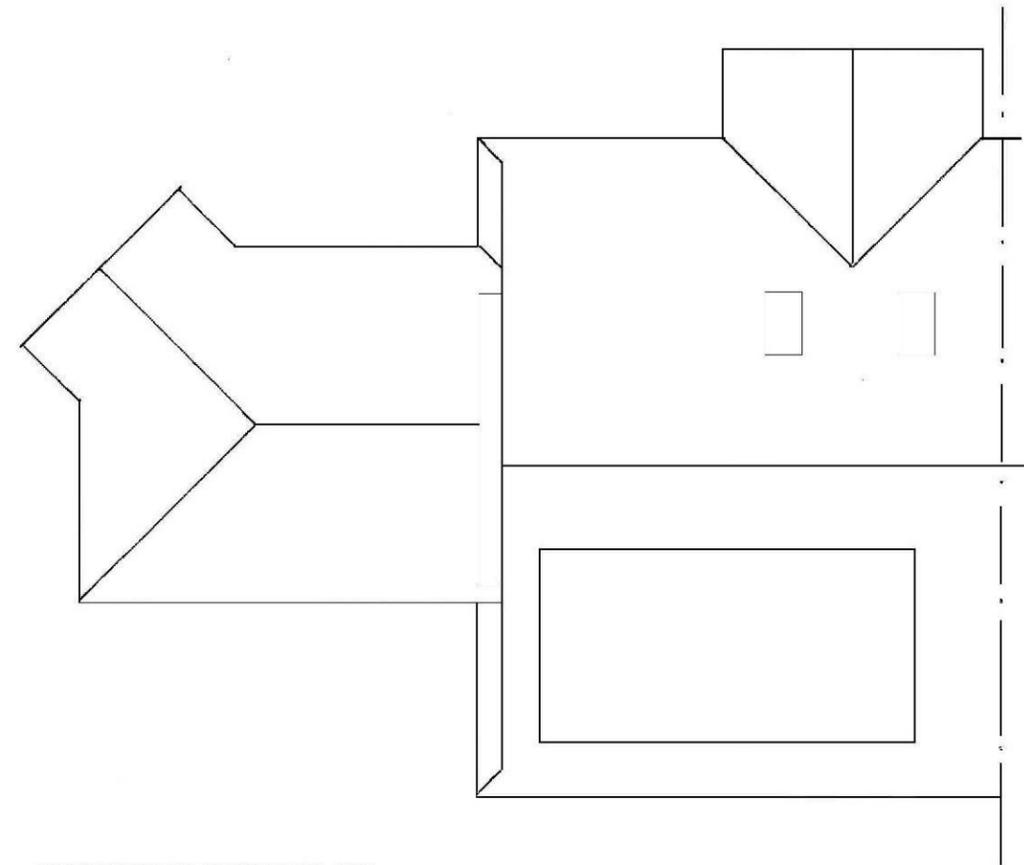


This page is intentionally left blank



PROPOSED SECOND FLOOR PLAN

49



PROPOSED ROOF PLAN

APPLICATION FOR NON-MATERIAL AMENDMENT
FOLLOWING GRANT OF PLANNING PERMISSION
15/01313/FUL

PROPOSAL:- ROOF EXTENSIONS	
ADDRESS:- 22a WOODFIELD GARDENS, LEIGH	
CLIENT:- KAREN DALY	
D. M. GREW Dip Bldg Man., L.C.L.O.B., M.R.I.C.S.	
TITLE:- EXISTING AND PROPOSED FLOOR PLANS	
JOB No. 15/26	DRAWING No. 3(2) A
SCALE: 1:100 @ A3	DATE - AUG 15 redrawn Sept 17
	

This page is intentionally left blank

Reference:	17/00644/FUL	<h1>6</h1>
Ward:	West Shoebury	
Proposal:	Demolish building and erect two detached dwellinghouses with Juliette balconies to rear, associated amenity space, landscaping, layout parking and form new vehicular accesses on to Ness Road (Amended Proposal)	
Address:	Cambridge House, 121 Ness Road, Shoeburyness, Southend-On-Sea, Essex, SS3 9ES	
Applicant:	Mrs M Smith	
Agent:	Phase 2 Planning	
Consultation Expiry:	18 th December 2017	
Expiry Date:	3 rd October 2017	
Case Officer:	Abbie Greenwood	
Plan No's:	1800/Ex1; 1800/01 F; 1800/02G; 1800/03E, 1800/L1	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to demolish the derelict locally listed building at 121 Ness Road and erect two no. two storey, four bedroom semi-detached houses. The dwellings would have asymmetrical gabled roofs to the front and rear elevations and would have a stepped planform. The proposed materials are noted as brick and render, with feature cladding, slate roofing and aluminium windows.
- 1.2 The proposed dwelling at plot 1 would measure 9.1m wide x 14.8m deep to the north and 13m to the south. The dwelling at plot 2 would measure 9m wide x 16.1m deep to the north and 16.9m to the south. The height to the eaves for both houses would be 6.3m, while the maximum height would be 8.9m.
- 1.3 Internally the houses would have a lounge, a kitchen/breakfast room, a dining, a study, a utility room, a WC and an integral garage at ground floor and four bedrooms (some with en-suite) and a bathroom at first floor.
- 1.4 The dwellings and their bedrooms and amenity space would measure:

House 1 (plot 1): 221sqm
 - Bedroom 1: 21sqm
 - Bedroom 2: 19sqm
 - Bedroom 3: 15sqm
 - Bedroom 4: 18sqm
 - Rear garden: 110sqm
House 2 (plot 2): 266sqm
 - Bedroom 1: 21sqm
 - Bedroom 2: 17sqm
 - Bedroom 3: 22sqm
 - Bedroom 4: 19sqm
 - Rear garden: 128sqm
- 1.5 Three parking spaces are proposed to be provided per dwelling, 1 as a garage and 2 on the forecourt and a 3m wide crossover is proposed to be formed in front of the each dwelling. During the application process the detailed design of the proposal has been amended and the ground floor levels of each property have been raised to mitigate the potential for flooding. The raising of the floor levels has necessitated the need for ramps to be integrated into the forecourt landscaped area and has resulted in raised patio to the rear of each property.
- 1.6 A structural building survey, an ecological survey, a design and access statement and a flood risk assessment, including details of the sequential and exceptions test, have been submitted in support of the proposal.

2 Site and Surroundings

- 2.1 The site is located on the eastern side of Ness Road, approximately 20m south from its' junction with St. Andrew's Road. It is currently occupied by a derelict locally listed building in poor structural condition. The roof of the building, some of the upper sections of the exterior walls, the first floor timbers, the feature decorative Dutch gable and the windows have been lost following a fire at the property in 1995 and the building and its fabric are in poor condition. The building has been vacant for over 30 years and is considered to be unsafe. Unlike the historic buildings on the Garrison, this property is not located within a conservation area or within a group of heritage assets.
- 2.2 The area is residential in character, comprising a mixture of two storey houses, chalet style dwellings and bungalows, the size, style and design of which varies. To the south of the application site there is a consistent run of four detached 2 storey dwellings with parapets and inset hipped roofs, set back from the street behind a shared access drive and landscaped area. Immediately adjacent to the north are two chalet style dwellings with high steep roofs finished in dark timber cladding. Opposite are a mixture of 1970s style houses and early C20 properties.
- 2.3 The site is partially located within flood zones 2 and 3. Ness Road is a classified road. There are no other designations affecting the site.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, including flood risk, the loss of locally listed building, design and impact on the character of the area, living conditions for future occupiers, impact on the amenity of neighbouring properties, any traffic and transport issues, sustainability and CIL.

4 Appraisal

Principle of Development

National Planning Policy Framework (NPPF) (2012); Core Strategy (2007) Policies KP1, KP2, CP4, and CP8; Policies DM1, DM3, DM5, DM8 and DM15 of the Development Management DPD (2015) and the Southend Design and Townscape Guide (2009)

- 4.1 The property is located within a residential area and it is currently occupied by a detached two storey locally listed dwelling which is now derelict. The site is located within flood zone 3a.
- 4.2 The NPPF promotes sustainable development and includes a requirement to boost the supply of housing by delivering a wide choice of high quality homes. Policy KP2 of the Core Strategy requires that *“all new development contributes to economic, social, physical and environmental regeneration in a sustainable way”*. Policy CP8 of the Core Strategy identifies the need for 1,400 homes to be delivered within the Shoeburyness area between 2001 and 2021.

- 4.3 No objection is raised to the provision of a residential use in this area subject to justification of the loss of the locally listed building and demonstration that the proposal meets the requirements of the Sequential Test and the Exception Test in relation to flood risk.

Loss of the Locally Listed Building

- 4.4 In relation to non-designated heritage assets such as locally listed buildings Paragraph 135 of the National Planning Policy Framework states that: *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'* and in relation to locally listed buildings DM5 (Southend's Historic Environment) states that: *'2. The total or partial demolition of a listed building, locally listed building or a building within a conservation area will be resisted, unless exceptional circumstances are shown to outweigh the case for retention.'* However it should be noted that if a prior approval application for the demolition of the building was submitted it would not be possible for the Local Planning Authority to resist the demolition of the building.
- 4.5 The property was built around 1900 as part of the MOD development at Shoebury Garrison, although it is noted that the application building is rather detached from the main Garrison site which contains a significant group of heritage buildings most of which are listed. It is this larger group of garrison building which forms the basis for Shoebury Garrison Conservation Area. The conservation area does not include the application property. The building on the application site is the remains of a large detached yellow stock brick property which had tall multi pane sash windows and a feature Dutch gable.
- 4.6 The property was sold to the Council following the decommissioning of the Garrison in 1982 and has remained vacant since this time. Unfortunately there was a significant fire at the property in 1995 which resulted in the loss of the entire roof, much of the first floor timbers, the main decorative gable and some of the windows. The property was sold at auction to the applicant in 2011.
- 4.7 The applicant has commented in her statement that she originally purchased the house with the intention of renovating it and even attended courses in historic building restoration. She also approached a local Building Preservation Trust in 2011, shortly after the auction, for advice and assistance with the project but notes in her statement that although an initial meeting was arranged there was a 'reluctance to discuss the property in detail' and she had no further contact from the trust following the initial meeting. She concluded that they were not interested in assisting with the restoration despite showing an interest in the press at this time.
- 4.8 A structural building survey of the building was also undertaken and has been submitted with the application. This report states that the loss of the roof in the fire has resulted in a lack of restraint to the upper sections of exterior walls and that the building is suffering structural damage to the chimney stacks, foundations and walls. It also notes that much of the remaining internal timber elements have wet or dry rot making them weak and defective and requiring replacement.

The report comments that building would require underpinning and re-building in many areas as well as needing new service connections for utilities. The conclusion is that the property has many structural defects as a result of the fire and would need to be substantially rebuilt.

