

Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 7th March, 2018

Time: 2.00 pm

Place: Committee Room 1 - Civic Suite

Contact: Tim Row - Principal Democratic Services Officer

Email: committeesection@southend.gov.uk

A G E N D A

- 1 Apologies for Absence
- 2 Declarations of Interest
- 3 Minutes of the meeting held on Wednesday 13th December 2017
- 4 Minutes of the meeting held on Wednesday 10th January 2018
- 5 Minutes of the Meeting held on Wednesday 7th February 2018
- **** **Introduction**
- **** **Reports on Applications following Pre-Meeting Site Visit**
- 6 **17/02056/OUT - Land Adjacent to 5 Shorefield Gardens, Westcliff-on-Sea (Milton Ward) (Pages 61 - 80)**
- 7 **17/01017/FULM - Chalkwell Lodge, 35-41 Grosvenor Road, Westcliff-on-Sea (Chalkwell Ward) (Pages 81 - 134)**
- 8 **17/02047/FUL - 30-32 The Leas, Westcliff-on-Sea (Chalkwell Ward) (Pages 135 - 182)**
- 9 **17/02009/FUL - 2A Portland Avenue, Southend-on-Sea (Milton Ward) (Pages 183 - 196)**
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- 13 **17/00299/UNAU_B - 194 Leigh Road, Leigh-on-Sea (Leigh Ward) (Pages 265 - 270)**

****** Main Plans List**

- 14 17/02218/FULH - 168 The Fairway, Leigh-on-Sea (Belfairs Ward)**
(Pages 271 - 284)
- 15 17/02042/FULH - 14 Leigh Park Road, Leigh-on-Sea (Leigh Ward)**
(Pages 285 - 298)
- 16 17/02146/FUL - Car Wash 120 Broadway, Leigh-on-Sea (Leigh Ward)**
(Pages 299 - 338)

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 10.00 a.m.

Public Document Pack

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 13th December, 2017

Place: Committee Room 1 - Civic Suite

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

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

Start/End Time: 2.00 p.m. - 3.20 p.m.

576 Apologies for Absence

Apologies for absence were received from Councillors Boyd (Substitute: Councillor McGlone) and Buckley (Substitute: Councillor Butler).

577 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Arscott – Agenda Item No. 4 (17/01306/FULM: St Thomas More High School, Kennilworth Gardens, Westcliff on Sea, Essex, SS0 0BW) – Non-pecuniary interest: Governor of partner school;

(b) Councillor Mulroney – Agenda item No. 9 (17/01430/FUL – Haydon House, 10 Underwood Square, Leigh-on-Sea, Essex, SS9 3PB) – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(c) Councillor Mulroney – Agenda Item No. 10 (17/01708/AMDT - 22A Woodfield Gardens, Leigh-on-Sea, Essex, SS9 1EW) – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning) and an objector is known to her;

(d) Councillor Mulroney – Agenda Item No. 11 (17/01730/FULH - 71 Marine Parade, Leigh-on-Sea) – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning) and the applicant is known to her but not in connection with the application;

(e) Councillor Mulroney – Agenda Item No. 12 (17/01857/FULH - 34 Oakleigh Park Drive, Leigh-on-Sea) – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning); and

(f) Councillor Norman MBE – Agenda Item No. 4 (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 which was referred to in the debate.

578 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.

**579 17/01306/FULM - St Thomas More High School, Kenilworth Gardens, Westcliff-on-Sea, Essex, SS0 0BW (Blenheim Park)
Proposal: Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning)
Applicant: St Thomas More High School
Agent: Ingleton Wood LLP**

Mr Clark, a local resident, spoke as an objector to the application. Mr Mason responded on behalf of the applicants.

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 hereby permitted shall be carried out in accordance with the approved plans 001 Revision C; 100 Revision D; 101 Revision D; 102 Revision C; 103 Revision E; 104 Revision C; 108 Revision F; 004 Revision A.

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

03 Notwithstanding the details shown on the plans submitted otherwise hereby approved the development hereby permitted shall not commence other than for groundworks and site preparation works unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings and hardsurfaced areas at the site have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be implemented in full accordance with the details and samples approved under this condition before it is occupied.

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 surrounding locality. This is as set out in Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

04 No development of the multi-use games area shall commence until details of the design and layout of the multi-use games area including the surface specification, fencing specification and line markings have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The multi-use games area shall not be constructed other than in accordance with the approved details and retained thereafter.

Reason: To ensure the satisfactory, quality of compensatory provision and to ensure that the development is fit for purpose and sustainable and to accord with Development Plan Document Policy CP7 of the Core Strategy (2007).

05 No occupation shall commence of the development hereby permitted until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the multi-use games area and fitness suite and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport in accordance with Development Plan Policy CP7 of the Core Strategy DPD1.

06 No development shall commence until details for the phasing and delivery of the multi-use games area hereby permitted, have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The development hereby permitted shall not be carried out other than in accordance with the approved details.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use (phasing provision) and to ensure that the development is fit for purpose and sustainable and to accord with Development Plan Document Policy CP7 of the Core Strategy (2007).

7 (a) No development associated with this permission shall take place until a written scheme of investigation for a programme of archaeological work has been submitted to and approved in writing by the local planning authority. This must include details of the suitably qualified person or organisation that will carry out the archaeological work and reasonable notification to the local planning authority when the work will be undertaken.

(b) The archaeological work and development must then be carried out in accordance with the approved scheme. A written report of the investigation and findings must be produced, showing that the archaeological work and development has been carried out in accordance with the approved scheme and recommendations within the report carried out. Copies of the written report of the investigation and findings must be sent to Southend Borough Council.

(c) No part of the construction work shall commence until the local planning authority has provided written confirmation that it is satisfied that the archaeological fieldwork and development has been carried out in accordance with the approved scheme.

Reason: To avoid damage to archaeological remains on site as set out in the National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM2 and Design and Townscape Guide (2009).

08 Prior to first occupation of the development 10 additional car parking spaces to serve the development shall be provided in accordance with drawing 108 Revision F hereby approved and shall thereafter be permanently retained for use by staff and visitors to the school. Permeable paving shall be used for the hardstanding area associated with this use.

Reason: In the interests of highway management and safety, residential amenity and general environmental quality in accordance with the NPPF, Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

09 Notwithstanding the details shown on the plans submitted otherwise hereby approved prior to occupation of the development hereby approved details of the 55 bicycle parking spaces to be provided at the site shall be submitted to and agreed in writing by the Local Planning Authority. The approved bicycle parking spaces shall be provided prior to the occupation of the building and permanently maintained thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate cycle 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 Document (2015).

10 Prior to first use of the development hereby approved a Travel Plan which encourages travel to and from the site by sustainable mode of transport shall be submitted to and agreed in writing by the local planning authority. The Travel Plan shall be implemented in full accordance with the approved details and measures from the first occupation of the development. At the end of the first and third year's operation of the development hereby approved, reports monitoring the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified problems must be submitted to and approved in writing by the local planning authority. The updated Travel Plan must thereafter be implemented in accordance with the approved details.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with Core Strategy (2007) Policies KP2, CP3 and CP4, Policy DM15 of Development Management Document (2015), and the Design and Townscape Guide (2009).

11 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) no floodlighting shall be installed at the site without the receipt of express planning permission in writing.

Reason: To protect the amenities of neighbouring properties and the general environmental quality in accordance with, National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1 and DM3.

12 No site clearance, preparatory work or development shall take place until a scheme of mitigation for the protection of the trees adjacent to the Multi Use Games Area and those identified on plan ref 108 revision F and the appropriate working methods (the Arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been submitted to and agreed in writing by the local planning authority. The approved mitigation measures shall be installed before the commencement of works and the development implemented in full accordance with the approved measures and methods.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of tree protection, pursuant to Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and the advice contained in the Design and Townscape Guide (2009).

13 No site clearance, preparatory work or development shall take place until a scheme of mitigation measures to show how the developments potential effects on biodiversity, protected species and habitats would be mitigated against during the construction of the development. The construction works must then be carried out only in accordance with the approved measures.

Reason: To protect the biodiversity of the environment in accordance with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and the advice contained in the Design and Townscape Guide (2009).

14 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 Policy KP2 of the Core Strategy (2007), Policy DM2 of the Development Management Document (2015).

15 No development other than demolition and site clearance works 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 and thereafter managed in accordance with the approved details before the development is occupied and 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
- (iv) 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: In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policy DM2.

16 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:

- (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 including decorative displays and facilities for public viewing, where appropriate
- (v.) details of drainage/surface water to ensure the proposal does not discharge onto Network Rail land including foul drainage.
- (vi.) measures to control the emission of dust and dirt during construction
- (vii.) plant and materials
- (viii.) scaffolding
- (ix.) piling
- (x.) lighting
- (xi.) a scheme for recycling/disposing of waste resulting from demolition and construction works
- (xii.) future maintenance of the site

Reason: To minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance National Planning Policy Framework; Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3.

17 If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until written approval from the Local Planning Authority has been received for a remediation strategy detailing how this unsuspected contamination shall be dealt with that has previously been submitted to the Local Planning Authority in writing. All agreed remediation works must be implemented in their entirety prior in full accordance

with the approved remediation strategy to further construction works commencing unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Planning Policy Framework, sections 120 and 121 and Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

18 Construction and demolition shall only take place between the hours of 07:30 and 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To protect residential amenity and general environment quality in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

19 During construction and demolition the loading or unloading of goods or materials shall take place on the land only between the hours of 07:30 hours - 18:00 on Monday to Friday, 08:00 to 13:00 on Saturdays, and not at all on 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).

20 The development shall not be occupied until refuse and recycling details have been submitted to and agreed in writing by the Local Planning Authority. The waste management of the development shall thereafter be carried out in accordance with the approved details before it is occupied.

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).

Informatives

01 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.

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

03 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.

04 In relation to condition 4 above The applicant is advised that the design and layout of the [Multi Use Games Area] should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England and National Governing Bodies for Sport. Particular attention is drawn to Sport England's 'Artificial Surfaces for Outdoor Sports' guidance note (2013) www.sportengland.org/facilitiesplanning/tools-guidance/design-and-cost-guidance/artificial-sportssurfaces/ and the Lawn Tennis Association's Porous Macadam Tennis Courts and Floodlighting Outdoor Tennis Courts guidance notes <https://www.lta.org.uk/venue-management/facilities-advice/>.

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.

580 17/01574/FULM - The Shore, 22 - 23 The Leas, Westcliff-on-Sea, Essex (Chalkwell Ward)
Proposal: Form additional self-contained flat to sixth floor with terrace
Applicant: Westbrook Properties
Agent: SKArchitects

Resolved:

That consideration of the application be DEFERRED to seek confirmation of the level of available parking spaces.

581 17/01716/FUL - The Shore, 22 - 23 The Leas, Westcliff-on-Sea, Essex (Chalkwell Ward)
Proposal: Form additional self-contained flat to eighth floor with terrace
Applicant: Westbrook Properties
Agent: SKArchitects

Resolved:

That consideration of the application be DEFERRED to seek confirmation of the level of available parking spaces.

582 17/01560/BC3 - Cliffs Pavilion, Station Road, Westcliff-on-Sea, Essex, SS0 7RA (Milton Ward)
Proposal: Render building
Applicant: Southend on Sea Borough Council
Agent: Metson 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.

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: TP-01; TP-02 Revision A; TP-03 Revision A.

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

03 The development hereby permitted shall only be carried out using Monocouche render colour reference. XF Light Grey, 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 (2012), Core Strategy (2007) Policies KP2 and CP4, and 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.

Informative

You are advised that as the proposed alterations to your property do not result in new floorspace and 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

583 **17/01914/LBC - The Pier, Western Esplanade, Westcliff-on-Sea, Essex, SS1 1EE (Milton Ward)**

Proposal: Various repairs and maintenance to include continued ironwork replacement, pile cap refurbishment, bearing refurbishment and joint articulation, refurbishment of timber deck boards and lateral restraint connection refurbishment (Listed Building consent)

Applicant: Southend-on Sea Borough Council

Agent: Mr Neil Chaston, Hemsley Orrell Partnership

Resolved:

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the approved plans 12211-HOP-24-XX-DR-C-0040-P2, 12211-HOP-24-XX- DR-C0041-P2, 12211-HOP-24-XX-DR-C-0042-P2, 12211-HOP-24-XX-DR-C-0043-P2, 12211-HOP-24-XX-DR-C-0050-P2, 12211-HOP-24-XX-DR-C-0051-P1, 12211-HOP-24-XX-DR-C-0052-P1, 12211-HOP-24-XX-DR-C-0060-P2, 12211-HOP-24-XX-DR-C-0061-P2, C10918-C-001-0, C10918-C-169-0, C10918-C-170-0

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

03 The materials for the proposed repairs shall be those specified on the approved plans and in the statements entitled 'Anchor Bay Refurbishment and Substructure Repairs' by HOP Consulting dated 10th November 2017 and 'Southend Pier 2017 Supporting Statement' received 14th November 2017 unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the development suitably maintains and enhances the character and appearance of the listed building in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

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 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. Detailed analysis is set out in a report prepared by officers.

- 584 **17/01430/FUL - Haydon House, 10 Underwood Square, Leigh-on-Sea, Essex, SS9 3PB (West Leigh Ward)**
Proposal: Erect three dwelling houses incorporating garages, layout parking to front and form vehicular accesses onto Underwood Square
Application: Intex Properties Limited
Agent: SKArchitects

WITHDRAWN

- 585 **17/01708/AMDT - 22A Woodfield Gardens, Leigh-on-Sea, Essex, SS9 1EW (Leigh Ward)**
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)
Applicant: Ms Karen Daly
Agent: Mr David Grew

Mr Ashworth, a local resident, spoke as an objector to the application. Ms Daly, the applicant, responded.

Resolved:

That consideration of the application be DEFERRED for a pre-meeting site visit.

- 586 **17/01730/FULH - 71 Marine Parade, Leigh-on-Sea (West Leigh Ward)**
Proposal: Erect hipped to gable roof extension, install dormers sides and roof lights to side and front (Amended Proposal)
Applicant: Martin Gibbson
Agent: A9 Architecture

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: 761-07ii, 761-05A, 761-06I, 761-04B, 761-03A, 761-02, 761F, 761-00

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), Core Strategy 2007 Policies KP2 and CP4, Development Management Document Policy DM1, and guidance within the Design and Townscape Guide (2009).

04 The proposed windows to the dormers in the east elevation and the roundel windows within the proposed dormers on east and west elevations as hereby permitted shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level and shall be maintained as such thereafter unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

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

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.

587 17/01857/FULH - 34 Oakleigh Park Drive, Leigh-on-Sea (Leigh Ward)
Proposal: Erect dormer to rear to form habitable accommodation in roof with roof lights to front
Applicant: Mr Alex Bushell

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: Location plan, EX1, EX2, EX3, EX4, 17.06.200.PL, 17.06.201.PL, 17.06.202.PL, 17.06.203.PL, 17.06.204.PL, 17.06.205.PL, 17.06.206.PL, 17.06.2017.PL

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

03 The development hereby permitted shall be finished in materials as detailed within the application form and approved plans: Location plan, EX1, EX2, EX3, EX4, 17.06.200.PL, 17.06.201.PL, 17.06.202.PL, 17.06.203.PL, 17.06.204.PL, 17.06.205.PL, 17.06.206.PL, 17.06.2017.PL.

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), Core Strategy (2007) policy KP2 and CP4, Development Management Document policy DM1, and the Design and Townscape Guide (2009).

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.

Chairman: _____

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Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 10th January, 2018

Place: Committee Room 1 - Civic Suite

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Present: Councillor F Waterworth (Chair)
Councillors D Garston (Vice-Chair), B Ayling, M Borton, H Boyd,
S Buckley, M Butler*, T Callaghan, J Garston, R Hadley, A Jones*,
D McGlone*, C Mulrone, D Norman MBE, P Van Looy and C Walker
*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors D Jarvis
P Geraghty, K Waters, C Galforg, M Smith and T Row

Start/End Time: 2.00 p.m. - 3.20 p.m.

625 Apologies for Absence

Apologies for absence were received from Councillors Arscott (Substitute: Councillor Butler), Folkard (Substitute: Councillor McGlone), McDonald (Substitute: Councillor Jones) and Ward (no substitute).

626 Declarations of Interest

The following interest was declared at the meeting:

(a) Councillor Mulrone – Agenda Item No. 5 (17/01708/AMDT - 22A Woodfield Gardens, Leigh on Sea) – Non-pecuniary interest: Member of the objector's family is known to her.

627 Minutes of the Meeting held on Wednesday 8th November 2017

Resolved:-

That the Minutes of the Meeting held on Wednesday, 8th November 2017 be received, confirmed as a correct record and signed.

628 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.

629 17/01708/AMDT - 22A Woodfield Gardens, Leigh on Sea (Leigh Ward)
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)
Applicant: Ms Karen Daly
Agent: Mr David Grew

Mr Ashworth, a local resident, spoke as an objector to the application. Mr Grew, the applicant's agent, responded.

Resolved:

That planning permission be GRANTED 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.

630 17/00644/FUL - Cambridge House, 121 Ness Road, Shoeburyness (West Shoebury Ward)
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)
Applicant: Mrs M Smith
Agent: Phase 2 Planning

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

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: 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;
- viii. 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.

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). 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.

03 Please note the use of existing materials reclaimed from the demolition of the existing building would be referred and any external materials should reflect the character and appearance of the neighbouring buildings.

631 17/01426/DOV5 - 1307 London Road, Leigh on Sea (Belfairs Ward)
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.
Applicant: Mr James Dove
Agent: Michael Calder of Phase 2 Planning Ltd

Resolved:

That the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager for Planning and Building Control be DELEGATED 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.

(Councillor Walker withdrew from the meeting prior to the consideration of this item.)

Chairman: _____

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Development Control Committee

Date: Wednesday, 7th February, 2018

Place: Committee Room 1 - Civic Suite

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

*Substitute in accordance with Council Procedure Rule 31.

In Attendance: Councillors A Chalk, S Habermel and P Wexham
P Geraghty, M Smith, K Waters, P Keyes, C Galforg, J Rowley, C
White, M Warren and T Row

Start/End Time: 2.00 p.m. - 4.35 p.m.

715 Apologies for Absence

Apologies for absence were received from Councillors Arscott (Substitute: Councillor Butler) and McDonald (Substitute: Councillor Jones).

716 Declarations of Interest

The following interests were declared at the meeting:

(a) Councillor Ayling – Agenda Item No. 10 (17/01495/FULM - Rear of 1 Shoebury Avenue, Shoeburyness, Southend-on-Sea, Essex) – Disqualifying non-pecuniary interest: Knows the site owner and purchases coal from the yard (withdrew);

(b) Councillor Butler – Agenda Item No. 5 (17/01489/FUL - Highlands Surgery, 1643-1645 London Road, Leigh on Sea, Essex, SS9 2SQ) – Non-pecuniary interest: Patient at the surgery;

(c) Councillor Chalk – Agenda Item No. 6 (17/01973/AMDT - Former East Beach Café, Rampart Terrace, Shoeburyness) – Non-pecuniary interest: Lives in the vicinity and knows residents affected by the proposals;

(d) Councillor Chalk – Agenda Item No. 10 (17/01495/FULM - Rear of 1 Shoebury Avenue, Shoeburyness, Southend-on-Sea, Essex) – Non-pecuniary interest: Lives in the vicinity and knows residents affected by the proposals;

(e) Councillor D Garston – Agenda Item No. 5 (17/01489/FUL - Highlands Surgery, 1643-1645 London Road, Leigh on Sea, Essex, SS9 2SQ) – Non-pecuniary interest: Patient at the surgery;

(f) Councillor J Garston – Agenda Item No. 5 (17/01489/FUL - Highlands Surgery, 1643-1645 London Road, Leigh on Sea, Essex, SS9 2SQ) – Non-pecuniary interest: Family member is a patient at the surgery;

(g) Councillor Hadley – Agenda Item No. 10 (17/01495/FULM - Rear of 1 Shoebury Avenue, Shoeburyness, Southend-on-Sea, Essex) – Disclosable pecuniary interest: Owns property backing on to the development (withdrew);

(h) Councillor Mulroney – Agenda Item Nos. 7 (16/00231/UNAU_B - 3 New Road, Leigh on Sea, Essex. SS9 2EA) and 8 (17/00063/UNAU_B - 7 Canvey Road, Leigh on Sea, Essex. SS9 2NN) – Non-pecuniary interest: Member of Leigh Society;

(i) Councillor Mulroney – Agenda Item Nos. 11 (17/00860/FUL, 17/00861/LBC, 17/00862/FUL, 17/00863/LBC & 17/00864/FUL – Herschell House, 87 Leigh Hill, Leigh-on-Sea, Essex), 13 (17/01648/FUL - Billet Wharf, High Street, Leigh-on-Sea) and 17 (17/02092/FULH - 36 Leigh Hill, Leigh-on-Sea, Essex, SS9 2DN) – Non-pecuniary interest: Member of Leigh Society and Leigh Town Council (non-participant in planning);

(j) Councillor Mulroney – Agenda Item Nos. 14 (17/01946/FUL - 1053 London Road, Leigh-on-Sea) and 18 (17/02115/FULH - 34 Percy Road, Leigh-on-Sea, Essex, SS9 2LA) – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(k) Councillor Van Looy – Agenda Item No. 10 (17/01495/FULM - Rear of 1 Shoebury Avenue, Shoeburyness, Southend-on-Sea, Essex) – Non-pecuniary interest: People near to the site are known to him (withdrew);

(l) Councillor Van Looy – Agenda Item Nos. 5 (17/01489/FUL - Highlands Surgery, 1643-1645 London Road, Leigh on Sea, Essex, SS9 2SQ) and 6 (17/01973/AMDT - Former East Beach Café, Rampart Terrace, Shoeburyness) – Non-pecuniary interest: People near to application site are known to him;

(m) Councillor Ward – Agenda item No. 11 (17/00860/FUL, 17/00861/LBC, 17/00862/FUL, 17/00863/LBC & 17/00864/FUL - Herschell House, 87 Leigh Hill, Leigh-on-Sea, Essex) – Disqualifying non-pecuniary interest: Knows the person through work (withdrew);

(n) Councillor Ward – Agenda Item No. 13 (17/01648/FUL - Billet Wharf, High Street, Leigh-on-Sea) – Non-pecuniary interest: Applicant is known to him;

(o) Councillor Wexham – Agenda Item No. 17 (17/02092/FULH - 36 Leigh Hill, Leigh-on-Sea, Essex, SS9 2DN) – Non-pecuniary interest: Owner of the property is known to him in the fishing industry.

Note: All Councillors present declared a non-pecuniary interest in Agenda Item No. 4 (17/01738/FULM - 193 Thorpe Hall Avenue, Thorpe Bay, Essex, SS1 3AP) on the grounds that a fellow Councillor lived in close proximity to the application site.

717 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.

718 17/01738/FULM - 193 Thorpe Hall Avenue, Thorpe Bay, Essex, SS1 3AP (Thorpe Ward)

Proposal: Demolish existing dwellinghouses at 193 and 195 Thorpe Hall Avenue and erect a three storey building comprising of 33No. retirement apartments, install vehicular access onto Woodgrange Drive, layout car parking at rear and landscaping.

Applicant: Churchill Retirement Living

Agent: Planning Issues Ltd.

Resolved:-

That planning permission be REFUSED for the following reasons:

01 The proposed development is located within a high flood risk zone (flood zone 3a), and insufficient information has been submitted to demonstrate that the development will be safe for future occupiers over its lifetime. The development is therefore considered to fail the exceptions test and would be unacceptable and contrary to the National Planning Policy Framework, and Policies KP1 and KP2 of the Core Strategy (2007).

02 The proposed development by reason of its height and excessive bulk coupled with its insufficient degree of set back from the site frontages and its bland, overly functional design and appearance including poor articulation and architectural quality, would appear as an overly dominant, obtrusive and incongruous development that is out of keeping with and detrimental to the prevailing character and appearance of the streetscene and the surrounding area. This is unacceptable and contrary to the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).

03 The proposed development by reason of insufficient provision of on-site parking would cause additional on street parking in the surrounding area to the detriment of highway safety and the operation of the local highway network. This is unacceptable and contrary to guidance contained within the National Planning Policy Framework (Section 4), Development Management Document (2015) Policy DM15, Core Strategy (2007) Policy CP3 and advice contained within the Design and Townscape Guide (2009).

04 The proposal, by reason of the limited useable amenity space provided for future occupants would result in a poor living environment for future occupiers of the proposed development. This is unacceptable and contrary to the National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM8 of the Development Management Document (2015) and National Technical Housing Standards DCLG 2015.

05 The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area despite it having been found financially viable for the development proposed to make such a contribution. The application is therefore unacceptable and contrary to Core Strategy policies CP8 and KP3 and Policy DM7 of the Development Management Document 2015.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

Informatives

Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.

719 17/01489/FUL - Highlands Surgery, 1643-1645 London Road, Leigh on Sea, Essex, SS9 2SQ (West Leigh Ward)
Proposal: Erect first floor extension to north elevation and layout parking
Applicant: Doctor Houston, Doctor Husslebee and Partners
Agent: APS Design Associates Limited

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 plan: 01 Revision D; 03 Revision D.

Reason: To ensure that the development is carried out in accordance with 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 before the extension hereby approved is occupied or brought into

use. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

Reason: To safeguard the visual amenities of the area, in accordance with National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide.

04 Prior to their occupation the first floor extension hereby approved the windows to the east, west and north elevation 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 and shall be retained as such in perpetuity thereafter. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning Policy Framework, Core Strategy 2007 Policies KP2 and CP4, and Development Management Document 2015 Policy DM1 and advice contained within the Design and Townscape Guide.

05 Prior to first use of the development hereby approved a Travel Plan which seeks to encourage travel to the site by more sustainable modes of transport shall be submitted to and agreed in writing by the local planning authority. The Travel Plan shall be implemented in full accordance with the approved details from the first occupation of the development. Before the end of the first and third years operation of the development hereby approved, reports monitoring the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified problems must be submitted to and approved in writing by the local planning authority. The Travel Plan must thereafter be updated to address the problems identified and be immediately implemented in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with Core Strategy (2007) Policies KP2, CP3 and CP4, Policy DM15 of Development Management Document (2015), and the Design and Townscape Guide (2009).

06 The doctor's surgery shall not be open for use outside the hours of 08:15 hours to 18:30 hours Monday to Friday and 09:00 hours to 12:00 hours on Saturdays and shall not be open for use on Sundays or Bank Holidays.

Reason: To protect the residential amenity of surrounding occupiers and to protect the character the area in accordance with 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).

07 The flat roof area of the existing ground floor rear projection shall not be used as a balcony, roof garden or similar amenity area or for any other purpose without the receipt of express planning permission in writing from the local

planning authority. The roof can however be used solely for the purposes of maintenance or to provide for escape in an emergency.

Reason: To protect the residential amenity of surrounding occupiers and to protect the character the area in accordance with 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).

Informative

01 You are advised that as the proposed extension(s) to your property 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.

02 In relation to condition 5 the details of a travel plan shall include:

1. General provisions- A Travel Plan is a long-term management strategy for the Site that seeks to deliver sustainable transport objectives through action and is articulated in a document that is regularly reviewed.

2. The Travel Plan will set the general objective to:

- a) reduce journeys to the site by single occupancy car and all car traffic;
- b) not adversely affect parking in the local area; and
- c) encourage travel by more sustainable modes of transport.

The Travel Plan must be consistent with the objectives of the National Planning Policy Framework, the Local Transport Plan and Development Plan Policies (departures from this will generally be unacceptable); clearly set out the benefits of a Travel Plan including carbon reduction and the health benefits from more active travel; and demonstrate how the travel needs for all users of the new development will be met.

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.

720 17/01973/AMDT - Former East Beach Café, Rampart Terrace, Shoeburyness (Shoeburyness Ward)
Proposal: Application to vary conditions 8 (Hours of Opening), condition 9 (Parking), Condition 10 (Gates) (Minor Material Amendment) of planning permission 11/00785/BC4 dated 20.07.2011
Applicant: Mr Levy
Agent: SK Architects Ltd

Resolved:-

That planning permission be GRANTED subject to the following conditions:

01 The development hereby permitted shall be carried out in accordance with the following approved plans: 406-01-17 P01 Existing and Site Location Plan; P02 Revision C Proposed Plans, Elevations and Section and 09-04-09-01.

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

02 Use of the external finishes shall be carried out in accordance with drawing number 09-04-09-06 of application 14/01028/AD dated 18.07.2014, before the building is brought into use.

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

03 The details of renewable energy contained within the Energy Strategy dated 18.07.2014 carried out by pemxq are agreed in accordance with application 14/01028/AD and shall be implemented prior to the occupation of the development hereby approved in accordance with that consent. This provision of renewable energy 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), Policy DM2 of the Development Management Document (2015).

04 No part of the building shall be occupied until space has been laid out within the site in accordance with the approved drawing 406-01-17 P01 for three cars to be parked. The aforementioned parking spaces shall be retained in perpetuity thereafter for patrons and staff of the premises.

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

05 No part of the building shall be occupied until space and facilities have been laid out on the site, in accordance with details to have been previously submitted and approved in writing by the Local Planning Authority, for no less than 15 bicycles to be parked.

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

06 The living accommodation shown on plan 406-01-17 P01 Rev C and 09-04-09-01 shall be for the exclusive use of persons employed at the café/restaurant hereby approved and shall remain ancillary to the A3 use of the site. It shall at no time be occupied as a separate residential unit.

Reason: To define the scope of this permission, in accordance with Policies CP7 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

07 The premises shall not be open for customers outside the hours of 07:00 to 23:00 on a Sunday, Monday, Tuesday and Wednesday. The premises shall not be open for customers outside the hours of 07:00 to 00:30 the following day on a Thursday, Friday and Saturday. Notwithstanding the limits imposed by this condition, on New Years Eve the premises shall not be open for customers outside the hours of 07:00 to 01:00 the following day.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).

08 The area of the East Beach Car Park identified on plan number 09-04-09-01 (received 26/6/2011) and plan number 406-01-17-P01 shall be available for use at all times while the café/restaurant hereby approved is open to customers. The gates shall not be left open or unlocked outside the hours of 07:00 to 23:00 on a Sunday, Monday, Tuesday and Wednesday. The gates shall not be left open or unlocked outside the hours of 07:00 to 00:30 the following day on a Thursday, Friday and Saturday. Notwithstanding the limits imposed by this condition, on New Year's Eve the gates shall not be left open or unlocked outside the hours of 07:00 to 01:00 the following day.

Reason: To ensure there is sufficient parking off the highway and in the interest of highway safety, in accordance with National Planning Policy Framework, Policies KP2, CP3, and CP4 of the Core Strategy and Policy DM15 of the Development Management Document.

09 Prior to first use of the building hereby approved, two lockable gates and a scheme of low-level lighting, of a type, design and position to be first agreed in writing by the Local Planning Authority shall be installed within the East Beach Car park and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the purposes of preventing the wider use of the car park after dusk, in terms of its misuse and to provide a safe route between the café/restaurant and parking area, in accordance with National Planning Policy Framework, Policies KP2, CP3, and CP4 of the Core Strategy and Policy DM15 of the Development Management Document.

10 A scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, approved in writing by, the local planning authority and implemented, before the use hereby permitted begins. All equipment installed as part of the approved scheme shall thereafter be permanently operated and maintained in accordance with the approved details including the manufacturer's instructions.

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 (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

11 Live or recorded music must not be audible outside the premises and doors and windows shall remain closed after 9.30pm should live or recorded music be playing.

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 (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

12 The details of refuse storage facilities shall be carried out in accordance with drawing 09-04-09-05 agreed in accordance with 14/01028/AD before the development is brought into use. Waste must be stored inside the property and only put outside just before it is to be collected. The stores must not be used for any other purpose.

Reason: To protect the environment and provide suitable storage for waste and materials for recycling in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3, DM15 and Design and Townscape Guide (2009).

13 If, during the course of development, any contamination (including ordnance risk) is found 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 before the development is brought into use.

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 Development Management Document policy DM14.

14 The outdoor terrace at first floor level shall not be open for customers outside the following hours: -
07:00 hours to 23:00 hours on any day.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).

Informatives

01 You may need separate licensing approval for the A3 premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission.

02 Please contact Environmental Health (01702 215005) to register your food business and to make sure that all ventilation and other equipment will meet Council standards. Under environmental health legislation the Council may ask you to carry out other work if your business causes noise, smells or other types of nuisance.

03 The Council does not recommend that you install a wet-cooled air-conditioning system because of the serious risks to public health if the system becomes infected with legionella (the organisms which cause legionnaires' disease). Please discuss alternatives with Environmental Health (phone 01702 215005).

The following is a list of the types of air-conditioning systems that you can install, in order of preference.

1 Dry coolers (This is the preferred method as it poses no risk from legionella bacteria.)

2 Adiabatic units as heat rejection. (These units have dry coolers, but the cooling is assisted by water spray at peak times.)

3 Wet-cooling tower or evaporative condensers. (If you choose this method, you should carry out a feasibility study to decide whether to install dry coolers instead. You should discuss this with our Environmental Health service.)

Where the plant includes water storage, you must design it for easy and safe access, cleaning and maintenance. It is important to design the system so water is not stored for a long period of time, which could lead to harmful bacteria developing in the system.

If you do have to install a wet system, you must get advice from Environmental Health about where to put it and how to maintain it. You must also register the system with them.

It is not believed that air conditioning is essential for all buildings and the Council will consider each case on its own merits.

04 The site is classed as potentially contaminated land (including ordnance) due to historic land uses. Therefore, in accordance with condition 13 above should intrusive ground works be necessary for any part of the development including the construction of gates to the site, prior to any development commencing the developer should carry out an assessment of the nature and extent of the contamination and implement an appropriate remediation scheme as appropriate. Contact 01702 215005 for further information.

05 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.

721 16/00231/UNAU_B - 3 New Road, Leigh on Sea, Essex. SS9 2EA (Leigh Ward)

Breach of Control: Without planning permission, the replacement of the existing wooden framed French windows at first floor level in the front elevation with Upvc French windows. (Article 4 Direction)

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure the removal of the unauthorised Upvc framed French windows installed to the first floor front elevation of this property on the grounds that they harm the appearance of the property and the streetscene by reason of their unsympathetic materials, inappropriate style of opening and discordant frame thickness to the extent that they are detrimental to the character and appearance of the Leigh Conservation area contrary to the National Planning Policy Framework, Policies CP4 and KP2 of the Southend-on-Sea Core Strategy, Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document and the advice contained within the Council's Design and Townscape Guide.

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, the necessary research and quotes have already been undertaken and any time delay in manufacture and installation is likely to be dictated by the suppliers lead time. It is considered that a compliance period of 2 months is deemed reasonable.

722 17/00063/UNAU_B - 7 Canvey Road, Leigh on Sea, Essex. SS9 2NN (West Leigh Ward)

Breach of Control: Without planning permission, the installation of a replacement front door. (Article 4 Direction) (Refused planning application ref 17/00662/FULH)

Resolved:-

That ENFORCEMENT ACTION be authorised to secure the removal of the unauthorised front door as its stained finish and leaded glass depicting a landscape scene is detrimental to the character of the existing property and the wider streetscene and would not preserve or enhance the character and significance of the Chapmanslord Conservation Area. This is contrary to the National Planning Policy Framework, Policies CP4 and KP2 of the Southend-on-Sea Core Strategy, Policies DM1 and DM5 of the Southend-on-Sea Development Management Document and the advice contained within the Council's Design and Townscape Guide.

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, taking into account the determination following the resubmission of a planning application and any lead time involving the sourcing and installation of an approved replacement front door, a compliance period of 3 months is deemed reasonable.

723 17/01663/FULM - 69 - 71 High Street, Southend-on-Sea, Essex (Milton Ward)

Proposal: Change of use from retail (Class A1) at first and second floors to form ten self-contained flats, convert existing basement to form retail and residential storage space, erect second floor and roof extension, alter elevations, layout cycle and bin storage and install external staircase (Amended Proposal)

Applicant: Locker and Riley Ltd

Agent: Architectural Services Ltd

Resolved:-

That 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: Location Plan; Site Location Plan; AS2102 21; AS2102 22; AS2102 23; AS2102 24; AS2102 25B; AS2102 26E; AS2102 27G; AS2102 28D; AS2102 31A.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence other than for groundworks and site preparation works unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings at the site including facing materials, flat roof detail, shopfront and fascia, windows, doors, lintel, parapet, coping, quoins, dormer cheeks, roof tile, decorative brickwork, balustrading, handrails and roller shutters to the bin store have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved materials and drawings before the dwellings hereby approved once occupied.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core

Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the Design and Townscape Guide (2009). Given the nature of the development propose, the details sought and the objectives of the condition it is fundamental that information required is provided prior to the commencement of any development.

04 Prior to the first occupation of the flats hereby approved, cycle and refuse and general storage for the flats shall be provided in accordance with the details shown on plan AS2102 21. The approved cycle parking and refuse storage shall be provided in full and made available for use by the occupants of each dwelling prior to the first occupation of the dwellings hereby approved and be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with policies DM3, DM8 and DM15 of Development Management Document.

05 Prior to occupation of the development hereby approved details of the 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 installed prior to occupation of the development hereby approved and be retained as such 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 the Councils Design and Townscape Guide (2009).

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

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.

- 724 17/01495/FULM - Rear of 1 Shoebury Avenue, Shoeburyness, Southend-on-Sea, Essex (Shoeburyness Ward)**
Proposal: Erect part two storey, part three storey building comprising 14 self-contained flats, layout parking and erect fence, railings and electric gate
Applicant: Mr Henry Hyde and Mr Alex Thorpe
Agent: Architectural Design Associates

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

Resolved:-

That planning permission be REFUSED for the following reasons:

01 The proposal would by reason of its size, scale, bulk, mass and detailed design, constitute unacceptable backland development, resulting in a contrived and incongruous scheme that is unacceptable and would result in material harm to the character and appearance of the site and the surrounding area, contrary to National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

02 The development proposed fails to provide an appropriate dwelling mix that would reflect the Borough's identified housing needs, resulting in the scheme failing to deliver a sufficiently wide choice of homes. This is unacceptable and contrary to the National Planning Policy Framework, Policy KP2 of the Core Strategy (2007) and Policy DM7 of the Development Management Document (2015).

03 The design, size, siting, bulk and mass of the proposed development are such that it is overbearing, visually obtrusive and would cause unacceptable overlooking, a sense of enclosure and loss of privacy and light to the detriment of the amenities of the occupiers of neighbouring dwellings in Shoebury Avenue, Friars Street and Wakering Avenue.

The development is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

04 By virtue of the insufficient floorspace of the 1 bedroom flats proposed, the poor quality of the external amenity space provided, the inconveniently located parking spaces and the inadequate and inaccessible refuse stores, the development would provide substandard living conditions for the future occupiers

of the site, providing a poor quality residential environment. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

05 The submission does not demonstrate that the proposal would provide a development that is appropriately accessible and adaptable for all members of the community and information has not been submitted to demonstrate that the new dwellings would meet the M4(2) and M4(3) accessibility standards. This is unacceptable and contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007) and policies DM1, DM3 and DM8 of the Development Management Document (2015).

06 As a result of an existing lamp column, one of the parking spaces fronting Shoebury Avenue would not be safely accessible. As a result the development would provide either insufficient parking and result in an increase of on-street parking to the detriment of highway safety or would result in unsafe vehicular movements by virtue of residents trying to access an inaccessible space to the detriment of the highway safety. The development is therefore unacceptable and contrary to the National Planning Policy Framework and Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

07 The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area and no evidence has been submitted to demonstrate that such a contribution would make the scheme economically unviable. The submission also lacks a formal undertaking to secure a contribution to the delivery of education facilities to meet the need for such infrastructure generated by the development. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework, Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007) and policy DM7 of the Development Management Policies Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action

Informatives

01 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.

725 17/00860/FUL, 17/00861/LBC, 17/00862/FUL, 17/00863/LBC & 17/00864/FUL
- Herschell House, 87 Leigh Hill, Leigh-on-Sea, Essex (Leigh Ward)

Proposals:

1. Replacement of dormer window sashes to south elevation
2. Replacement of dormer window sashes to south elevation 2nd floor, reinstatement of original loft doors within replica partitions at 2nd floor, removal of rooflights to north roofslope, reinstatement of fire surround to former breakfast room, removal of fireplace cast iron insert and install log burner in west living room, removal of fireplace to bathroom (Listed Building Consent)
3. Single storey side extension, two storey rear extension, alter rear elevations and reinstate chimney to parapet on west side of historic building (amended proposal)
4. Single storey side extension, two storey rear extension, alter rear elevations and reinstate chimney to parapet on west side of historic building (amended proposal)(Listed Building Consent)
5. Engineering operations relating to the changing ground levels, form terraces, retaining walls and steps, hard and soft landscaping including felling 7 trees (part retrospective).

Applicant: Mr Graeme Newton

Agent: SKArchitects

Resolved:-

1. That planning permission in respect of application 17/00860/FUL be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than three years of 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 256RP00, 256RP01A, 256RP02A, 256RP03A, 256RP04A, 256RP07L

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

2. That Listed Building Consent for application 17/00861/LBC be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 256RP00, 256RP01A, 256RP02A, 256RP03A, 256RP04A, 256RP07L

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

3. That planning permission in respect of application 17/00862/FUL be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than three years of 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 256RP00, 256RP01A, 256RP02A, 256RP03A, 256RP04A, 2560RP7L, 2560RP8H, 256RP13B

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

03 The exterior materials for the reinstatement of the south façade of the late Victorian link and the reinstatement of the chimney on the west parapet shall only be reclaimed stock brick to match the existing brick work, matching lime mortar, lead flashing coping, stone sill, timber window frames and single glazed clear glass windows and the weatherboarding shall be made good with matching oak as detailed on plan reference 256RP08H.

Reason: To safeguard the visual amenities of the listed building and the wider Leigh Conservation Area, in accordance with policies. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

04 The exterior materials for the single storey side extension (part retrospective) shall only be black Marley Eternit profiled sheeting, aluminium doors, windows and rooflights and black metal guttering.

Reason: To safeguard the visual amenities of the listed building and the wider Leigh Conservation Area, in accordance with policies. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

4. That Listed Building Consent in respect of application 17/00863/LBC be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 256RP00, 256RP01A, 256RP02A, 256RP03A, 256RP04A, 2560RP7L, 2560RP8H, 256RP13B

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

03 The exterior materials for the reinstatement of the south façade of the late Victorian link and the reinstatement of the chimney on the west parapet shall only be reclaimed stock brick to match the existing brick work, matching lime mortar, lead flashing coping, stone sill, timber window frames and single glazed clear glass windows and the weatherboarding shall be made good with matching oak as detailed on plan reference 256RP08H.

Reason: To safeguard the visual amenities of the listed building and the wider Leigh Conservation Area, in accordance with policies. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

04 The exterior materials for the single storey side extension (part retrospective) shall only be black Marley Eternit profiled sheeting, aluminium doors, windows and rooflights and black metal guttering.

Reason: To safeguard the visual amenities of the listed building and the wider Leigh Conservation Area, in accordance with policies. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

5. That planning permission in respect of application 17/00864/FUL be GRANTED subject to the following conditions:

01 The development hereby permitted shall begin not later than three years of 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 256RP00, 256RP01A, 256RP02A, 256RP03A, 256RP04A, 256RP12C, , 256RP13B, 1551.L.2D, 1551.L.3revC, 1551.A.4A, Arboricultural Method Statement by DF Clark ref DFCC_1774 dated 19th December 2017, George Chamber and Associates letter dated 18th October 2017, Arboricultural Report by J Moore dated 21.09.15, Landscape Statement by Portus + Whitton rev A dated 16.11.17

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

03 The development and works hereby approved shall be carried out in full accordance with the tree protection measures as set out in Arboricultural Method Statement by DF Clark ref DFCC_1774 dated 17th December 2017 and Arboricultural Report by J Moore dated September 2015 throughout the construction and landscaping works.

Reason: To ensure the existing trees including their roots are 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).

04 The replacement tree species, planting sizes, locations and timescales for implementation shall be as detailed on plan reference 1551.L.2D. Any trees dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees of such size and species within the following planting season.

Reason: To safeguard the visual amenities of the listed building and the wider Leigh Conservation Area, in accordance with policies. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

05 The hard and soft landscaping for the site, including surfacing for the terraces and paths, retaining walls, balustrading, boundary treatments and planting shall be implemented as detailed in the plans reference 1551.L.2D, 1551.L.3 rev C and 1551.A.4A including timescales for implementation.

Reason: To safeguard the setting of the listed building and the wider Leigh Conservation Area, in accordance with policies. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

06 The boundary treatment to the southern boundary of the site and the inner semi-circular timber palisade fence shall be undertaken only in full accordance with plan reference 1551.L.2D including its stated timescales for implementation and shall be permanently maintained thereafter. The yew hedge to the south boundary shall be permanently maintained at a height of between 1.1m and 1.5m.

Reason: In the interests of visual amenity and to safeguard the residents in properties to the south of the site from unreasonable overlooking and an unreasonable scale of boundary treatment in this location. This is as set out in the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

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.

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.

726 17/01332/FUL - 1A Stock Road, Southend-on-Sea, Essex SS2 5QA (St Lukes Ward)

Proposal: Change of use from light industrial (Class B1(c)) to dance and theatre school (Class D1), erect new entrance to front and single storey front and side extension.

Applicant: Mrs Wendy Headford

Agent: Ergotechnics Ltd

Resolved:-

That personal planning permission be GRANTED to Mrs Wendy Headford 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: A101C, A102B, A103, A104B, A105

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

03 The dance and theatre school (use class D1) use hereby permitted shall be carried on only by Mrs Wendy Headford. When the premises ceases to be occupied by Mrs Wendy Headford the dance and theatre school (use class D1) use hereby permitted shall cease and the site shall immediately revert back to its former Class B1 use.

Reason: Permission has been granted taking into consideration the special circumstances of this case. The local planning authority needs to control future use of the premises if Mrs Wendy Headford leaves to ensure compliance with the National Planning Policy Framework, Policies KP1, KP2 and CP1 of the Core

Strategy (2007) and Policies DM3 and DM11 of the Development Management Document (2015).

04 The external materials to be used for the development shall only be as detailed on the approved plans and the submitted application form dated 26.07.2017.

Reason: To safeguard visual amenities of the area, in accordance with policies. This is as set out in Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

05 The development shall not be occupied until 8 car parking spaces have been provided at the site in accordance with drawing A104B, 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.

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

06 The development shall not be occupied until details of secure and covered cycle parking have been submitted to and approved by the local planning authority. The cycle parking shall be installed in accordance with the approved details before the building is occupied.

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

07 Prior to first use of the development hereby approved a Travel Plan which seeks to encourage travel to the site by more sustainable modes of transport shall be submitted to and agreed in writing by the local planning authority. The Travel Plan shall be implemented in full accordance with the approved details from the first occupation of the development. Before the end of the first and third year's operation of the development hereby approved, reports monitoring the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified problems must be submitted to and approved in writing by the local planning authority. The Travel Plan must thereafter be updated to address the problems identified and be immediately implemented in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with Core Strategy (2007) Policies KP2, CP3 and CP4, Policy DM15 of Development Management Document (2015), and the Design and Townscape Guide (2009).

08 The development hereby approved, for purposes falling within Class D1, shall only be occupied as a dance and theatre school and shall not be used for any other purpose, including any other purpose within Use Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), nor

any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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.

Informatives

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.

02 In relation to condition 5 the details of a travel plan shall include:

1. General provisions- A Travel Plan is a long-term management strategy for the Site that seeks to deliver sustainable transport objectives through action and is articulated in a document that is regularly reviewed.
2. The Travel Plan will set the general objective to:
 - a) reduce journeys to the site by single occupancy car and all car traffic and;
 - b) not adversely affect parking in the local area
 - c) encourage travel by more sustainable modes of transport.

The Travel Plan must be consistent with the objectives of the National Planning Policy Framework, the Local Transport Plan and Development Plan Policies (departures from this will generally be unacceptable); clearly set out the benefits of a Travel Plan including carbon reduction and the health benefits from more active Continuation of travel; and demonstrate how the travel needs for all users of the new development will be met.

727 17/01648/FUL - Billet Wharf, High Street, Leigh-on-Sea (Leigh Ward)
Proposal: Erect mooring structure with ramp and metal balustrade (retrospective)
Applicant: Osborne & Sons (Shellfish) Ltd
Agent: GL Hearn

Resolved:-

That planning permission be GRANTED.

Informative

You are advised that as the 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.

728 17/01946/FUL - 1053 London Road, Leigh-on-Sea (Blenheim Park Ward)
Proposal: Demolish existing commercial building and erect part 1/part 2 storey mixed use building comprising of ground floor retail unit (Class A1) and 3 self-contained flats (Class C3) (Amended Proposal)
Applicant: TernRock Ltd
Agent: Studio:08 Architecture + Planning

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: 2000.EX.01, 2000.EX.02, 2000.P.11A, 2000.P.12, 2000.P.13A, 2000.P.14, 2000.P.15A, 2000.P.16, 2000.P.17A, 2000.BP.01, 2000.LP.01

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

03 Except for demolition, no development shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including balconies, balustrades, screening and fenestration

have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before it is accepted.

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), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1, and Design and Townscape Guide) (2009).

04 With the exception of the front and rear balconies hereby permitted as shown on drawing no's 2000.P.12, 2000.P.14, 2000.P.15A, 2000.P.16, 2000.P.17A, the roof of the rear single storey projection shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the local planning authority. The roof can however be used for the purposes of maintenance or to escape in an emergency.

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

05 Secure, covered cycle parking and refuse and recycling storage areas to serve the development shall be provided in accordance with details that have previously been submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development and these facilities shall be permanently retained as such thereafter.

Reason: To ensure that adequate cycle parking and waste storage is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Document (2015).

06 Demolition and/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 nor at any time on Sundays or Bank Holidays.

Reason: In order to protect the amenities of 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).

07 Other than the demolition, 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 Core Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

08 Prior to occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority. The agreed measures shall be permanently retained thereafter.

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

09 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the dwellings hereby granted consent shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, materials and location of all privacy screens to be fixed to the proposed building. Before the building hereby approved is 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 safeguard character and appearance of surrounding area and the amenities of neighbouring occupiers 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.

10 The development hereby approved shall be carried out in a manner to ensure the ground floor dwelling complies fully with Building Regulation M4 (2) 'Accessible and Adaptable Dwellings Standard'.

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 DM2 and the Design and Townscape Guide (2009).

11 Prior to occupation of the development hereby approved, details of the 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 to be included in the scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken in accordance with the approved details before it is occupied and 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 the guidance within the Design and Townscape Guide (2009).

12 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force, the ground floor retail unit hereby permitted shall not benefit from a change use to any other use without the receipt of express planning permission from the local planning authority.

Reason: To determine the scope of the development hereby approved in the interests of protecting the amenity of occupiers of neighbouring properties, general environmental quality and in the interests of visual amenity, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and the guidance contained within the Design and Townscape Guide (2009).

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.

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). 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 Please note that advertisements i.e. fascia signage for the commercial unit will require separate advertisement consent. Details can be found at https://www.planningportal.co.uk/info/200130/common_projects/4/adverts_and_signs

03 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. In addition, any asbestos containing material (ACM) must be removed and disposed off-site to a facility licenced by the Environment Agency. A waste transfer certificate must be submitted to the local planning authority prior to development commencing. Contact Environmental Health 01702 215005 for more information

729 17/02056/OUT - Land adjacent 5 Shorefield Gardens, Westcliff-on-Sea, Essex (Milton Ward)

Proposal: Erect building comprising three self-contained flats with terraces to front and Juliette balconies to rear at first and second floor level with layout parking to front

Applicant: Southend-on-Sea Borough Council

Agent: SKArchitects

Mrs L Cook, a local resident, spoke as an objector to the application. Mr Kearney, the applicant's agent, responded.

Resolved:-

That consideration of this application be DEFERRED pending a site visit.

730 17/02048/FULH - 8 Cashiobury Terrace, Southend-on-Sea, Essex SS1 1EZ (Milton Ward)

Proposal: Erect timber fence to existing wall and install gate on north boundary with Cambridge Road (Retrospective)

Applicant: Mr and Mrs Le Cam

Resolved:-

1. That planning permission be REFUSED for the following reason:

01 The fence erected, by reason of its siting, poor design, scale and the materials used, has resulted in a harmfully incongruous addition to the streetscene that does not preserve or enhance the character of the Clifftown Conservation Area. The proposal is therefore unacceptable and contrary to the

National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015), Policy PA6 of the emerging Southend Central Area Action Plan (2018) and the advice contained within the Design and Townscape Guide (2009) and Clifftown Conservation Area Appraisal (2005).

Informatives

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.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action.

2. That ENFORCEMENT ACTION be AUTHORISED to secure the removal of the unauthorised fence on the grounds that it harms the appearance of the property and the streetscene by reason of their unsympathetic materials, inappropriate style to the extent that it is detrimental to the character and appearance of the Clifftown Conservation area contrary to the National Planning Policy Framework, Policies CP4 and KP2 of the Southend-on-Sea Core Strategy, Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document and the advice contained within the Council's Design and Townscape Guide.

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, the necessary research and quotes have already been undertaken and any time delay in manufacture and installation is likely to be dictated by the suppliers lead time. It is considered that a compliance period of 3 months is deemed reasonable.

731 17/02092/FULH - 36 Leigh Hill, Leigh-on-Sea, Essex, SS9 2DN (Leigh Ward)

Proposal: Raise roof height to form habitable accommodation in the roof, install dormer with balcony to rear and alter elevations.

Applicant: Mr and Mrs Osborne

Agent: T C Matthew Chartered Architects

Resolved:-

That planning permission be REFUSED for the following reason:

01 The proposal, by reason of the appearance, design, scale, form and bulk of the roof, would result in an incongruous and unsympathetic addition that does not relate satisfactorily to the existing dwelling, the character and appearance of the wider Leigh Conservation Area or the setting of the adjacent statutory listed building. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2012), policies KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advice contained within the adopted Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2010).

Informatives

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.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action.

732 17/02115/FULH - 34 Percy Road, Leigh-on-Sea, Essex, SS9 2LA (West Leigh Ward)

Proposal: Erect single storey side and rear extensions, raise and alter roof height, install gables to front and rear, dormer to rear, rooflight to front and side and alter elevations.

Applicant: Mrs H Collins

Agent: Knight Gratrix Architects

Resolved:-

That planning permission be GRANTED subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the approved plans: 030; 031A; 032.

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

03 Notwithstanding the details shown on the plans submitted otherwise hereby approved the development hereby permitted shall not commence other than for groundworks and site preparation works unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings at the site have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be implemented in full accordance with the details and samples approved under this condition before it is occupied.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009). Given the nature of the development proposed, the details sought and the objectives of the condition it is fundamental that information required is provided prior to the commencement of any development.

04 The development hereby approved shall be carried out in a manner to ensure the extended dwelling complies with Building Regulation part M4 (2) 'accessible and adaptable dwellings', before it is brought in to use.

Reason: To ensure the residential units hereby approved provide 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).

05 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 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).

06 Prior to its first occupation the first floor level accommodation hereby approved shall be constructed so that the first floor level of the bedrooms with east facing windows shall be set not less than 1.65m below the cil level of the east facing windows. The development shall be retained as such in perpetuity thereafter.

Reason: Reason: In order to protect the amenities of 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).

07 The new rooflight in the southern elevation shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. (C17B)

Reason: In order to protect the amenities of 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).

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

Informative

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.

**733 EN/17/00283/UNAU_B - 176 Brightwell Avenue, Westcliff on Sea, Essex.
SS0 9EH (Westborough Ward)
Breach of Control: Without planning permission, construction of a single
storey rear extension.**

Resolved:-

That ENFORCEMENT ACTION be AUTHORISED to secure (a) The removal of the rear extension, & (b) 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 1 month is deemed reasonable for the removal of the unauthorised extension.

Chairman: _____

DEVELOPMENT CONTROL COMMITTEE

AGENDA: 7th March 2018

WARD	APP/REF NO.	ADDRESS
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Pre Site Plans Report		
Milton	17/02056/OUT	Land Adjacent 5 Shorefield Gardens Westcliff-on-Sea
Chalkwell	17/01017/FULM	Chalkwell Lodge 35-41 Grosvenor Road Westcliff-on-Sea
Chalkwell	17/02047/FUL	30 - 32 The Leas Westcliff-on-Sea
Milton	17/02009/FUL	2A Portland Avenue Southend-on-Sea
Prittlewell	17/02159/FULM	25 Roots Hall Avenue Southend-on-Sea
Victoria	18/00045/ADV	Unit 4 Greyhound Trading Park Southend-on-Sea
Westborough	17/00050/UCOU_B	164 Southbourne Grove Westcliff-on-Sea
Leigh	17/00299/UNAU_B	194 Leigh Road Leigh-on-Sea

Main Plans Report		
Belfairs	17/02218/FULH	168 The Fairway Leigh-on-Sea
Leigh	17/02042/FULH	14 Leigh Park Road Leigh-on-Sea
Leigh	17/02146/FUL	Car Wash 120 Broadway Leigh-on-Sea

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

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DEVELOPMENT CONTROL COMMITTEE

SITE VISIT PROTOCOL

1. Necessity

A site visit is only likely to be necessary if either:

- (i) The proposed development is difficult to visualise from the plans, photographs and supporting material; or
- (ii) There is good reason why the comments of the applicant and / or objector(s) cannot be expressed adequately in writing; or
- (iii) The proposal is particularly contentious; or
- (iv) A particular Member requests it and the request is agreed by the Chairman of DCC.

2. Selecting Site Visits

- (i) Members can request a site visit by contacting the Head of Planning and Transport or the Group Manager for Planning; providing the reason for the request. The officers will consult with the Chairman.
- (ii) If the agenda has not yet been printed, notification of the site visit will be included on the agenda. If the agenda has already been printed, officers will notify Members separately of the additional site visit.
- (iii) Arrangements for visits will not normally be publicised or made known to applicants or agents unless access is required to be able to go on land.

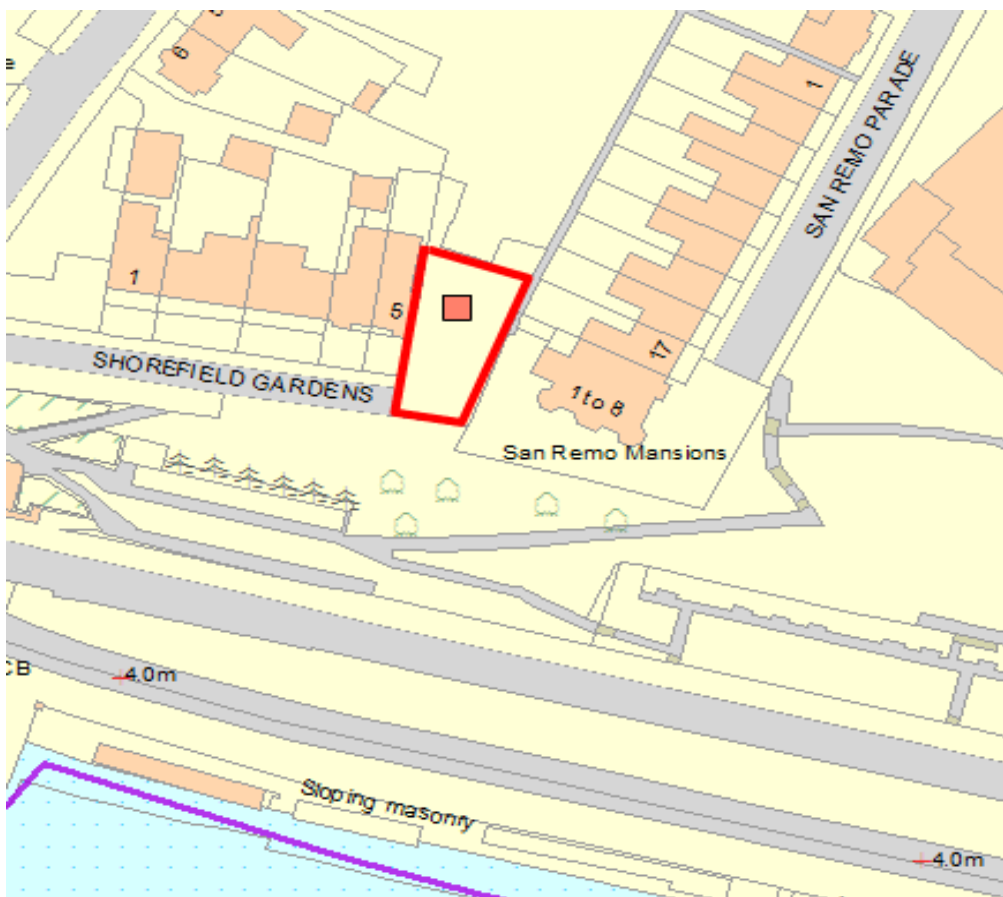
3. Procedures on Site Visits

- (i) Visits will normally take place during the morning of DCC.
- (ii) A planning officer will always attend and conduct the site visit, and will bring relevant issues to the attention of Members. The officer will keep a record of the attendance, and a brief note of the visit.
- (iii) The site will normally be viewed from a public place, such as a road or footpath.
- (iv) Representations will not be heard, and material will not be accepted. No debate with any party will take place. Where applicant(s) and/or other interested person(s) are present, the Chairman may invite them to point out matters or features which are relevant to the matter being considered having first explained to them that it is not the function of the visit to accept representations or to debate.

Version: April 2016

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Reference:	17/02056/OUT	<h1>6</h1>
Ward:	Milton	
Proposal:	Erect building comprising three self-contained flats with terraces to front and Juliette balconies to rear at first and second floor level with layout parking to front	
Address:	Land adjacent 5 Shorefield Gardens, Westcliff-on-Sea, Essex	
Applicant:	Southend-on-Sea Borough Council	
Agent:	SKArchitects	
Consultation Expiry:	04.01.2018	
Expiry Date:	08.02.2018	
Case Officer:	Charlotte White	
Plan No's:	403P01 Rev A ; 403P02 Rev B	
Recommendation:	APPROVE OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED, SUBJECT TO CONDITIONS	



1 The Proposal

- 1.1 Outline permission, with all matters reserved, is sought to erect a three storey building to provide three residential flats at land adjacent 5 Shorefield Gardens, Westcliff-on-Sea.
- 1.2 The application site is 'L' shaped; including the access road, with the main part of the site being roughly rectangular, although the boundaries taper, resulting in the site increasing in width to the rear. The main site (excluding the access road) has a depth of approximately 26.75m and a width at the front of some 11.33m increasing to some 15.61m at the rear of the site.
- 1.3 Whilst all matters are reserved for later consideration, indicative plans have been submitted which indicate that the building would have a similar building line to the adjoining dwellings to the west, with three off-street parking spaces at the front of the site. The development would provide three 2-bedroom flats; one flat per floor. Each flat would be provided with a private balcony/terrace area to the front. The indicative design shows that there will be Juliette balconies at first and second storey levels to the rear elevation. The proposed building has a maximum height of 11m and is partly flat roofed, with some small pitches with Dutch gables.
- 1.4 The application was referred to Committee by Cllr J Garston. The application relates to an application on Council owned land and has been submitted by the Council and therefore this planning application needs to be determined at the Development Control Committee. The application was deferred from the Development Control Committee in February 2018 for a site visit.

2 Site and Surroundings

- 2.1 The application site is located on the northern side of Shorefield Gardens and is currently undeveloped. The site is mainly grassed with two medium sized trees on the site; one to the front and one to the back of the site. The site is located at the eastern end of Shorefield Gardens which is an unmade road which slopes up to the west. The application site slopes up to the west and to the north.
- 2.2 The surrounding area is mainly characterised by three-storey flats. There are residential units to each side of the site. The site overlooks the sea front and backs onto a public car park.
- 2.3 The site is Council owned and is located within the "sea front" boundary and is located within Policy DM6 Seafront Character Zone 4: Chalkwell Esplanade to San Remo.

3 Planning Considerations

- 3.1 The main consideration in relation to this application is the principle of the development. Although the application is outline with all matters reserved, it is considered reasonable to identify any grounds of objection to the proposal regarding design and impact on the character of the area, living conditions for future occupiers, impact on neighbouring properties, any traffic and transport issues, sustainability and CIL from the indicative information provided with this

application.

4 Appraisal

Principle of Development

National Planning Policy Framework (NPPF); Core Strategy (2007) Policies KP1, KP2, CP4 and CP8; Development Management Document (2015) Policies DM1, DM3, DM6 and DM8 and the guidance contained within the Design & Townscape Guide (2009)

- 4.1 The site is located within a residential area which is undeveloped. Amongst other policies to support sustainable development, the NPPF requires to boost the supply of housing by delivering a wide choice of high quality homes.
- 4.2 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 6,500 homes to be delivered within the whole Borough between 2001 and 2021.
- 4.3 Policy DM3 of the emerging Development Management DPD 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.”*
- 4.4 Policy DM3 (2) requires that all development on a land that constitutes backland and infill development will be resisted where the proposals will:
- “(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.”*
- 4.5 Paragraph 201 of the Design and Townscape Guide advises that *“Infill sites are development sites on the street frontage between existing buildings. These areas are usually spaces left over after earlier development or the redevelopment of small industrial units or garages. The size of the site together with an analysis of local character and grain will determine whether these sites are suitable for development. In some cases the site may be too small or narrow to accommodate a completely new dwelling (including usable amenity space and parking) and trying to squeeze a house onto the site would significantly compromise its design quality and be detrimental to neighbouring properties and local character. In these circumstances, unless an exceptional design solution can be found, infill development will be considered unacceptable. Other options, such as an extension to an adjacent building or a garage may be more achievable. However, in certain situations, where the density, grain and openness of an area are integral to its special character, infill development of any kind will not be appropriate in principle.”*

- 4.6 Given the residential location, the proposed residential use is considered acceptable in principle on this site. The site abuts a highway to the south; Shorefield Gardens and is therefore not backland development. Rather, given the size of the site and its location, the site would be considered an in-fill plot. Given the width of the plot, it is considered that the site could accommodate a flatted development; the plot width would not be out of keeping with the surrounding development which mainly comprises flats. The proposal for a three storey building is also acceptable in principle and reflects the size and scale of the adjoining buildings. As such the principle of erecting a building on this site to provide three two-bedroom residential flats is acceptable, subject to other material considerations. Whilst design, living conditions, residential amenity and parking availability are assessed below, this is only a preliminary assessment based on the indicative plans submitted, given that this application is outline in nature, with all matters reserved and those material planning considerations would be determined in depth at reserved matters stage, should outline permission be granted.
- 4.7 The area is currently grassed. No protected trees (TPOs) are planted within the application site. Although the grassed area would be lost, this is not considered to be a significant local ecological asset, which deserves protection from development. The trees that are to be felled as a result of this development are not significant specimens and a condition can be imposed requiring a landscaping scheme to compensate for their loss. The site is not located in an area of high or medium flood risk.
- 4.8 In light of the above, the provision of a residential use in this location is considered acceptable in principle. Other material planning considerations are discussed below:

Design and Impact on the Character and Appearance of the Area

National Planning Policy Framework (NPPF); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1, DM3, and DM6 and the guidance contained within the Design & Townscape Guide (2009)

- 4.9 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management DPD. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.10 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.”* One of the core planning principles of stated in the NPPF requires *“to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.

- 4.11 Policy DM1 of the Development Management DPD 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”*.
- 4.12 According to Policy KP2 of the Core Strategy states that 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”*.
- 4.13 With regard to infill sites, Paragraph 202 of the Design and Townscape Guide states that *“Where it [infill development] is considered acceptable in principle, the key to successful integration of these sites into the existing character is to draw strong references from the surrounding buildings. For example, maintaining the scale, materials, frontage lines and rooflines of the neighbouring properties reinforces the rhythm and enclosure of the street. This does not necessarily mean replicating the local townscape, although this may be an option.”*
- 4.14 The site is located within Sea Front character Zone 4: Chalkwell Esplanade to San Remo. Policy DM6 sets out a number of development principles for each sea front character zone. For character zone 4, the development principles include, amongst other things that; *large, bulky buildings are not considered appropriate and will be resisted, the low rise height of existing buildings should be maintained in future development. Development will only be allowed where it is appropriate in context and where it adds to the overall quality of the area.*
- 4.15 It is noted that the matters of detailed design, appearance and scale of the proposed dwelling are reserved matters and as such, cannot be given detailed determination by the Local Planning Authority at this stage.
- 4.16 However, the indicative plans submitted indicate that the proposed development would have a similar building line to the adjoining residents. The indicative plans indicate a three storey building could be provided at a height that would be in-keeping the adjoining and nearby buildings. Parking would be provided to the front of the site; however there are other examples of parking to the front of adjoining sites. Whilst the plot is shallower than the adjoining sites, resulting in no effective outside garden area being provided, the proposal includes private balconies/terraces for the residents, which are also evident in the surrounding area and the development is therefore acceptable in principle in this regard. The indicative proposal indicates that some attractive detailing can be provided to the balconies and roof, which would provide design interest and whilst not-replicating them the adjoining dwellings are of a similar character.
- 4.17 Whilst the proposal will result in the loss of the grassed area and the few trees on the site, the trees are not protected and subject to an appropriate landscaping scheme being agreed, no objection is raised on this basis.

- 4.18 As such, subject to the overall design being finalised and subject to appropriate detailing, fenestration, materials and landscaping which will be considered at reserved matters stage and/or at condition details stage, no objection is raised on this basis. It is considered that a three storey building providing three flats could be constructed on the site and be of an appropriate design. No objection is therefore raised on this basis at outline stage subject to further details being received at reserved matters stage.

Living Conditions for Future Occupiers

National Planning Policy Framework (NPPF); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3 and DM8 and the guidance contained within the Design & Townscape Guide (2009)

- 4.19 Delivering high quality homes is one of the Government's requirements according to the NPPF. Since 1st of October 2015 Policy DM8 of the Development Management DPD has been superseded by the National Housing Standards regarding the minimum internal floorspace standards.
- 4.20 Paragraph 17 of the National Planning Policy Framework states that "*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*". The technical housing standards require:
- Minimum property size for 2 bedroom (4 bed space) dwellings over 1 storey shall be 70sq.m.
 - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m² ; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
 - Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
 - A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.
- 4.21 Weight should also be given to the content of Policy DM8 which states the following standards in addition to the national standards.
- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
 - Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.

- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

4.22 The internal floor area for each flat, as shown on the indicative plans exceeds 70 sq.m. The bedrooms proposed are of acceptable sizes and adequate storage is provided in accordance with the technical standards. Whilst no outside communal amenity space will be provided, there is a shared outside space for refuse and cycle storage which is located to the rear of the building and each flat will be provided with its own private balcony/terrace area measuring approximately 11sq.m.

4.23 Whilst the indicative plans indicate that the outside amenity space would be limited for the two bedroom flats, it is considered, given the location of the site which is close to other amenities, including the sea front, that the limited outside amenity space would be acceptable in this instance.

4.24 Policy DM3 (ii) of the Development management DPD from the 1st of October 2015 has been substituted by building regulation M4 (2). These requirements include 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. The applicant has not submitted a statement/drawings demonstrating that the proposed flats would comply with all the above. However, this information/detail could be conditioned to be submitted at a reserve matters stage.

Impact on Neighbouring Properties

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

4.25 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.”*

- 4.26 The plans submitted are indicative only and detailed consideration of the impact of the final development on the residential amenity of the adjoining residents would be undertaken at reserved matters stage.
- 4.27 However, the indicative plans submitted indicate that no side windows are proposed. The rear windows and Juliette balconies indicated would overlook a public car park and the front windows and balconies would overlook the public realm and as such it is considered that the indicative plans would result in no material harm to the residential amenity of the adjoining residents in terms of overlooking or loss of privacy.
- 4.28 In terms of dominance, an overbearing impact and loss of light and outlook, the adjoining building to the west; No.5 Shorefield Gardens is divided into flats. This building has a number of flank windows at ground, first and second storey level that overlook the site. However, these windows are within the 'outrigger' part of No.5 and given the depth of the proposed building and the separation between the buildings and given that the plans are only indicative at this stage, it is considered that a development of 3 flats could be provided on this site without resulting in any material harm to the residential amenity of the occupiers of the flats to the west in terms of dominance, an overbearing impact, sense of enclosure or loss of light and outlook.
- 4.29 With regard to the dwellings to the east; including San Remo Mansions, given the changes in land levels and the separation distance provided between the development and the existing buildings in San Remo Parade, it is considered that the proposed development would not result in any material harm to the residential amenity of these occupiers in terms of dominance, an overbearing impact, sense of enclosure or loss of light and outlook.
- 4.30 Whilst the final design and layout will be confirmed at reserved matters stage, it is considered that a development of three flats could be designed on this site which would not result in any material harm to the adjoining residents. No objection is therefore raised on this basis at outline stage, subject to further details being received at reserved matters stage.

Traffic and Transport Issues

National Planning Policy Framework (NPPF), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design and Townscape Guide (2009).

- 4.31 Policy DM15 of the Development Management DPD requires all development to provide adequate parking.
- 4.32 The adopted parking standards required the provision of 1 space per dwelling for 2+ bedroom flats. One parking space will be provided per flat, are of sufficient sizes to accommodate vehicles. Therefore no objection is raised regarding off-street parking provision. It is also noted that the Highway Authority has raised no objection to the proposed development.

- 4.33 Whilst the Highway Authority has commented that the refuse storage proposed is outside the collection guidance, this application is for outline planning permission with all matters reserved and such matters can be controlled via condition. 6 cycle parking spaces are shown to the rear of the site. No objection is therefore raised to the proposal in terms of traffic and transportation issues.

Use of on Site Renewable Energy Resources

National Planning Policy Framework (NPPF), Core Strategy (2007) Policies KP2, CP4 and CP8, Development Management Document (2015) Policies DM1, DM2 and the Design and Townscape Guide (2009).

- 4.34 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 emerging 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”*.
- 4.35 No information has been submitted regarding 10% renewable energy provision and therefore, which would be a requirement with any future formal submission. Furthermore, no details relative to Sustainable Urban Drainage System have been provided. This would also be secured by condition.
- 4.36 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 can be dealt with by condition.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.37 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. As this is an outline application the CIL amount payable will be calculated on submission of a reserved matters application at which point the floorspace figures will be confirmed.

Other Matters

- 4.38 As part of its Strategic Housing Land Availability Assessment (SHLAA) update, the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). This demonstrates that the Council has a 6 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.
- 4.39 In terms of the neighbour comments received, the material planning issues raised by the neighbours have already been considered above including residential amenity issues such as overlooking and loss of light, the design, including the building line proposed and parking concerns. In terms of neighbour concerns relating to the construction process, a condition can be imposed on any grant of consent requiring a construction method statement to be submitted prior to the commencement of the development. Indicative access, parking and bin storage is shown on the indicative plans. Whilst concerns were raised relating to the consultation period, statutory consultation periods were provided to the adjoining neighbours to comment on the application.
- 4.40 A number of non-material planning issues have been raised by neighbours including subsidence concerns and concerns relating to piling and the construction process. Such matters would be considered under separate legislation including the Party Wall Act and the Building Regulations. The address provided in this application is acceptable and has not prejudiced the determination of the application. Covenants are not material planning considerations and would not prevent planning permission being granted. The red line boundary is shown on the location plan 1:1250 and this is the site to which the application relates. The state of repair of the unadopted road is a civil matter and not a material planning consideration. Drainage connections would be dealt with through conditions. The fact that the site has been unoccupied for a significant length of time would not prevent planning permission being granted for a development that accords with the development plan. Who funds the development is not a material planning consideration. Finally with regard to the query from one resident about providing parking and access to San Remo Mansions from Shorefield Gardens, this would be a separate matter and is not material to the determination of this application.

5 Conclusion

- 5.1 Having taking into consideration all material considerations and having regard to the neighbour representations received, which are summarised below, it is found that the proposed development, subject to appropriate conditions, is acceptable and would be in accordance with the Development Plan. The application is therefore recommended for approval, subject to conditions.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2012): including chapter 4 (Promoting sustainable transport), chapter 6 (Delivering a wide choice of high quality homes)

and chapter 7 (Requiring good design)

- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy) KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), and CP8 (Dwelling Provision).
- 6.3 Development Management DPD 2015: Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources) DM3 (Efficient and Effective Use of Land), DM6 (The Seafront), 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 Housing Standards 2015

7 Representation Summary

Transport & Highways

- 7.1 There are no highway objections to this proposal the 1 parking space has been provided for each dwelling which is acceptable. Refuse storage has been provided but it outside of current collection guidance therefore alternative arrangements will have to be made on the day of collection. The access to the proposed dwellings is of a suitable width to accommodate an emergency vehicle measuring approximately 4.5m in width.

Public Consultation

- 7.2 36 neighbours were notified and a site notice was displayed.