- 4.9 The applicant's statement notes that to make the restoration of the building viable, additional funding would be required. Enquires were made but it has not been possible to gain assistance or funding from Historic England or the local Building Preservation Trust. The proposal for refurbishment of the building has now been abandoned.
- 4.10 It was evident on site that the building was in a poor state of repair as outlined in para 2.1 above and signs of structural damage were evident. Paragraph 130 of the NPPF states that *'Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.'* It is accepted that there is no evidence to suggest that remedial works have been undertaken in recent years by the Council or the applicant to avoid the continuous decline of the building, however, the substantial damage caused by the fire in 1995, significantly advanced the decline of the building. The current poor state of the building cannot solely be attributed to neglect in this case and it was this fire which is the underlying cause of the current structural problems.
- 4.11 It is therefore considered that, whilst the repair of the building would have been welcomed and the Council would normally resist the loss of a locally listed building, in this particular case, it is acknowledged that the fire has caused significant damage to the structure. It is also noted that any proposal to 'save' the building would involve substantial rebuilding which would mean that the result would essentially be a replica and would lack historic the integrity and significance of the original building. In addition, in this location, which is separate and some distance from the other historic military buildings in Shoebury Garrison Conservation Area, a replica would have limited value in such a diverse streetscene which has no other heritage buildings to which it would relate. In light of the above, in this particular instance, taking into consideration the structural condition of the locally listed building and its underlying cause, it is considered that it would be unreasonable to require the retention of this locally listed building. More fundamentally, as noted above, it also needs to be recognised that the local planning authority is unable to prevent the demolition of the building.

Flood Risk

- 4.12 Policy KP1 of Core Strategy (CS) states that all development proposals within flood risk zone *"shall be accompanied by a detailed flood risk assessment appropriate to the scale and the nature of the development and the risk"*. It is also noted that *"development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options."*

- 4.13 The site is occupied by a large residential property which is current derelict. The proposal seeks to demolish this building and replace it with 2 detached family houses. The proposal has sought to mitigate against the impact of flooding by including a number of mitigation measures such as a raised ground floor level, and measures to make the building resilient to flood risk.
- 4.14 The site is located within flood risk zone 3a, a high risk zone. The proposal residential development is classed as a 'more vulnerable' use according to the National Planning Policy Framework technical guidance. The application is therefore required to pass the sequential and exception tests.
- 4.15 The application is accompanied by a Sequential and Exceptions Test Report by Phase 2 Planning dated February 2017 and Flood Risk Assessment carried out by Ardent Consulting Engineers dated April 2017 ref 170090-01. The Environment Agency Standing Advice regarding development and flood risk in England requires a staged approach to flood risk assessment based on the following:
- Stage 1- strategic application and development vulnerability;
 - Stage 2- defining the evidence based; and
 - Stage 3- applying the Sequential Test

These stages are discussed below.

Stage 1-Strategic Application and Development Vulnerability

- 4.16 The development proposals are located within tidal Flood Zone 3a and are residential so are considered to be 'more vulnerable'. A sequential test is therefore required.

Stage 2- Defining the Evidence Base

- 4.17 Shoebury is identified as an area for regeneration and growth within the Core Strategy, and 1,400 new homes are earmarked for Shoebury within the plan period. In light of this, the sequential test for this specific proposal only needs to be applied to the Shoebury area rather than the Borough as a whole. The Local Development Framework Annual Monitoring Report (AMR) and the Strategic Housing Land Availability Assessment (SHLAA) identify future development sites in the Borough including Shoebury.
- 4.18 The Council has identified a five year housing supply not including the application site and therefore the development of this site would be classed as a windfall in terms of providing new housing. Windfall sites are those that have not been specifically identified as available in the Local Plan process but which have become available. As a windfall this site has the potential to facilitate sustainable development while contributing to the housing growth targets set out in the Core Strategy.

Stage 3-applying the Sequential Test

- 4.19 The National Planning Policy Framework (NPPF) sets out the basis for Sequential and Exception Tests. Paragraph 101 of the NPPF states:

'The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.'

and in relation to this the NPPF technical guidance states:

'Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required' (Paragraph 5 of the Technical Guidance).'

- 4.20 Paragraph 102 of the NPPF provides the Exception Test as a method of managing flood risk while still allowing necessary development to occur.

'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*
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'*

Both elements of the test will have to be passed for development to be allocated or permitted.

- 4.21 The applicant has submitted information to inform a sequential and exception test dated February 2017 carried out by Phase 2 Planning. The report considers sites identified in the AMR and SHLAA and site currently within the planning permission which are capable of accommodating 2 dwellings. The report identified 6 alternative sites within Shoeburyness but outside the flood zone area but comments that 5 out of the 6 sites were identified for affordable housing which restricts the development potential and are therefore unsuitable. The 6th site is more suited to flatted development and that this site has had permission for flats since 2014 but has not been attractive to the market. The report comments that there are no SHLAA or Local Plan allocated sites in Shoebury for small windfall sites that would be sequentially preferable to the application site.

The report also notes that Council's planning portal and table of outstanding planning permissions additionally shows no sites that are sequentially preferable than the application site and notes that windfall sites make a significant contribution (79%) of Southend's housing supply a quarter of which are a result of small windfall sites. The report therefore concludes that there are no other sites sequentially preferable to the application site and this is accepted.

Exceptions test

- 4.22 For the exceptions test to be passed the development must provide wider sustainability benefits, be on previously developed land and demonstrate the development will be safe in flood risk terms. The application site is on previously developed land, and subject to conditions, could be considered to have sustainability benefits in terms of regeneration. In relation to flood safety the Council have recently carried out, through Mott MacDonald, a detailed overtopping modelling of the Shoebury Common and Garrison sea defences. In light of this the Council's Flood Defences Engineer recommended that the development be raised by 53cm above current ground levels to address the potential flood risk from overtopping. The application has been amended to accommodate this requirement and the amended proposal is now considered to have addressed these concerns.
- 4.23 No objection has been raised by the Environment Agency to the flood risk assessment carried out by ARDENT (dated April 2017 reference: 170090-01). This demonstrates the development will provide a tolerable level of safety for occupants for the lifetime of the development. Overall it is considered that the proposal has demonstrated through the Sequential and Exceptions Test and by mitigating for flood risk in the design, that the proposal is suitable for residential development.

Intensification of Site

- 4.24 The application proposes the demolition of a single property and its replacement with two dwellings. This is therefore considered to be an intensification of the site. In relation to this Policy DM3 of the Development Management DPD states that:

'1. The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.'

and

'2. All development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:

- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or*
- (ii) Conflict with the character and grain of the local area; or*
- (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or*
- (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees'*

- 4.25 The property is located within a residential area and is currently occupied by a large single detached house although it is noted that this is currently derelict. It is proposed to replace the existing building with 2 detached houses thus increasing the density. The frontage of the property is approximately 23m wide (and over 40m deep) almost double the width of the frontages of the properties to the north and opposite the site. It would be possible to achieve two detached dwellings on this site with a comparable spacing and alignment to other properties in the area. It is therefore considered that this would be compatible with the grain of this area and not appear out of place in the streetscene.
- 4.26 The impact on the living conditions of future and neighbouring occupiers is discussed in more detail below including the requirement to meet the space standards set out in DM8 and the National Technical Housing Standards. In addition to this DM8 1.iii also requires new dwellings to meet Building Regulation M4(2). This requires houses to be designed to be adaptable to meet the needs of all and advocates such measures a step-free access to the dwelling and any associated parking space, a step-free access to a WC and any private outdoor space, accessible accommodation and sanitary facilities for older people or wheelchair users and socket outlets and other controls reasonably accessible to people with reduced reach.
- 4.27 The architect has indicated on the amended plans how these requirements could be accommodated within the proposed design. It is therefore considered that the proposed two storey dwellings can be an accessible and adaptable dwelling and this could be secured via a condition.

Ecology

- 4.28 The site has been devoid of human activity for many years and, although cleared of trees recently, it is possible that local ecological assets inhabit the site. For this reason an ecological survey has been submitted. This concludes that no protected plant species or habitats were recorded on site and that, whilst no protected animals were noted, it recommends that a number of steps be undertaken during the site clearance and construction phases of the proposal to reduce the impact on existing wildlife. Overall it considers that the impact of the proposed development is insignificant and can be mitigated. Therefore, should permission be granted, compliance with these recommendations and the relevant wildlife legislation could be secured by a condition.
- 4.29 Therefore the principle of the loss of the existing dwelling is found to be acceptable and there is no objection in principle to the development of this site for residential development subject to the detailed considerations below.

Design and Impact on the Character of the Area

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2 and CP4; Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the Southend Design and Townscape Guide (2009)

- 4.30 Policy KP2 of the Core Strategy states that new development should “*respect the character and scale of the existing neighbourhood where appropriate*”.
- 4.31 Policy CP4 of the Core Strategy requires that development proposals should “*maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development*”.
- 4.32 Policy DM3 of the Development Management Document promotes “*the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.*”
- 4.33 The proposal is for 2 two storey houses with pitched roofs. The streetscene shows the proposal to be around 1m taller than the neighbours but it is noted that this is an area of mixed building designs and heights, including some taller building opposite, and it is therefore it is considered that this difference would not be significant or out of character with the streetscene in this location. The width, depth and spacing of the properties are similar to the surrounding development. The scale and density of the site is therefore considered to be compatible with local character.

Site Layout and Building Line

- 4.34 The pattern of development around the site does not have a uniform character. It comprises a mix of styles and sizes of dwellings set on an irregular building line but generally with significant set back from the street particularly on the east side of the road. This provides flexibility for the design approach and the siting of the houses on this site. The proposed properties are set on a staggered building line well back from the frontage with generous forecourts. The proposed set back is comparable to the houses to the north but is forward of the properties to the south. Given the non-uniform building line of the neighbours and the grain of the area it is considered that the siting of the buildings is compatible with the surrounding area.
- 4.35 The generous set back allows for sufficient landscaping to be provided to mitigate the impact of the parking and turning space to the frontages, and to screen the raised floor levels and ramps which are required to mitigate for flooding. The indicative landscaping shown should ensure that the development integrates positively with the streetscene, however, full details of the landscaping and boundaries would need to be agreed by condition.
- 4.36 The Design and Townscape Guide states that to minimise the adverse visual impacts, refuse storage and recycling should normally be located where it is not be visible from the streetscene such as to the rear of the property. Refuse storage has been shown at the side of the properties towards the rear, away from public views and this is considered to be acceptable.

Detailed Design

- 4.37 The houses have an gabled form which draws references from the adjacent chalets but the detailed design is different. The use of a gabled form provides the development with some context, but the proposed design is modern and distinctive and would not be out of character in this mixed streetscene which includes both traditional and modern houses. There is therefore no objection in principle to the introduction of a new style of development in this location.
- 4.38 The houses have an asymmetric form which has been split and offset on plan from to add interest in the streetscene. This arrangement seems to work well with the staggered building line in this area as well as helping to break the scale of the houses and increasing the articulation of the development. The projecting element of each property has feature cladding and double stacked tall corner windows providing a focal point for the houses and this seems to work well. The fenestration of the proposal generally has been amended to improve the proportions of the openings, the balance of window to wall ratio and to rationalise the elevations and this has resulted in a more cohesive scheme and is welcomed.
- 4.39 The proposed design includes integral garages but these have been located on the recessed sections to reduce their dominance and impact in the streetscene and are offset by the feature projections. Given the mixed character of the area, which includes some integral garages, and subject to high quality materials, there is no objection to this element of the proposal.
- 4.40 The flank elevations are quite long but are well articulated including the feature corner windows and additional incidental glazing to break the length of the proposal on the more exposed south side. This has helped to break up the scale of the elevation although it is noted that the recessed siting of the dwellings and the neighbouring trees means that the depth of the proposals will not be so apparent in the streetscene.
- 4.41 No objection is raised to the elevation design of the rear elevations which incorporates good levels of fenestration and Juliette balconies.
- 4.42 Overall therefore it is considered that the scale, form, layout and detailed design of the proposal is well considered and compatible with the surrounding area subject to the agreement of good quality materials and landscaping which can be secured by condition.

Living Conditions for Future Occupiers

National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2, CP4 and CP8; Policies DM1, DM3 and DM8 of the Development Management Document (2015), Southend Design and Townscape Guide (2009) and the National Technical Housing Standards

- 4.43 Policy DM8 of the Development Management Document now requires all new dwellings to meet the National Technical Housing Standards minimum internal floorspace standards.

- 4.44 The proposal is for 2 two-storey, four bedroom (8 persons) dwellinghouses. The proposed dwellings would comfortably exceed the national internal floorspace standards of 124 sqm.
- 4.45 The National Housing Standards state that double bedrooms should be at least 11.5sqm and must be a minimum of 2.75m wide for the principle bedroom and 2.55m wide for all others. The proposed double bedrooms would meet the above minimum standards. All habitable rooms would have sufficient outlook and ventilation and light.
- 4.46 In relation to amenity space Policy DM8 states that all new dwellings should “*make provision for usable private outdoor amenity space for the enjoyment of intended occupiers*” The proposed rear gardens are a good size for family living and are comparable with the grain of the area. This level of amenity provision is therefore considered to be acceptable.
- 4.47 As noted above refuse storage is proposed to be installed within the rear amenity area and this is considered appropriate in this location and for this type of development. No details have been submitted in relation to the cycle store, however, it is considered that the rear garden would be of a sufficient size to accommodate storage for bicycles. Therefore, no objection is raised in relation to the living conditions of the future occupiers.

Impact on Neighbouring Properties

National Planning Policy Framework (2012); Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3; Southend Design & Townscape Guide (2009)

- 4.48 The Design and Townscape Guide (SPD1) states 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.*” (Paragraph 343 - Alterations and Additions to Existing Residential Buildings). Policy DM1 of the Development Management DPD requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities “*having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.*”

Impact on neighbour to the north (119A Ness Road)

- 4.49 The proposed development is set on a staggered alignment in relation to 119A Ness Road with the distance between the properties increasing towards the rear of the properties. The dwelling on plot 1 would be located 1m away from the northern boundary and around 3m away from the neighbouring dwelling at the front building line and 2.4m from the boundary and 4.4m from the neighbour at the rear building line.
- 4.50 The proposed development would be located 2m back from the front building line of this neighbour and project only 1.6m beyond its rear building line. These distances are such that it is not considered that the proposal would result in unacceptable overshadowing of the neighbouring property, light and outlook or cause unacceptable harm to their sense of enclosure.

- 4.51 The proposal has been raised 53cm above ground level to mitigate the impact of potential flooding. This has resulted in a proposal for a raised terrace to the rear of the proposed dwellings which extends for 2.7m but which is set between 840mm and 1.2m from the boundary with number 119A. This could result in overlooking of the adjacent amenity area across the fence line, however, it is considered that this impact could be mitigated by the installation of a privacy screen. If the development is considered to be acceptable this would be required by condition.
- 4.52 The site visit confirmed that 119A Ness Road has kitchen and a secondary dining room window (which is open plan to the lounge with windows to the rear) to the south elevation. An appraisal of the impact of the development on light to these windows has identified a very slight breach of the 45° angle taken from the bottom sill of the ground floor windows, however, it is noted that these are secondary or non-habitable room windows and therefore, on balance, it is not considered that the impact would be such detrimental to warrant refusal of the application.
- 4.53 The proposed windows in the north flank elevation of the plot 1 would not be windows to habitable rooms and as such, should the proposal recommended for approval, they would have been conditioned to be glazed in obscure glass to prevent overlooking.

Impact on neighbour to the south (123 Ness Road)

- 4.54 The proposed dwelling to the south would be sited forward the neighbouring dwellings to the south (123 Ness Road), however, a 4m separation distance would be maintained between the new development and the neighbouring dwelling. Furthermore, given the northern siting of the development in relation to this neighbour, it is not considered that the proposal would result in a material harm on the neighbours' amenities, in terms of loss of light or undue sense of enclosure to the front windows and outlook of the neighbouring property. Number 123 Ness Road is positioned behind a service road access and is significantly further back than the proposed dwelling on plot 2 on this side. The windows proposed in the south flank elevation of the plot 2 are positioned to look forward over the green area and street to the front and not at the neighbouring properties. It is therefore considered that the windows in the south elevation of plot 2 would not give rise to unreasonable overlooking of the neighbour to the south. As above a privacy screen would be required to prevent overlooking from the proposed raised rear terrace towards the rear amenity area of number 123 and between the properties now proposed. This can be secure via condition.
- 4.55 It is therefore considered that the relationship between the two proposed dwellings and the neighbours to the north and south would be acceptable, given their positioning and design.
- 4.56 A minimum of 10.6m separation distance would be maintained to the rear boundary and as such, the proposed development would not result in a greater impact on the amenity of the future occupiers of the site to east which is currently undeveloped. The impact on the amenity of neighbouring properties and sites is therefore considered to be acceptable.

Traffic and Transport Issues

National Planning Policy Framework (2012); Core Strategy Policy CP3, Policy DM15 of the Development Management Document (2015) and the Southend Design and Townscape Guide (2009)

- 4.57 Policy DM15 of the Development Management DPD requires all development to provide adequate off-street parking. Outside the central area 2 parking spaces are required for new houses.
- 4.58 An integral garage and two off-street parking spaces are provided for each new dwelling. The garage within plot 2 meets the requirement for garages as set out in the Development Management Document but the proposed garage for plot 1 is under sized and cannot therefore be counted as parking provision for the development, however, as noted above two further spaces are provided on the forecourt. The proposal therefore meets the parking standards as set in Policy DM15.
- 4.59 Ness Road is a classified road and as such, vehicles should enter and leave the site in forward gear. Paragraph 172 of the SPD1 advises that *“forecourt parking on classified roads will be required to include turning facilities or an ‘in and out’ drive for safety reasons”*. The front curtilage of the properties would be of sufficient size to allow vehicles to turn on-site and the turning heads marked on the site plan meet the required size. Two crossovers of 3m width are proposed to replace the existing crossover. It is therefore considered that the proposed crossovers and front hardstanding would be of sufficient size to allow vehicles to enter and leave the site safely.
- 4.60 The Council’s Highways Officer confirms that no objection is raised in relation to off-street parking provision and access.
- 4.61 No cycle storage has been shown on-site; however, as noted above, there would be sufficient space for this to be located in the rear garden of each property.

Use of on Site Renewable Energy Resources and Sustainable Construction

National Planning Policy Framework (2012), Core Strategy (2007) Policy KP2; Development Management DPD (2015) Policy DM2 and Southend Design and Townscape Guide (2009)

- 4.62 Policy KP2 of the Core Strategy requires that *“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.”* Policy DM2 of the Development Management DPD also states that *“to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”*

4.63 No information has been submitted in relation to the provision of renewables on site, however, it is considered that, in this instance the required renewables can be satisfactorily secured via a condition.

4.64 Policy KP2 of the Core Strategy states that *“avoidance of flood risk, or where, having regard to other sustainability considerations a residual risk remains, the provision of measures to appropriately and adequately mitigate that risk. All development proposals should demonstrate how they incorporate ‘sustainable urban drainage systems’ (SUDS) to mitigate the increase in surface water run-off, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk”*. The site is located within flood zone 3a and it is considered to be at high risk of flooding. The submitted Flood Risk Assessment recommends that the following SUDS techniques be integrated into the development:

- Restricted discharge of surface water into the sewer network
- Permeable paving and permavoid under layer which holds water in the ground for a lower discharge and increased evaporation

This solution would seem reasonable given the constraints of the site and it is considered that full details of the SUDS could be agreed via a condition.

4.65 Policy DM2 (iv) of the Development Management Document requires all new development to provide *“water efficient design measures that limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.”* Whilst details have not been submitted for consideration at this time, this will be required by condition.

Community Infrastructure Levy

CIL Charging Schedule 2015

4.66 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material ‘local finance consideration’ for the purpose of planning decisions. The proposed development includes a gross internal area of 487sqm, which may equate to a CIL charge of approximately £10714.00 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the “in-use building” test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount, however, in this case it is noted that the existing building has been in a derelict state for many years so would not qualify for this exemption.

Other Matters

- 4.67 It is noted that any alterations/extensions to the dwellings may result in unacceptable living conditions of the future occupiers (for example should the rear amenity space would be significantly reduced by a rear extension) or impact on the neighbouring properties and streetscene. For these reasons it is considered reasonable that permitted development rights for the proposed dwellinghouses be removed for classes A, B, C, D, E and F via a planning condition.

5 Conclusion

- 5.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposed development satisfies the sequential and exceptions test providing a windfall site for additional family housing. The proposal, on balance, has justified the loss of the locally listed building and would have an acceptable impact on the character and appearance of the application site, the streetscene and the locality more widely. In addition, the proposal would provide adequate amenities for future occupiers, protect the amenities of neighbouring properties and be acceptable on parking and highways grounds. The proposal is therefore recommended for approval subject to conditions.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2012): Section 4 (Promoting sustainable transport), Section 6 (Delivering a wide choice of high quality homes), Section 7 (Requiring good design), Section 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment)
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), and CP8 (Dwelling Provision).
- 6.3 Development Management Document (2015) Policies DM1 (Design Quality), Policies DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM8 (Residential Standards) and DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009).
- 6.5 CIL Charging Schedule (2015)
- 6.6 National Technical Housing Standards (2015)

7 Representation Summary

Transport & Highways

- 7.1 There are no highway objections to this proposal 2 car parking spaces have been provided for each dwelling. The parking layout allow vehicles to enter and leave in a forward gear.

Environmental Health

- 7.2 No objections but recommend that the following condition and informatives be attached to any consent that may be granted, relating to the following:-
- Hours of construction
 - Decontamination as necessary

Notwithstanding the above, the following informative reminding the applicant that this permission does not bestow compliance with other regulatory frameworks.

Parks

- 7.3 No comments received.

Waste Management and Street Scene

- 7.4 No comments received.

Environment Agency

- 7.5 We have inspected the application as submitted and have no objection to this planning application because the site is currently defended and falls under the TE2100 policy for this area, providing that you have taken into account the flood risk considerations which are your responsibility. There is an aspiration to take further action to keep up with climate and land use change so that flood risk does not increase. If the policy is not taken forward the development would be unsafe in the future. Please take note of this and the other flood risk considerations which are your responsibility. We are aware that these defences are owned and maintained by yourselves. If, as an authority, you do not consider that the defences offer this level of protection, or that the defences will be unlikely to be improved over the lifetime of development, in line with climate change, then you should consider this when making your decision.