11 letters of objection have been received which make the following summarised comments:

- Overlooking of garden and flats and loss of privacy.
- Overshadowing and loss of light.
- Concerns red line boundary is incorrect as shown on 1:200 landscape plan. **[Officer comment: this was addressed with the submission of amended plans]**
- Insufficient parking. Already parking issue in Shorefield Gardens – concerns relating to impact on parking of Cliff House. Possible additional 6 more cars using this road would be disastrous.
- Shorefield Gardens is a dead end, single track, un-made, unadopted, private road – not made for lorries, etc. and would be damaged. Concerned bad condition of road of Shorefield Gardens hasn't been taken into account. Where would lorries, trucks and vans park during works? Concerns our accesses would be blocked. Concerns emergency services could not access road – health and safety concerns and road has limited accessibility for wheelchairs and buggies.
- Noise, dust and safety issues impacting daily basis and impacting working from home.
- No disabled access.

- Where is parking and bin storage to go? And query relating to access.
 - Will road be improved? Will the road be adopted by the Council?
 - No drainage plans submitted – Anglian Water has said it is highly unlikely to connect any new flats to the existing drainage.
 - Interrupt use and enjoyment of my property.
 - Land has been unoccupied and vacant for 30-40 years.
 - Subsidence and damage to building due to building works. Concerns about retaining wall and changes in levels. Cliff side with streams running down. Full survey needed. Concerns about use of pile drivers on unstable cliffs – soil investigation needed and engineer report needs to be seen. Landslip concerns.
 - Concerns relating to address of development being land adjacent 5 Shorefield Gardens – it is known as 6 Shorefield Gardens including within the land registry.
 - Restrictive covenants.
 - Covenants suggest area in front of building must be grass but three parking spaces are shown.
 - Extends beyond the building line - contrary to covenants.
 - Concerns application site has no right of way over Shorefield Gardens itself and concerns rear right of way results in crossing land owned by 5a Shorefield Gardens.
 - Would expect previous wall to be reinstated.
 - Concerns relating to consultation period over Christmas and lack of time to respond.
- [Officer comment: Statutory consultation periods were provided]**
- Concerns relating to the information contained in application form and CIL forms submitted and that the submission is contrary to the title documents.
 - Developer greed
 - Loss of green land, enjoyed as garden.
 - Is the development funded by the Council?
 - Owners of San Remo Mansions may be interested in converting the garden for parking but need access from Shorefield Gardens – is this possible and can we work together?

7.3 1 letter of support has been received which makes the following summarised comments:

- Not everyone in this road is against the proposal.
- A number of residents of Cliff House approve of the development proposal
- A number of residents believe that value will be added to our properties
- With demand for housing, this empty land is ideally located.
- Residents of Cliff House do not benefit from the use of this grass and have not seen it used as a garden.
- Do not have concerns about parking in Shorefield Gardens, as have made modifications to parking at rear to alleviate parking pressures and we park in residents spaces within the road.

7.4 The concerns raised are noted and they have been taken into account in the assessment of the proposal. 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 No relevant planning history.

9 Recommendation

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

01 Details of the appearance, layout, scale, landscaping and access (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved under the reserved matters. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin not later than 2 (two) years from the date of approval of the last of the reserved matter to be approved.

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

02 No development above ground level shall be undertaken until samples and/or details of the materials to be used on the external elevations including details of any boundary walls, fences, gates and windows have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is occupied.

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

03 No development above ground level shall be undertaken until full details of waste and cycle storage to be provided at the site have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is occupied and the approved facilities shall be retained in perpetuity.

Reason: To ensure that satisfactory secure off-street bicycle parking is provided and to protect the environment and provide suitable storage for waste and materials for recycling in accordance with Core

Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, and the guidance contained in the Design and Townscape Guide (2009).

- 04 No development above ground level shall be undertaken until a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the flats. 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), Development Management Document (2015) Policy DM2 and the Design and Townscape Guide (2009).

- 05 No development shall be undertaken until full details of the drainage infrastructure and surface water attenuation for the site, based on sustainable urban drainage principles, 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 prior to the first occupation of the flats hereby approved.**

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.

- 06 One car parking space per flat shall be provided within the site prior to the first occupation of the flats hereby approved and shall thereafter be permanently retained for the parking of private motor vehicles solely for the benefit of the occupants of the new dwellings and for no other purpose. Permeable paving shall be used for the hardstanding area and shall be retained in perpetuity.**

Reason: To ensure satisfactory parking is provided and retained to meet needs of occupants that the development is completed and used as agreed, and to ensure that it meets Core Strategy (2007) Policy CP4, Development Management Document (2015) policy DM15 and the Design and Townscape Guide (2009).

- 07 No development above ground level shall be undertaken until full details of the 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 (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting, has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.**

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 Design and Townscape Guide (2009)

- 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:**
- 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 including decorative displays and facilities for public viewing, where appropriate**
 - v. wheel washing facilities**
 - vi. measures to control the emission of dust and dirt during construction**
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works**
 - viii Noise mitigation measures to be used at the site.**

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) policy DM15. It is fundamental that this information is provided prior to the commencement of the development given the nature of the details required in a construction method statement.

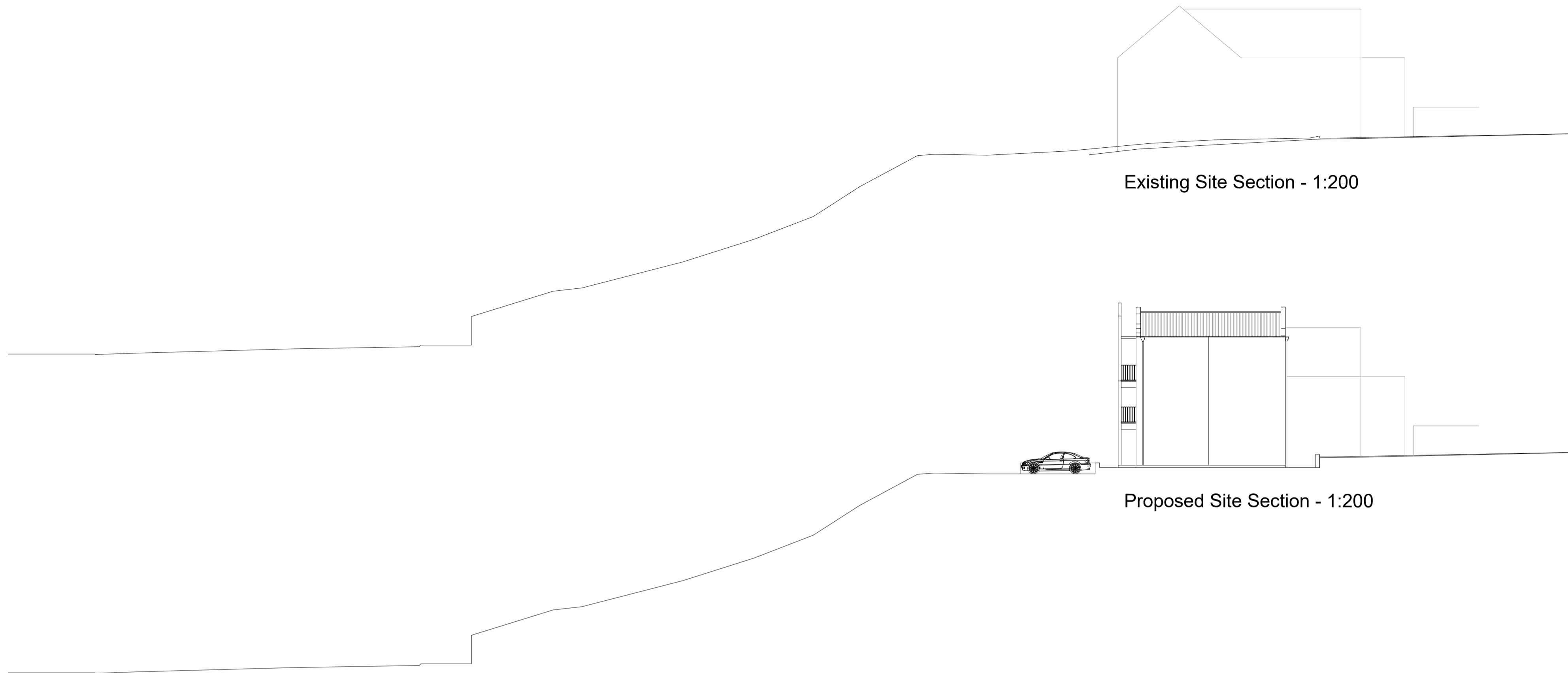
- 09 The development hereby approved shall be carried out in a manner to ensure that the completed dwellings comply with Building Regulation part M4(2) 'accessible and adaptable dwellings'.**

Reason: To ensure the residential units hereby approved provide 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).

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.

Informatives

- 1 Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). The amount of levy due will be calculated at the time the reserved matters application is submitted. Further information about CIL can be found on the Council's website at www.southend.gov.uk/cil**



Existing Site Section - 1:200

Proposed Site Section - 1:200



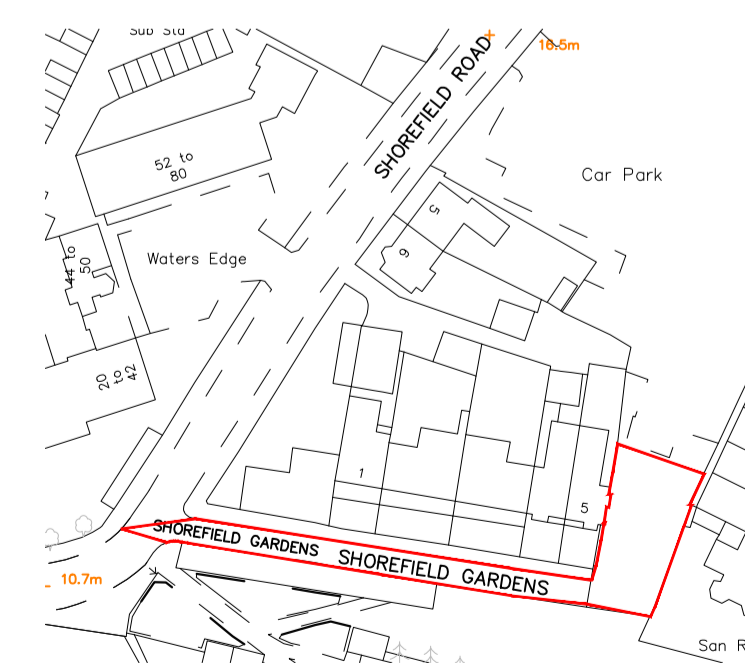
Existing Street scene - 1:200



Proposed Street scene - 1:200



Existing Block Plan - 1:500
North



Existing Location Plan - 1:1250
North

STATUS: AWAITING APPROVAL

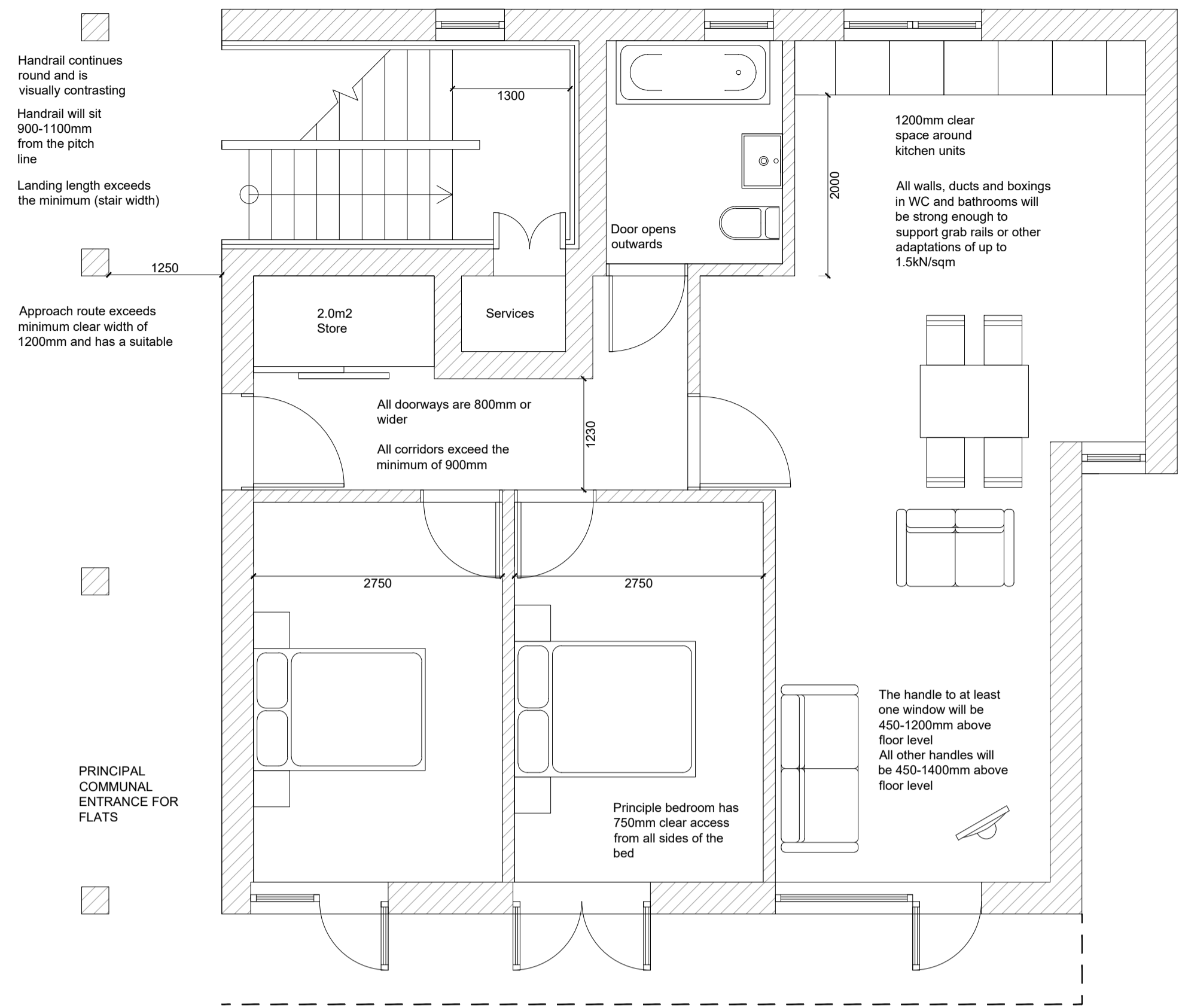
PROJECT STAGE: S1 - Preliminary	DRAWN BY: WS	CHKD BY:
CLIENT: SBC		
PROJECT: Land at Shorefield Gardens		Postcode:
PROJECT NO: 403	PAGE NO: 403PO1	REVISION: A
DRAWING: Existing		
SCALE: 1:100, 1:200, 1:500, 1:1250 on A1		

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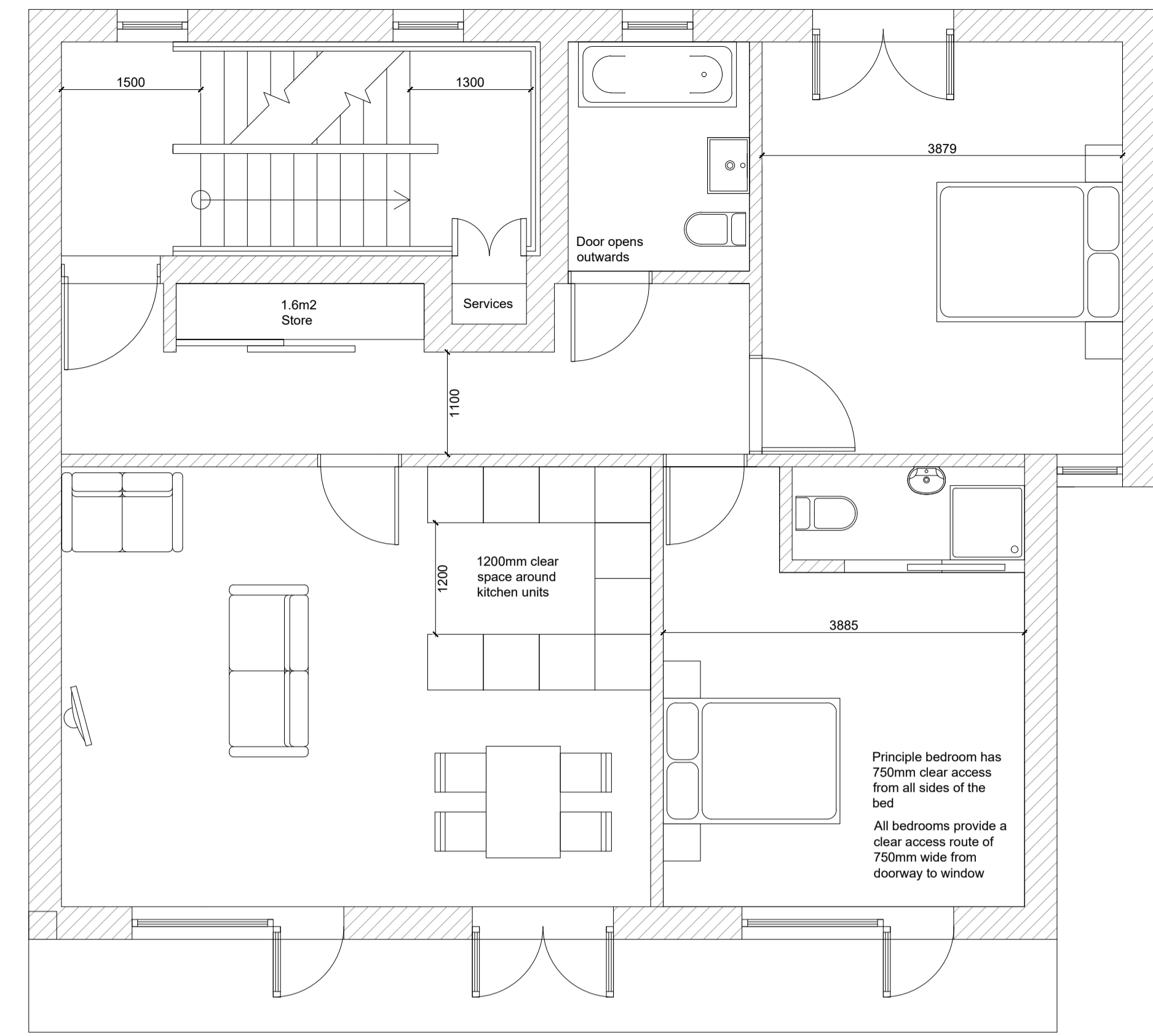
Proposed Ground Floor Plan 1:50



Parking
Parking bay has minimum clear access zone of 900mm and is near to the communal entrance

Bay is level and will have a suitable ground surface

Access from the bay to the principal communal entrance is step-free (ramped)



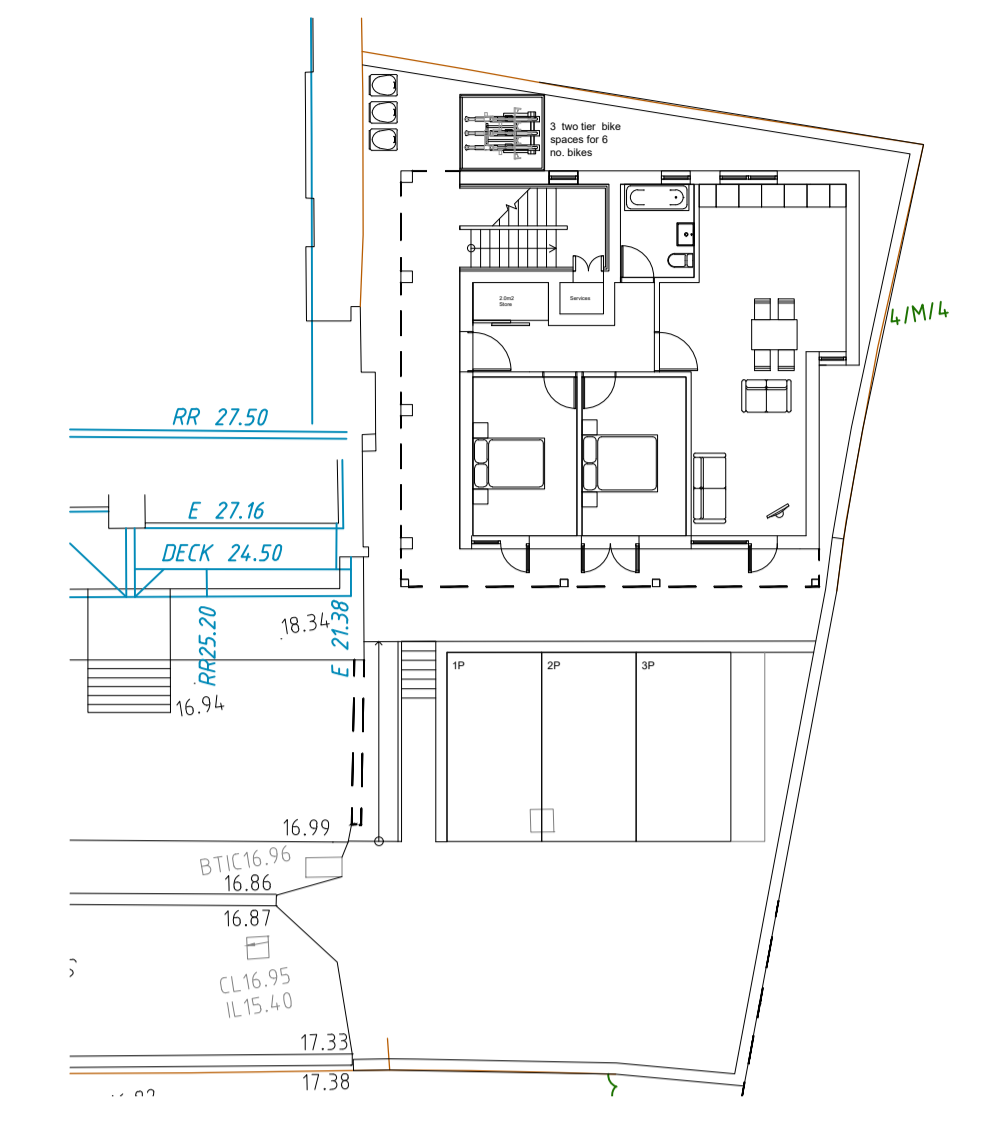
Proposed First/Second Floor Plan 1:50



All consumer units will be mounted so that the switches are between 1350 and 1450mm above floor level

All switches, sockets and stopcocks will have their centre line between 450 and 1200mm above floor level and be a minimum of 300mm from an inside corner

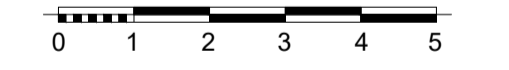
Boiler timer controls and thermostats will be 900-1200mm above floor level



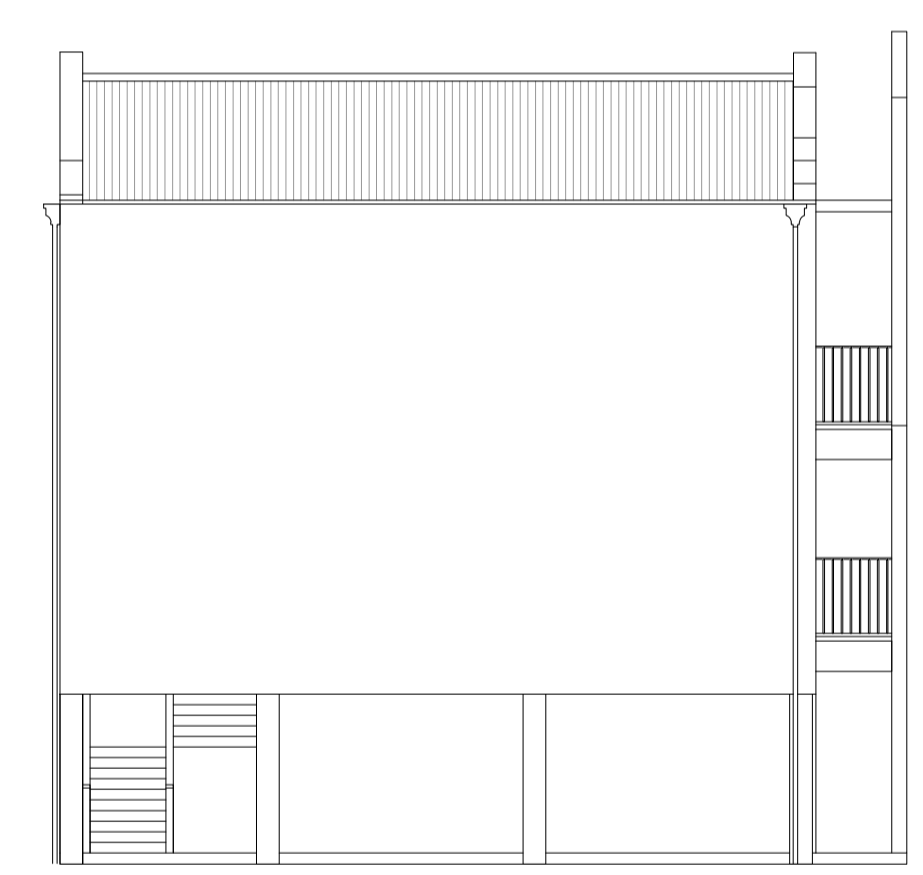
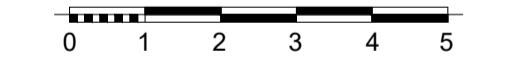
Landscape Plan - 1:200



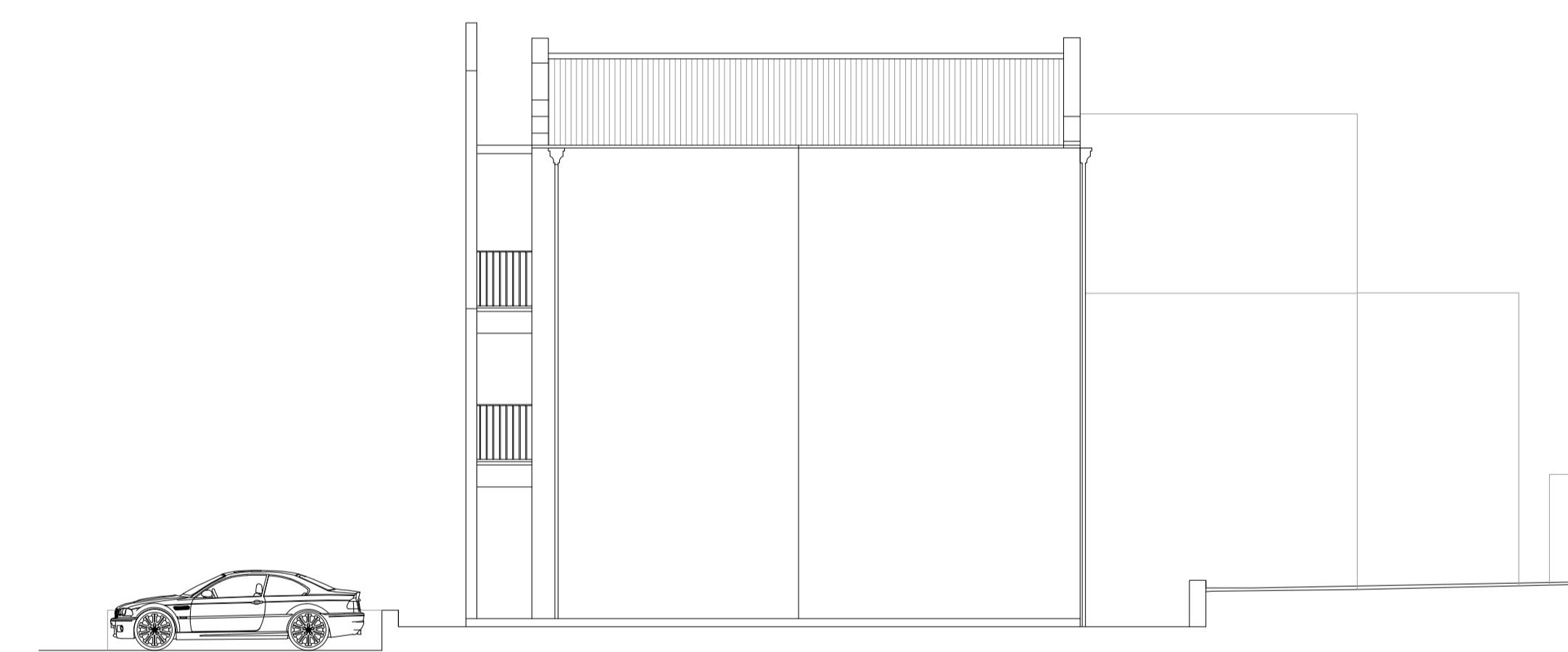
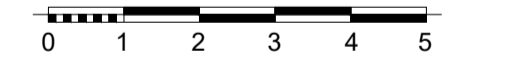
Proposed South Facing Elevation 1:100



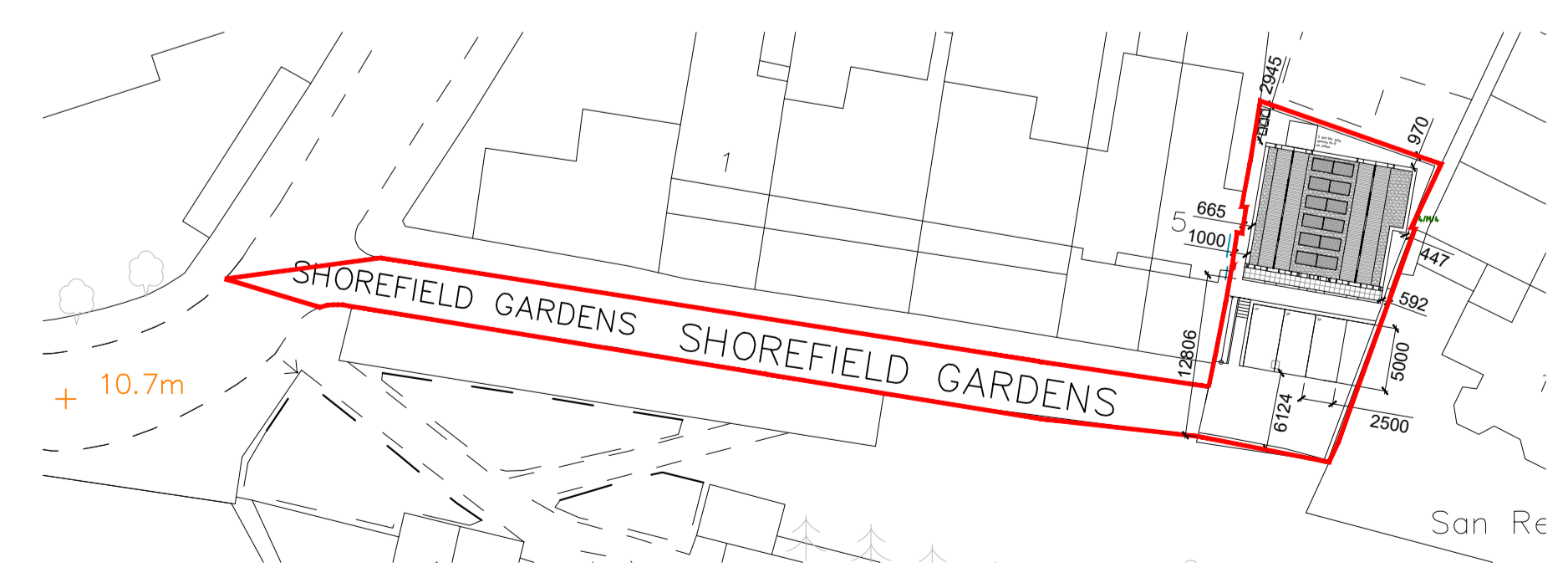
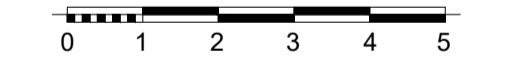
Proposed North Facing Elevation 1:100



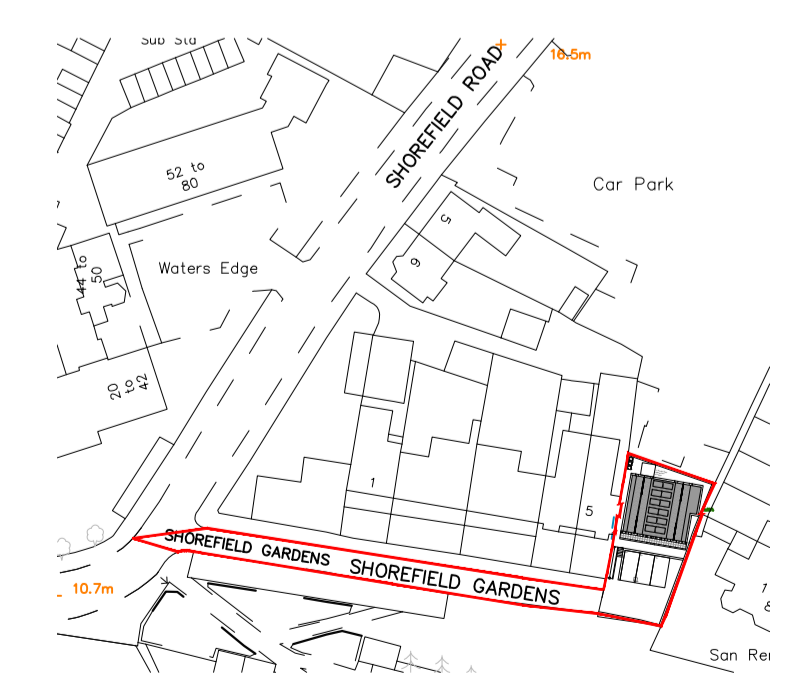
Proposed West Facing Elevation 1:100



Proposed East Facing Elevation 1:100



Proposed Block Plan - 1:500 North



Proposed Location Plan - 1:1250 North

STATUS: AWAITING APPROVAL

PROJECT STAGE: S1 - Preliminary	DRAWN BY: WS	CHECKED BY:
CLIENT: SBC		
PROJECT: Land at Shorefield Gardens		Postcode:
PROJECT NO: 403	PAGE NO: 403P02	REVISION: B
DRAWING: Proposed		
SCALE: 1:50, 1:100, 1:200, 1:500, 1:1250 on A1		

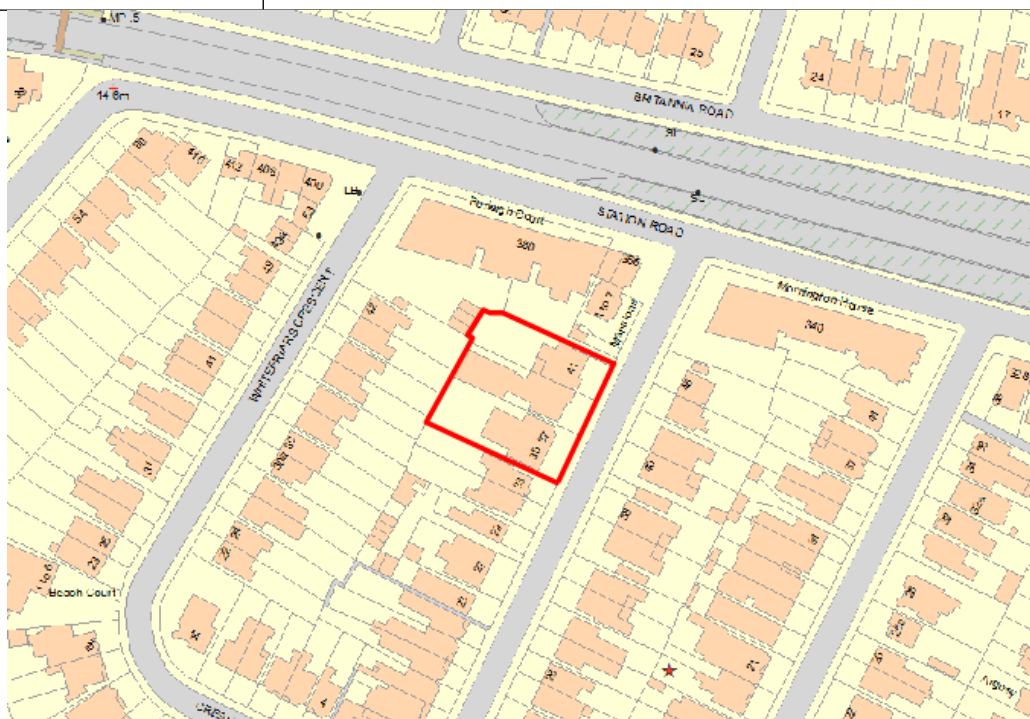
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Reference:	17/01017/FULM	7
Ward:	Chalkwell	
Proposal:	Demolish existing buildings and erect three storey building comprising of 16 self-contained flats with balconies/terraces, undercroft parking at ground floor level, layout cycle and bin stores with communal amenity space.	
Address:	Chalkwell Lodge, 35 - 41 Grosvenor Road, Westcliff-on-Sea	
Applicant:	Sanctuary Group	
Agent:	MEPK Architects	
Consultation Expiry:	27.10.2017	
Expiry Date:	09.03.2018	
Case Officer:	Kara Elliott	
Plan Nos:	1667_SLP-01, 17204_001, 17204_002, 17204_003, 17204_004, 1667_P-01, 1667_P-02-A, 1667_P-03-A, 1667_P-04-A, 1667_P-05-A, 1667_P-06-A, 1667_P-08, 1667_P-09-A, 1667_P-10-A	
Recommendation:	Delegate to the Director of Planning and Transport or the Group Manager Planning and Building Control to GRANT PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended).	



1 The Proposal

1.1 Planning permission is sought to demolish the existing buildings and erect a three storey building incorporating 16 self-contained flats with balconies/terraces, undercroft parking at ground floor level, layout cycle and bin stores with communal amenity space.

1.2 The details of the scheme are summarised as follows:

Units	7 x 1 bedroom (2 persons) 51m ² - 63m ² 5 x 2 bedroom (3 persons) 66m ² - 74m ² 4 x 2 bedrooms (4 persons) 74m ² - 82m ²
Parking	16 car parking spaces (one per unit, two wheelchair accessible) 16 secure cycle parking spaces (one per unit)
Amenity space	160m ² external communal amenity space 37m ² ground floor patio areas 36.3m ² first floor balconies 60m ² second floor balconies/terrace
Height (max)	3 storey (9.85m to 11.5m)
Width	35.4m
Depth	Between 11m and 32.45m

1.3 The proposed development will include the following accommodation;

Plot No.	Floor	Unit Size	Part M compliance	Wheelchair	Habitable Rooms	Area (m ²)
1	G	2 B 4 P	M4(2)		3	77
2	G	2 B 3 P	M4(2)		3	66
3	G	1 B 2 P	M4(3)	✓	2	63
4	G	1 B 2 P	M4(2)		2	51
5	G	2 B 3 P	M4(3)	✓	3	74
6	1	2 B 4 P	M4(2)		3	77
7	1	2 B 3 P	M4(2)		3	66
8	1	1 B 2 P	M4(2)		2	57
9	1	2 B 4 P	M4(2)		3	82
10	1	2 B 3 P	M4(2)		3	69
11	1	2 B 4 P	M4(2)		3	74
12	2	1 B 2 P	M4(2)		2	56
13	2	1 B 2 P	M4(2)		2	58
14	2	1 B 2 P	M4(2)		2	54
15	2	1 B 2 P	M4(2)		2	58
16	2	2 B 3 P	M4(2)		3	67

1.4 The proposed external rear communal garden space serving the flats would be located to the west of the site amounting to approximately 160m². In addition each flat would benefit from a patio or private balconies; most approximately 4m², with larger terraces to the rear of the building. For example, unit 11 at first floor would benefit from a terrace of approximately 11m² and unit 16 would benefit from the largest terrace amounting to a floor area of approximately 45m².