Flood Risk

Our maps show the site lies within tidal Flood Zone 3a, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for the demolition of a building and erection of two detached four-bed dwelling houses, which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG).

Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

Sequential Test / and Exception Tests

The requirement to apply the Sequential Test is set out in Paragraph 101 of the National Planning Policy Framework. The Exception Test is set out in paragraph 102. These tests are your responsibility and should be completed before the application is determined. Additional guidance is also provided on Defra's website and in the Planning Practice Guidance.

Flood Risk Assessment

To assist you in making an informed decision about the flood risk affecting the site, the key points to note from the submitted flood risk assessment (FRA), prepared by Ardent Consulting Engineers, referenced 170090-01 and dated April 2017, and the Hydraulic Modelling Note, referenced 170090-02 and dated April 2017 are:

Actual Risk

The site is currently protected by flood defences with an effective crest level of 5.04m AOD (according to section 3.12 of the submitted FRA) which is above the present-day 0.5% (1 in 200) annual probability flood level of 4.61mAOD. Therefore the site is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event or the present day 0.1% (1 in 1000) annual probability flood event. The defences will continue to offer protection over the lifetime of the development, provided that the TE2100 policy is followed and the defences are raised in line with climate change, which is dependent on future funding.

If the TE2100 policy is not followed then at the end of the development lifetime, the 0.5% (1 in 200) annual probability including an allowance for climate change flood level of 5.84mAOD, would overtop the existing defences.

At the end of the development lifetime with climate change applied to the design 0.5% annual probability flood event, if the TE2100 policy is not followed then through overtopping of the current defences the resulting on-site flood level would be 5.62mAOD. The resulting actual risk depth of flooding on the site using a site level of 4.7mAOD would be 0.92m. Within the building, based upon a finished ground floor level is 5mAOD, the flood depth would be 0.62m deep. Refuge is proposed on the first floor at a level of 8.28mAOD which is above the 0.1% (1 in 1000) annual probability breach and overtopping flood levels.

Residual Risk

- The FRA explores the residual risk of a breach. The site could experience breach flood depths of up to 0.96 metre during the 0.5% (1 in 200) annual probability including climate change breach flood event.
- The time till inundation of the site in a breach during this event would be 1.5 hours.

- Therefore assuming a velocity of 0.5m/s the flood hazard is danger for most including the general public in the 0.5% (1 in 200) annual probability flood event including climate change.
- Finished ground floor levels have been proposed at 5.0m AOD. This is below the 0.5% annual probability breach flood level including climate change of 5.66m AOD and therefore at risk of flooding by 0.66 m depth in this event.
- Flood resilience/resistance measures have been proposed in section 4.5 of the FRA.
- Finished first floor levels have been proposed at 5m AOD, however there is a second floor, therefore there is refuge above the 0.1% (1 in 1000) annual probability flood level.
- A Flood Evacuation Plan has been proposed and is necessary to ensure the safety of the development in the absence of safe access with internal flooding in the event of a breach flood.

TE2100 POLICY

The TE2100 Plan was published in November 2012, setting out our recommendations for flood risk management for London and the Thames Estuary through to the end of the century and beyond. This site is located within the Policy unit – Leigh Old Town & Southend-on-Sea unit, which has a policy of “P4”. Policy P4 is “To take further action to keep up with climate and land use change so that flood risk does not increase”

The TE2100 Plan is an aspirational document, rather than a definitive policy, so whether the defences are raised in the future will be dependent on a cost benefit analysis and the required funding becoming available. If the defences are able to be raised, the proposed development will be protected from flooding during the 1 in 1000 annual probability event in line with climate change.

When determining the safety of the proposed development, you should take this uncertainty over the future flood defences and level of flood protection into account. This may require consideration of whether obtaining the funds necessary to enable the defences to be raised in line with climate change is achievable.

Safety of Building – Flood Resilient Construction

The FRA does propose including flood resistant/resilient measures in the design of the building to protect/mitigate the proposed development from flooding.

You should determine whether the proposed measures will ensure the safety and sustainability of the proposed development. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Safety of Inhabitants – Emergency Flood Plan

An Emergency Flood Response Plan has been proposed and detailed within the FRA, and is necessary to ensure the safety of the development in the absence of safe access and with internal flooding in the event of a breach flood. It is up to the local planning authority to determine whether this is satisfactory

Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

Historic England

- 7.6 No comments. The application should be determined in accordance with national and local planning guidance.

The Shoebury Society

- 7.7 No comments received.

Essex County Preservation Trust Ltd

- 7.8
- The original façade is of outstanding calibre and should be retained
 - The property could be restored
 - The existing building could be converted to two residential units so there would be the same number of units as the proposed scheme.
 - The new owner has done nothing to safeguard the building from further dereliction
 - We believe the building facades are structurally sound and could be retained.

[Officer Comment: the existing building was once an attractive historic building but it is now considered to be derelict. The condition of the building and its suitability for retention is discussed in paragraphs 4.4-4.11 above It also needs to be recognised that the local planning authority is not able to prevent the demolition of this building]

Public Consultation

- 7.09 6 neighbours have been consulted and a site notice posted on site and one representation has been received raising the following issue:
- Right to light and impact on neighbouring property

[Officer Comment: This concern is noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.]

- 7.10 Councillor Jarvis has requested that this planning application go before the Development Control Committee for consideration.

8 Relevant Planning History

- 8.1 91/0142 - Alter side elevation and use dwellinghouse as women's refuge - Planning permission granted.

9 Recommendation

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

- 01 The development hereby permitted shall begin not later than three years from the date of this decision.**

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: 1800/Ex1; 1800/01 F; 1800/02G; 1800/03E, 1800/L1**

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

- 03 The development hereby approved shall be carried out in full accordance with the mitigation measures identified in the Flood Risk Assessment carried out by Ardent Consulting Engineers dated April 2017 reference 170090-01 and drawings 1800/01 F; 1800/02G; 1800/03E before the dwellings are occupied.**

Reason: To ensure the site is protected to the standard that the development is designed and modelled to within the submitted Flood Risk Assessment National Planning Policy Framework and policy KP2 of Core Strategy.

- 04 Once occupied the development hereby permitted shall operate and be occupied at all times in full accordance with the Flood Response Plan in Section 4 of the Flood Risk Assessment carried out by Ardent Consulting Engineers dated April 2017 reference 170090-01 submitted with this application**

Reason: To ensure that the Flood Warning and Evacuation Plan meets with the requirements of the Environment Agency's Flood Warning Service.

- 05 Prior to the commencement of the development hereby approved, samples and product details for the external materials to be used in the construction of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall subsequently be used in the construction of the dwelling hereby approved 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, Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1, and Southend Design and Townscape Guide (2009).

- 06** The development shall not be occupied until the garages, car parking spaces and turning head have been provided at the site in accordance with drawing 1800/01 Revision F, together with properly constructed vehicular accesses to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter only for the parking of occupiers of and visitors to the development. Permeable paving shall be used for the hardstanding area created unless otherwise agreed by the local planning authority.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with policy CP3 of the Core Strategy (2007) and policy DM15 of the Council's Development Management Document (2015).

- 07** Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the buildings hereby granted consent shall be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposed buildings that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. Before the buildings hereby approved are occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and the Southend Design and Townscape Guide (2009).

- 08** Privacy screens not less than 1.7m high above patio level shall be fitted to the north and southern side of each rear raised patio area in accordance with details that have previously been submitted and approved by the local planning authority prior to first occupation of the development. The screens shall be retained for the lifetime of the development in accordance with the approved details.

Reason: To protect the privacy and environment of people in new and neighbouring residential properties, in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

09 No development shall take place until full details of both hard and soft landscape works to be carried out at the site and details of all boundary treatments have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works prior to or within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not limited to:-

- i proposed finished site levels or contours;**
- ii. details of the proposed ramps and means of enclosure of the site including any gates or boundary fencing;**
- iii. car parking layouts;**
- iv. other vehicle and pedestrian access and circulation areas;**
- v. hard surfacing materials;**
- vi. minor artefacts and structures (e.g. street furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.);**
- vii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification;**
- ix. details of measures to enhance biodiversity within the site.**

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 the amenities of occupiers and to ensure a satisfactory standard of landscaping and tree protections measures are implemented pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007) and advice contained within the Southend Design and Townscape Guide (2009).

10 The development shall not be occupied until refuse and cycle storage has been provided in accordance with details which shall previously have been submitted to and agreed in writing with the Local Planning Authority. The refuse and cycle storage shall permanently retained thereafter.

Reason: To ensure that adequate refuse storage and cycle parking is provided and retained to serve the development in accordance with Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Document (2015) and the Southend Design and Townscape Guide (2009).

11 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 in accordance with the approved details prior to the first occupation of the dwellings. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Southend Design and Townscape Guide (2009)

- 12 Prior to first occupation of the development the surface water attenuation strategy (SuDS) for the site shall be implemented in full as set out in Section 5 of the Flood Risk Assessment by Ardent Consulting Engineers dated April 2017 reference 170090-01 and it shall be retained as such in perpetuity thereafter.**

Reason: To ensure satisfactory drainage of the site in accordance with policy KP2 of the Core Strategy (2007) and Development Management Document (2015) policy DM2.

- 13 Water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented prior to first occupation of the development and be permanently retained thereafter.**

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide (2009).

- 14 The development hereby approved shall be carried out in a manner to ensure the houses comply with building regulation M4 (2) 'accessible and adaptable dwellings'.**

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the Southend Design and Townscape Guide (2007).

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking and re-enacting that Order with or without modification, no development shall be carried out at the dwellings hereby approve falling within Schedule 2, Part 1, Class A, B, C, D and E of that order.**

Reason: To protect the character of the area and the privacy and environment of people in neighbouring residential properties and ensure sufficient amenity space is retained for future occupiers pursuant to Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and the Southend Design and Townscape Guide (2009).

- 16 Demolition or construction works shall not take place outside 8:00 hours to 18:00 hours Mondays to Fridays and 8:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.**

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework, Core Strategy (2007) policy KP2 and CP4, and Development Management Document (2015) policy DM1.

- 17 The proposed site clearance and construction works shall be carried out to comply with the recommendations set out in Section 6 of the Ecology Report by SES dated August 2016 in full. This includes undertaking a Bat Survey and implementing any associated mitigation measures or other recommendations thereafter.**

Reason: To ensure that the development does not have an adverse impact on the biodiversity of the environment in accordance with the wildlife Act, National Planning Policy Framework and Development Management Document (2015) Policy DM3.

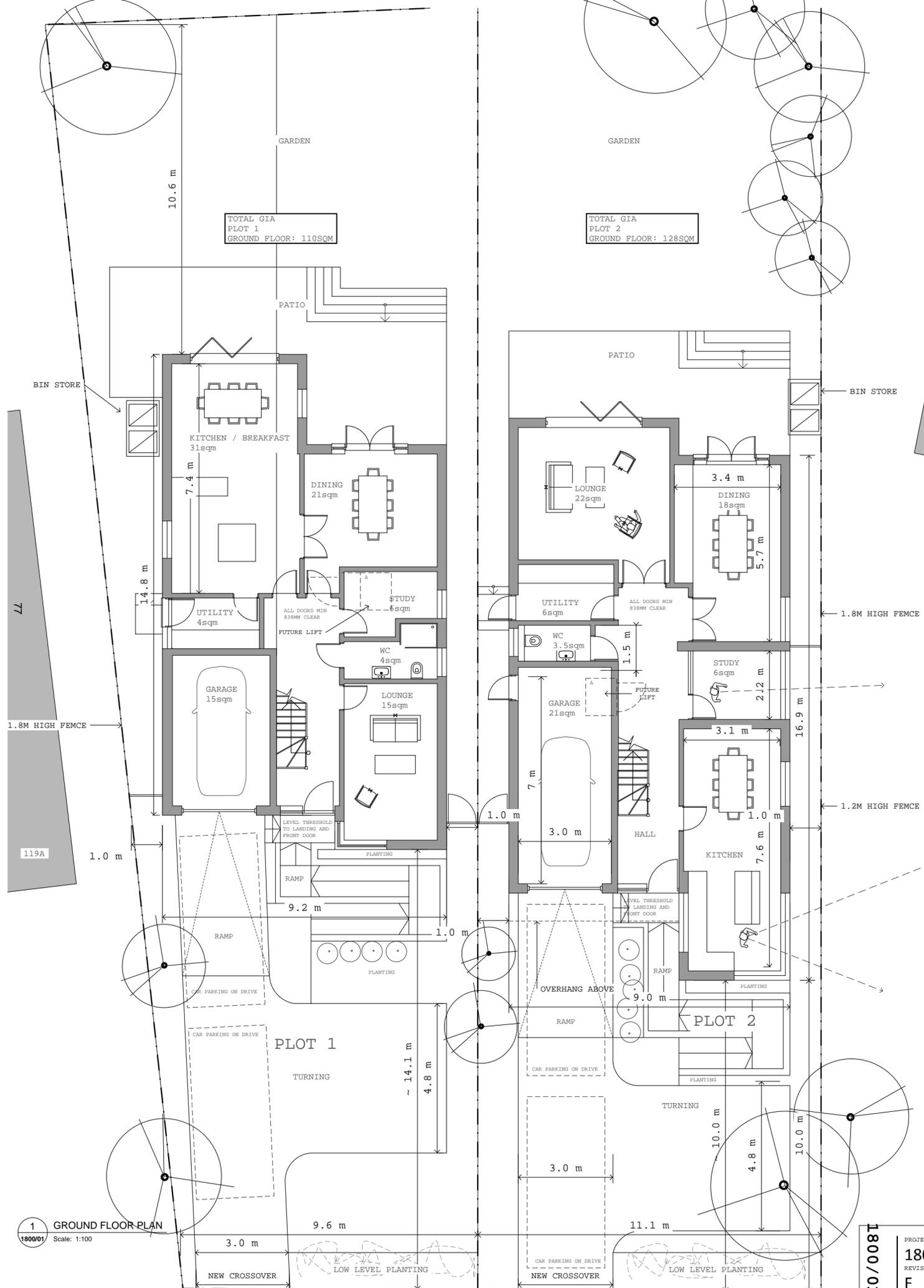
- 18 No development shall take place until a site investigation of the nature and extent of land contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before the construction of the new houses begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures in full before the dwellings are occupied.**

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 in accordance with Development Management Document (2015) policy DM14.

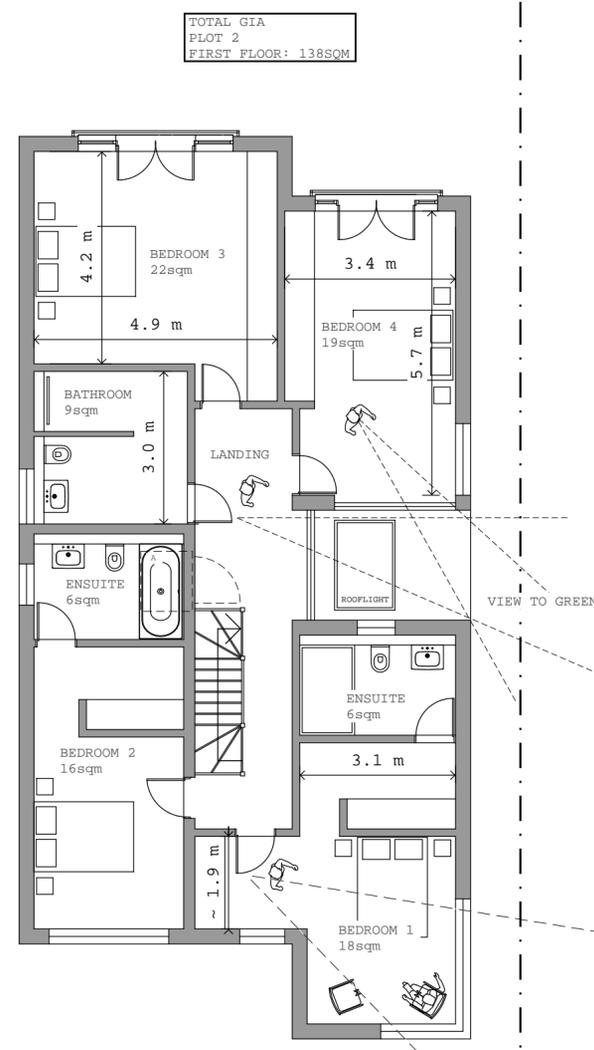
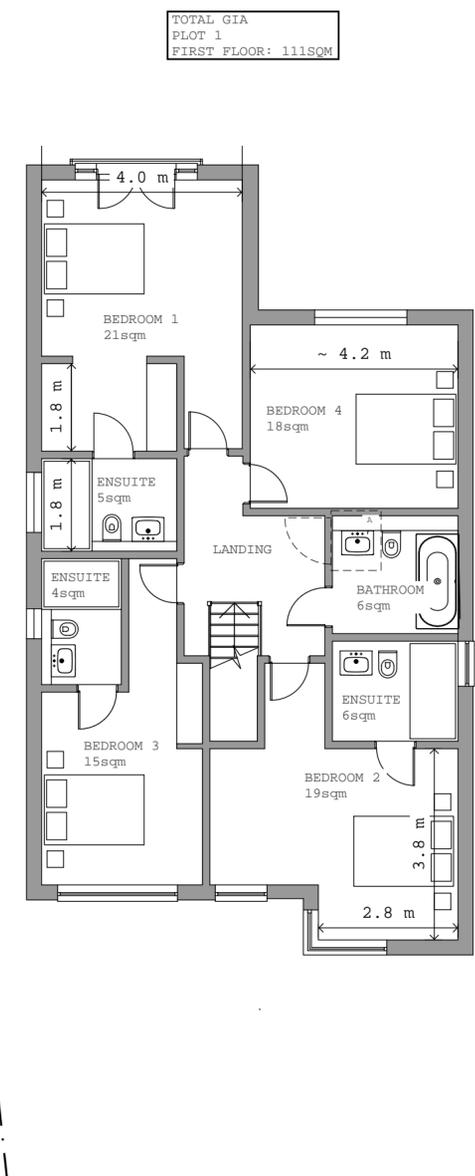
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local 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.

Informative

- 01** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.
- 02** The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and construction noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215810 or at Regulatory Services, P.O. Box 5558, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZQ.



MORNING SUN



2 FIRST FLOOR PLAN
1800/01 Scale: 1:100

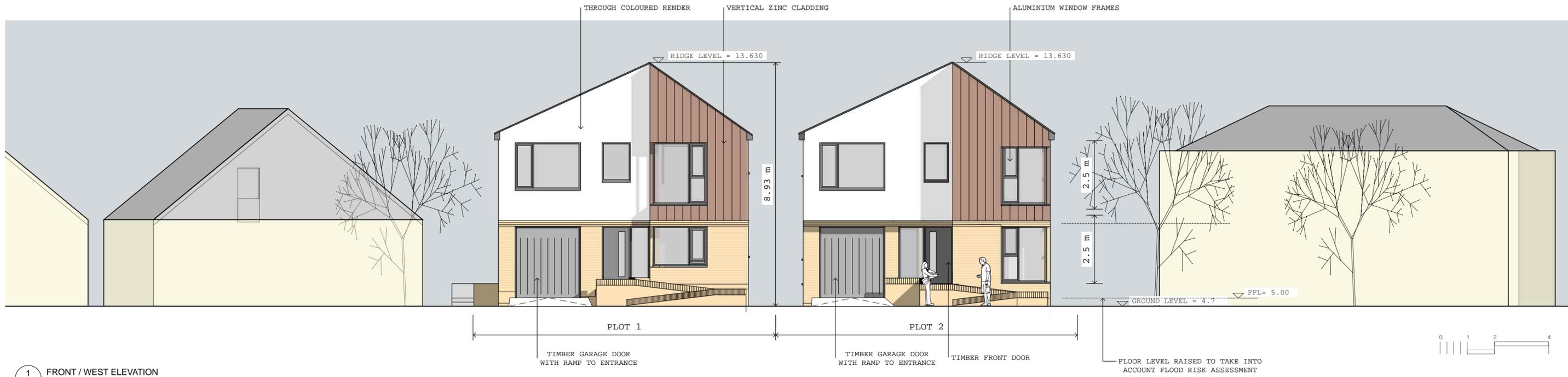
KEY
A LOCATION OF FUTURE LIFT TO COMPLY WITH PART M BUILDING REGULATIONS



1800/01	PROJECT NO.	DATE	PROJECT	DESCRIPTION	
	1800	JAN '16	PROPOSED DEVELOPMENT	PROPOSED PLANS	
	REVISION.		121 NESS ROAD	A 24.02.17	REVISED TO PLANNERS REQUIREMENTS
	F	SCALE	SHOEBURYNNESS	B 29.03.17	REVISED TO PLANNERS REQUIREMENTS
		1:100 @ A2		C 19.05.17	REVISED TO PLANNERS REQUIREMENTS
				D 07.06.17	REVISED TO PLANNERS REQUIREMENTS
			E 09.06.17	REVISED TO PLANNERS REQUIREMENTS	
			F 24.11.17	REVISED TO PLANNERS REQUIREMENTS	

Sudbury Stables
Sudbury Road
Downham, Billericay
Essex, CM11 1LB
Tel/Fax : 01268 711829