- 1.5 The building would front onto Grosvenor Road and would be set on the same building line as the existing buildings, which are set in line with the properties to the south which front Grosvenor Road. To the north of the site are the rear and side of buildings fronting Station Road. The existing buildings to be demolished amount to a total of approximately 680m² in floor area, 11.5 metres high from ground level at its highest point, approximately 36.25 metres wide and have an overall depth of 33.7 metres.
- 1.6 The current application is accompanied by a design and access statement, sustainability statement and a preliminary arboricultural impact assessment.

2 Site and Surroundings

- 2.1 The site lies on the west side of Grosvenor Road and contains large two to three storey buildings. The existing building was formerly four dwellinghouses which has since been converted to one unit. The site is currently operating as a 24 hour supported housing scheme made up of 28 bedrooms, occupied by adults diagnosed with mental ill health.
- 2.2 The existing streetscene is characterised by large late Victorian and Edwardian houses, mainly semi-detached housing with a few detached and terraced properties. The street has a relatively consistent scale of two storeys with roof accommodation which is consistent with the application site. The frontages of properties in the street are relatively deep, most with off-street parking.
- 2.3 The road slopes down to the south with properties stepping down the hill. To the north of the site, where Grosvenor Mansions is adjacent to the site, taller blocks front Station Road with a distinct separation in the streetscene between the backs of these buildings and Grosvenor Road buildings.
- 2.4 Hardstanding provides parking across the entire front of the site.

3 Planning Considerations

- 3.1 The main considerations in relation to this application include the principle of development, design, impact on the streetscene, residential amenity for future and neighbouring occupiers, traffic and highway implications, sustainability and developer and CIL contributions.

4 Appraisal

Principle of Development

National Planning Policy Framework (NPPF); Core Strategy Policies KP1, KP2, CP4, CP6, CP8; Development Management Document Policies DM1, DM3, DM7, DM8, and DM9 and the Design and Townscape Guide (2009)

Loss of Specialist Residential Accommodation and Principle of Residential Development

- 4.1 The site is previously developed land and it is therefore relevant to Core Strategy policy CP8, which supports the provision of dwellings on such land; subject to detailed considerations where it is expected that the intensification of development will play a role in meeting the housing needs of the Borough.
- 4.2 Policy DM3 states that *“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.”*
- 4.3 Government advice currently states that all sites should be examined in order to determine their potential for redevelopment for residential purposes, maximising the use of urban land. The NPPF states that development should; *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”*. 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.
- 4.4 The general content of policy DM9 (Specialist Residential Accommodation) of the Development Management Document states that the Council will encourage care requirements to be met within the existing housing stock and therefore discourages the oversupply of specialist residential care facilities. It is recognised that there is also a need to limit further growth of the residential care homes market in Southend. From this basis, it is considered that there are no grounds to object to the principle of development in this instance.
- 4.5 It is also noted that the occupiers of the existing supported housing units at Chalkwell Lodge are to be rehoused in a new purpose-built facility which has recently been completed at 319 - 321 Sutton Road, Southend (13/00618/FULM).

Dwelling Mix

- 4.6 Policy CP8 of the Core Strategy requires that 20% of the dwellings in any development between 10 and 49 units to be affordable housing units. Although the development may be delivered as 100% affordable housing, due to funding issues the applicant has requested that the scheme be considered on the basis of an affordable housing provision of 4 units only.
- 4.7 In this instance, 4 affordable housing units are proposed i.e. in excess of the policy requirement of 3.2 units (which would represent 20%). In addition, Policy DM7 of the Development Management Document states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes on appropriate sites, to reflect the Borough’s housing need and housing demand. The Council seeks to promote a mix of dwellings types and sizes as detailed below.
- 4.8 The preferred dwelling mix in Policy DM7 (and based on the Strategic Housing Market Assessment (SHMA) Review 2013), and proposed by this application are shown in the table below:

Dwelling size: No bedrooms	1-bed	2-bed	3-bed	4-bed
Policy Position (Market Housing)	9%	22%	49%	20%
<i>Proposed (MH)</i>	<i>33% (4)</i>	<i>67% (8)</i>	<i>0%</i>	<i>0%</i>
Policy Position (Affordable Housing)	16%	43%	37%	4%
<i>Proposed (AH)</i>	<i>75% (3)</i>	<i>25% (1)</i>	<i>0%</i>	<i>0%</i>

4.9 Further to the SHMA data above, consideration is given to the housing need as defined by the high priority bands within Southend Borough Councils Housing Register data (below):

MinBedSize	Band A	Band B	Band C	Grand Total	% of Need (bed need)
0/1	87	32	267	386	34.34
2	28	69	340	437	38.88
3	1	37	222	260	23.13
4	1	15	22	38	3.38
5		1	2	3	0.27
Grand Total	117	154	853	1124	

With the above information in mind the Strategic Housing Team is supportive of the type of affordable housing accommodation being proposed as there is a substantial need for 1 and 2 bedroom properties within the borough. In addition and in relation to the open market housing, on balance the dwelling mix proposed is considered acceptable in a scheme of this nature.

4.10 As set out in the preamble to Policy DM7, there is a clear need for affordable housing in Southend including a market for intermediate home ownership. As indicated in DM7, the Council generally requires a tenure mix of: - 60/40% (60% rented, 40% intermediate housing). The proposed development will provide 16 new homes, 4 of which be affordable units as follows:

2 x 1 bedroom (2 person) dwellings Affordable Rent
1 x 2 bedroom (3 person) dwellings Affordable Rent
1 x 1 bedroom (2 person) dwellings Shared Ownership

The proposed split of 75:25 between affordable rent and shared ownership is considered acceptable in this instance as it is broadly consistent with policy, and the unit sizes reflect need.

4.11 The Council's Strategic Housing team are in support of the application. The proposed dwelling mix is considered acceptable in respect of both the open market and affordable housing.

Design and Impact on the Character of the Area

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

- 4.12 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy Policies KP2, CP4 and CP8.
- 4.13 The core planning principles of the NPPF include to “*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.*” Paragraph 56 of the NPPF states; “*the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*” Paragraph 64 of the NPPF states; “*that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*”
- 4.14 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development.
- 4.15 Policy DM3 states that “*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.*” Moreover, policy DM1 states that 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*”.
- 4.16 The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant in the streetscene and development which is under scaled will appear weak and be equally detrimental (Design and Townscape Guide 2009).

- 4.17 The existing building is not Listed, nor located in a Conservation Area. Hence its demolition to enable redevelopment is considered to be acceptable in principle.
- 4.18 The existing streetscene is characterised by large late Victorian and Edwardian houses, mainly semi-detached housing with a few detached and terraced properties providing tight spacing a good enclosure to the street. Hipped and gable roofs are characteristic with mostly red tiles. The street has a relatively consistent scale of two storeys with roof accommodation including some large dormers to the front above bays effectively making the projecting elements three storeys. Whilst it adopts a more contemporary design than the existing and surrounding built form, the proposed development is considered to respect and reflect the existing streetscene. For example, the use of gables and projecting pitched roof elements reinforces the rhythm in the streetscene and the building line of the development is in line with its neighbour to the south.
- 4.19 In addition, the scale, height and bulk of the proposed development is considered to appear in connection with the character and appearance of the area and would not appear overscaled or dominant in its location. This is also achieved by the proportion and angle of the gable-end roof form which is reflective of its neighbour to the south and other buildings within the streetscene. In addition, the front pitched roof projections and slight variations of depth in front façade help to break up the massing of the building.
- 4.20 The staggered heights of the proposed three to one storey building (from front to rear when viewed from the side elevations) are considered to reduce the bulk of development and do not result in a dominant and overbearing form of development to the detriment of the character and appearance of the site or the wider area. The rear elevation is characterised by relatively large expanses of brickwork and a long pitched roof. However, fenestration is well proportioned and breaks-up the brickwork. Furthermore, a rear projecting first and second storey pitched roof element provides a break in the roofscape as well as the use of render to a single storey rear portion of the building.
- 4.21 The frontages in the streetscene are relatively deep but consistent, some with parking. The existing arrangement of hardstanding parking along the entire frontage of the application site is not considered to make a positive contribution to the character and appearance of the application site or the wider area. The proposed development introduces a soft and hard landscaped frontage with areas of lawn and a pedestrian path as well as undercroft access to the parking area within the site. Only two car parking spaces are proposed to the frontage of the site. This element of the proposed development is considered to contribute positively to the character and appearance of the application site and the wider area and provides appropriate defensible space between the highway and the building.
- 4.22 The road slopes down to the south with properties stepping down the hill. This is an important part of the character of the street. The proposed development is slightly staggered in its height and articulation which reduces its impact in terms of its bulk and width so that it would not appear incongruent in the streetscene.

4.23 It should be noted that that the taller blocks fronting Station Road are not considered to be the primary context of the site as they are orientated to Station Road and have much grander scale. Furthermore, there is distinct separation in the streetscene between the backs of these buildings and the start of properties in Grosvenor Road, where a more domestic character dominates and in this context the impact of the proposed built form is considered to be acceptable.

4.24 The proposed materials to be used in the construction of the development have been submitted for consideration within a materials schedule including;

External walls

- Red/brown stock brickwork
- Self-coloured proprietary render
- Dark zinc cladding to projecting bays

Roofs

- Dark zinc cladding to main roof
- Planted system roof to lower roof
- Zinc gutters and downpipes

Windows and Doors

- Dark grey aluminium windows and doors

Features

- Windows/doors to openings min 150mm deep reveal with returned brick.
- Zinc capping to parapet walls
- Bin store doors to be aluminium louvered doors
- Steel structure balconies (match window/door colour)
- Frameless glass guarding to front feature balconies
- Metal vertical railings to other balconies/terraces (match window/door)
- Steel railings and gates to pedestrian & vehicular areas.

4.25 With regard to materials, the use of red/brown stock brickwork and some render for the external walls is considered acceptable and reflects materials observed nearby. The dark grey zinc coloured cladding is also not objected to and provides interest to the design features of the projecting bays. Grey window frames are proposed which are also considered acceptable in this location and contribute to the contemporary appearance of the building.

4.26 It is considered that the secure and covered cycle and refuse storage areas at the rear of the building provide an acceptable solution which does not result in a dominant presence of bins in front of or integral to the façade of the building and is in compliance with paragraph 181 of the Design and Townscape Guide which states that whilst storage of bins should be accessible within reasonable carrying distance from the highway, they should not appear to dominate frontages.

4.27 Overall the proposed development is considered be appropriately scaled for this location, of an appropriate design and would result in a positive addition to the streetscene. It is therefore considered acceptable and policy compliant in these regards.

Impact on Residential Amenity

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

- 4.28 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 4.29 Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 of the Development Management requires that all development should (inter alia):
- 4.30 *“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight;”*
- 4.31 Due to the sympathetic height of the proposed development located immediately adjacent to the neighbouring property of 33 Grosvenor Road and its similarity to the current situation on site i.e. built form located close to the boundary, it is considered that the development would not result in an obtrusive or overbearing form of development which causes an unacceptable sense of enclosure to the detriment of amenities enjoyed by existing residential occupiers. Furthermore, it is not considered that the proposed development will be harmful to the amenities of properties to the immediate north or west of the site taking into account the overall separation distances and given the nature and comparative impact of the existing buildings on site in terms of overall scale, height and bulk.
- 4.32 The nearest neighbouring dwelling is 33 Grosvenor Road. As a result of the proposed development, the impact of built form upon this neighbouring dwelling would be reduced. For example, the existing elevation located nearest to no.33 currently projects more than 5 metres further rearwards than no.33. For the proposal, no.33 would project approximately 2.3 metres further than the proposed development. In addition, the nearest elevation facing no.33 would be located approximately 1.5 metres away, similar to the existing situation. The three windows which would be located adjacent to no.33 are all proposed to be obscurely glazed and would serve kitchens and are therefore non-habitable rooms i.e. not living rooms/bedrooms. It is considered that the proposed development would not result in unacceptable loss of privacy, light or overlooking, undue overbearing dominance, unacceptable sense of enclosure or material loss of outlook to the amenities of residential occupiers to the nearest residential dwelling to the south of the site (no.33) or any other neighbouring property due to the overall separation distances, design and orientation of buildings.

- 4.33 The development includes a rear projecting wing of single, two and three storey stepped height. This is roughly in the same position within the site as an existing single storey wing. Whilst the proposed wing is of a greater height than the existing wing and provides accommodation at first and second storey levels, the first and second storey accommodation has been designed to step away from the neighbours appropriately. The first floor part of the rear wing would be located approximately 14.5m from the south of the site (with the balconies a minimum of some 12m from the south of the site). The first floor of the building would be located approximately 14m from the north of the site and some 7.5m from the rear of the site, with the first floor accommodation including only a secondary window to the rear elevation in this location. The second storey accommodation is further removed from the boundaries of the site. As such, it is considered that the proposed wing to the rear of the site would not result in any material harm to the residential amenity of the adjoining residents in terms of dominance, an overbearing impact, loss of light and outlook or a material sense of enclosure.
- 4.34 The openings and balconies/terraces at the rear and south of the site would be of sufficient distance from the backs of houses in Whitefriars Crescent as well as 33 Grosvenor Road (with some 19m to rear of properties in Whitefriars Crescent and approximately 13m from no.33) so as not to result in material overlooking or harmful dominant impacts. In addition, the front balconies which add visual interest and articulation to the front elevation are not considered to result in unacceptable loss of privacy or overlooking to any neighbouring occupiers due to separation distances and as they overlook the highway.
- 4.35 The development is found to be acceptable and in compliance with the NPPF, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the guidance contained within the Design and Townscape Guide (2009) in these regards.

Living Conditions for Future Occupiers / Amenity Space

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

- 4.36 Paragraph 17 of the NPPF states that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. It is considered that most weight should be given to the Technical Housing Standards that have been published by the government which are set out as per the below table:
- Minimum property size 1 bedroom (1 person) 37sqm-39sqm, 1 bedroom (2 persons) 50sqm, 2 bedroom (3 persons) 61sqm and 2 bedrooms (4 persons) 70sqm
 - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m; and 11.5m for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.

- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

4.37 Weight should also be given to the content of policy DM8 which states the following standards in addition to the national standards;

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

4.38 The internal floorspace of each flat is as follows:

Ground Floor

2 x 1 bedroom, 2 person units (51m², 63m²)

2 x 2 bedroom, 3 person unit (66m², 74m²)

1 x 2 bedroom, 4 person units (77m²)

First Floor

1 x 1 bedroom, 2 person unit (57m²)

2 x 2 bedroom, 3 person units (66m², 69m²)

3 x 2 bedroom, 4 person units (74m², 77m², 82m²)

Second Floor

4 x 1 bedroom, 2 person units (54m², 56m², 58m², 58m²)

1 x 2 bedroom, 3 person unit (67m²)

- 4.39 Each of the units and their bedrooms exceed the nationally prescribed standards and would provide good-sized accommodation for future occupiers. Furthermore, all habitable rooms will be provided with windows to provide natural light, outlook and ventilation. It is considered that the standard of accommodation is good and would not be to the detriment of the living standards of the future occupiers. This is in compliance with National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies DM1, DM3 and DM8 and the National Technical Housing Standards and advice contained within the Design and Townscape Guide.
- 4.40 It is considered that the proposed layout offers permeability for pedestrians throughout the entire site including that the cycle parking area to the rear of the site is easily accessed by a pathway from the parking court within the site. In addition, the communal garden can be accessed from the rear or from a pathway at the front of the site. Low railings are proposed in order to differentiate between the public highway and private development proposed. It is considered that the layout of the development would provide a good living environment for future occupiers which is not cramped or contrived.
- 4.41 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. Policy DM8 also requires that 10% of dwellings in 'major applications' should be built to be wheelchair accessible. Part M4 (2) of the Building Regulations adopted by the National Technical Housing Standards 1st October 2015 requires the need to provide accessible and adaptable dwellings. The applicant has confirmed that all units will meet at least M4(2) with two ground floor flats (plot nos 3 and 5) in compliance with M4(3) providing wheelchair accessibility requirements. A wide range of people including older and disabled people and wheelchair users would be able to use the accommodation and its sanitary facilities and as fixtures and fittings would be reasonably accessible to people who have reduced reach.
- 4.42 One of the core planning principles of the NPPF is that the planning system should *"Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"*. Policy DM8 of the Development Management Document states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space. A communal garden area is proposed at ground floor to the rear of the building with views shielded from the public vista. This area amounts to approximately 160m², would be landscaped and is considered to provide a good standard of communal external private garden space.
- 4.43 Furthermore, each unit would benefit from small balconies (4m²) or a large terrace (plots 4, 5, 11 and 16) which would provide further private amenity space and in most instances a sitting-out area. Due to the good standard of internal accommodation, balconies or terraces for each unit and the external communal garden space described above. It is considered that the development includes acceptable private amenity spaces for the benefit of future occupiers.

- 4.44 For the reasons above it is considered that the proposal would result in appropriate development of the site and would result in a good standard of accommodation in compliance with the provisions of the National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3 and DM8 of the Development Management Document (2015) and advice contained within the adopted Design and Townscape Guide (2009). The proposal is therefore acceptable and policy compliant in these regards.

Highways and Transport Issues

National Planning Policy Framework, Policies KP2, CP3 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design and Townscape Guide (2009)

- 4.45 Policy DM15 of the Development Management Document states: *“5. All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context. Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity”*.
- 4.46 The site currently provides eleven off-street car parking spaces for the existing use, located on the site frontage. It should be noted that the Parking Standards are expressed as a maximum and local and national guidance encourages reduction in the reliance on the car and promotes methods of sustainable transport.
- 4.47 The adopted Vehicle Parking Standards state that at least one space should be provided for the proposed dwellings; amounting to 16 off-street parking spaces. The parking court located within the application site would provide off-street parking in satisfaction of the requirement, as well as safe and secure cycle parking within the rear of the site. Furthermore, the site is considered to be within a sustainable location, within reasonable walking distance to services and facilities within the nearby Hamlet Court Road area (10 minute walk), as well as close to public transport options such as local bus routes and Westcliff railway station.
- 4.48 The vehicle access to serve the development is proposed from Grosvenor Road, measuring 4.5m wide and this will provide access to the 16 parking spaces within the site. No objections have been raised by the Councils Highway Officer in relation to the parking provision and vehicle crossover from Grosvenor Road. There is sufficient space within the site for vehicles to exit in forward gear.
- 4.49 The transport statement accompanying this application states that the proposed development would generate less than one vehicular trip every 12 minutes and would therefore have negligible impact on the local highway network. Furthermore, the applicant has submitted a Stage 1 safety audit which demonstrates that the provision of visibility splays and other mitigation measures will ensure that the proposed development is not considered harmful to the highway network. Subject to the mitigation measures recommended within the safety audit, the development would not harmfully impact upon highway or pedestrian safety, nor result in vehicle

conflict to a degree that would justify a refusal of planning permission

- 4.50 The proposed development is therefore fully compliant with the adopted parking standards, provides safe access and egress within the site and is not considered to cause additional on street parking to the detriment of highway and pedestrian safety and the local highway network. The proposed development is therefore found to be acceptable and Policy compliant in its parking and highway safety implications.

Waste Management

- 4.51 The application is accompanied by a waste strategy within the submitted Sustainability Statement stating that the bin store is to be located at the front of the building within easy access of Grosvenor Road, in accordance with DM8 of the Development Management Document. In addition, this area would benefit from sufficient access to ensure the bins can be moved from the communal bin store and will not be obstructed. Each flat occupier will be responsible for bringing their waste down to the communal bin store and sorting the waste in to the relevant designated bins. It is considered that a waste management plan for the development should be required through a condition.

Cycle storage

- 4.52 16 cycle spaces are proposed within a secure location at the rear of the site. The cycle parking provision is policy compliant with policy DM15 of the Development Management Document and further details of how the cycles can be dealt with by condition.
- 4.53 Subject to the above, the proposal is considered to comply with the relevant highways policy in terms of access and level of parking provision, servicing and cycle/refuse storage.

Sustainable Construction

National Planning Policy Framework; Core Strategy (2007) policies KP2, Development Management Document Policy DM2 and the Design and Townscape Guide (2009).

Renewable Energy

- 4.54 Policy KP2 of the Core Strategy states; “*All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources*” and that “*at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*”. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design.
- 4.55 Policy DM2 of the Development Management Document is clear that there is an identified need for increased water efficiency measures to be integrated into new developments to take account of the water resourcing issues identified in

Essex. In particular, part (iv) of Policy DM2 requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd 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. On a national level, the NPPF states that in order to support a low carbon future, Local Planning Authorities should set sustainability standards in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards. Whilst details have not been submitted for consideration at this time, this can be dealt with by condition.

- 4.56 The applicant has submitted a Sustainability Statement stating that the roofspace will successfully provide solar PV panels in compliance with policy KP2 of the Core Strategy and policy DM2 of the Development Management Document. Whilst the calculations of the renewable energy have not been provided at this stage, it is considered that this would be adequate to address the abovementioned requirements through the imposition of a condition. In addition, the applicant states that the proposed development will be installed with highly efficient gas fired boilers. It is considered that an appropriate condition in relation to the submission of details and features could be imposed to any positive decision in order to ensure the proposed units will achieve the 10% renewable energy requirement, as set out by Policy KP2 of the Southend Core Strategy.

Trees and Soft Landscaping

- 4.57 The existing site frontage is predominantly laid to hard surfacing, with a small amount of low-quality soft landscaping. There is a turfed rear garden with perimeter trees which it is proposed to retain.
- 4.58 The submitted plans show that the proposal includes removal of 2 shrubs at rear, and retention of 14 trees and shrubs, as well as planting of 3 additional trees on site including 2 at the site frontage. It is considered that this would represent an enhancement of the quality of the site and surroundings, consistent with the objectives of the above policies relating to sustainability and to those requiring a high standard of design.

Drainage (SUDS)

- 4.59 In addition to the proposed soft landscaping, the proposed areas of hardstanding are confirmed to be of permeable surfaces i.e. asphalt and block paving. Whilst the proposed development would result in improvements in surface water management across the site, however, it is considered that a suitable condition should be imposed in order to ensure a full drainage strategy is delivered to comply with development plan policies.

Community Infrastructure Levy

- 4.60 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The proposed development will result in a gross internal area of approximately 1,384m² and this would result in a net increase in gross internal

area of 164m² (taking into account a deduction of 1,220m² of existing 'in-use' floorspace that is being demolished). The resulting total CIL contribution for this site is approximately £11,845.85 based on the rate applicable for CIL Charging Zone 3. However, this is subject to confirmation and may also be significantly reduced if the applicant is able to claim Social Housing relief.

Planning Obligations

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (NPPG), 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)

4.61 Core Strategy Policy KP3 requires that:

"In order to help the delivery of the Plan's provisions the Borough Council will:

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

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

4.62 Affordable Housing – Although the development may be delivered as 100% affordable housing, due to funding issues the applicant has requested that the scheme be considered on the basis of an affordable housing provision of 4 dwellings. This complies with policy DM7 and will be secured by a Section 106 agreement. The applicant has offered the following:

2 x 1 bedroom (2 person) dwellings	Affordable Rent
1 x 2 bedroom (3 person) dwellings	Affordable Rent
1 x 1 bedroom (2 person) dwellings	Shared Ownership

Strategic Housing have confirmed that the proposed affordable housing offer is acceptable, meeting both need and policy.

4.63 Education – Due to the increased demand on school capacity, a financial contribution will be required prior to commencement towards secondary education provision of £5,087 (index-linked), specifically providing increased capacity at Chase High School. In the event that the scheme is delivered as 100% affordable housing, an education contribution would not be requested. This matter can be dealt with in the S106 agreement. It is noted that CIL covers primary school provision.

- 4.64 The Section 106 contributions proposed are considered to meet the tests set out in the CIL Regulations 2010 (as amended). Without the contributions that are set out above the development could not be considered acceptable. Therefore, if the S106 agreement is not completed within the relevant timescale the application should be refused. An option to this effect is included within the recommendation in Section 10.

Conclusion

- 4.65 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 loss of the existing use and the mix of units is found to be acceptable taking into account the history of the site and current housing need. The proposal would provide adequate amenities for future occupiers, have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the locality more widely. The highways impacts of the proposal are not considered to be such that they would cause a conflict with development plan policies. This application is therefore recommended for approval subject to completion of a S106 Agreement and to conditions.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework
- 5.2 Core Strategy 2007 Policies KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance) CP6 (Community infrastructure); and CP8 (Dwelling Provision)
- 5.3 Development Management Document 2015: Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), Policy DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), Policy DM9 (Specialist Residential Accommodation) and DM15 (Sustainable Transport Management)
- 5.4 Supplementary Planning Document: Design & Townscape Guide 2009
- 5.5 Supplementary Planning Document: Planning Obligations 2015
- 5.6 Community Infrastructure Levy Charging Schedule 2015

6 Representation Summary

Design and Regeneration

- 6.1 No objections following design amendments in line with original comments.

Traffic and Transportation

- 6.2 No objections.

Education

- 6.3 This application falls within the primary school Catchment areas for Barons Court and Milton Hall Primary Schools who share a catchment area. All secondary schools within acceptable travel distance are oversubscribed. An expansion programme is currently underway within all the non-selective schools in Southend and any further developments with the area, even flats, will add to this oversubscription. A contribution towards the Secondary expansion of Chase High School of £5,086.36 is therefore requested.

In the event that the scheme is delivered as 100% affordable housing, an education contribution would not be requested. This matter can be dealt with in the S106 agreement.

Essex and Suffolk Water

- 6.4 Our records show that we do not have any apparatus located in the proposed development.

We have no objection to this development subject to compliance with our requirements; consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

Environmental Health

- 6.5 No objection subject to conditions in relation to demolition and construction.

Strategic Housing

- 6.6 The scheme is providing the requisite amount of affordable housing and therefore the Strategic Housing Team support the application in terms of tenure, type and quantity of affordable housing offered.

7 Public Consultation

- 7.1 A site notice was displayed on site and 106 letters sent to neighbouring properties notifying them of the proposal.

Five letters of representation were received; one letter of comment requesting information on numbers of parking spaces on site and three objections which raise the following points;

- No security gates;
- Increase in light pollution;
- 'Terraces';
- Overlooking to neighbouring occupiers and loss of privacy;
- Concern that trees may not be replanted;

- The rear roof terrace should be removed;
- Lack of parking in area, concerns of insufficient parking;
- Loss of privacy;
- Overbearing impacts;
- Too many flats;
- Noise impacts;
- Loss of view.

7.2 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 None.

9 Recommendation

Members are recommended to:

(a) **DELEGATE to the Director of Planning and Transport or Group Manager of Planning & Building Control to GRANT PLANNING PERMISSION subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to secure the provision of:**

- **A minimum of 4 units of affordable housing units including:**

2 x 1 bedroom (2 person) dwellings	Affordable Rent
1 x 2 bedroom (3 person) dwellings	Affordable Rent
1 x 1 bedroom (2 person) dwellings	Shared Ownership
- **A financial contribution towards secondary education provision of £5,087 (index-linked), specifically providing increased capacity at Chase High School.**

(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: 1667_SLP-01, 17204_001, 17204_002, 17204_003, 17204_004, 1667_P-01, 1667_P-02-A, 1667_P-03-A, 1667_P-04-A, 1667_P-05-A, 1667_P-06-A, 1667_P-08, 1667_P-09-A, 1667_P-10-A**

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

- 03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including balconies, balustrades, screening and 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 before it is occupied.**

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the BLP and policies DM1 and DM3 of the Development Management Document 2015

- 04 No construction works other than demolition works shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. 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 (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, 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 any of the development is first 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 Policy CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy DPD1 and policies DM1 and DM3 of the Development Management DPD 2015.

- 05 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to first occupation of any of the development. The landscaping of the site shall be managed in accordance with the approved plan 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 DPD1 and Policy DM1 of the Development Management DPD 2015.

- 06 No part of the development shall be occupied until space has been laid out within the site in accordance with drawing 1667 P-02 A for 16 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 shall be permanently retained thereafter for the parking of occupiers to the development and their visitors.**

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

- 07 No part of the development shall be occupied until details of refuse and recycling facilities, a waste management plan and service plan have been submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities, waste management and servicing of the development shall thereafter be implemented in accordance with the approved details before first occupation of any of the development and shall be permanently maintained 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.

- 08 No part of the development shall be occupied until details of the secure, covered cycle parking spaces to serve the residential development and cycle parking spaces have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to first occupation of the development and shall be permanently maintained thereafter.**

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

- 09 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, 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**
- vii) measures to limit noise and disturbance.**

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 DPD1 with CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

10 No development shall take place, other than demolition works, 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 (and thereafter managed) in accordance with the approved details before any of the development is first occupied and 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 Policy KP2 and CP4 of the Core Strategy 2007 and area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM2 of the Development Management DPD 2015.

11 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 first occupation of any part 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 and Development Management Document policy DM2.

12 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 DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 13** Before the development is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 2 of the flats hereby approved comply with the Building Regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 14 flats comply with the Building Regulation part M4(2) 'accessible and adaptable dwellings' standard.

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, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

- 14** Notwithstanding the details shown in the plans submitted and otherwise hereby approved the dwellings hereby granted consent shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, materials and location of all privacy screens to be fixed to the proposed building. Before any of the building hereby approved is first occupied the development shall be implemented in full accordance with the agreed details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To safeguard character and appearance of surrounding area and the amenities of neighbouring occupiers 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.

- 15** 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 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 (NPPF), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and The Design and Townscape Guide (2009).

In the event that the planning obligation referred to in part (a) above has not been completed before the 9th March 2018 or an extension of this time as may be agreed by the Director of Planning and Transport or Group Manager (Planning & Building Control) authority is delegated to the Director of Planning and Transport or the Group Manager (Planning and Building Control) to refuse planning permission for the application on the grounds that the development will not secure the necessary contributions to affordable housing or education provision. As such, the proposal would be contrary to Policies KP2, KP3, CP6, CP8 and DM7 of the development plan.

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

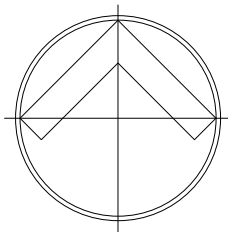
Informatives

- 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 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 the provision of affordable housing, a financial contribution towards secondary education.**

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Site location plan



Scale @ 1:1250

Planning

Chalkwell Lodge Site

Westcliffe-on-Sea

Site location plan

drawing number	revision	scale @ A4	date	drawn	checked
1667 SLP-01	-	1:1250	08.06.2016	SH	SC

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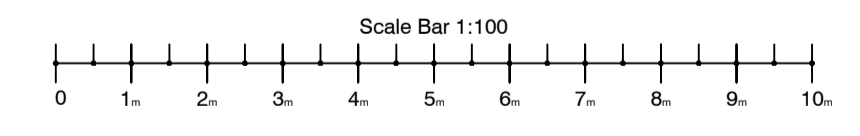


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109

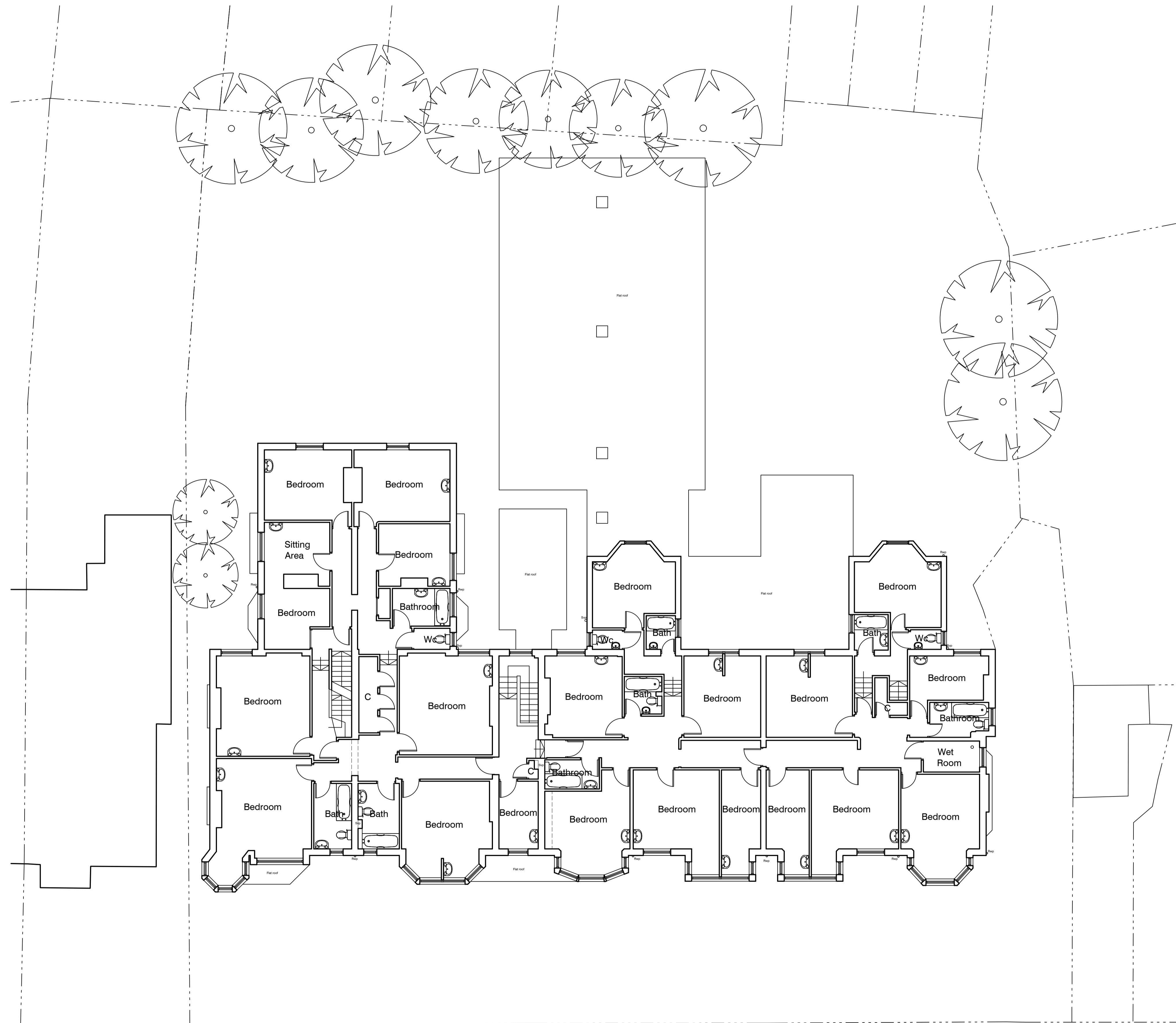


GROSVENOR ROAD



CONTRACT	SCALE	1:100.
Chalkwell Lodge	DATE	August 2017.
35-41 Grosvenor Road	DRAWN	
Southend-on-Sea, Essex. SS0 8EP.	CHECKED	D.F.
TITLE	DRAWING No.	17204_001.
Existing Ground Floor Plan.	REVISION	

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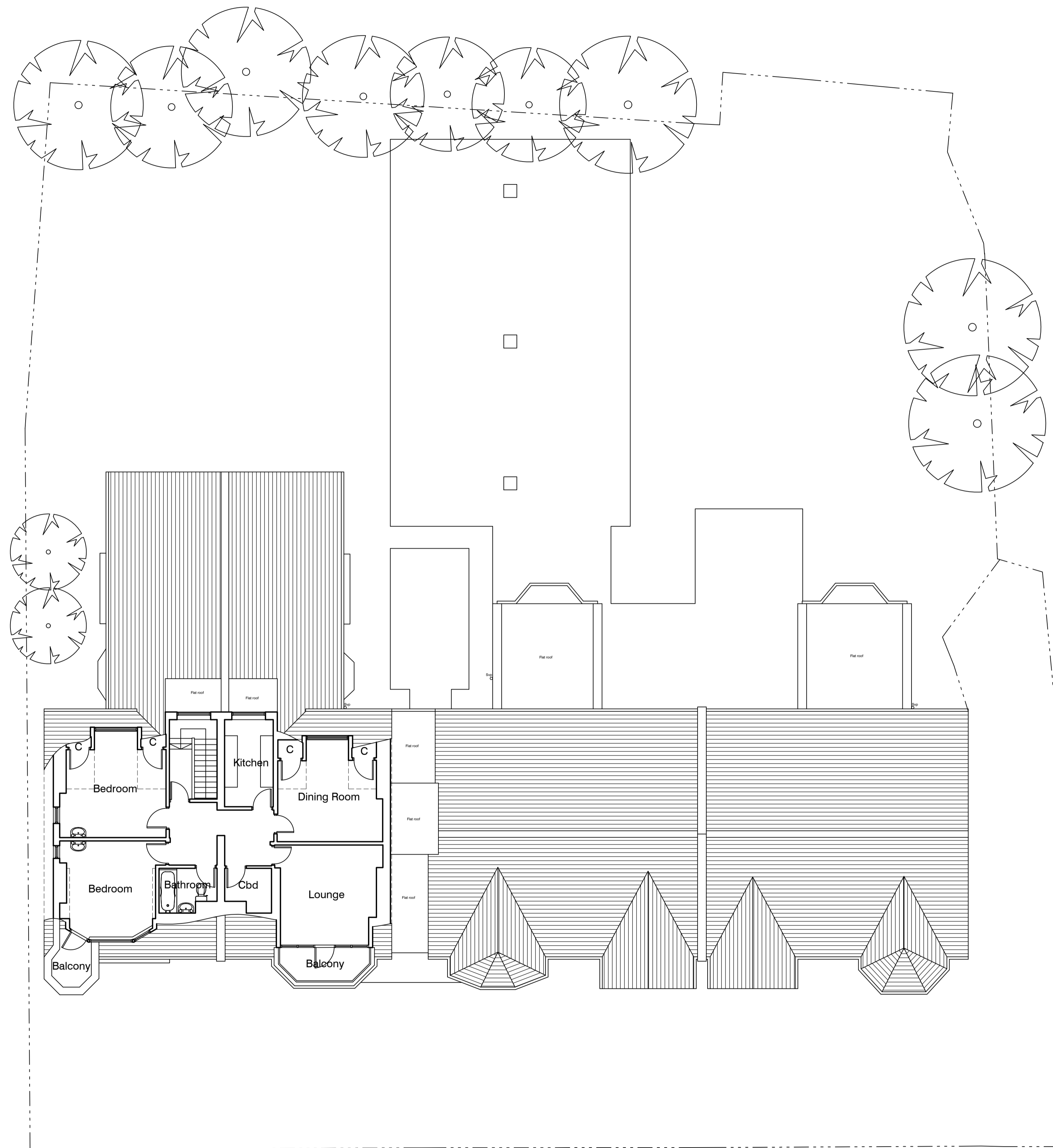