D. J. W.
ARCHITECTURAL DESIGNS LTD



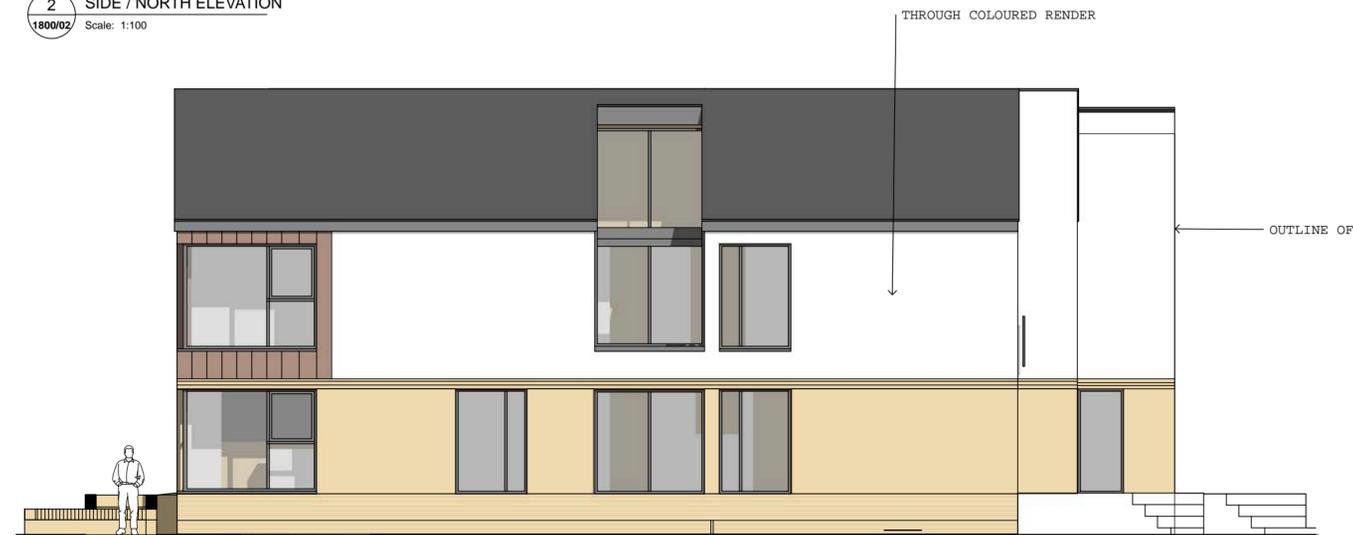
1 FRONT / WEST ELEVATION
1800/02 Scale: 1:100



2 SIDE / NORTH ELEVATION
1800/02 Scale: 1:100



3 REAR / EAST ELEVATION
1800/02 Scale: 1:100

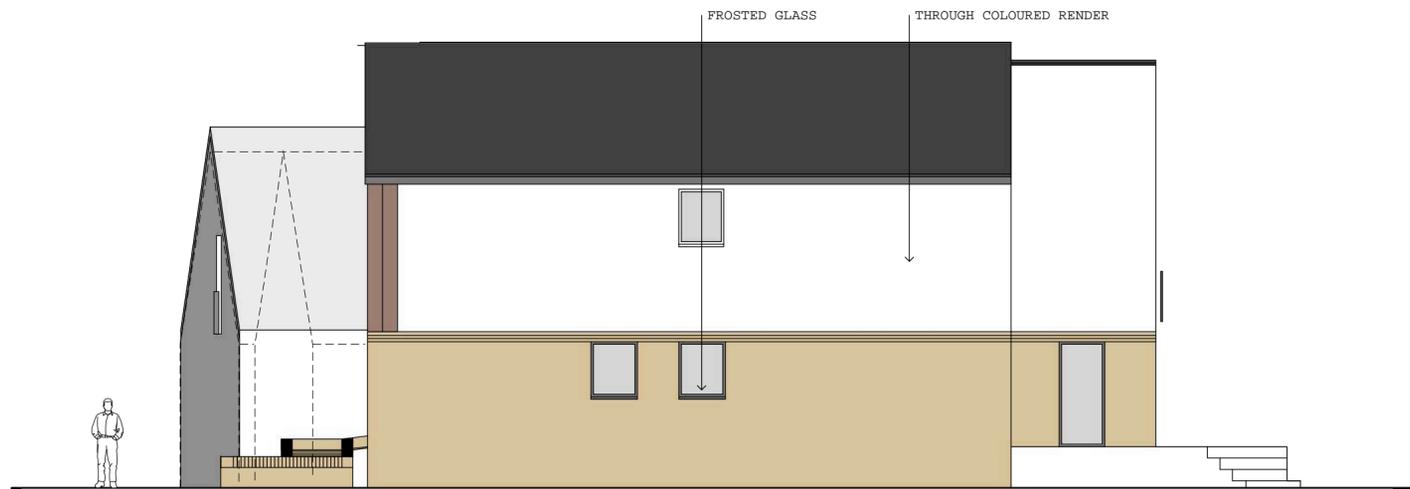


4 SIDE / SOUTH ELEVATION
1800/02 Scale: 1:100

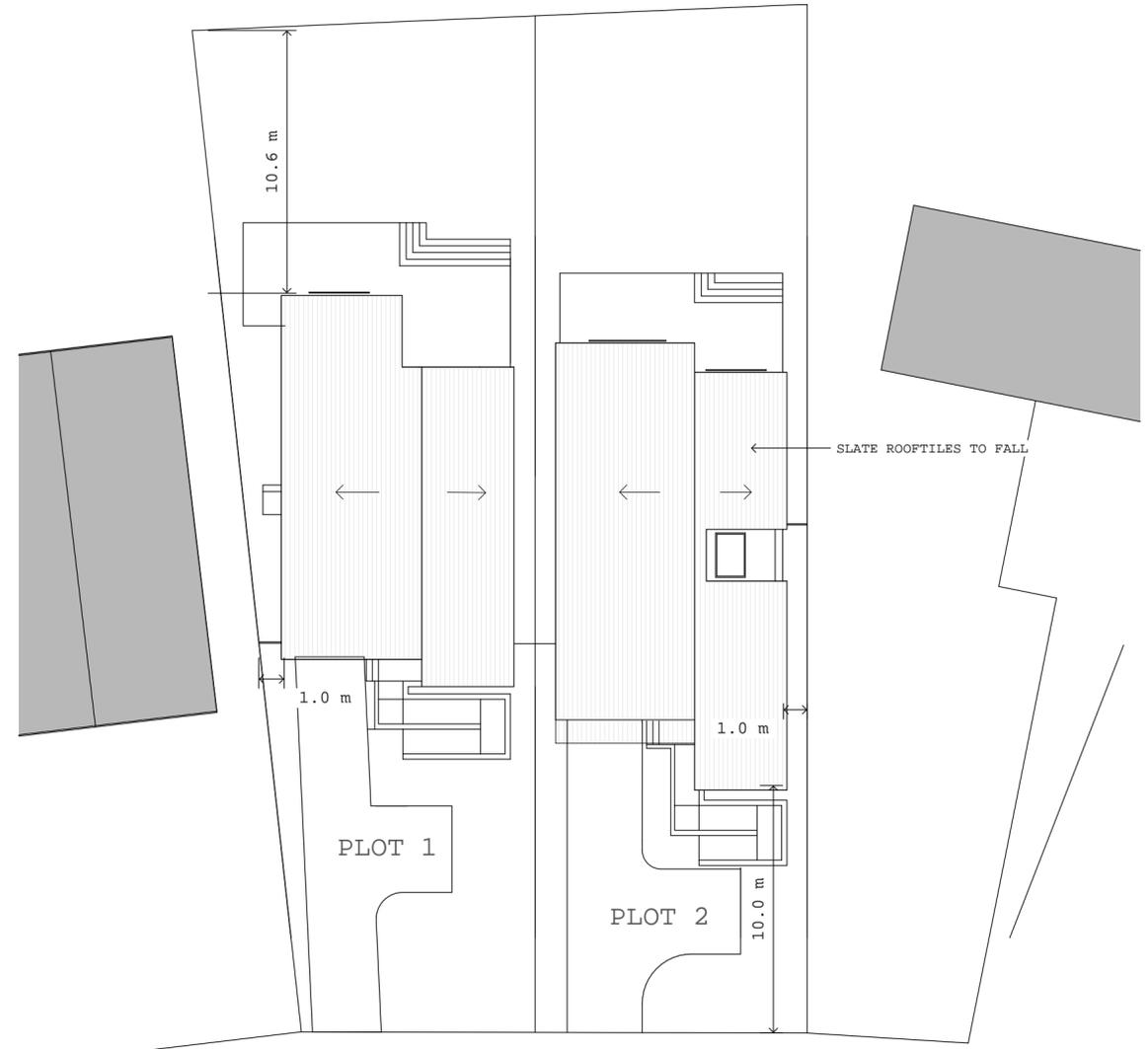
1800/02	PROJECT NO.	DATE	PROJECT	PROPOSED ELEVATIONS		Sudbury Stables Sudbury Road Downham, Billericay Essex, CM11 1LB Tel/Fax : 01268 711829		D. J. W. ARCHITECTURAL DESIGNS LTD	
	1800	FEB '16	PROPOSED DEVELOPMENT	A	24.02.17				REVISED TO PLANNERS REQUIREMENTS
	REVISION.		121 NESS ROAD	B	29.03.17				REVISED TO PLANNERS REQUIREMENTS
	G	1:100 @ A2	SHOEBURYNNESS	C	19.05.17				REVISED TO PLANNERS REQUIREMENTS
				D	07.06.17				REVISED TO PLANNERS REQUIREMENTS
			E	09.06.17	REVISED TO PLANNERS REQUIREMENTS				
			F	04.09.17	REVISED TO PLANNERS REQUIREMENTS				
			G	24.11.17	REVISED TO PLANNERS REQUIREMENTS				



1 PLOT 2 SIDE / NORTH ELEVATION
1800/03 Scale: 1:100



2 PLOT 1 SIDE / NORTH ELEVATION
1800/03 Scale: 1:100



3 ROOF PLAN
1800/03 Scale: 1:200



1800/03

PROJECT NO.
1800
REVISION.
E

DATE
FEB '16
SCALE
1:200 @ A2

PROJECT
PROPOSED DEVELOPMENT
121 NESS ROAD
SHOEBURYNNESS

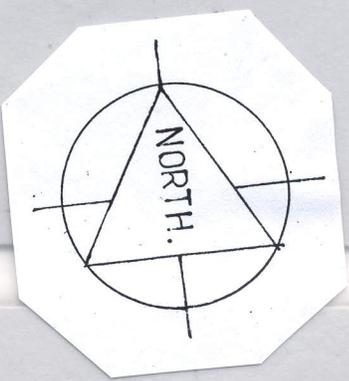
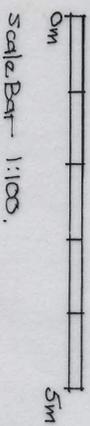
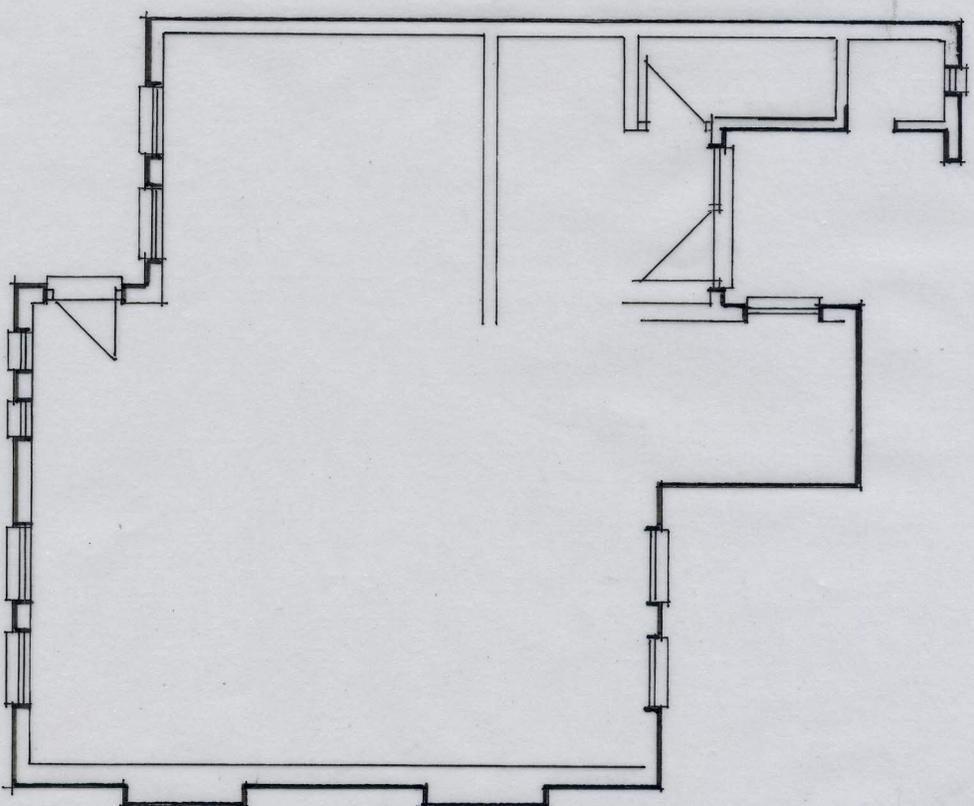
DESCRIPTION
PROPOSED ROOF PLAN AND PROPOSED 3D SKETCH VIEWS
REVISION
A 24.02.17 REVISED TO PLANNERS REQUIREMENTS
B 29.03.17 REVISED TO PLANNERS REQUIREMENTS
C 19.05.17 REVISED TO PLANNERS REQUIREMENTS
D 09.06.17 REVISED TO PLANNERS REQUIREMENTS
E 24.11.17 REVISED TO PLANNERS REQUIREMENTS

Sudbury Stables
Sudbury Road
Downham, Billericay
Essex, CM11 1LB
Tel/Fax : 01268 711829



D. J. W
ARCHITECTURAL DESIGNS LTD

This page is intentionally left blank



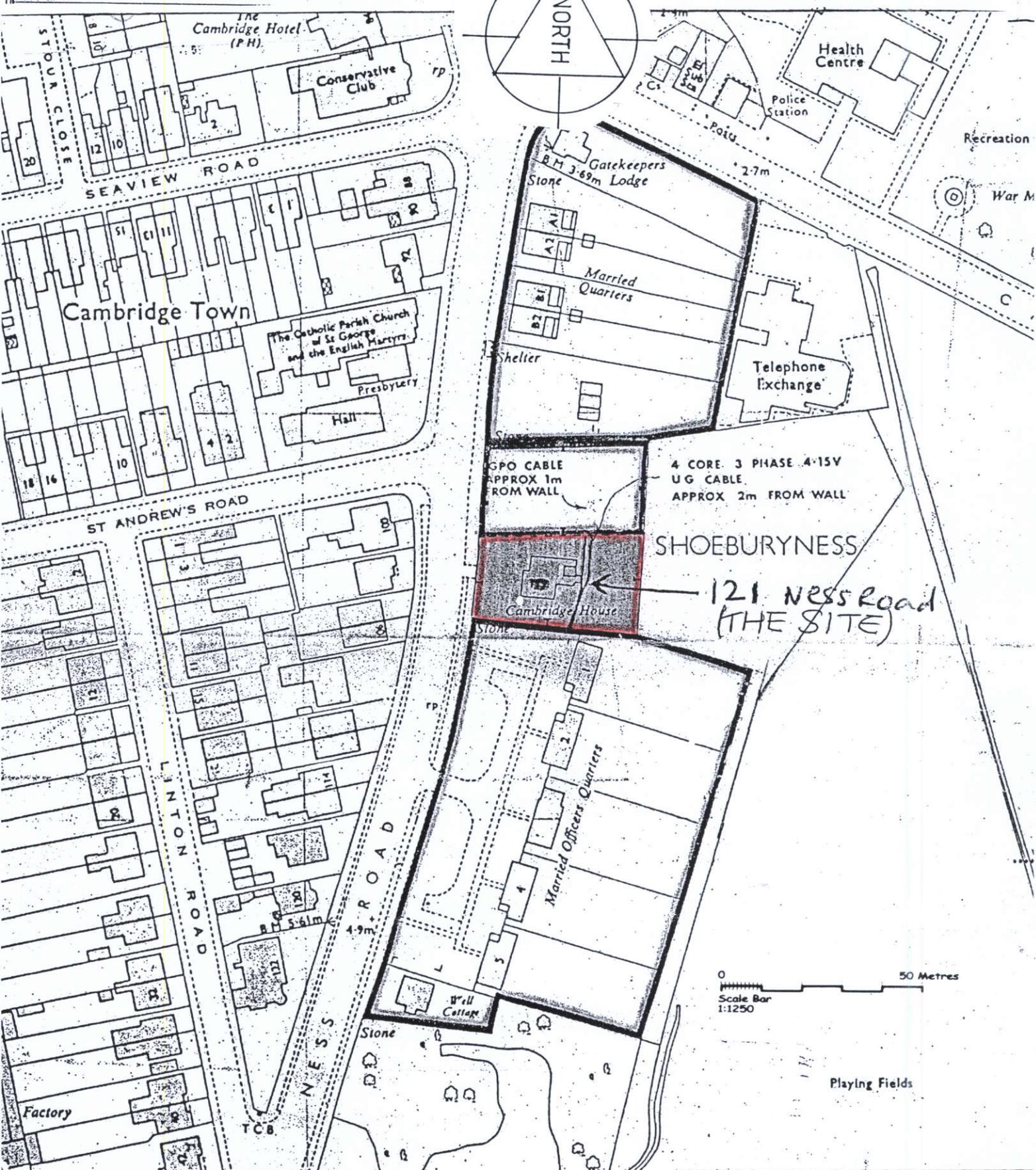
Exg Side Boundary

Exg Side Boundary

D.J.W
 ARCHITECTURAL DESIGNS LTD
 Sudbury Stables,
 Sudbury Road,
 Downham, Nr Billerica
 CM11 1LB
 Tel/fax : 01268 711 829

Project:	Proposed development. 121 Ness Road, Shoeburyness.	Scale:	1:100
Title:	Existing ground floor plan.	Date:	July 2016
		Drg No:	1800/Ex1

This page is intentionally left blank



D.J.W
 ARCHITECTURAL DESIGNS LTD
 Sudbury Stables,
 Sudbury Road,
 Downham, Nr Billericay
 CM11 1LB
 Tel/Fax : 01268 711 829



Project:
 Proposed development.
 121 Ness Road, Shoeburyness.

Title:
 Location plan. 83

Scale:
 1: 1250

Date:
 July 2016

Drg No:
 1800/L1

This page is intentionally left blank

Reference:	17/01426/DOV5	7
Application Type:	Deed of Variation within 5 years	
Ward:	Belfairs	
Proposal:	Modification of planning obligation (Section 106 agreement) dated 13th July 2017 pursuant to application 16/01780/FULM to vary the requirement to provide affordable housing.	
Address:	1307 London Road, Leigh-On-Sea, Essex	
Applicant:	Mr James Dove	
Agent:	Michael Calder of Phase 2 Planning Ltd	
Consultation Expiry:	7 th September 2017	
Expiry Date:	22 nd September 2017	
Case Officer:	Amanda Rogers	
Recommendation:	Delegate to the Director of Planning and Transport or Group Manager for Planning and Building Control to AGREE A MODIFICATION OF THE PLANNING OBLIGATION dated 13th July 2017 pursuant to application 16/01780/FULM	



1 The Proposal

- 1.1 Planning permission was granted on 13th July 2017 to *“Demolish existing building and erect three storey building comprising of 16 self-contained flats on first and second floor with balconies and roof terrace with retail unit on ground floor, lay out parking bin store and alter vehicular access at 1307-1313 London Road”*.
- 1.2 This permission was subject to a Section 106 (S.106) agreement dated 13th July 2017 to secure the following:
 - Provision of affordable housing including 2 x 1 bedroom affordable units (Affordable Rented) and 1 x 2 bedroom affordable units (Shared Ownership)
- 1.3 Under section 106A of The Town and Country Planning Act 1990 (as amended) (TCPA) the applicant originally sought to remove the requirement to provide affordable housing on viability grounds. However, following submission and independent assessment of a Viability Report, the applicant is now offering a financial contribution in lieu of on-site provision.
- 1.4 The following evidence has been submitted in support of the application:
 - Affordable Housing Viability Report undertaken by S106 Affordable Housing dated 8th June 2017
 - Additional letter from S106 Affordable Housing dated 20th November 2017 addressing concerns raised in BNP Paribas’ draft Viability Review dated October 2017
 - Confirmed offer of an in-lieu affordable housing contribution of £80,000 (index-linked) payable prior to occupation of the 5th dwelling

2 Site and Surroundings

- 2.1 The application site currently contains two storey and single storey buildings used for car sales and repairs. Vehicular access is currently provided directly from London Road.
- 2.2 The site is located within an area of mixed uses and buildings built to a mix of architectural styles and different scale. To the North of the site is a residential area that consists of rows of two storey residential buildings that front Kingswood Chase and Tankerville Drive. To the east of the site is a group of three buildings that include a hot-food takeaway restaurant, a retail premises and an accountants office. To the west of the site is a two storey building that appears to be used as a dwelling and a two storey building that is used as a dry cleaners at ground floor and a residential property at first floor. Opposite the site to the south is Leigh Cemetery and a row of commercial properties with a similar mix as set out above.
- 2.3 The site is not the subject of any site specific policy designations.

3 Planning Considerations

- 3.1 The material planning consideration in respect of this application is whether or not the applicant has adequately demonstrated that the planning obligation relating to affordable housing would cause the development to be unviable thus justifying a degree of flexibility in relation to the affordable housing obligation.
- 3.2 Section 106A of the TCPA allows for an application to be made to a local authority to consider a proposed modification or discharge of a planning obligation.
- 3.3 Planning obligations can be renegotiated at any point, where the local planning authority and developer wish to do so. A planning obligation is enforceable as a contract and whether it is varied or not is at the local authority's discretion. Where there is no agreement to voluntarily renegotiate, and the planning obligation is over 5 years old, an application may be made to the local planning authority to change the obligation where it "*no longer serves a useful purpose*" or would continue to serve a useful purpose in a modified way (see Section 106A of the TCPA). However, as this application to modify the S106 agreement has been made within 5 years of completion, this statutory test is not applicable.
- 3.4 The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 (as amended) set out the procedure for dealing with applications to modify or discharge a planning obligation that is more than 5 years old. However, these Regulations do not apply to requests to modify a planning obligation that is dated less than 5 years ago, which is the case in this instance. As such, an application form and public consultation is not required.