111



CONTRACT	SCALE	1:100.
Chalkwell Lodge	DATE	August 2017.
35-41 Grosvenor Road	DRAWN	
Southend-on-Sea, Essex. SS0 8EP.	CHECKED	D.F.
TITLE	DRAWING No	17204_002.
Existing First Floor Plan.	REVISION	

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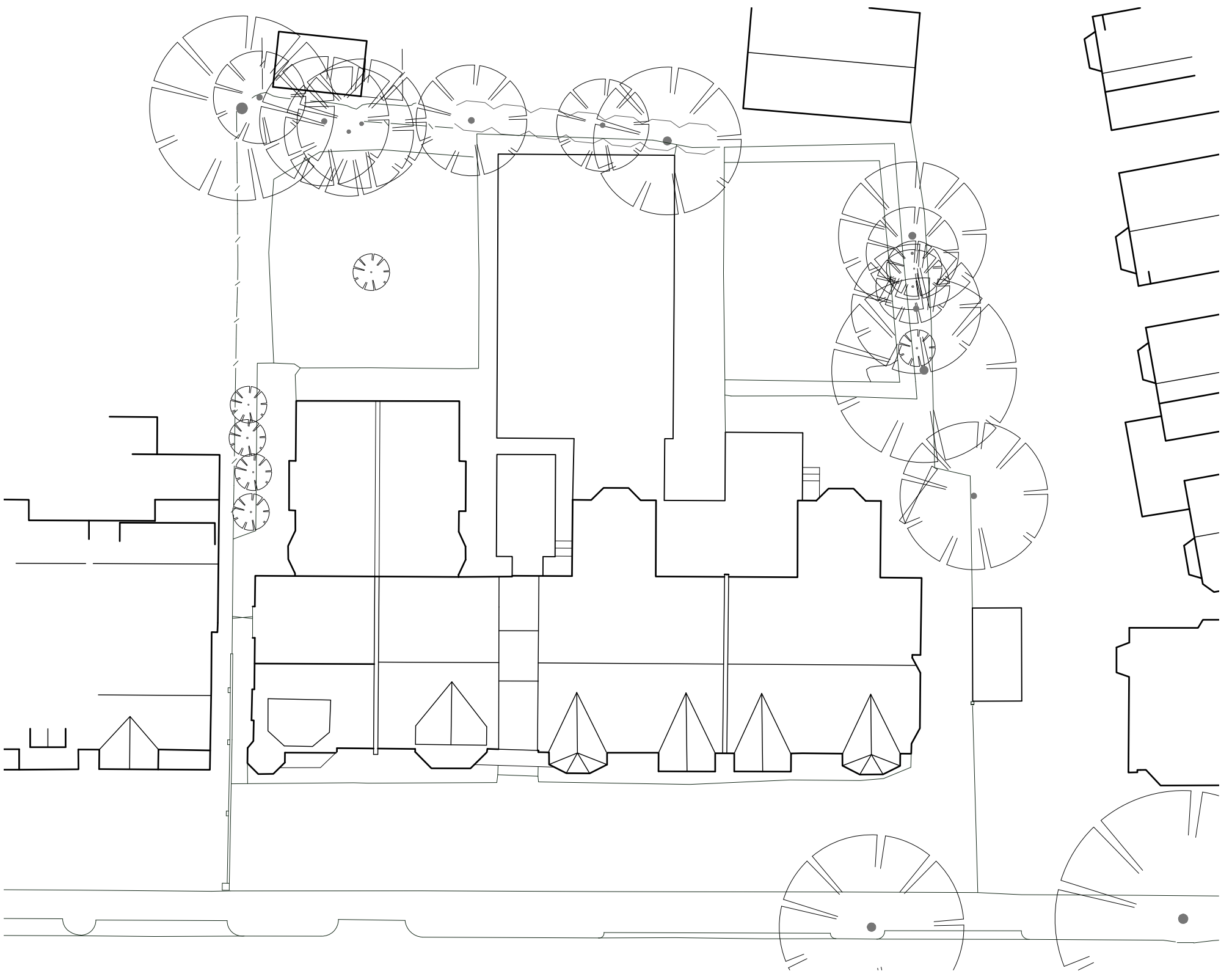


113



CONTRACT	SCALE	1:100.
Chalkwell Lodge	DATE	August 2017.
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TITLE	DRAWING No.	17204_003.
Existing Second Floor Plan.	REVISION	

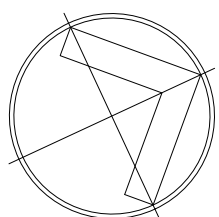
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Existing roof plan
1:250



Existing front elevation
not to scale



Planning

Chalkwell Lodge Site

Westcliff-on-Sea

Existing plan and elevation

drawing number	revision	scale @ A3	date	drawn	checked
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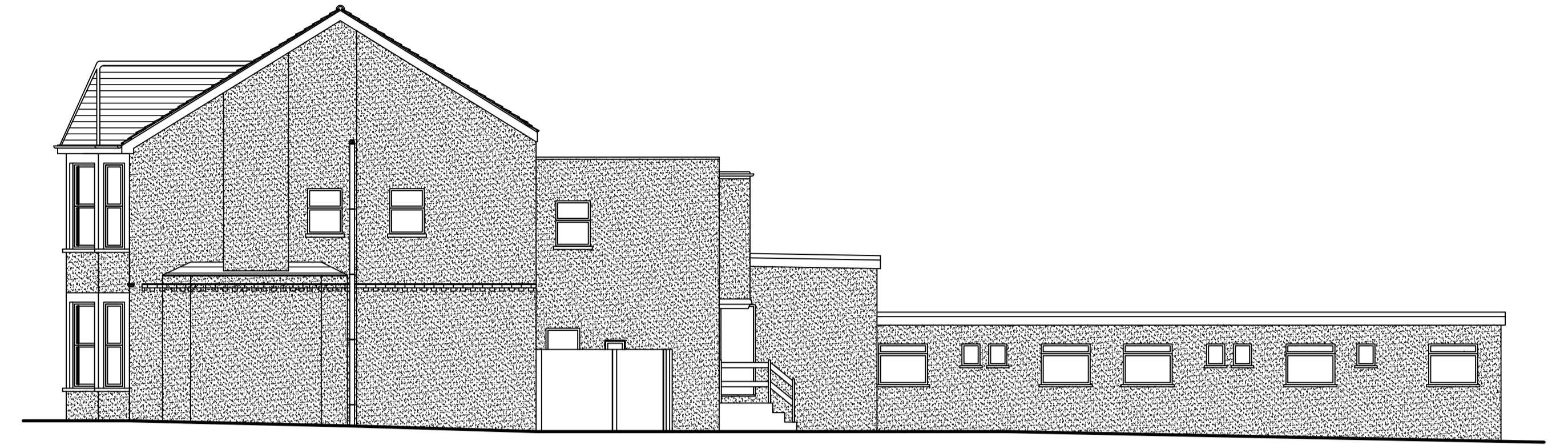
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EXISTING FRONT ELEVATION



EXISTING RIGHT SIDE ELEVATION
(viewed from No. 1-7)

117



EXISTING REAR ELEVATION



EXISTING SIDE ELEVATION
(viewed from No. 33)



CONTRACT	SCALE
Chalkwell Lodge	1:100.
35-41 Grosvenor Road	DATE August 2017.
Southend-on-Sea, Essex. SS0 8EP.	DRAWN
	CHECKED D.F.
TITLE	DRAWING No.
Existing Elevations.	17204_004.
	REVISION

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Proposed streetscene looking north-west



Proposed streetscene looking south-west



Existing streetscene looking north-west



Existing streetscene looking south-west

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up sc

Planning

Chalkwell Lodge Site

Wescliffe-on-Sea

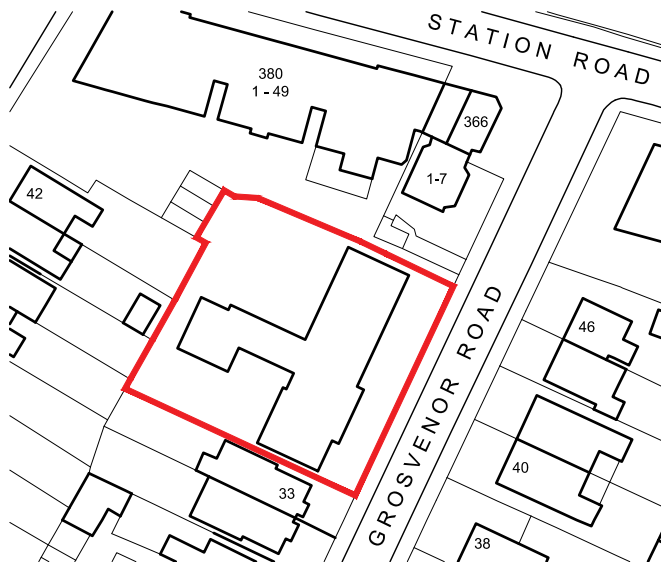
Proposed & existing streetscene

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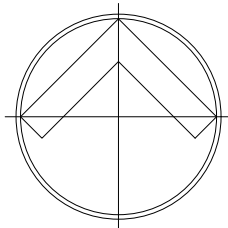
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Proposed block plan



Scale @ 1:1250

Planning

Chalkwell Lodge Site

Westcliffe-on-Sea

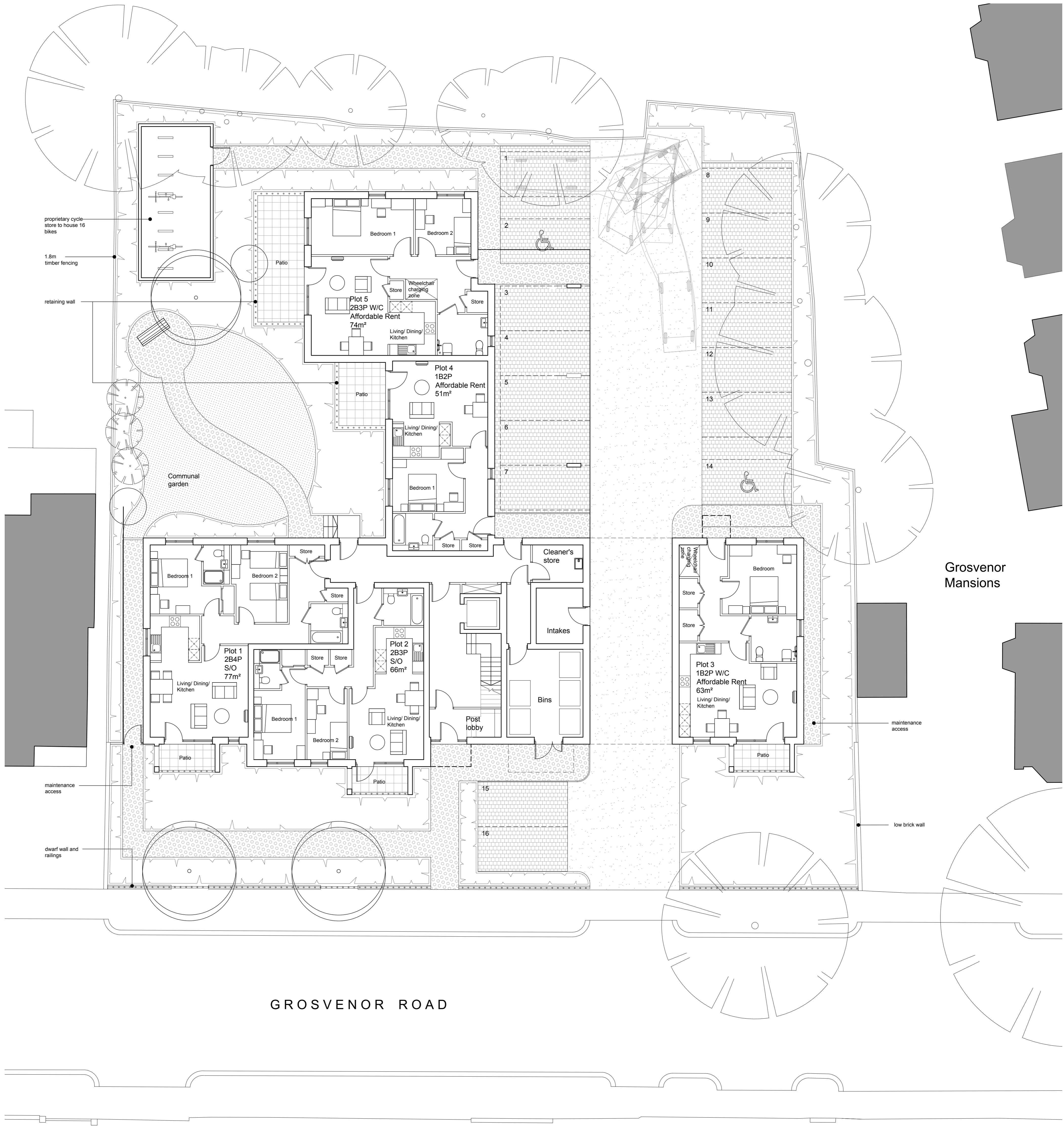
Proposed block plan

drawing number	revision	scale @ A4	date	drawn	checked
1667 P-01	-	1:1250	08.06.2016	SH	SC

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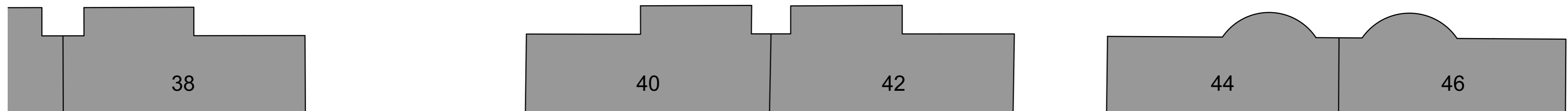


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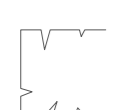


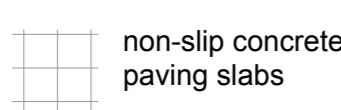
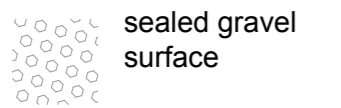
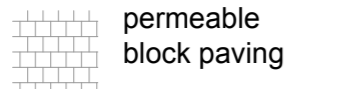
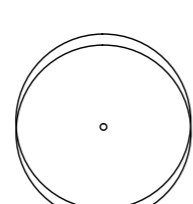
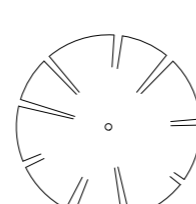
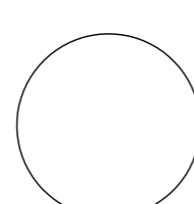


Grosvenor Mansions

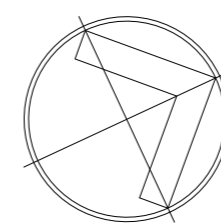
GROSVENOR ROAD



KEY

-  planting beds
-  permeable asphalt
-  grassed area
-  non-slip concrete paving slabs
-  sealed gravel surface
-  permeable block paving
-  proposed tree
-  existing tree retained
-  existing bush removed

NOTES:
All boundary treatments subject to Design out Crime Officer and Secured by Design requirements



Planning

Chalkwell Lodge Site
Westcliff-on-Sea
Ground floor & site plan

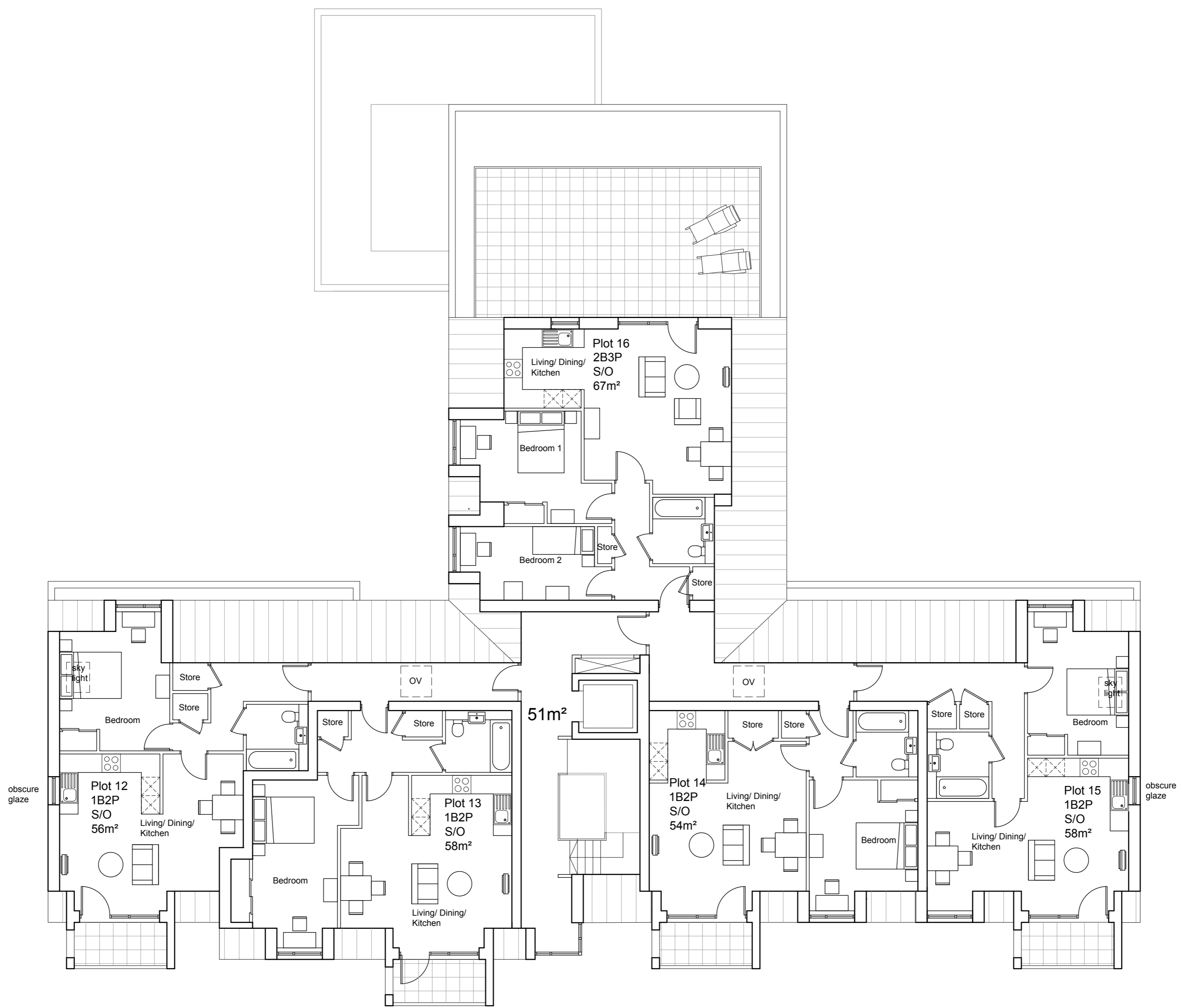
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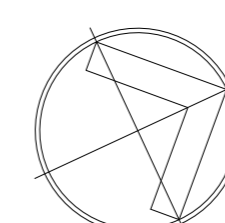
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First Floor Plan



Second Floor Plan



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Planning
Chalkwell Lodge Site
 Westcliff-on-Sea
 First & Second floor plans

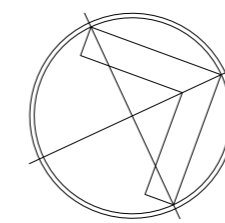
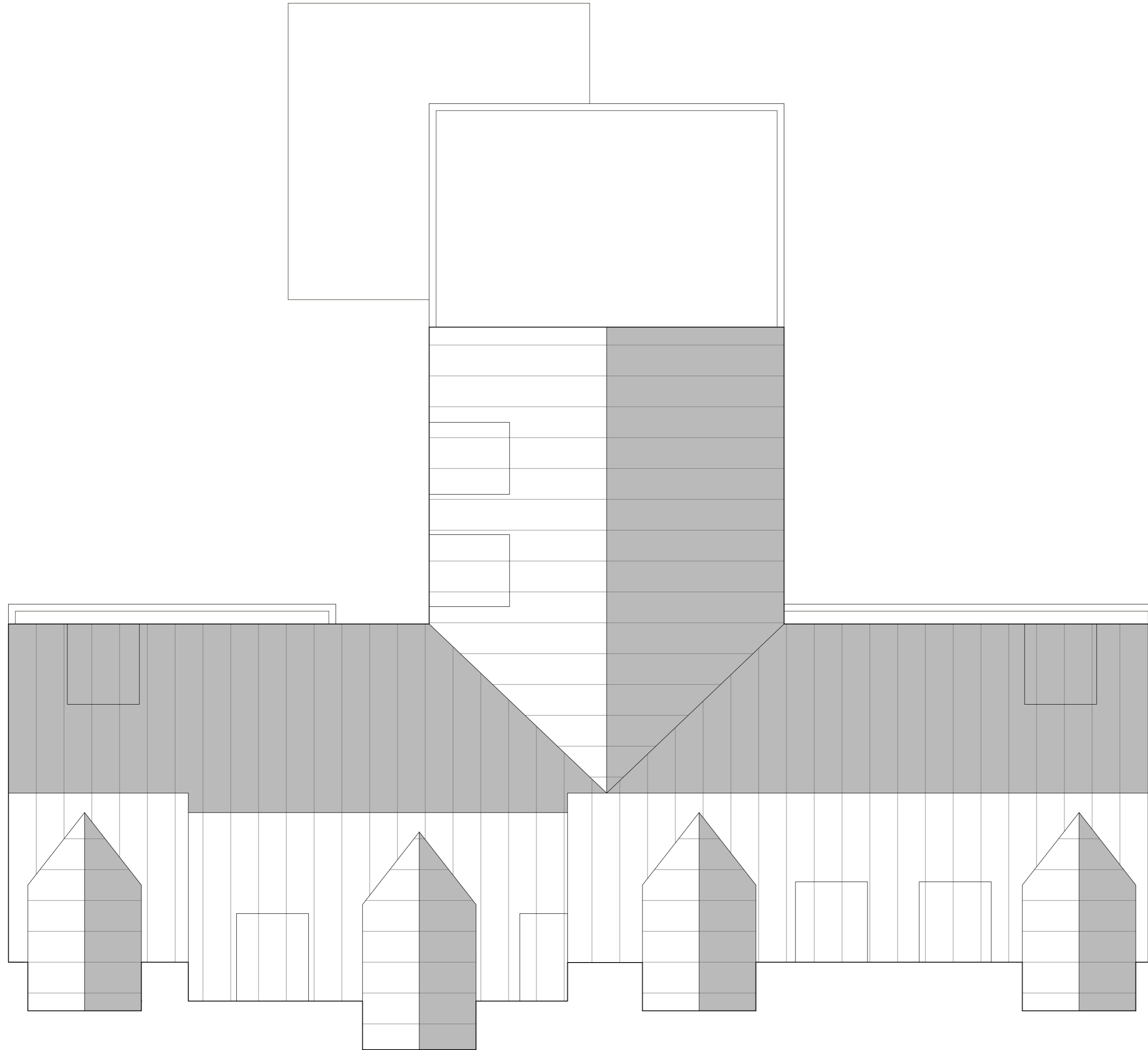
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 Scale @ 1:100

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1667 P-03	A	1:100	08.06.17	SH	SC

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0 1 2 3 4 5 6 7 8 9 10m
Scale @ 1:100

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up sc

Planning

Chalkwell Lodge Site

Westcliff-on-Sea

Roof Plan

drawing number	revision	scale @ A2	date	drawn	checked
1667 P-04	A	1:100	08.06.2017	SH	SC

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projecting brick feature panel

South-East elevation

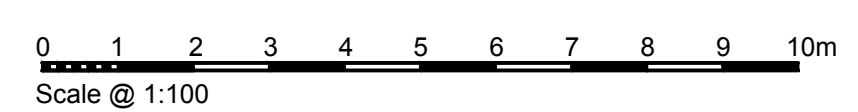


location of proprietary cycle store

South-West elevation

Materials schedule

- External walls**
 - Red/ brown stock brickwork to areas indicated.
 - Self-coloured proprietary render to indicated areas.
 - Dark standing seam zinc cladding to projecting bays.
- Roofs**
 - Dark standing seam zinc cladding to main roof.
 - Planted system roof to lower roof as indicated on floor plans
 - Zinc gutters and downpipes.
- Windows and doors**
 - Generally dark grey PCC aluminum windows and doors.
- Features**
 - All windows and doors to openings to have min 150mm deep reveal with returned brick.
 - Zinc capping to parapet walls.
 - Bin store doors to be PCC aluminium louvered doors.
 - PCC steel structure balconies (to match window/ door colour).
 - Frameless glass guarding to front feature balconies.
 - PCC vertical railings to all other balconies and terraces (to match window/ door colour).
 - PCC steel railings and gates to pedestrian & vehicular areas.



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Planning
Chalkwell Lodge Site
 Elevations
 South-East & South-West

drawing number	revision	scale @ A1	date	drawn	checked
1667 P-05	A	1:100	08.06.2017	SH	SC

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North-West elevation

Materials schedule

External walls

Red/ brown stock brickwork to areas indicated.
Self-coloured proprietary render to indicated areas.
Dark standing seam zinc cladding to projecting bays.

Roofs

Dark standing seam zinc cladding to main roof.
Planted system roof to lower roof as indicated on floor plans
Zinc gutters and downpipes.

Windows and doors

Generally dark grey PCC aluminium windows and doors.

Features

All windows and doors to openings to have min 150mm deep reveal with returned brick.
Zinc capping to parapet walls.
Bin store doors to be PCC aluminium louvered doors.
PCC steel structure balconies (to match window/ door colour).
Frameless glass guarding to front feature balconies.
PCC vertical railings to all other balconies and terraces (to match window/ door colour).
PCC steel railings and gates to pedestrian & vehicular areas.

131



North-East elevation

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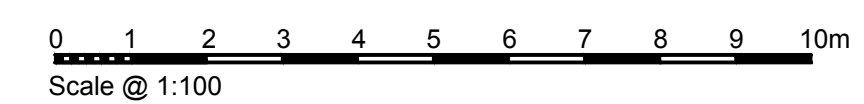
up sc

Planning
Chalkwell Lodge Site
Elevations

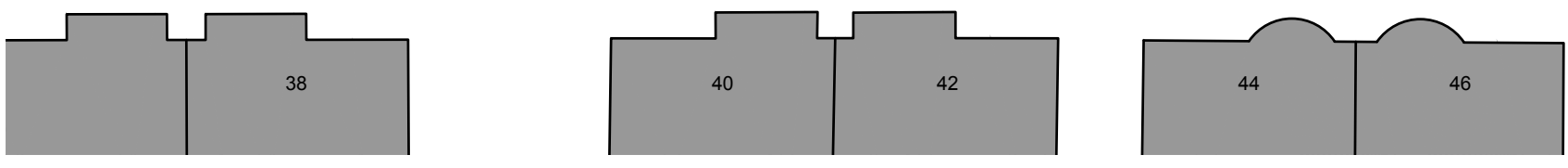
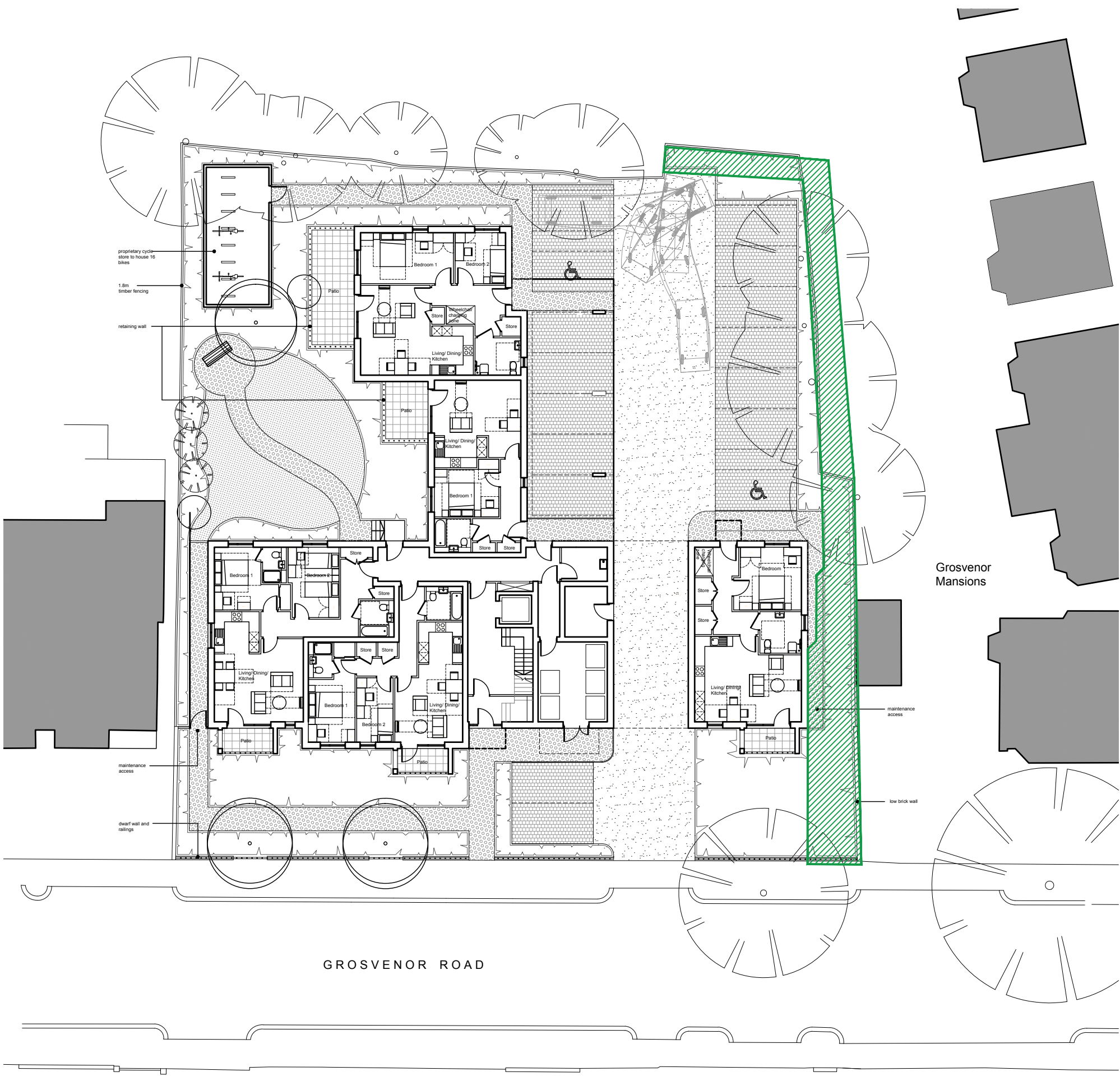
North-East & North West

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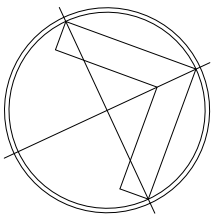
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Key
 Hatch indicating areas of land with a right of access



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up sc

Planning
Chalkwell Lodge Site
 Westcliff-on-Sea
 Right of access plan

0 1 5 10 15 20 25m

Scale @ 1:250

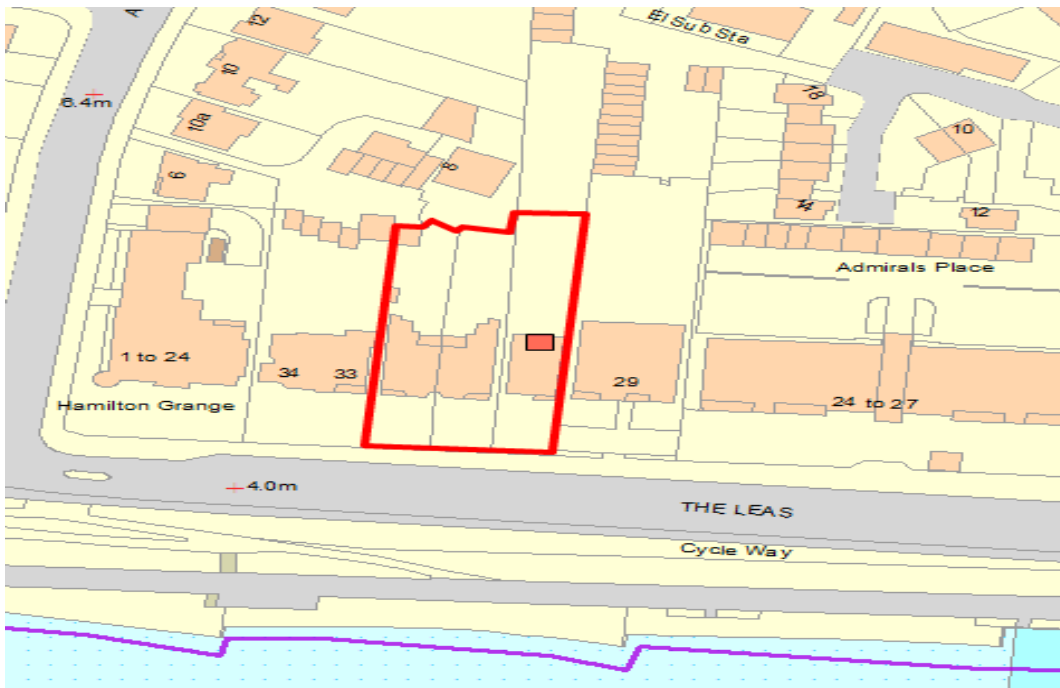
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Reference:	17/02047/FUL	<h1>8</h1>
Ward:	Chalkwell	
Proposal:	Demolish existing buildings, erect part three/part four storey building comprising of 9 self contained flats, layout lower ground parking and cycle store and form vehicular access onto The Leas	
Address:	30-32 The Leas, Westcliff-on-Sea, Essex, SS0 8JB	
Applicant:	Elmore Homes Limited	
Agent:	APS Design Associates Ltd	
Consultation Expiry:	11.01.2018	
Expiry Date:	08.03.2018	
Case Officer:	Janine Rowley	
Plan Nos:	2556 01; 2556 02; 2556 03; 2556 04; 2566 05; 2566 06; 2566 07; 2566 08	
Recommendation:	REFUSE PLANNING PERMISSION	



The Proposal

- 1.1 Planning permission is sought to demolish the existing buildings at 30-32 The Leas and erect a part three and part four storey building comprising of 9 self-contained flats, layout lower ground parking and cycle store and form a vehicular access onto The Leas. The site forms part of Crowstone Conservation Area.
- 1.2 30 The Leas is a two storey dwelling house while 31 and 32 The Leas are 3 storey dwellings that have been converted into flats. 31 and 32 are vacant and in a poor seemingly neglected condition, open to the elements.
- 1.3 The proposed building is 25.8m wide; set 1m in from the boundaries to the east and west of the site with a depth of 18m to 19m (excluding terraces) and a height of 12.6m rising to 14.7m. The proposed materials include plain concrete tiles, powder coated aluminium windows, composite doors, white and grey render to the external elevations and rainscreen cladding.

The proposed 9 flats comprise 8 x 3 bed units and 1 x 2 bed units (it should be noted drawing 04 has been annotated incorrectly for the flat type as this differs from floorplans). The internal floorspace proposed per unit is:

- Flat 1-3 bedroom (5 persons) 116sqm
 - Flat 2-3 bedroom (5 persons) 125sqm
 - Flat 3-3 bedroom (6 persons) 126sqm
 - Flat 4-3 bedroom (5 persons) 120sqm
 - Flat 5-3 bedroom (6 persons) 124sqm
 - Flat 6-3 bedroom (6 persons) 126sqm
 - Flat 7-3 bedroom (5 persons) 162sqm
 - Flat 8-3 bedroom (6 persons) 125sqm
 - Flat 9-2 bedroom (4 persons) 135sqm
- 1.4 16 parking spaces are proposed to the basement. The proposal will also include cycle storage at the basement level.
 - 1.5 Amenity space will take the form of private terraces for each flat, a communal garden and terrace area to the rear of the site.
 - 1.6 The application is accompanied by a Design and Access Statement, Structural Appraisal Report, Flood Risk Assessment and Arboricultural Report.
 - 1.7 There is an extensive history relating to this site. The most relevant application is 15/01492/FUL, which sought planning permission to demolish the existing buildings and erect a part two/part three/part four and part five storey building comprising of 9 self-contained flats with balconies, cycle and refuse storage, lay out parking and landscaping and form new vehicular access onto The Leas. The application was refused planning permission for the following reason:
 1. *“The proposed development will result in the loss of buildings which make a significant contribution to the character of the Crowstone Conservation Area and historical reference to seafront architecture within Westcliff-on-Sea.*

Furthermore, the proposed replacement building by reason of its scale, bulk, mass, siting and design would fail to integrate with the streetscene and wider seafront and would fail to preserve or enhance the character of the Crowstone Conservation Area to the detriment of the character of the area contrary to the NPPF, Policies KP1, KP2 and CP4 of the Core Strategy (DPD1), Policies DM1 and DM5 of the Development Management Document and the Design and Townscape Guide (SPD1)”.

1.8 The appeal following the above application 15/01492/FUL was subsequently dismissed (reference: 3149155) and will be discussed further within the Appraisal section of this report. The main conclusions of the appeal decision by the Inspector were that:

- The proposed block would be significantly taller and wider than the traditional buildings it would replace;
- The development would be highly prominent in the streetscene particularly when approaching from the east where the proposed forward projection and turret would partly restrict views of Crowstone House;
- The proposed roof rising significantly above the roof line of No 29 The Leas would dominate the skyline of the Conservation Area;
- The prominence, scale and positioning, and the proposed building in place of the modest traditional buildings which complement Crowstone House, would be a dominant feature of the Conservation Area which would detract from the setting of Crowstone House and thus the overall significance of the Conservation Area.
- The development would fail to preserve the character and appearance of the Conservation Area.
- There are other buildings along the Seafront of a similar age and construction to no
- Based on the evidence submitted the condition of Nos 30-32 is the result of a lack of appropriate maintenance over a considerable period of time. Therefore little weight has been attached to the current condition of Nos 30-32.

1.9 The main changes from the previously refused planning application and subsequent appeal include:

- The design approach has changed to a contemporary interpretation intended to replicate the general form of the frontage of no. 31 and 32 The Leas with modern fenestration and detailing and a modern box addition on the east side on the site of number 30.
- The width of the building has increased from 25.3m to 25.8m;
- The depth has reduced from 23m to between 18m to 19m;
- The height has reduced from 17.7m to between 12.6m and 14.7m

2 Site and Surroundings

- 2.1 The application site consists of 3 buildings within The Leas. No.30 is a detached two storey dwelling house and No's. 31 and 32 is a pair of semi-detached properties which contain self-contained flats and non-self-contained accommodation on 3 floors. No.30 The Leas is the only dwelling house within the street block between Crowstone Avenue and Grosvenor Road (the rest are flats). The plot of land on which No.30 The Leas sits, extends some distance to the north up to the end of Grosvenor Mews and behind a number of properties fronting Crownstone Avenue. It sits within the Crowstone Conservation Area.
- 2.2 The street block in which the application site sits has undergone significant redevelopment over the last 15 years. This redevelopment has seen much of the original urban fabric removed and replaced with blocks of flats of varying design and scale, several of which were allowed on appeal. The application site contains 3 original Edwardian buildings which have been extended and altered in the past but retain characteristic architectural features. The heights of buildings within the street block vary from 2 storeys up to 11 storeys, with the general character of the area being residential.
- 2.3 Each property currently has a vehicular access to a forecourt with off street parking. There is also vehicular access to the rear of the application site from Crowstone Avenue.
- 2.4 The rear of 30 The Leas has been granted planning permission for the erection of three two storey dwellinghouses with vehicle access via Grosvenor Mews (11/01485/FUL), which is extant.

3 Planning Considerations

- 3.1 The main considerations are the principle of the development, flood risk, design and impact on the character of the area and the conservation area, traffic and transportation issues, impact on residential amenity, amenities of future occupiers, sustainable construction, CIL and whether the proposal has overcome the previous reasons for refusal of application 15/01492/FUL and its dismissal on appeal.

4 Appraisal

Principle of Development

Principle of Development

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP1, KP2, CP3, CP4, and CP8; Development Management Document (2015) Policies DM1, DM3, DM5, DM6, DM7, DM8 and the Design and Townscape Guide (2009), Crowstone Conservation Area Appraisal (2009).

- 4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64 and Core Strategy Policies KP1, KP2, CP4 and CP8. The core planning principles of the NPPF state the need to:

“Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”

Paragraph 56 of the NPPF states; “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

Paragraph 64 of the NPPF states; “that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

4.2 Policy DM3 of the Development Management Document states:

“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.”

4.3 Policy DM6 of the Development Management Document requires all new development within the Seafront Area to ensure that *“existing buildings along the seafront form a cohesive frontage, have a historic context or are recognised as key landmarks and/or contribute to a distinctiveness Southend Southend sense of place will be retained and protected from development that would adversely affect their character, appearance, setting and the importance of the Seafront.”*

All development within the Seafront Area must accord with the development principles set out in Policy Table 1 of Policy DM6 of the Development Management Document:

“4. Chalkwell Esplanade to San Remo Parade

‘(iv) Resist inappropriate development fronting the Seafront to ensure that established seafront architectural style and form is maintained in this location.

(v) The total or partial demolition of a heritage asset will be resisted, in accordance with Policy DM5, where there is no clear and convincing justification for this.

(vi) In all areas the vernacular form and fine urban grain of the seafront that defines this character zone will be preserved. Further amalgamation of existing plots and large format bulky buildings are not considered appropriate and will be resisted.

(vii) The low rise height of existing buildings should also be maintained in future development. Development will only be allowed where it is appropriate to context and where it adds to the overall quality of the area.”

4.4 The above policy is reinforced by Policy DM5 of the Development Management Document given that this site is within the Crowstone Conservation Area. Policy DM5 states:

“2. Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this. High quality redevelopment of existing buildings within conservation areas which are considered to be of poor architectural quality will be encouraged”.

4.5 This site is in a prominent location on the seafront and can be viewed from a considerable distance in both directions along the promenade. The context for this proposal is therefore wider than just the immediate street block. At present there is a difference in character between this street block and the blocks to the east and to the west. The eastern half of this block is characterised by developments of larger mass and height culminating in the 11 storey element of the Shore development on the corner with Grosvenor Road. The rest of the street block ranges from 3-6 storeys. The two adjacent street blocks are more modest in their development ranging from 2-4 storeys. Crowstone House on the adjacent corner (Crowstone Road) is also a historic local landmark.

4.6 Paragraph 131 of the National Planning Policy Framework relating to conserving and enhancing the historic environment states:

“In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- the desirability of new development making a positive contribution to local character and distinctiveness”.*

4.7 Paragraph 128 of the National Planning Policy Framework, states that when determining applications, Local Planning Authorities should require applicants to describe the significance of the heritage assets affected and the contribution made by their setting. The level of detail provided should be proportionate to the significance of the asset and sufficient to understand the impact of the proposal on this significance. This is supported by paragraph 129, which requires local planning authorities to identify the significance of any heritage assets. Paragraphs 132 to 136 consider the impact of a proposed development upon the significance of a heritage asset, emphasising the importance of conserving heritage assets and that harm or loss to a heritage asset requires clear and convincing justification.

4.8 The Design and Access Statement accompanying this report states:

The main consideration would appear to be the loss of the existing buildings, which were considered to be an asset to the Conservation Area. We had considered retaining the facades, particularly to the pair of semi-detached to the west of the site, however, it was clear on inspection that the facades were in bad condition and had deteriorated considerably over many years”.

4.9 A Structural Appraisal dated July 2017 carried out by John Sime Surveys Limited, accompanies this application to demonstrate the condition of the existing front facades. The conclusion states:

“It is not viable to retain the majority of façade due to the structural movement noted on site and the lack of stability of the small areas of masonry on the gables and the defective structural stone whose structure integrity has been compromised by the cracking caused by settlement of the front elevation. We conclude that these areas would need to be removed as they cannot be relied upon which would create health and safety issues if their retention was attempted”.

4.10 Further supporting information on the general condition of the buildings carried out by John Sime Surveys Limited has been submitted for consideration following a fire that took place in December 2017. Significant damage was noted to the floors and roof as a direct result of the fire. The survey concludes that it would not be possible to salvage the front façade.

4.11 It is noted that the Design Statement makes much of an earlier Council suggestion that the conservation area should be considered for de-designation. However, following consultation on this suggestion the Council decided to undertake an independent review and the conservation area was reappraised by Essex County Council Historic Buildings Section in 2009 concluding that the Conservation Area is worthy of retention. This Appraisal (quoted above) is a material consideration for this application. It should be noted that in relation to the redevelopment pressures in this area the Appraisal makes the following comment:

4.12 **6.1 Problems and Pressures**

The attractive views and location have put the seafront under intense pressure for redevelopment. This can be seen to the east of the Conservation Area where there are modern apartment blocks. Where these adjoin older housing, they overwhelm it because of their greater scale, and the failure to evolve a sympathetic and relatively uniform architectural style means that little of this new development is visually satisfactory. The Conservation Area has already seen significant new development on the corner opposite Crowstone House. This apartment block is better than average, if out of scale with its surroundings, but in this context represents an erosion of the historic character of the Conservation Area. The Area is generally in good condition, but further development would damage its character irrevocably.

The test used in appraisals of conservation areas to determine whether buildings are suitable for redevelopment is the assessment of contribution to character (Fig 4.). None of the buildings in the Conservation Area have been graded as making a negative contribution to character, which would imply that they might have redevelopment potential.'

4.13 The application site buildings are not identified in the appraisal as being of poor architectural quality. They are all considered to be positive contributors to the historic character of the conservation area.

4.14 The Inspector comments on the de-designation of the conservation area (CA), where acknowledged in the dismissed appeal (appeal reference: 3149155):

"I acknowledge that the Council have previously taken steps to de-designate the CA. I have also considered the appellant's evidence with regard to the overall significance of the CA and the buildings which are included within it. However, the fact remains that the CA was not de-designated and is a designated heritage asset. Furthermore, the Crowstone Conservation Area Appraisal (2009) (CCAA) has since been adopted by the Council. There is nothing before me to indicate the CCAA was not prepared by people with appropriate expertise and following the correct procedures. Thus, consistent with the Inspector's findings in the appeal decisions relating to Crowstone House, I attach significant weight to the CCAA as the Council's most up to date position with regards to the significance of the CA".

4.15 In relation to the condition of the buildings and architectural quality, the Inspector comments in paragraph 8 (appeal reference: 3149155):

"I acknowledge that No 30 The Leas is of a lesser architectural quality than Nos 31 and 32 The Leas. However, all three properties have attractive traditional characteristics including red brickwork, clay roof tiles, asymmetrical roof form, decorative gables, bay windows and relatively grand entrances. Even though they are vacant and in relatively poor condition, it is clear to me that all three are historic buildings which contribute to the historic character of the Seafront and the significance of the CA".

- 4.16 In light of the above, whilst the applicant has provided supporting information to suggest that substantial works would be required to retain the front section of 31-32 The Leas due to the poor condition, the proposed development would fundamentally result in the loss of buildings which make a significant contribution to the character of the Crowstone Conservation Area and historical reference to seafront architecture within Westcliff-on-Sea.
- 4.17 In this regard it is pertinent to note that in his appeal decision (paragraph 9) the Inspector referred to paragraph 130 of the National Planning Policy Framework which states that where there is evidence of deliberate neglect of a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.
- 4.18 Accordingly, whilst, in principle, the Council seeks to achieve additional housing to meeting the Borough's needs, in this case the Conservation Area considerations have a very important bearing on the principle of this particular form of development and the structural case put forward in support of the proposal has little or no weight when balancing heritage considerations and the impact of the proposal. The principle of the demolition proposed as part of the development is therefore unacceptable.

Design and impact on the Crowstone Conservation Area.

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2, CP4; Development Management Document (2015) Policies DM1, DM3, DM5, DM6 and the Design and Townscape Guide (2009), Crowstone Conservation Area Appraisal (2009).

- 4.19 Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act states that local planning authorities should pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.
- 4.20 Paragraph 131 of the National Planning Policy Framework states that local planning authorities should seek to conserve and enhance the significance of heritage assets.
- 4.21 The above-noted development plan policies seek that development responds positively to local context respects the character of the site and conserves and enhances the significance of heritage assets.
- 4.22 Policy DM5 of the Development Management Document states:

"All development proposals that affect a heritage asset will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value".

- 4.23 This amended design proposes broadly to achieve a similar general form of the frontage of 31 and 32 The Leas in certain regards interpreting this in a contemporary manner, by modern fenestration and detailing with a link and a modern box addition on the east side on the site of number 30. This proposal has addressed some of the concerns raised with the previously refused scheme 15/01492/FUL including that the building is no longer set forward and is now sited on the same building line as the adjacent buildings to the east and west of the site. The design has sought to break up the scale of the front elevation and references the grain of the area. However this revised approach and form also raises a number of concerns about the design and detail of this proposal.
- 4.24 In terms of scale, no objection is raised to the principle of a three storey block given the character to the east and west of the site; however the scheme results in a form of development incongruous within the streetscene and Crowstone Conservation Area. The detailed design of the frontages and overall appearance is discussed in further detail below.
- 4.25 The design concept underpinning the proposed development is considered to be poor. The detailed proposal lacks the overall integrity of the original building and is dependent on the loss of the historic detail in relation to the windows, balconies, turrets, roof and porch. The balcony and associated framing to the front of the bay windows appears unrefined resulting in an unduly dominant addition to the frontage. The flat roof design is poor and fails to relate to the rest of the traditional form of development as proposed. The modern element including the flat roof to the east elevation of the street frontage lacks quality and sufficient detailing to deliver a high quality design. The overall design would result in a number of conflicting styles, roof forms and bland design features which, in isolation and also in combination fail to preserve the character and appearance of the Crowstone Conservation Area, which is unacceptable and contrary to policy. The impacts in terms of the loss of historic fabric in terms of the demolition of the existing buildings is discussed in earlier sections of this report.
- 4.26 The overall architectural approach and detailed design lacks architectural finesse or sufficient respect for the role of the existing buildings on the site or the character and appearance of the Crowstone Conservation Area. The proposed development by reason of its muddled architectural form and poor design would appear obtrusive, visually incongruous and overly dominant and so would fail to respect the character of the site and its local context and surroundings and would not preserve or enhance the character of Crowstone Conservation Area. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1, DM3, DM5 and DM6 of Development Management Document and advice contained within the Design and Townscape Guide.
- 4.27 The applicants have submitted a structural condition case demonstrating the façade of the existing building would require substantial works due to the poor condition. This is a material consideration. However, officers have to consider the quality and acceptability of the replacement proposal and whether the replacement

proposal satisfactorily reinstates the heritage features. It is considered in this instance the contemporary re-interpretation of the 31-32 The Leas gabled frontages is a contemporary pastiche rather than a concerted effort to reflect the importance of these original features in the design and appearance of 31 and 32 and to the character and appearance fundamental to the Crowstone Conservation Area.

- 4.28 It is not considered that the structurally based arguments justify the harmful form of the development proposed. This is unacceptable and the proposal conflicts with policy in that regard.

Standard of Accommodation:

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

- 4.29 The National Technical Housing Standards require minimum property sizes for residential units shall provide an internal floorspace of 70sqm for a 2 bedroom (4 persons) unit, 86sqm for a 3 bedroom (5 person unit) and 95sqm for a 3 bedroom (6 persons) unit. The proposed internal floorspaces include:

- Flat 1-3 bedroom (5 persons) 116sqm
- Flat 2-3 bedroom (5 persons) 125sqm
- Flat 3-3 bedroom (6 persons) 126sqm
- Flat 4-3 bedroom (5 persons) 120sqm
- Flat 5-3 bedroom (6 persons) 124sqm
- Flat 6-3 bedroom (6 persons) 126sqm
- Flat 7-3 bedroom (5 persons) 162sqm
- Flat 8-3 bedroom (6 persons) 125sqm
- Flat 9-2 bedroom (4 persons) 135sqm

- 4.30 All of the flats above comply with the relevant internal space standards.

- 4.31 All flats would benefit from sufficient daylight and outlook. Whilst it is noted that the (single) 3rd bedrooms serving flats 1, 2, 4 and 5 would look out onto a well design due to the layout of the building, the windows would still benefit from adequate outlook and daylight. On balance, taking into account the bedroom is only for single occupancy and that the other two bedrooms serving the units have full glazing no objection is raised.

- 4.32 One of the core planning principles of the National Planning Policy Framework is that the planning system should *“Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.

4.33 Policy DM8 of the Development Management Document states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space.

4.34 Whilst the Council's Design and Townscape Guide states:

“Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development”.

4.35 Future occupiers will benefit from terraces and balconies to the front of the site and to the north of the site is a communal terrace and garden area in excess of 660sqm. The amenity space proposed is useable and is considered acceptable provision for future occupiers.

4.36 The proposal is therefore found to be acceptable and policy compliant in these regards.

Traffic and transportation

National Planning Policy Framework (2012), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design and Townscape Guide (2009)

4.37 A new vehicle access is proposed to be formed to the front of the site and existing vehicle crossovers will be redundant. The proposal will include a ramped gradient to the basement parking. The Council's highways officer has raised no objections to the proposed vehicular access.

4.38 Policy DM15 of the Development Management Document states that a minimum 1 car parking space per flat shall be provided in this location. The proposed development will include 16 spaces to the basement including 1 disabled space in excess of current policy requirements, thus no objection is raised on parking grounds.

4.39 Bike storage will be located within the basement, which can be controlled by condition if the application were deemed acceptable.

Refuse storage

4.40 No details of refuse storage have been provided in line with collection guidance criteria. This can be controlled by condition if the application were deemed acceptable.

4.41 The proposal is therefore found to be acceptable and policy compliant in these regards.

Impact on neighbouring amenity

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

- 4.42 Policy DM1 of the Development Management Document states that any new development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Paragraph 343 of the Design and Townscape Guide (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.
- 4.43 The proposed building is sited 1m from each flank boundary which is the same as the existing buildings. It is not considered that the siting of the building will result in material harm to the surrounding neighbours in terms of being overbearing or resulting in a material loss of light. The building projects 4m further rearward than 33 The Leas to the west of the site but the development is not considered to be overbearing nor result in an undue sense of enclosure and the proposal also complies with a notional 45 degree line in terms of light impacts.
- 4.44 Whilst the proposal may result in some loss of light from the east given there are windows the flank elevation of 29 The Leas this is not considered to be so material as so as to warrant refusal. The proposed building will project 2m beyond the existing rear wall of no. 29 but it is not considered that the development would be overbearing nor result in an undue sense of enclosure and the proposal also complies with the notional 45 degree rule.
- 4.45 In terms of the relationship of the front of the building and the neighbouring properties, the proposed building will be set in line with the existing properties to the east and west of the site. The proposed balconies project effectively entirely beyond the properties either side of the site and the central section of the building. While this will make the building appear more prominent in the streetscene, on balance, it is not considered that it would be materially harmful in terms of the outlook afforded to these residents or that it would result in an undue sense of enclosure which would be unneighbourly.
- 4.46 While it is recognised that the building will be taller and thus allow for views beyond the scope of the existing buildings, particularly to the north, it is not considered that this would be harmful to surrounding residents due to the distances from nearby buildings.
- 4.47 It is recognised that there are windows within the flank walls of the adjacent buildings at no's. 29 and 33 as discussed above. No windows are proposed within the flank walls of the proposed scheme. The separation distance between the windows on the rear elevation and nearest residential property to the north is 30m, which is sufficient to mitigate against any potential overlooking or loss of privacy.

The roof terrace for the penthouse suite will include access to the sides, front and rear. In order to safeguard the amenities of properties to the rear of the site a condition could be imposed to prevent access to the roof if the application were deemed acceptable.

- 4.48 The proposal is therefore found to be acceptable and policy compliant in regards to its impacts on neighbour amenity.

Flood Risk

National Planning Policy Framework; Core Strategy Policies KP1, KP2

- 4.49 Flood risk is a material planning consideration and is relevant to this application given its proximity to the seafront, although lies just outside flood zone 3, the high risk zone as defined by the Environment Agency Flood Zone Maps. As the site is just outside flood zone 3 the Council is not required to undertake the sequential or exception tests, however it is required to consider surface water management. The application is accompanied by a Phase 1 Flood Risk Assessment dated January 2018 carried out by Ambiental. The site is shown to be at a 'very low' risk of flooding from surface water on the Environment Agency Risk of Flooding from "Surface Water" map. The surrounding roads however, have areas of 'low' and 'medium' risk. The ground floor of the development is to be raised to 6.25m AOD and 6.55m AOD above the 1:200 year 2120 floor level for habitable rooms and sleeping accommodation. The ground floor is to be set 1.2m above existing ground levels. The proposal includes an automatic flood gate which will be installed across the entrance to the lower ground floor car park so the risk from this source is considered to be relatively low. The developer has committed to attenuate the surface water runoff from the site to the existing site runoff rates for events up to and including allowance for climate change. Further details on surface drainage measures could be dealt with by condition if this application were deemed acceptable including measures such as rainwater harvesting from roofs and permeable surfaces to reduce the potential impact of any run-off.

Sustainable Development

Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice contained within the Design and Townscape Guide (2009)

- 4.50 Policy KP2 of the Core Strategy states that at least 10% of the total energy needs of a new development should be provided through on-site renewable sources of energy provision (and/or decentralised renewable or low carbon energy sources). Policy DM2 of the Development Management Document requires all new development to contribute to minimising energy demand and carbon dioxide emissions.
- 4.51 The Design and Access Statement accompanying this application states that based on calculations carried out by MH Energy Consultants 36 photovoltaic panels could be installed to the roof. Whilst no calculations have been provided to demonstrate the 10% of the energy from the development will be renewable, this could be controlled by condition.

- 4.52 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd 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 could be dealt with by condition if the application were deemed acceptable.

Other Issues

- 4.53 In terms of landscaping, applications for new buildings will be required to respect existing tree and planted areas. There is a significant amount of soft landscaping and vegetation within the site which includes some significant trees. The application is accompanied by a tree survey and planting scheme. Any trees to be retained would require protection during construction and this could be dealt with by condition if the application were deemed acceptable.

Community Infrastructure Levy (CIL) Charging Schedule.

- 4.54 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application may also be CIL liable.

Conclusion

- 4.55 Having taken all material planning considerations into account, it is found that the proposed development will result in the loss of buildings which make a significant contribution to the character of the Crowstone Conservation Area and historical reference to seafront architecture within Westcliff-on-Sea. Furthermore, the proposal by reason of its poor design, roof form, muddled architectural approach quality and detailing would appear, visually incongruous and overly dominant and would as a result fail to respect the character of the streetscene. The development would not have an appropriate relationship with its local context and surroundings and would not preserve or enhance the character and appearance of the Crowstone Conservation Area. This harm is not outweighed by considerations related to the structural situation of the existing buildings which carries little or no weight given the building's neglect and the findings on this point by the (2016) appeal inspector. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1, DM3, DM5 and DM6 of Development Management Document and advice contained within the Design and Townscape Guide. In this regard the proposal is considered unacceptable and contrary to development plan policy. The scheme does not provide any benefits which outweigh this harm.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (NPPF), 2012.
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment & Urban Renaissance), and CP8 (Dwelling Provision).
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM5 (Southend on Sea Historic Environment), DM6 (The Seafront), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 Waste Management Guide
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule
- 5.7 National Technical Housing Standards (2015)
- 5.8 Crowstone Conservation Area Appraisal (2009)

6 Representation Summary

Design and Regeneration

- 6.1 The proposal seeks to demolish the existing historic buildings comprising one pair of semi detached properties and one detached house, and erect a block of 9 flats. This application follows an earlier refusal and subsequent appeal for a similar development which sought the redevelopment of these buildings with a different design.

The application was refused and the appeal dismissed because the Council and Inspector considered that the existing historic buildings made a positive contribution to the character of the conservation area and that the proposed replacement building was over scaled and of a design and form which failed to integrate with the character of the conservation area and the wider seafront.

The proposal is still seeking to demolish the existing building and has sought to justify this with a more detailed structural report than the previous application. This confirms that substantial works would be required to retain the front section of 31-32 The Leas. Nevertheless the loss of these buildings which have fine features and detailing, and which the inspector considered made a positive contribution to the character and significance of the conservation area, would still be unacceptable.

Notwithstanding this issue there are also a number of concerns with the design of the revised proposal. The site is still located within a conservation area and as such the Council has a duty to ensure that new development preserves or enhances the character of the conservation area through securing high quality and appropriately scaled development. In addition, in relation to development along the seafront the Development Management document comments that:

'The main concern for the character of the Seafront is the gradual degradation of that which makes it unique. The unsympathetic increase in scale in some locations and loss of historic grain has had a detrimental effect on the integrity and character of the Seafront. As a consequence there is a need to adopt design principles that influence form, appearance and massing so that they are appropriate to the differing characters along the Seafront.'

To protect the unique character of this area Policy DM6 requires that all new development in this area to adhere to the a number of principles including:

'(iv) Resist inappropriate development fronting the Seafront to ensure that established seafront architectural style and form is maintained in this location.

(v) The total or partial demolition of a heritage asset will be resisted, in accordance with Policy DM5, where there is no clear and convincing justification for this.

(vi) In all areas the vernacular form and fine urban grain of the seafront that defines this character zone will be preserved. Further amalgamation of existing plots and large format bulky buildings are not considered appropriate and will be resisted.

(vii) The low rise height of existing buildings should also be maintained in future development. Development will only be allowed where it is appropriate to context and where it adds to the overall quality of the area'

In the broadest sense the amended design seeks to carry through the overall general form of the frontage of 31 and 32 The Leas but with modern fenestration and detailing and to link this to a modern box like addition on the east side on the site of number 30, and which wraps on top of the replicated more traditional form on the west of the site.

Whilst a replication of a historic building lacks the integrity of the original building, if done well and is true to the historic character including replicating the finer detailing, it can be successful. The proposal has stripped out the historic detail in relation to the windows, balconies, turrets, roof and porch and this means that the resultant design is a dumbed down version of the original and is now neither modern nor traditional. This has resulted in a confused mix of styles and has not succeeded in preserving the character of the conservation area.

More specific points include that:

- The balcony and associated framing, which runs in front of the bay, is unrefined and will be a dominant addition to the frontage. There is also a concern that privacy screens may be needed in several places and that these will not be integral to the design.
- The roof of this section has a flat top which is a poor design detail and which

will be apparent in the streetscene. This further identifies the proposal as a fake and is unacceptable.

- The modern section of the proposal is very basic in its design and lacks interest or quality. The short section of sloped roof at 2nd floor level does not integrate with the overall design and is considered to be a poor detail.
- The top floor which extends over the more traditional form accentuates the conflict of styles and adds to the overall massing of the proposal when seen from the promenade, highlighting the conflict of styles and the amalgamation of plots which is contrary to policy.
- There is also a concern that bed 3 in the flats within the traditional element only have a small window onto an internal north facing deep well and this will result in poor daylight and poor outlook for these habitable rooms, especially at the lower levels.
- There is no dda access to the amenity space at the rear and the only step free access to the flats is through the basement
- The terrace to the front will be rather dominant in the streetscene especially when approaching the site from the side where the extent and scale of retaining wall will be evident.

Overall it is considered that the proposal as submitted is not of the quality which would preserve or enhance the character of the conservation area or the wider seafront streetscene.

Traffic and Transportation

- 6.2 There are no highway objections to this proposal on parking grounds. It is considered that the proposal will not have a detrimental impact upon the public highway.

Environment Agency

- 6.3 No comments.

Structural Engineer

- 6.4 A party wall agreement would apply to the basement car parking and this area is subject to flooding.

Public Consultation

- 6.5 A site notice was displayed on the 21.12.2017 and 23 neighbours were notified of the proposal. 5 letters of representation have been received objecting to the proposal on the following grounds:

- The decision of the Inspector should be agreed with as the buildings are of great character and an asset to the local area;
- The existing buildings should be used;
- Overshadowing;
- Loss of light;

- The development projects out in front of the existing building line
- The height would have a significant impact on the area;
- A 4th floor is not appropriate in this row of properties;
- Modern design out of keeping with the area;
- Obstruct view of adjacent properties;
- Impact on adjacent residents;
- Vehicle access to the rear of the site is not clear

These concerns are noted and they have been taken into account in the assessment of the application.

Ward Councillor

- 6.6 Councillor Folkard has requested this application be dealt with by development control committee.

7 Relevant Planning History

- 7.1 Demolish existing buildings, erect part two/part three/part four and part five storey building comprising of 9 self-contained flats with balconies, cycle and refuse storage, lay out parking and landscaping and form new vehicular access onto The Leas- Refused (15/01492/FUL). Dismissed at appeal reference APP/D1590/W/16/3149155.
- 7.2 Demolish garages and erect three two storey dwellinghouses, lay out car parking spaces and cycle/bin stores (Amended Proposal)- At 30 The Leas (11/01485/FUL) Granted
- 7.3 Demolish existing building, erect four storey block of four self contained flats with balconies and basement parking, erect three two storey dwellinghouses, lay out car parking spaces, cycle/bin stores, decking and amenity space- At 30 The Leas (11/00890/FUL) Refused.
- 7.4 Demolish dwellings, erect eight storey block of 21 self contained flats with basement parking and swimming pool at rear, form cycle and refuse stores and layout amenity areas- 30-32 The Leas (08/00712/FULM and 08/00714/CAC).

8 Recommendation

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

- 1 **The proposed development will result in the loss of buildings which make a significant positive contribution to the character of the Crowstone Conservation Area and reference the historical seafront architecture within Westcliff-on-Sea. The case for justifying such demolition has not been sufficiently demonstrated. The proposed replacement development would by reason of its poor design, roof form, muddled architectural approach and detailing, appear visually incongruous and overly dominant and fails to respect the character of the streetscene, local context and surroundings. The**

proposal would harm the character and appearance of the Crowstone Conservation Area. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1, DM3, DM5 and DM6 of Development Management Document, advice contained within the Design and Townscape Guide.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

Informatives

- 1 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.**

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Appeal Decision

Hearing held on 11 October 2016

Site visit made on 11 October 2016

by **L Fleming BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th November 2016

Appeal Ref: APP/D1590/W/16/3149155

30-32 The Leas, Westcliff on Sea, Essex SS0 8JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Elmore Homes Ltd against the decision of Southend-on-Sea Borough Council.
 - The application Ref 15/01492/FUL, dated 26 August 2015, was refused by notice dated 12 November 2015.
 - The development proposed is demolish completely all buildings conserving recyclable materials, excavate part site for low ground level/access ramps. Erect part 2/3/4/5 storey building for 8No. 2 bedroom apartments and 1No. 3 bedroom penthouse, including balconies, refuse and cycle storage. Lay out car parking, landscaping, walling and fencing. Remove existing crossovers, form new crossovers and driveway.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Crowstone Conservation Area.

Reasons

3. The appeal site is a pair of semi-detached properties and a detached dwelling which form part of the Westcliff-on-Sea Seafront. The buildings nearby are a mixture of traditional Edwardian properties and modern houses and apartments which look out over the sea.
4. The proposed development would be within the Crowstone Conservation Area (CA). In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, paragraph 132 of the National Planning Policy Framework (the Framework) makes clear that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
5. I acknowledge that the Council have previously taken steps to de-designate the CA. I have also considered the appellant's evidence with regard to the overall significance of the CA and the buildings which are included within it. However, the fact remains that the CA was not de-designated and is a designated heritage asset. Furthermore, the Crowstone Conservation Area Appraisal

(2009) (CCAA) has since been adopted by the Council. There is nothing before me to indicate the CCAA was not prepared by people with appropriate expertise and following the correct procedures. Thus, consistent with the Inspector's findings in the appeal decisions¹ relating to Crowstone House, I attach significant weight to the CCAA as the Council's most up to date position with regards to the significance of the CA.

6. The CCAA notes that the CA consists of a group of buildings located either side of the junction of Crowstone Avenue and Chalkwell Esplanade and sits alongside The Leas Conservation Area. It identifies Crowstone House, a locally listed building, as the defining feature of the CA, noting its exuberant neo-baroque corner tower. The CCAA also notes the significance of the other remaining original buildings, including Nos 30-32 The Leas (Nos 30-32) as part of the historic character of the Seafront and as buildings which are complimentary in character to Crowstone House.
7. Policy DM6 of the Southend-on-Sea Development Management Document (2015) (DMD)² sets out a range of criteria to be applied to new development in the Seafront area. It states existing buildings along the Seafront that form a cohesive frontage, have a historic context or are recognised as key landmarks and/or contribute to a distinctive Southend³ sense of place will be retained and protected from development that would adversely affect their character, appearance, setting and the importance of the Seafront. Furthermore, it states new development must accord with development principles which include resisting inappropriate development fronting the Seafront to ensure that established Seafront architectural style and form is maintained.
8. I acknowledge that No 30 The Leas is of a lesser architectural quality than Nos 31 and 32 The Leas. However, all three properties have attractive traditional characteristics including red brickwork, clay roof tiles, asymmetrical roof form, decorative gables, bay windows and relatively grand entrances. Even though they are vacant and in relatively poor condition, it is clear to me that all three are historic buildings which contribute to the historic character of the Seafront and the significance of the CA.
9. It has been put to me that Nos 30-32 are beyond viable economic repair. I was told that when the appellant acquired Nos 30-32 they were occupied, albeit they did not provide a standard of accommodation which the appellant deemed to be acceptable. Paragraph 130 of the Framework states that where there is evidence of deliberate neglect of a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.
10. There are other buildings along the Seafront of a similar age and construction to Nos 30-32 which are exposed to the same weather conditions, in use and in relatively good condition. Based on the evidence before me, it seems to me that the condition of Nos 30-32 is the result of a lack of appropriate maintenance over a considerable period of time. I have therefore attached little weight to the current condition of Nos 30-32.
11. I acknowledge the existing traditional buildings occupy narrower plots and have more of a vertical emphasis than the modern buildings nearby on wider plots.

¹ APP/D1590/A/09/2110678 & APP/D1590/E/09/2110683

² Although not referenced on the Council's decision notice this policy was discussed at the Hearing.

³ Policy applies to all seafronts in the Borough.

- However, modern buildings with a horizontal emphasis are a common characteristic of the Seafront and the CA and on my site visit, I noted some modern developments that in my view have been successful and others less so.
12. I am told that the proposed development has taken reference from Chapman Sands. I find no reason to disagree with the appellant in that Chapman Sands is a successful modern development in its location. However, Chapman Sands is not within the CA and is some distance along the Seafront to the west and its context is not therefore comparable to the appeal site.
 13. The proposed apartment block, would be significantly taller and wider than the traditional buildings it would replace. I note that the proposed building would be set in from the boundaries on both sides and the front and side elevations would have variations in depth. However, although stepped the proposal would be significantly taller than the flat roof of No 29 The Leas. Furthermore a significant part of the proposed building including the proposed turret detail would sit forward of the front elevations of the neighbouring buildings on either side.
 14. I acknowledge that other modern buildings⁴ nearby are of a comparable or larger scale and are taller than the proposed apartment block. However, I find the proposed development would be highly prominent in the street scene particularly when approaching from the east where the proposed forward projection and turret would partly restrict views of Crowstone House and its corner turret. Furthermore, the proposed roof rising significantly above the roof line of No 29 The Leas would dominate the skyline of the CA, again particularly when approaching from the east.
 15. Therefore, through its prominence, scale and positioning, the proposed building in place of the modest traditional buildings which compliment Crowstone House, would be a dominant feature of the CA which would detract from the setting of Crowstone House and thus the overall significance of the CA.
 16. For these reasons, the proposal would fail to preserve the character and appearance of the CA, contrary to the provisions of the respective sections of the Act. Moreover, the proposal would also fail to accord with paragraph 132 of the Framework, which attaches great to the conservation of designated heritage assets and their setting.
 17. For the same reasons the proposed development is therefore in conflict with the statutory requirements, the development plan and the design aims of Supplementary Planning Document 1: Design and Townscape Guide (2009) and the Framework. It would specifically conflict with development plan Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1, DM5 and DM6 of the DMD. These Policies, taken together, aim to ensure good design and that new development does not harm designated heritage assets or the historic Seafront.
 18. That said, in the context of the significance of the heritage assets as a whole, Crowstone House is a substantial property of some prominence. Furthermore, No 7 Chalkwell Espalande and No 33 The Leas are reasonably sized properties which have attractive traditional features. Therefore, due to the historic buildings that would remain, in my view, the historical significance of the CA as

⁴ Hamilton Grange, Admirals Court and Nirvana/The Shore

a designated heritage asset would also remain. Thus, I would calibrate the harm arising from the proposed development, in accordance with paragraphs 133 and 134 of the Framework, as less than substantial. In these circumstances, the Framework requires the degree of harm to be balanced against any public benefits the development may bring.

19. There would indeed be some benefits, such as nine more dwellings, albeit a net increase of two, thus contributing to housing supply in the Borough. The occupants might work locally and support local services and there may also be employment opportunities associated with building the properties. The proposal would also represent the redevelopment of previously developed land. However, these benefits, though they may be accepted as public, are modest, and do not outweigh the harm identified to the designated heritage asset. Nor would they outweigh the conflict of the proposals with the provisions of the respective sections of the Act requiring that special regard and attention being given to the desirability of the preservation of the CA, which, the Courts advise, should be accorded considerable importance and weight.

Other Matters

20. I note the appellant's comments with regard to whether the Council is able to demonstrate a five year supply of deliverable housing land in accordance with paragraph 49 of the Framework and I have considered the committee report⁵ for another site in the Borough. However, even if the Council cannot demonstrate a five year supply, I have found the proposal would be harmful to a designated heritage asset. Thus, footnote 9 of the Framework indicates that development should be restricted and this harm significantly and demonstrably outweighs the very limited benefit of the additional housing provided.
21. I have also considered the appellant's comments with regard to the market demand for the type of accommodation proposed. However, there is no substantive evidence before me to suggest that the type of accommodation proposed would meet the housing needs of the area. Thus, I have afforded this matter limited weight.
22. I also note the site is identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). However, the SHLAA is a relatively high level technical document which evidences land supply. On the basis of the detailed information before me, I have found that the proposed development would be harmful to the character and appearance of the CA.