4 Appraisal

The National Planning Policy Framework, Southend Core Strategy (2007) strategic objective SO7, policies KP3 and CP8; Development Management Document (2015) policy DM7 and A Guide to Section 106 & Developer Contributions (2015)

- 4.1 Paragraph 205 of the NPPF states the following:

Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

- 4.2 The need to take viability into account in making decisions in relation to planning obligations on individual planning applications is reiterated in Paragraph: 019 Reference ID: 10-019-20140306 of the NPPG, which sets out the following guidance:

In making decisions, the local planning authority will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.

This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered in line with the principles in this guidance.

4.3 Specifically in relation to incentivising the bringing back into use of brownfield sites, which this site is, the NPPG also requires local planning authorities “...to take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.” (NPPG Paragraph: 026 Reference ID: 10-026-20140306).

4.4 The need for negotiation with developers, and a degree of flexibility in applying affordable housing policy, is echoed in Core Strategy policy CP8 that states the following:

The Borough Council will:

...enter into negotiations with developers to ensure that:

...all residential proposals of 50 dwellings or 2 hectares or more make and affordable housing or key worker provision of not less than 30% of the total number of units on the site;

For sites providing less than 10 dwellings (or below 0.3 ha) or larger sites where, exceptionally, the Borough Council is satisfied that on-site provision is not practical, they will negotiate with developers to obtain a financial contribution to fund off-site provision. The Council will ensure that any such sums are used to help address any shortfall in affordable housing.

4.5 Furthermore, the responsibility for the Council to adopt a reasonable and balanced approach to affordable housing provision, which takes into account financial viability and how planning obligations affect the delivery of a development, is reiterated in the supporting text at paragraph 10.17 of the Core Strategy and paragraph 2.7 of “Supplementary Planning Document: Planning Obligations” (SPD2).

4.6 The clear preference in terms of affordable housing provision in this instance would be for 20% of the dwellings on-site to be affordable. However, it is acknowledged that national and local planning policy requires this to be adjusted if necessary on viability grounds.

4.7 The applicant’s Viability Report has been independently appraised on the Council’s behalf by BNP Paribas Real Estate, experts in providing town planning and viability advice. The conclusions of this advice are set out below:

- Agreement has been reached with the applicant in respect of the gross development value (GDV), build costs, site value and a profit level of 18% of GDV.
- The site value has been based on the Existing Use Value plus a reasonable 20% landowner’s premium to release the site for development.

- It is likely that the proposed scheme will generate a surplus of £80,000 and consequently the proposed scheme can support a payment in lieu of c. £80,000

4.8 A financial contribution considered equivalent to the on-site provision of 3 affordable housing units on site would be £290,998 (calculated in accordance with the Council's adopted Corporate Policy:- "Interim Affordable Housing Policy" – September 2016). However, in accordance with the policies and guidance set out above, and on the basis of the advice given to the Council by BNP Paribas Real Estate, it is considered appropriate in this instance to modify the S106 agreement dated 13th July 2017 to accept a financial contribution of **£80,000** (index-linked) in lieu of on-site provision to ensure the regeneration of this site through the delivery of this scheme. The funding will be utilised to provide further affordable housing in the borough by either purchasing units or help to fund the Council's affordable housing development programme.

5 Conclusion

- 5.1 On the basis of the above, it is considered that sufficient evidence has been provided to justify a modification of the S106 affordable housing requirement to allow payment of a financial sum of **£80,000** in lieu of on-site provision.
- 5.2 The affordable housing contribution would be payable prior to occupation of the 5th dwelling, consistent with the original affordable housing transfer terms set out in the 13th July 2017 S106 agreement.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (NPPF) 2012 and National Planning Practice Guidance (NPPG).
- 6.2 Development Plan Document 1 (2007): Core Strategy strategic objective SO7, Policies KP3 (Implementation and Resources) and CP8 (Dwelling Provision).
- 6.3 Development Management Document (July 2015): Policy DM7 (Dwelling Mix, Size and Type).
- 6.4 Supplementary Planning Document 2: A Guide to Section 106 & Developer Contributions (2015).

7 Representation Summary

- 7.1 **Strategic Housing:** In this instance, the Strategic Housing Team supports the proposition of accepting the commuted sum of £80,000 in lieu of providing 3 affordable housing units on site. This funding will be utilised to provide further affordable housing in the borough by either purchasing units or help to fund the Council's affordable housing development programme.
- 7.2 **Members:** One councillor objection received stating that the application represented greed.

7.3 **Leigh Town Council:** Object to application as they recorded no objection to the original application based on affordable housing being included in the development.

8 Public Consultation

8.1 Although none formally required (see paragraph 3.4 above), site notice posted 17th August 2017.

9 Relevant Planning History

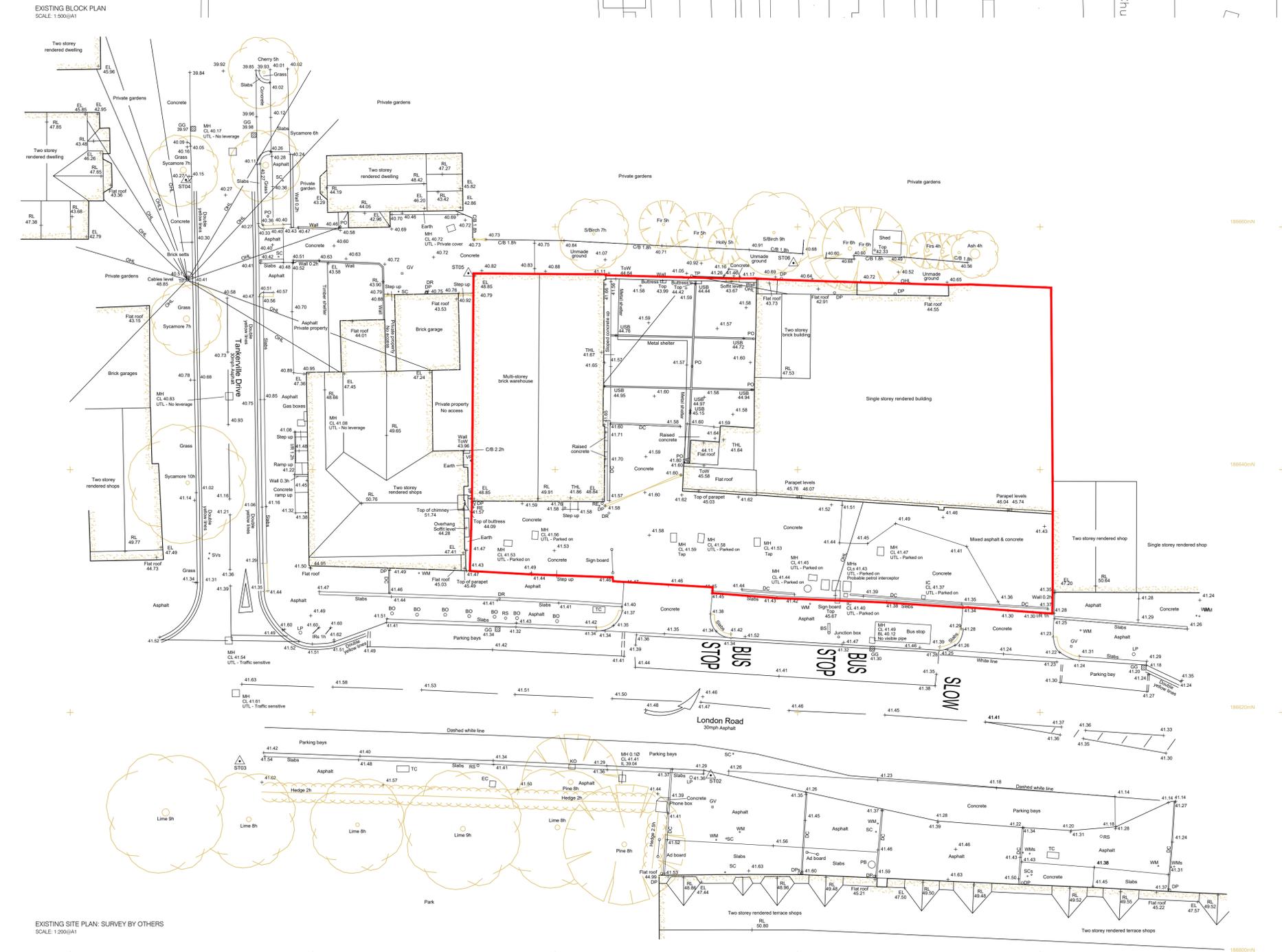
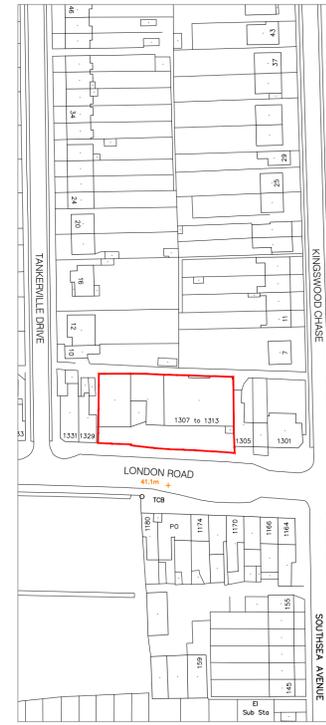
9.1 13th July 2017 (16/01780/FULM): Conditional planning permission granted to *“Demolish existing building and erect three storey building comprising of 16 self-contained flats on first and second floor with balconies and roof terrace with retail unit on ground floor, lay out parking bin store and alter vehicular access at 1307-1313 London Road”*.

10 Recommendation

10.1 Members are recommended to delegate to the Director of Planning and Transport or Group Manager for Planning and Building Control to **AGREE A MODIFICATION OF THE PLANNING OBLIGATION** dated 13th July 2017 pursuant to planning application 16/01780/FULM to provide a financial contribution for affordable housing of £80,000 (index-linked) in lieu of on-site provision payable prior to occupation of the 5th dwelling.



THIS DRAWING IS THE COPYRIGHT OF FRONT ARCHITECTURE LTD AND SHOULD NOT BE COPIED WITHOUT PRIOR WRITTEN CONSENT.
 CONTRACTORS ARE TO CHECK ALL LEVELS AND DIMENSIONS BEFORE WORK COMMENCES ON SITE AND ANY DISCREPANCIES ARE TO BE REFERRED TO FRONT ARCHITECTURE.
 DO NOT SCALE. WORK TO FIGURED DIMENSIONS ONLY.



PROPOSED LOCATION PLAN
 SCALE: 1:1200@A1



P1	21.09.2016	PRELIMINARY ISSUE	MCL
REV.	DATE	AMENDMENT	DRAWN

MIXED-USE REDEVELOPMENT
 1307 LONDON ROAD,
 LEIGH-ON-SEA,
 ESSEX. SS9 3JJ

DRAWING TITLE:
EXISTING SITE SURVEY AND BLOCK PLAN

CLIENT: DOVE JEFFERY HOMES		
DRAWN: MCL	PROJECT NO: 16.563	DRAWING NO: 001
CHECKED:	SCALE: 1:200 @A1	
DATE: 21. SEPTEMBER 2016	REVISION:	P1

This page is intentionally left blank