Conclusion

23. For the reasons given above, and with regard to all other matters, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR

⁵ Council Reference 15/01844/OUTM

APPEARANCES

FOR THE APPELLANT

Tony Bowhill	Planning Consultant
Jonathon Edis	Heritage Consultant
Nicholas Elmore (Elmore Homes Ltd)	Appellant
Patrick Elmore (Elmore Homes Ltd)	Appellant
Peter Millard	Surveyor
John Sime	Structural Engineer

FOR THE COUNCIL

Abbie Greenwood	Senior Planner (Design and Conservation)
Janine Rowley	Senior Planner (Development Control)

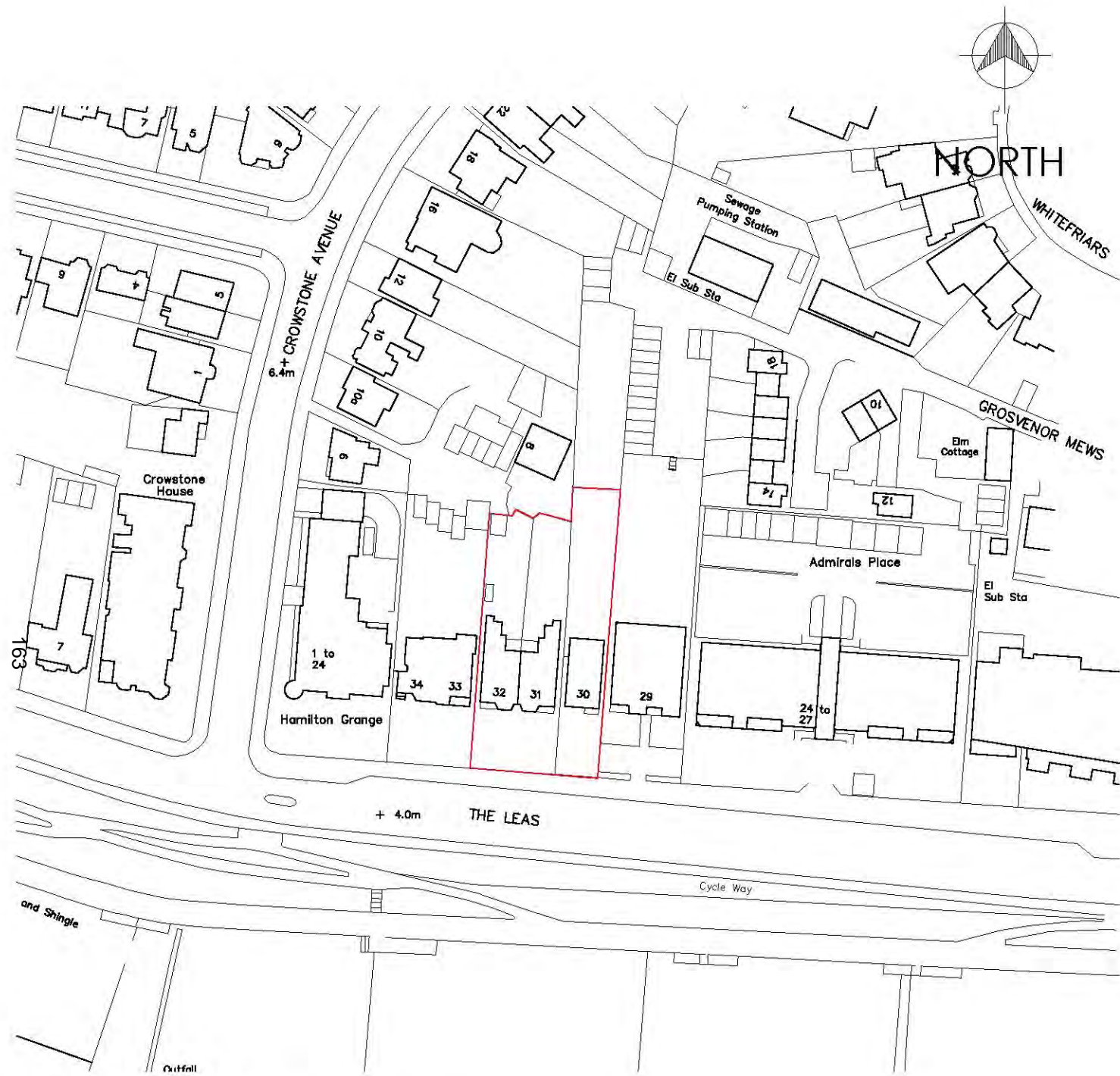
INTERESTED PERSONS OBJECTING TO THE DEVELOPMENT

Richard Mangham
George Hughes
Laurence Deacon
Paula Deacon

DOCUMENTS

- 1 Final Signed Statement of Common Ground
- 2 The Council's letter notifying interested parties of the hearing

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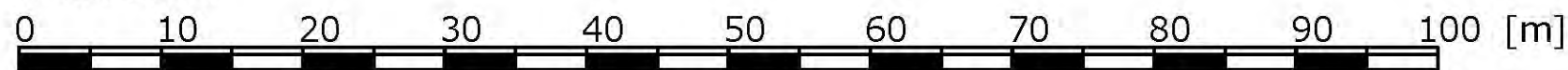
1 Site Location Plan

Scale: 1:1250

scale 1:1250



scale 1:500



2 Site Location Plan

Scale: 1:500

REVISION	DATE	AMENDMENT
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APS DESIGN ASSOCIATES LTD
ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS

PROJECT STAGE: TOWN PLANNING	DRAWN BY: T.E.	DATE: 17/11/2017
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CLIENT:
MR. ELMORE

PROJECT:
30-32 THE LEAS

JOB NO:
2566

DRAWING NO:
01

REVISION:

DRAWING TITLE:
Site Location Plans

SCALE:
1:1250/1:500 @ A3

The Design Studio
1 Cambridge Road (Rear)
Nelson Street
Southend-On-Sea
Essex
SS1 1ET

Tel: 01702 469 769 - 01702 337328
Email: admin@apsdesignsuk.com
designteam@apsdesignsuk.com
planning@apsdesignsuk.com
Website: www.apsdesignsuk.com

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30-32 The Leas

Westcliff-on-sea, Essex



1 Existing Street Scene

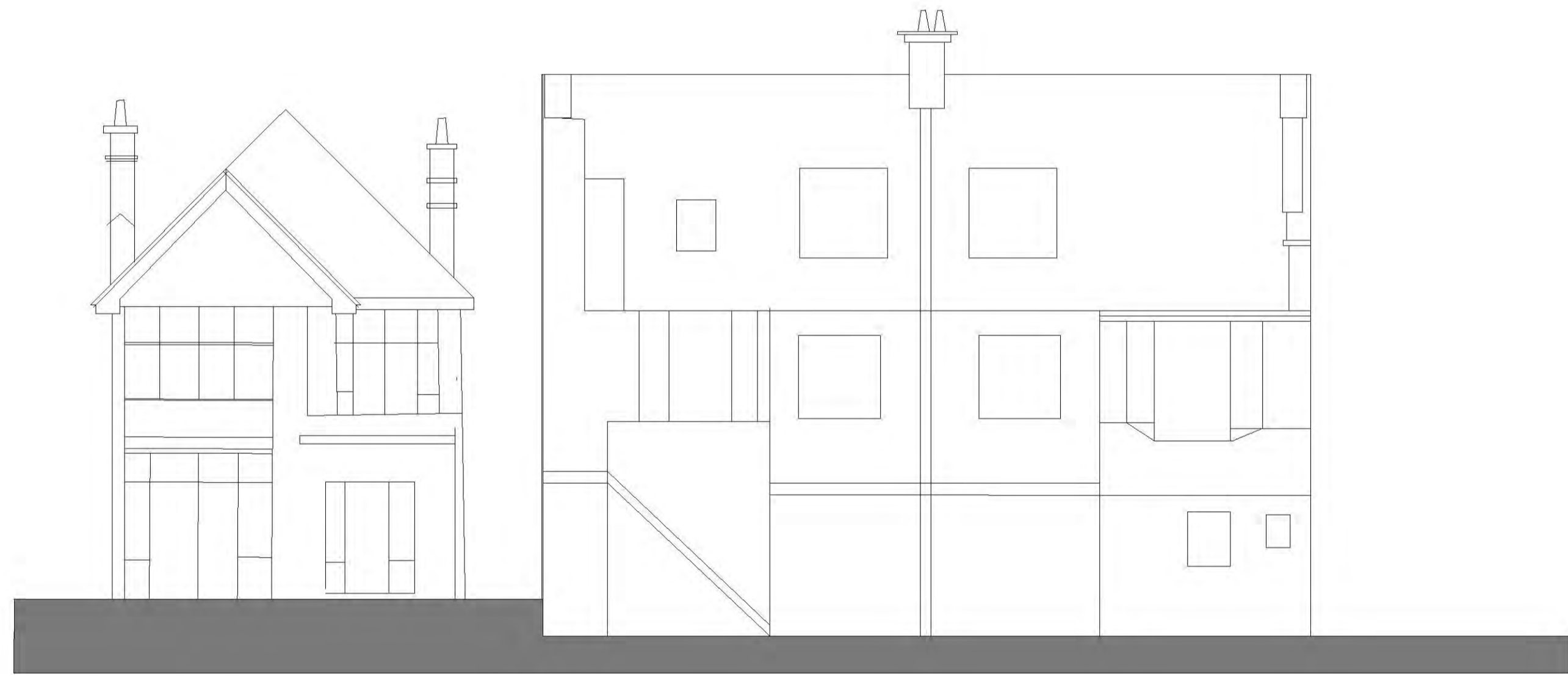
Scale: 1:250



155

2 Existing Front Elevation

Scale: 1:100



3 Existing Rear Elevation

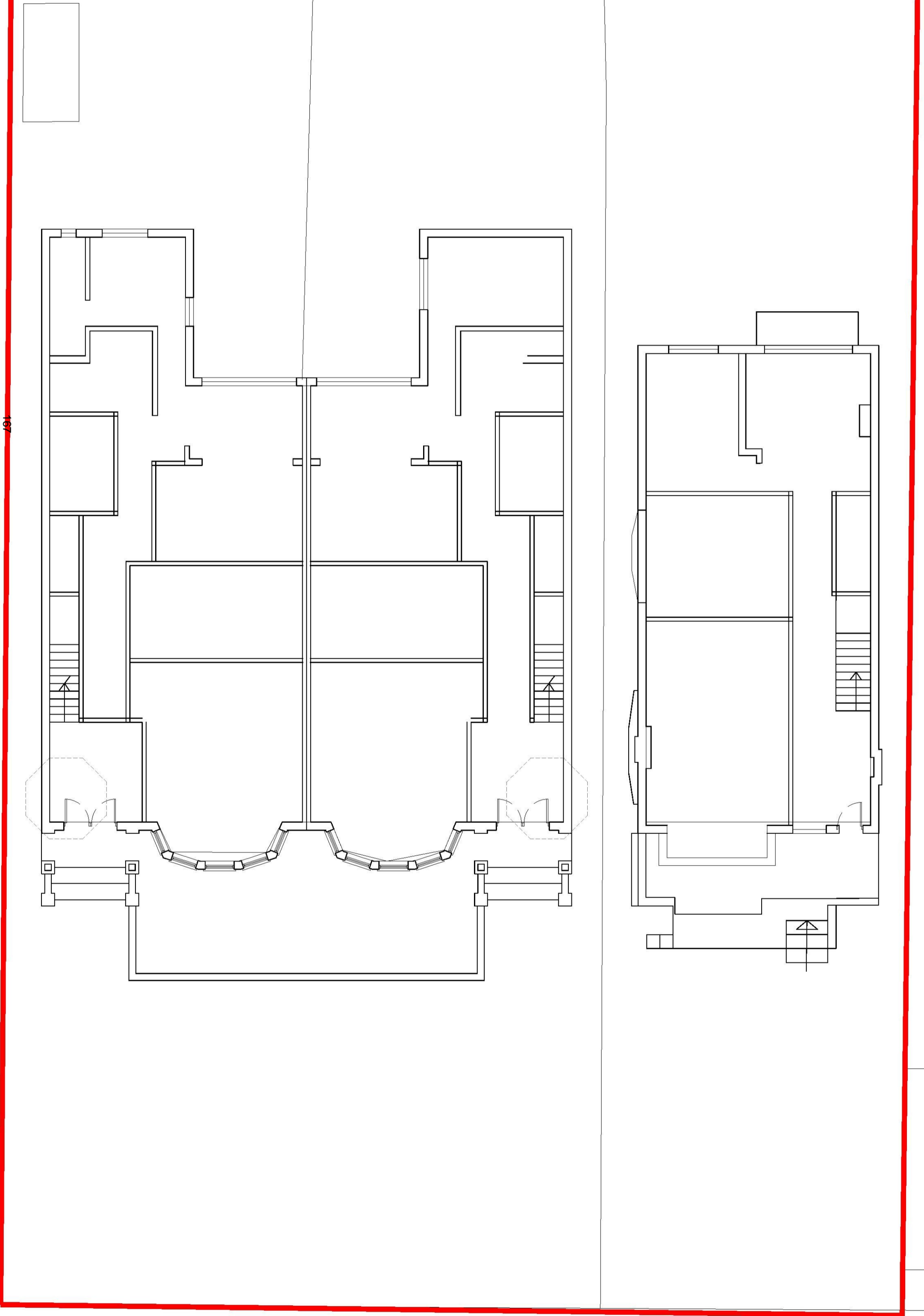
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APS DESIGN ASSOCIATES LTD ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		
PROJECT STAGE TOWN PLANNING	DRAWN BY A.D.	DATE 17.11.2017
CLIENT MR. ELMORE		
PROJECT 30-32 THE LEAS		
JOB NO. 2566	DRAWING NO. 03	REVISION
DRAWING TITLE Existing Elevations		SCALE 1:100 @ A1
The Design Studio 1 Cambridge Road (Rear) Nelson Street Southend-On-Sea Essex SS1 1ET		Tel: 01702 469 789 - 01702 337328 Email: admin@apsdesignsuk.com design@apsdesignsuk.com planning@apsdesignsuk.com Website: www.apsdesignsuk.com

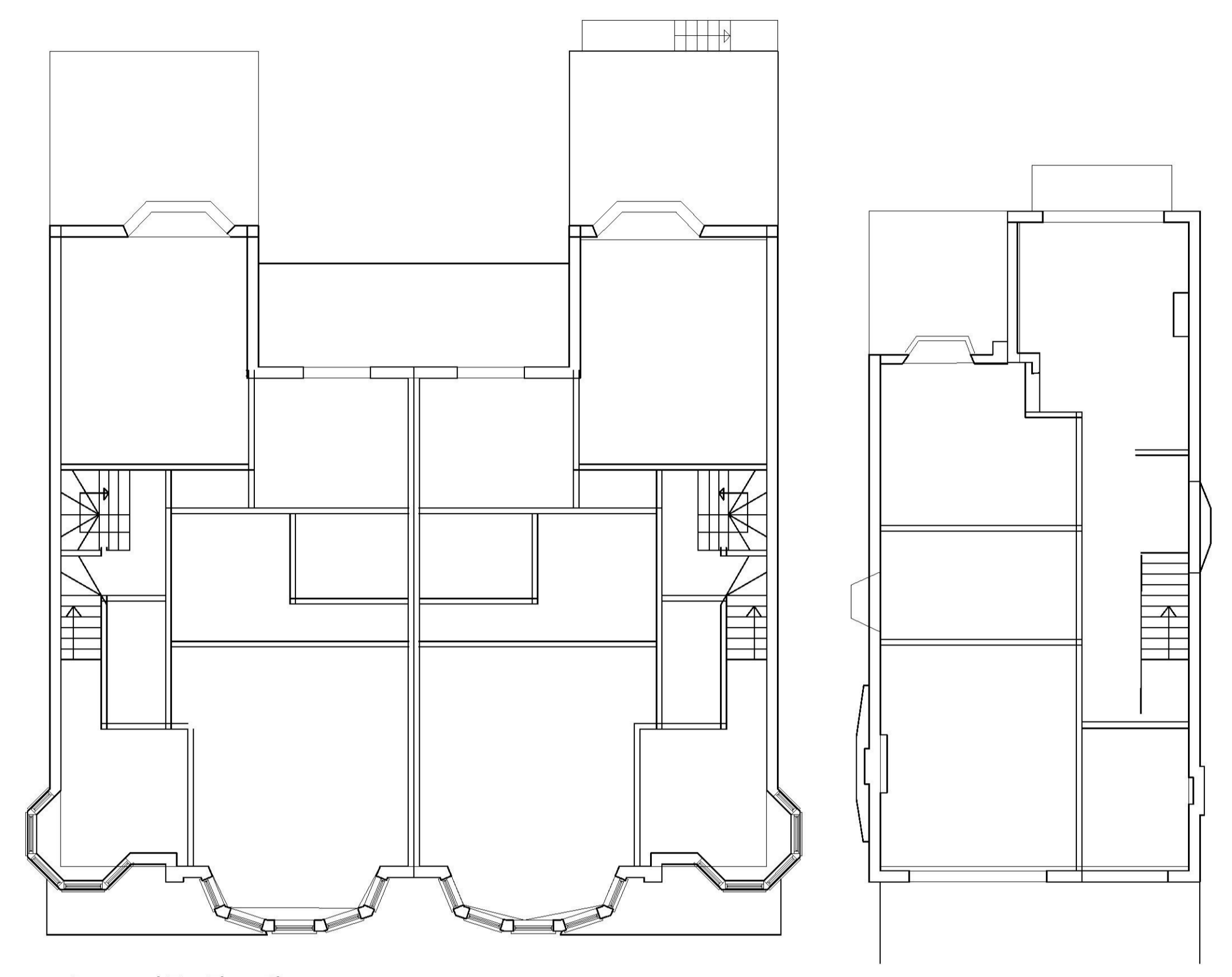
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30-32 The Leas

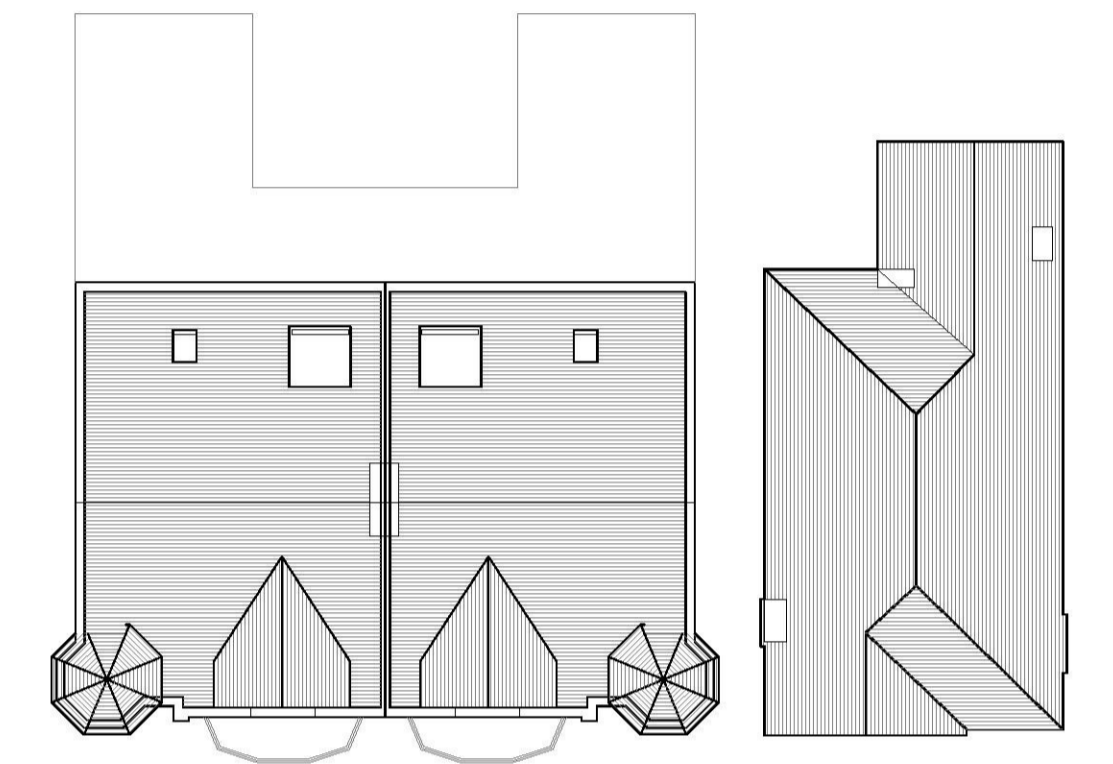
Westcliff-on-sea, Essex



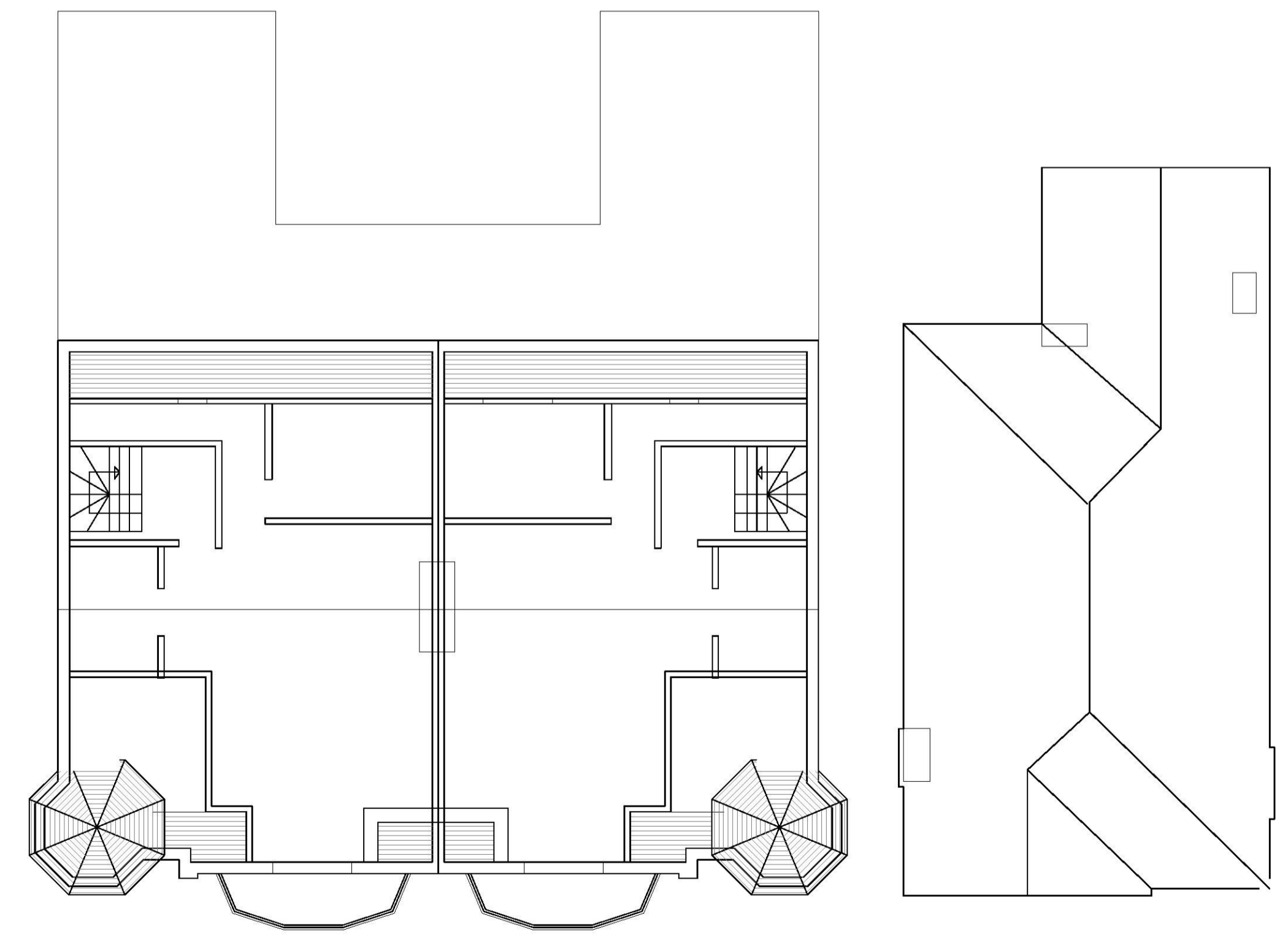
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2 Proposed First Floor Plan Scale: 1:100



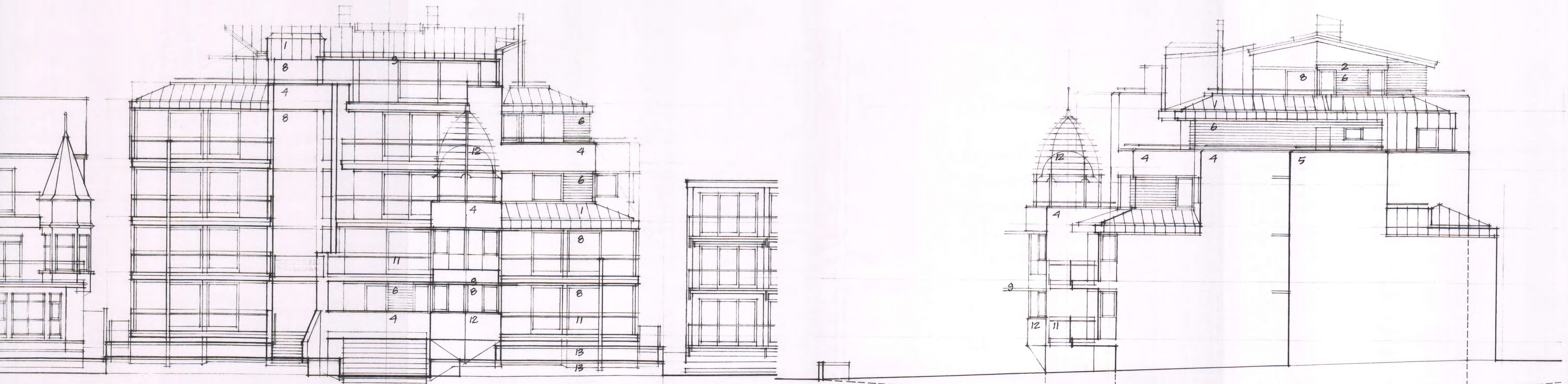
4 Proposed Roof Plan Scale: 1:200



3 Proposed Second Floor Plan Scale: 1:100

REVISION	DATE	AMENDMENT
APS DESIGN ASSOCIATES LTD ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		
PROJECT STAGE	TOWN PLANNING	DRAWN BY: A.D.
CLIENT	MR. ELMORE	DATE: 17.11.2017
PROJECT	30-32 THE LEAS	
JOB NO.	2566	DRAWING NO. 02
DRAWING TITLE	Existing Floor Plans	REVISION:
The Design Studio 1 Cambridge Road (Rear) Nelson Street Southend-On-Sea Essex SS1 1ET		SCALE 1:100 @ A1
Tel: 01702 469 789 - 01702 337328 Email: solmir@apsdesignsuk.com design@apsdesignsuk.com planning@apsdesignsuk.com Website: www.apsdesignsuk.com		

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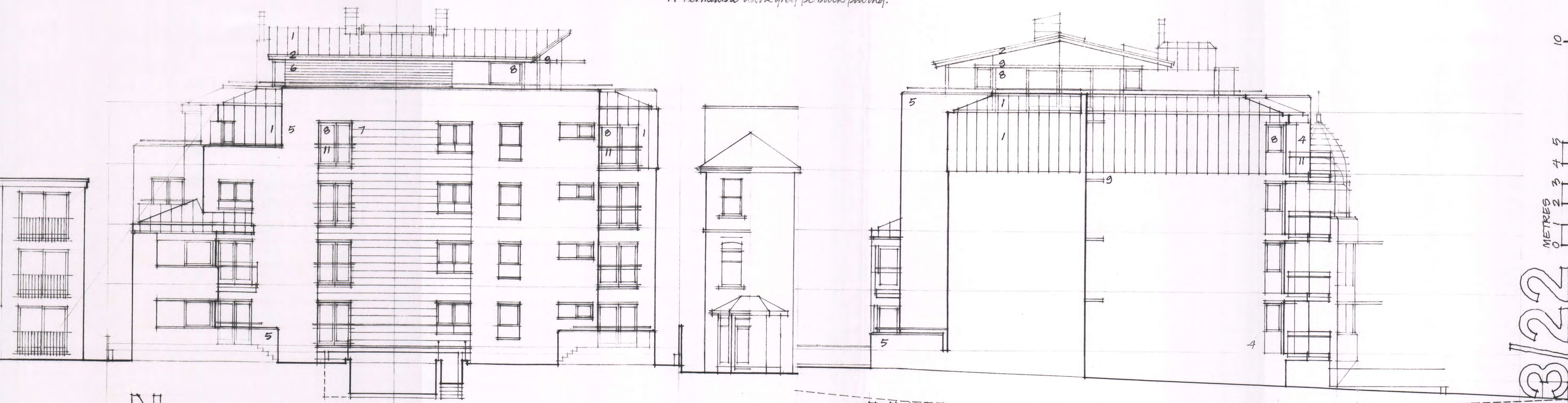
S

EXTERNAL MATERIALS

- ROOFS**
- 1 Zinc sheet with standing seams
- 2 Western Red Cedar fascia/zinc drip
- 3 Solid resin decking, pale oak colour
- WALLS**
- 4 White resin render
- 5 Yellow London stock clay brick/zinc copings
- CLADDING**
- 6 Western Red Cedar boarding/undecorated-weathered grey
- 7 Eternit Equitone (Picura) Ash grey
- OPENINGS**
- 8 Clear double glazing/metal frames pb coated RAL 7037
- SUNSHADING**
- 9 W.R. Cedar/metal pb coated RAL 7037
- BALCONIES**
- 10 Decking (as above)/galvanised steel structure
- 11 Clear glazed balustrading/st.st. floor fixing/st.st. handrails
- TURRET/DOME**
- 12 Slate base/Hunguise glass horizontal louvres/perforated SPA dome
- LANDSCAPING**
- 13 Blue engineering brick walls/boe copings
- 14 Permeable dark grey pc block paving

E

1:100 @ 41



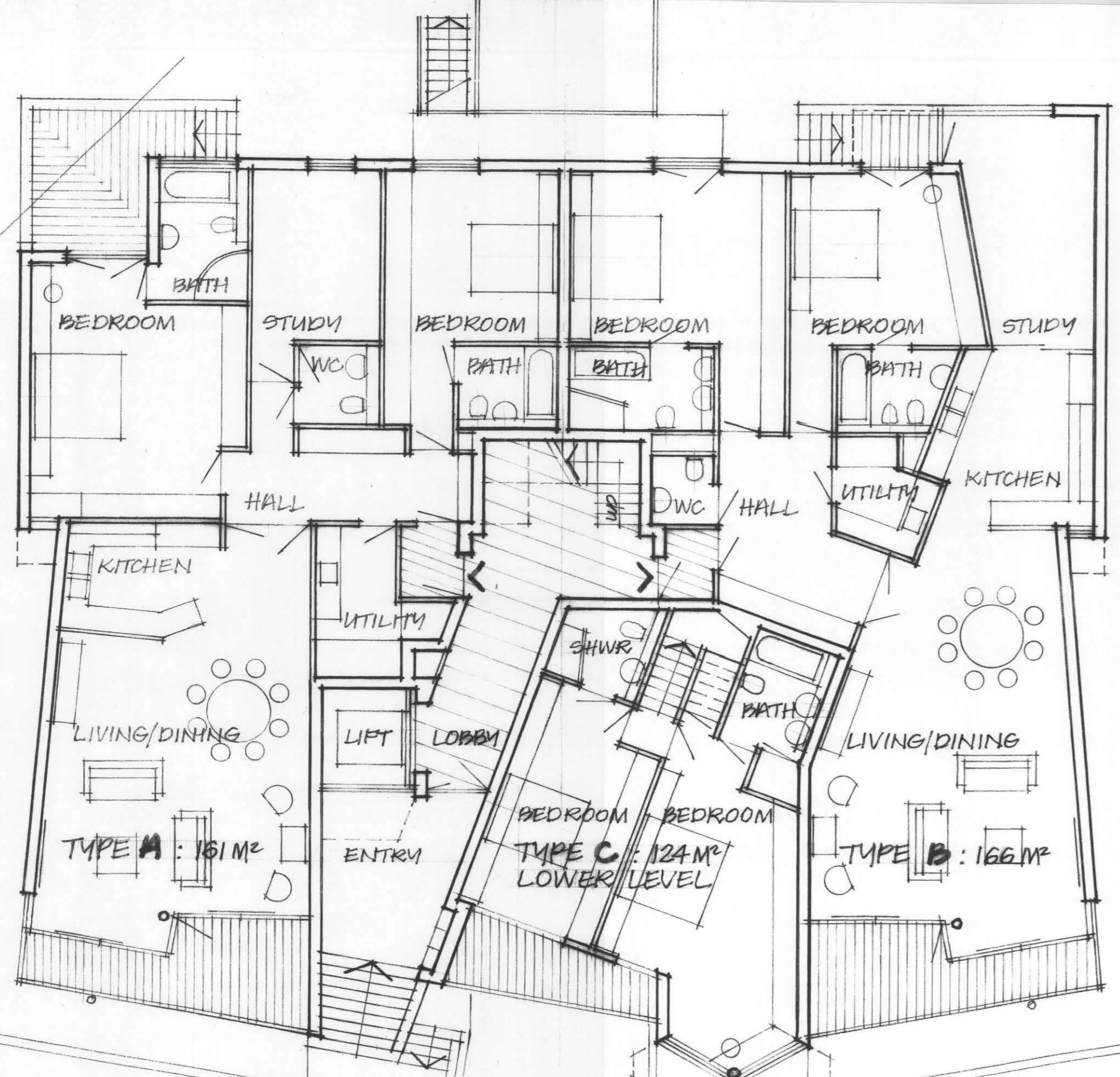
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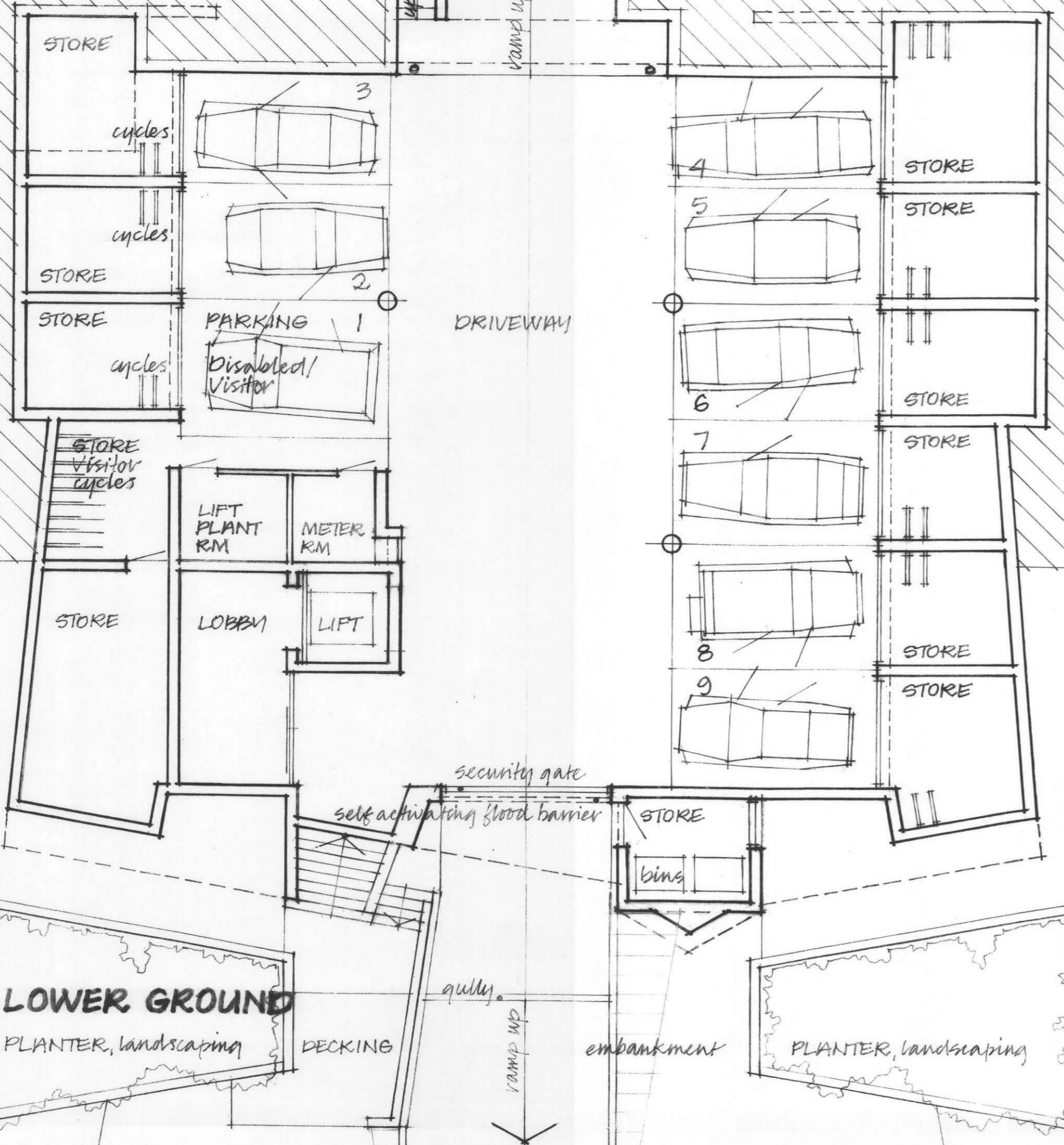
12/3/22
METRES
0 1 2 3 4 5 10

ELEVATIONS: PROPOSED
REDEVELOPMENT: 30-32 THE LEAS

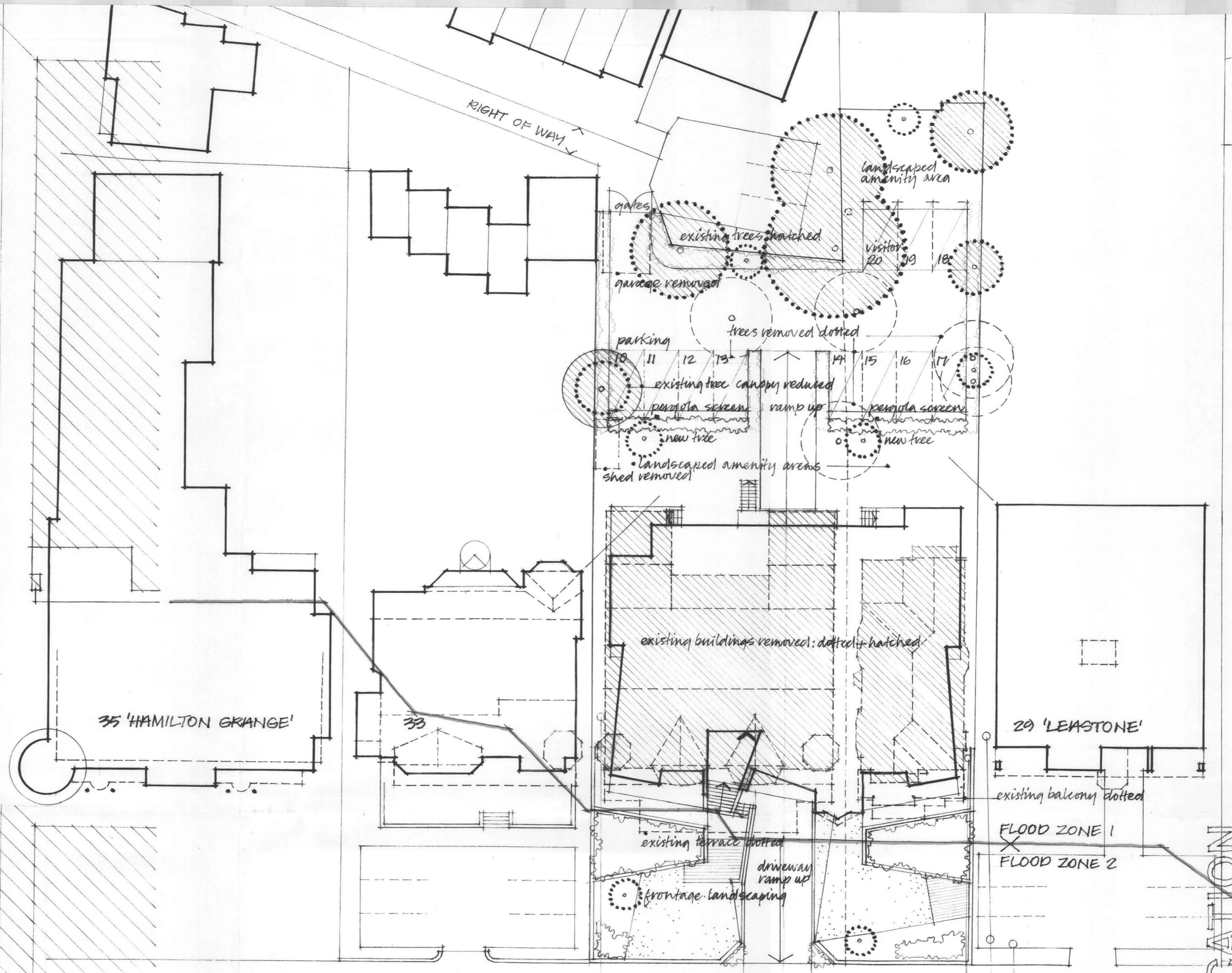
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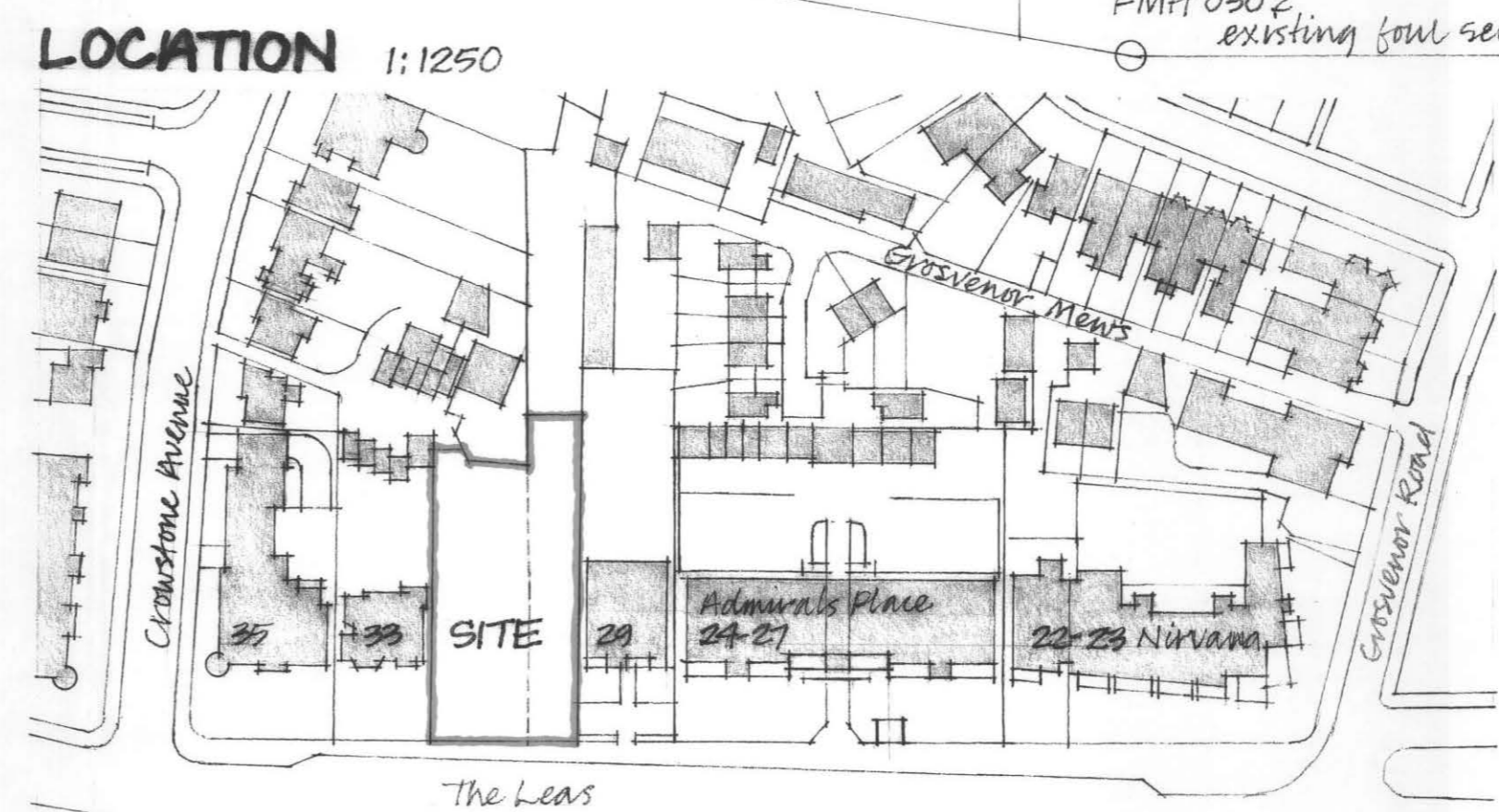
UPPER GROUND



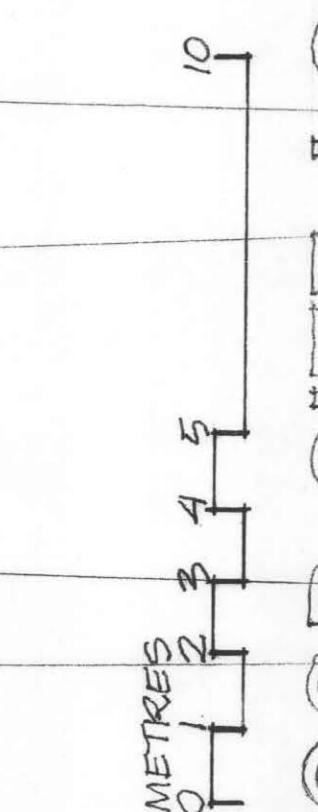
LOWER GROUND



SITE 1:200



LOCATION 1:1250



123/20

PLANS FLOOR SITE LOCATION
1:100 @ A1
1:200 @ A1
1:1250 @ A1

PREDEVELOPMENT 30-32 THE LEAS

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30-32 The Leas

Westcliff-on-sea, Essex

Communal Garden 500m²

Communal Terrace 110m²



Communal Garden 90m²

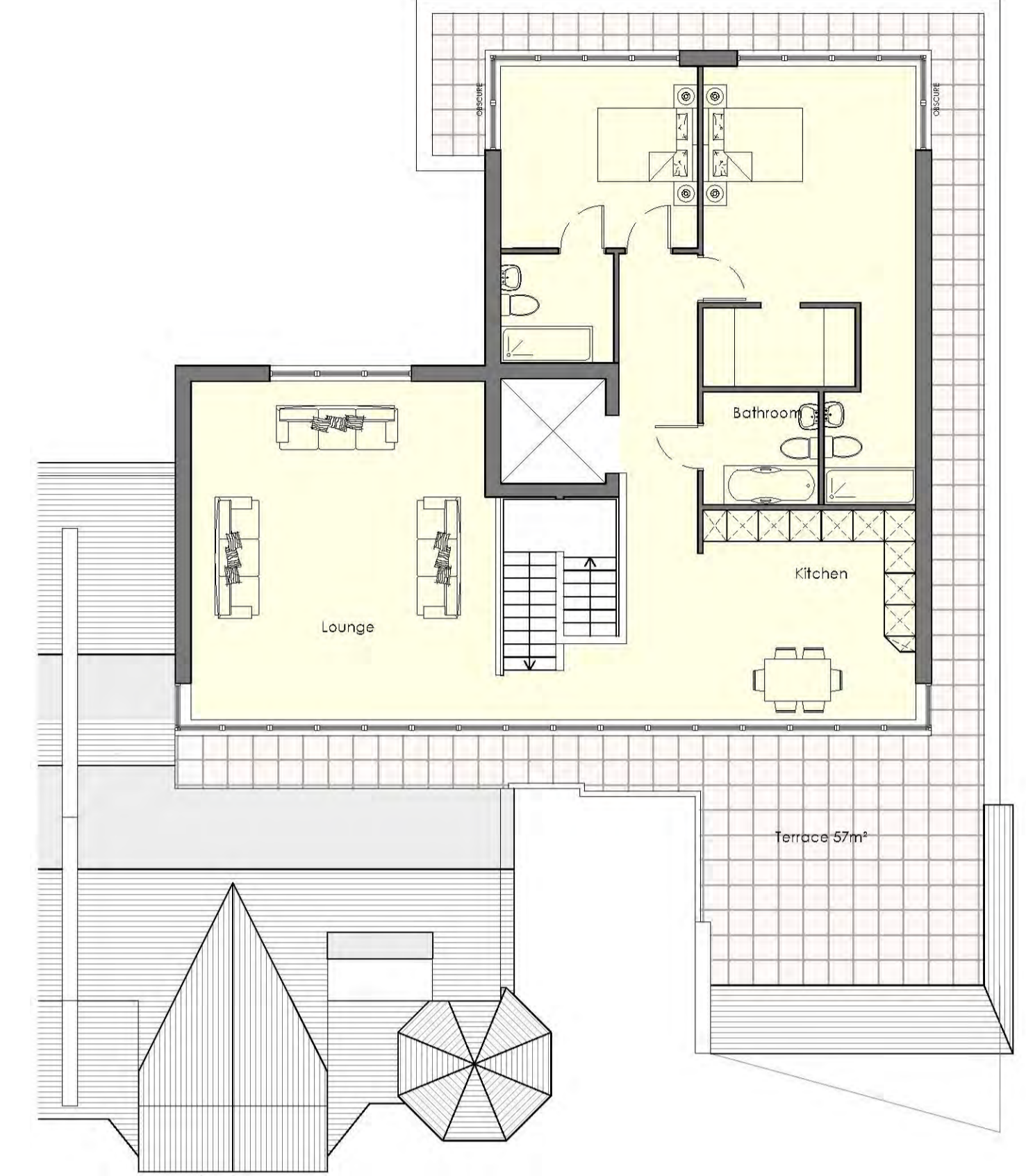
1 Proposed Ground Floor Plan

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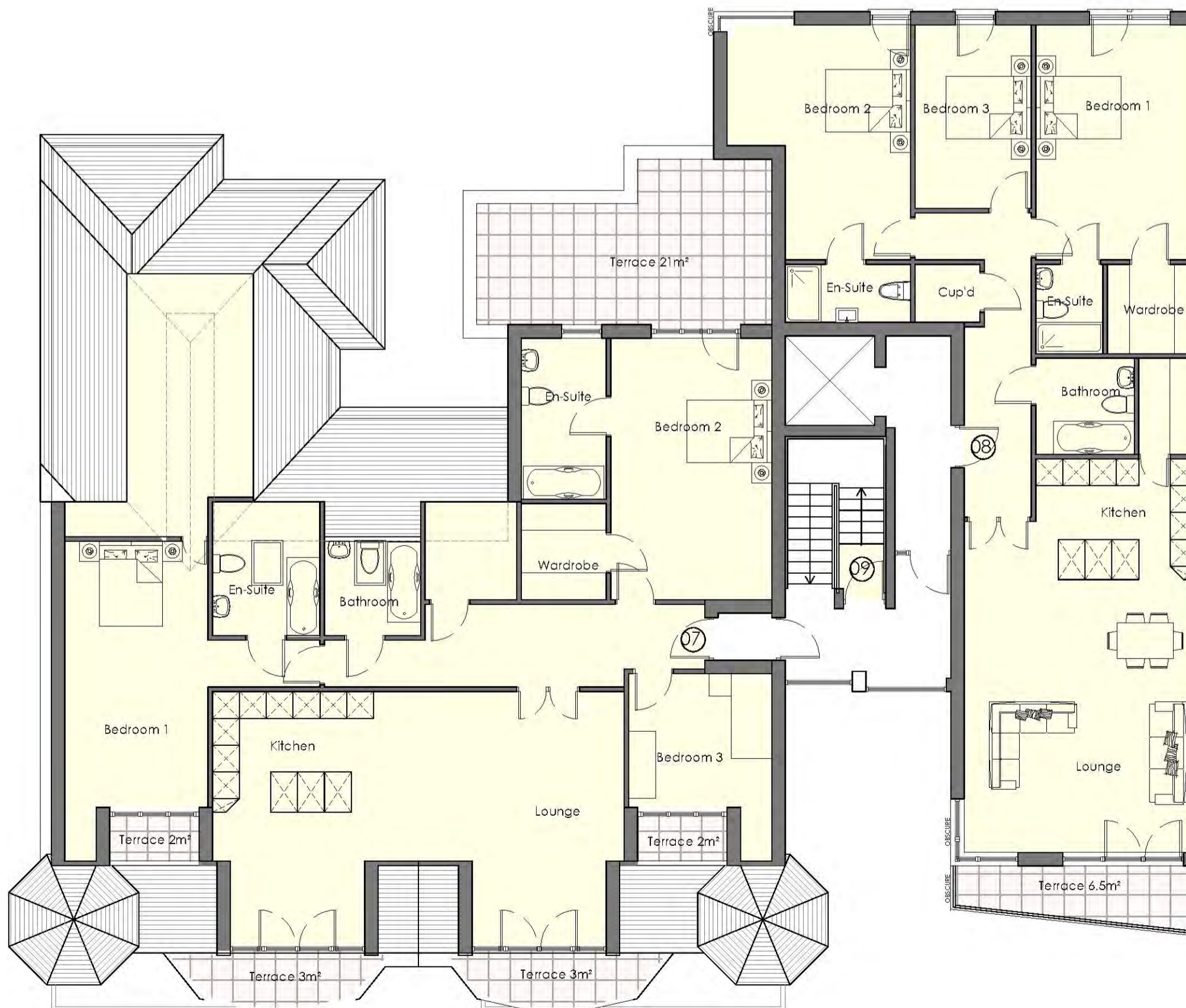
2 Proposed First Floor Plan

Scale: 1:100



4 Proposed Third Floor Plan

Scale: 1:100



3 Proposed Second Floor Plan

Scale: 1:100

FLAT	TYPE	SIZE
01	3B5P	116M ²
02	3B5P	125M ²
03	3B6P	126M ²
04	3B6P	120M ²
05	3B6P	124M ²
06	3B6P	126M ²
07	2B4P	162M ²
08	3B6P	126M ²
09	2B4P	122M ²

REVISION	DATE	AMENDMENT
APS DESIGN ASSOCIATES LTD		
ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		
PROJECT STAGE	TOWN PLANNING	DRAWN BY: T.E.
CLIENT	MR. ELMORE	DATE: 17.11.2017
PROJECT	30-32 THE LEAS	
JOB NO.	2566	
DRAWING TITLE	Proposed Floor Plan	DRAWING NO. 04
		REVISION
		SCALE: 1:100 @ A1
The Design Studio 1 Cambridge Road (Rear) Nelson Street Southend-On-Sea Essex SS1 1ET		
Tel: 01702 469 789 - 01702 337328 Email: solmir@apsdesignsuk.com design@apsdesignsuk.com planning@apsdesignsuk.com Website: www.apsdesignsuk.com		

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30-32 The Leas

Westcliff-on-sea, Essex



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REVISION	DATE	AMENDMENT
APS DESIGN ASSOCIATES LTD		
ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		
PROJECT STAGE	DRAWN BY:	DATE:
TOWN PLANNING	TE	17.11.2017
CLIENT		
MR. ELMORE		
PROJECT		
30-32 THE LEAS		
JOB NO.	DRAWING NO.	REVISION
2566	08	
DRAWING TITLE		SCALE
Proposed Perspectives		1:100 @ A1
The Design Studio		
1 Cambridge Road (Rear)		
Webton Street		
Southend-On-Sea		
Essex		
S81 1ET		
Tel: 01702 468 768 - 01702 337228		
Email: admin@apsdesignsuk.com		
design@apsdesignsuk.com		
planning@apsdesignsuk.com		
Website: www.apsdesignsuk.com		

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30-32 The Leas

Westcliff-on-sea, Essex



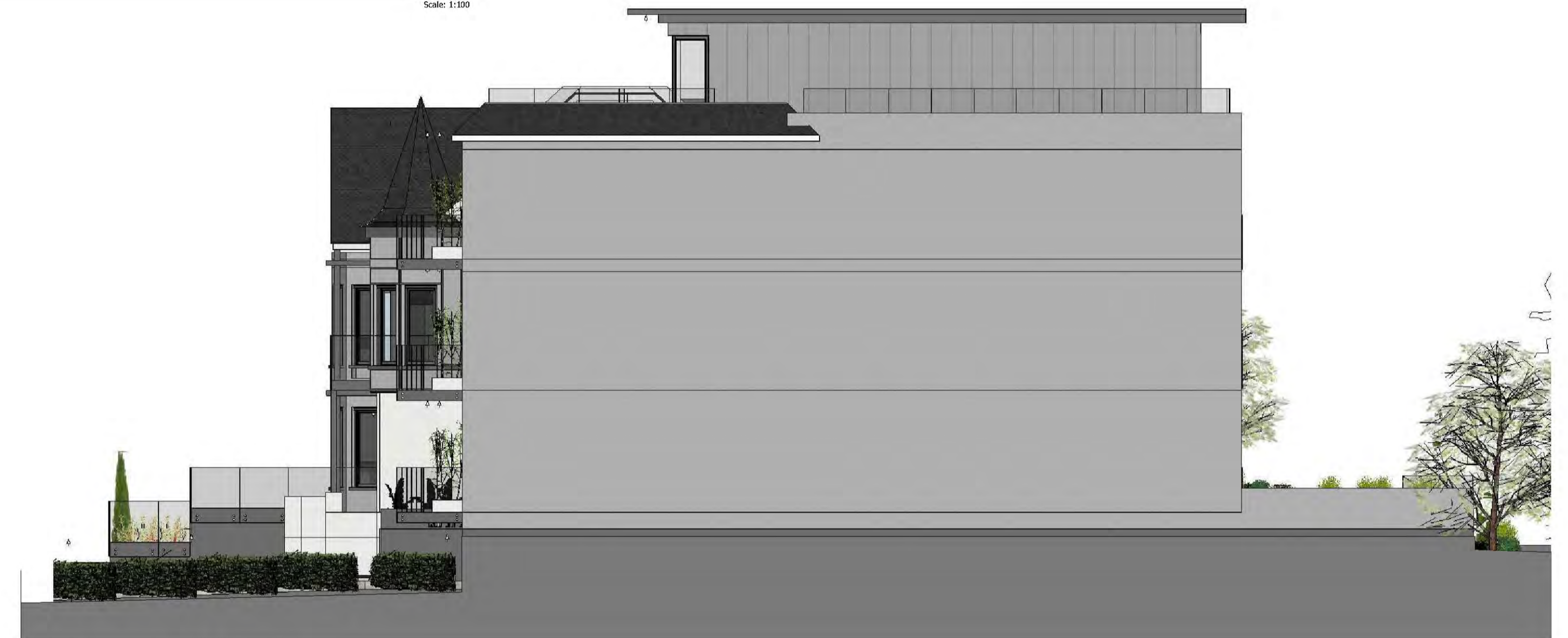
3 Proposed Front Elevation



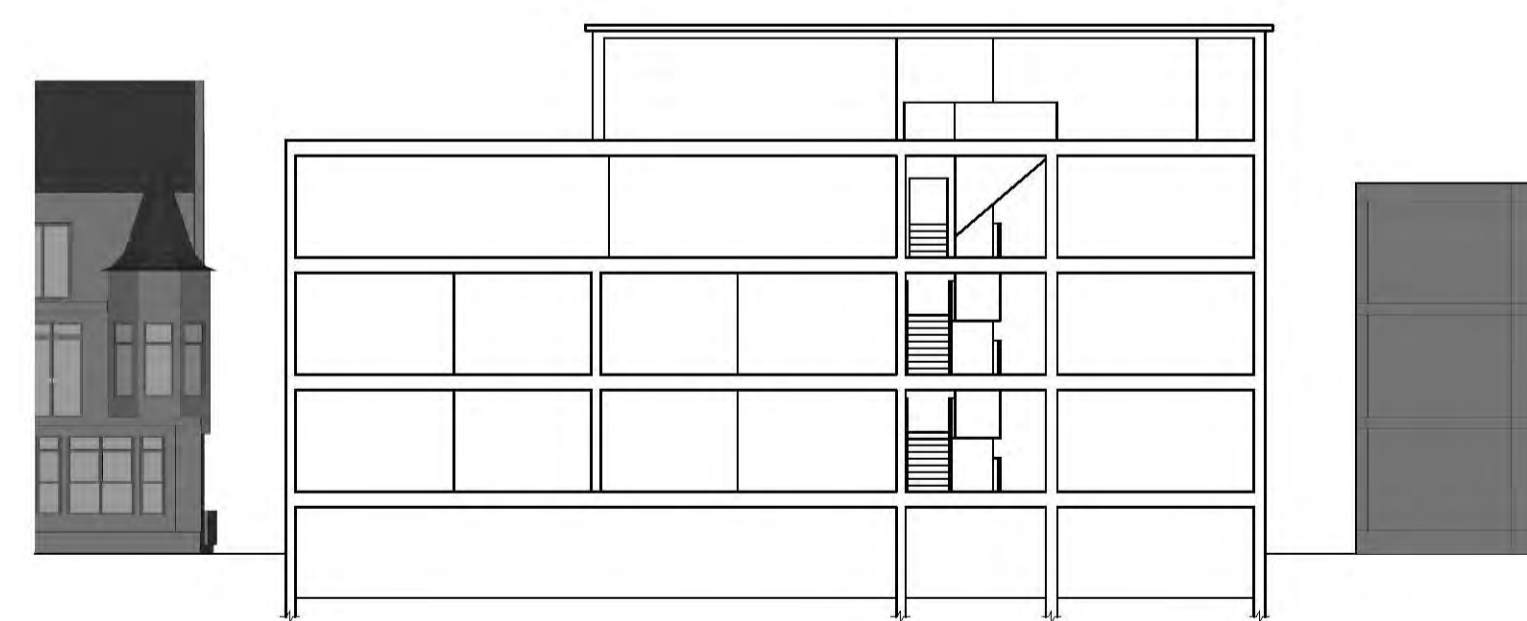
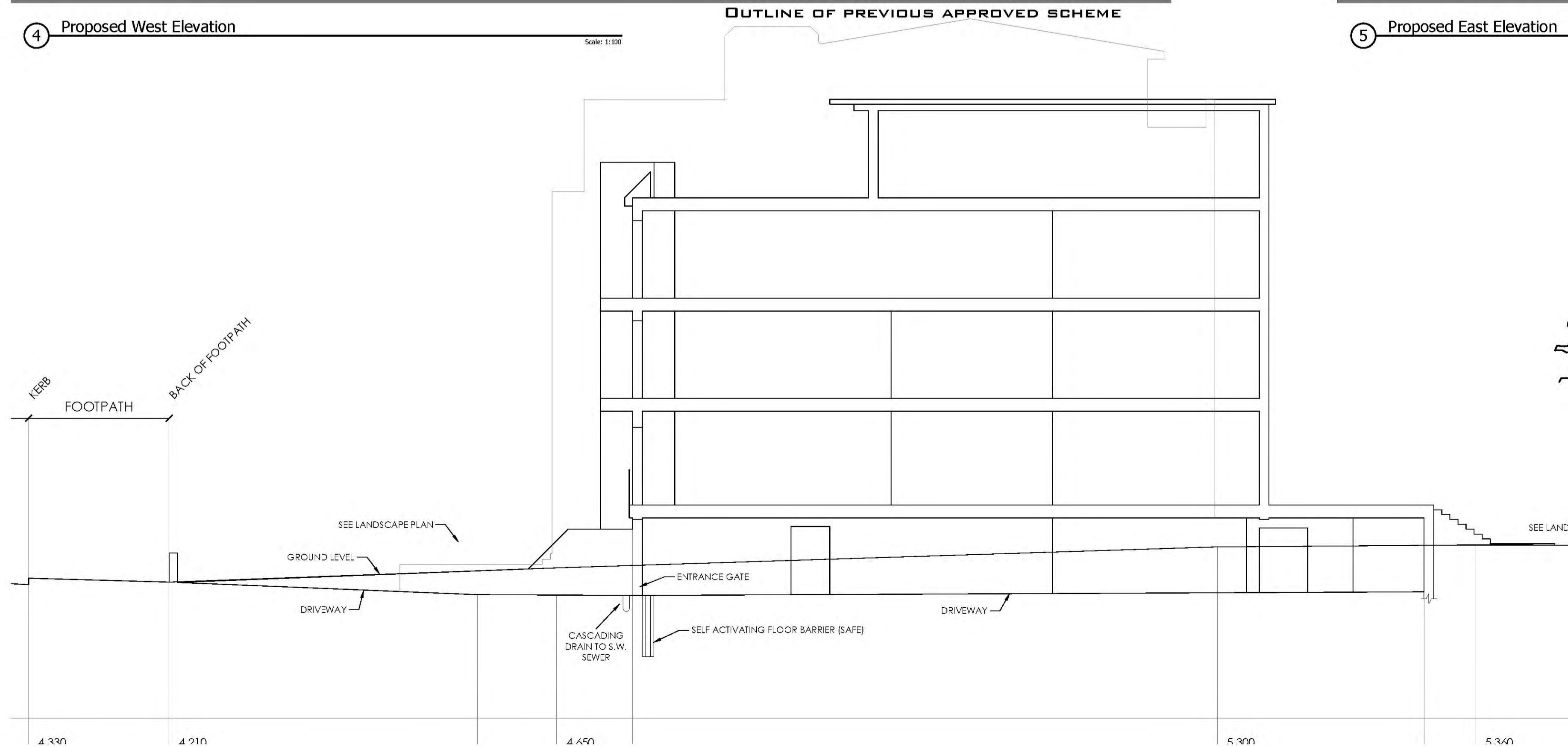
4 Proposed Rear Elevation



4 Proposed West Elevation



5 Proposed East Elevation



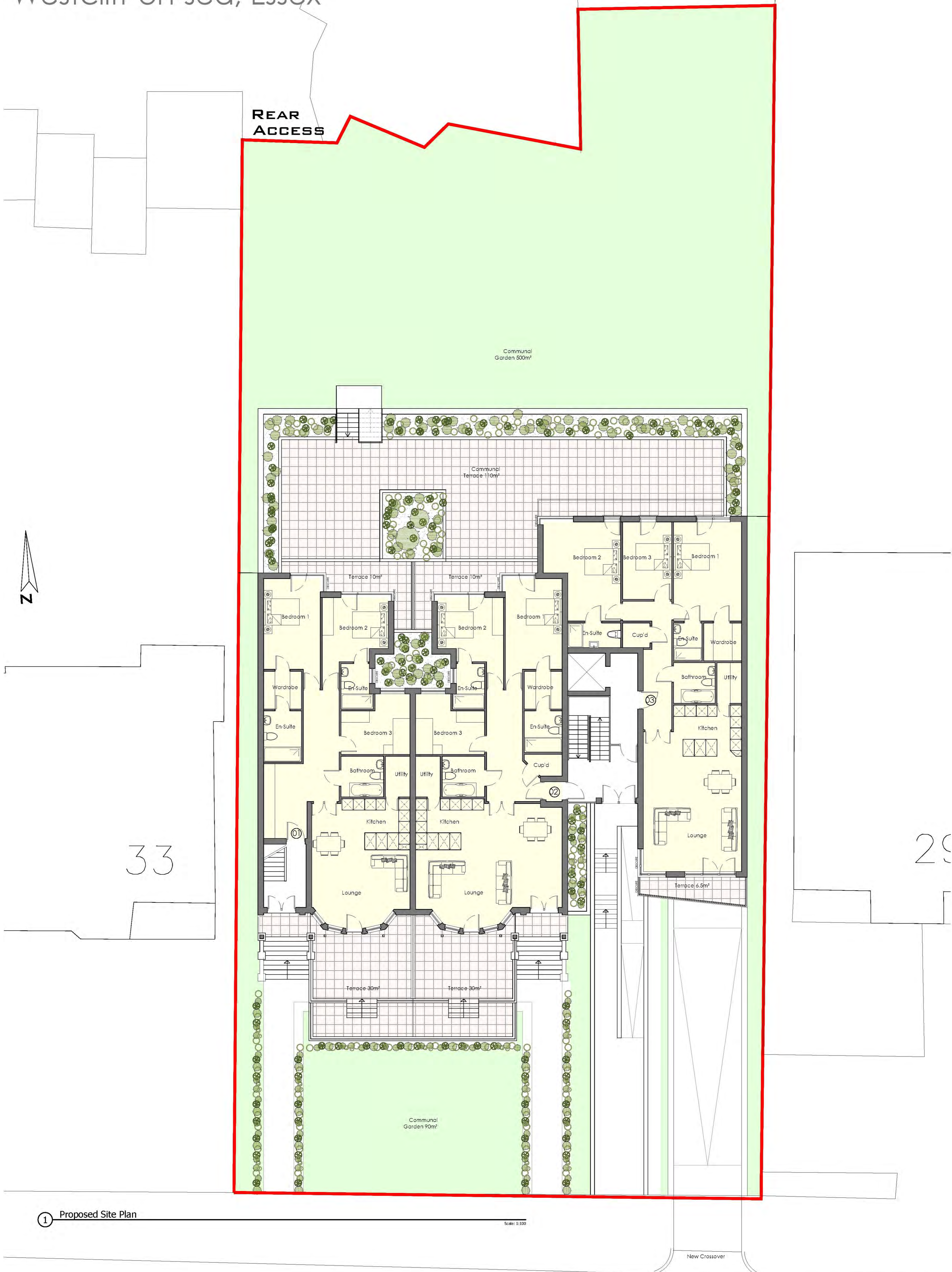
1 Proposed Site Section A-A

REVISION	DATE	AMENDMENT
APS DESIGN ASSOCIATES LTD		
ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		
PROJECT STAGE	DRAWN BY	DATE
TOWN PLANNING	T.E	17.11.2017
CLIENT		
MR. ELMORE		
PROJECT		
30-32 THE LEAS		
JOB NO.	DRAWING NO.	REVISION
2566	05	
DRAWING TITLE		
Proposed Sections/Elevations		
SCALE		
1:100 @ A1		
The Design Studio		
1 Cambridge Road (Rear)		
Nelson Street		
Southend-On-Sea		
Essex		
S81 1ET		
Tel: 01702 489 789 - 01702 337328		
Email: solmir@apsdesignsuk.com		
design@apsdesignsuk.com		
planning@apsdesignsuk.com		
Website: www.apsdesignsuk.com		

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30-32 The Leas

Westcliff-on-sea, Essex



1 Proposed Site Plan

Scale: 1:100

REVISION	DATE	AMENDMENT
APS DESIGN ASSOCIATES LTD		
ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		
PROJECT STAGE	DRAWN BY	DATE
TOWN PLANNING	T.E	17.11.2017
CLIENT		
MR. ELMORE		
PROJECT		
30-32 THE LEAS		
JOB NO	DRAWING NO	REVISION
2566	07	
DRAWING TITLE		
Proposed Site Plan		
SCALE		
1:100 @ A1		
The Design Studio		
1 Cambridge Road (Rear)		
Nelson Street		
Southend-On-Sea		
Essex		
SS1 1ET		
Tel: 01702 465 789 - 01702 337328		
Email: admin@apsdesignsuk.com		
design@apsdesignsuk.com		
planning@apsdesignsuk.com		
Website: www.apsdesignsuk.com		

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30-32 The Leas

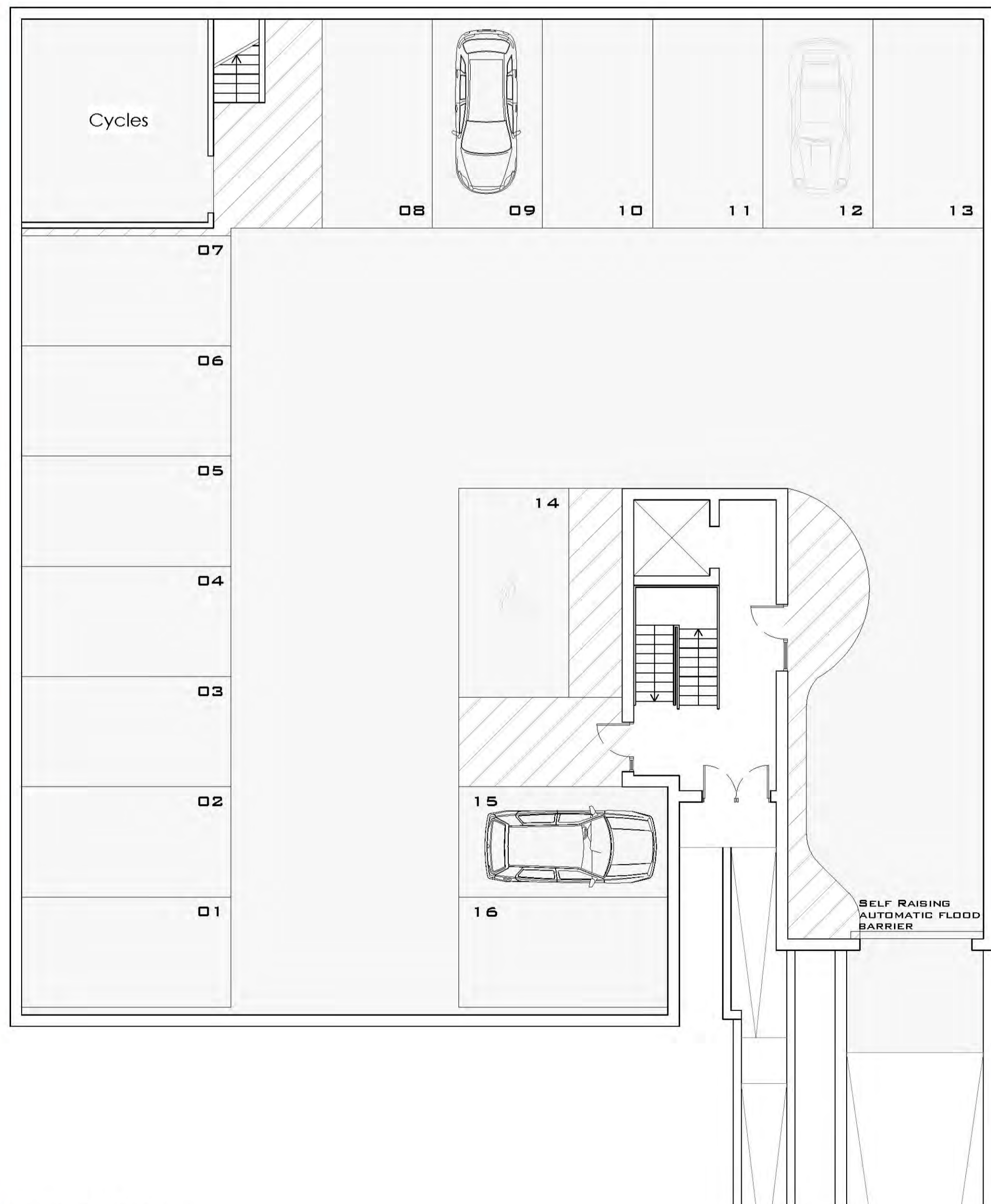
Westcliff-on-sea, Essex



1 Street Scene Front Elevation

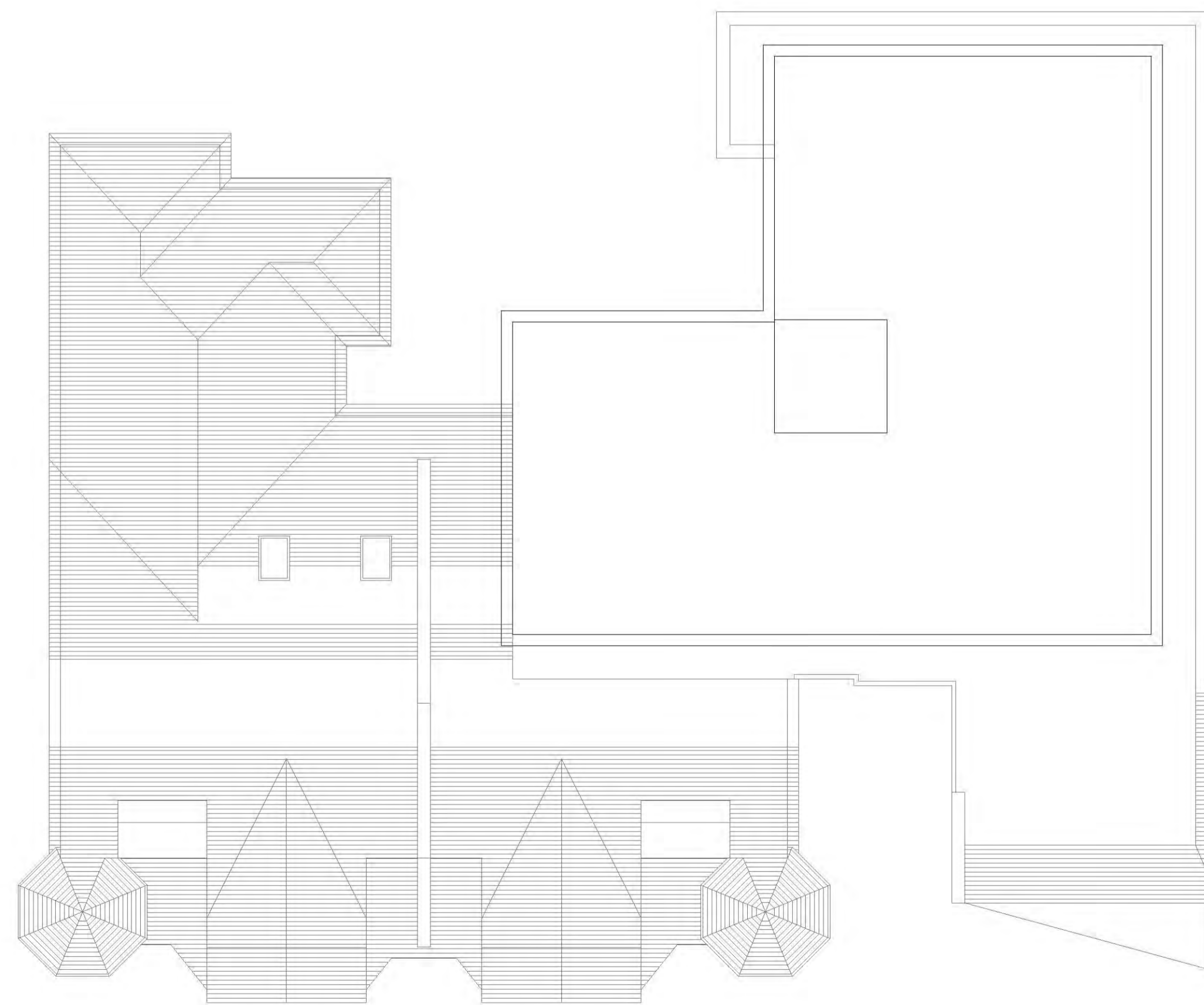
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181



2 Lower Ground Parking

Scale: 1:150



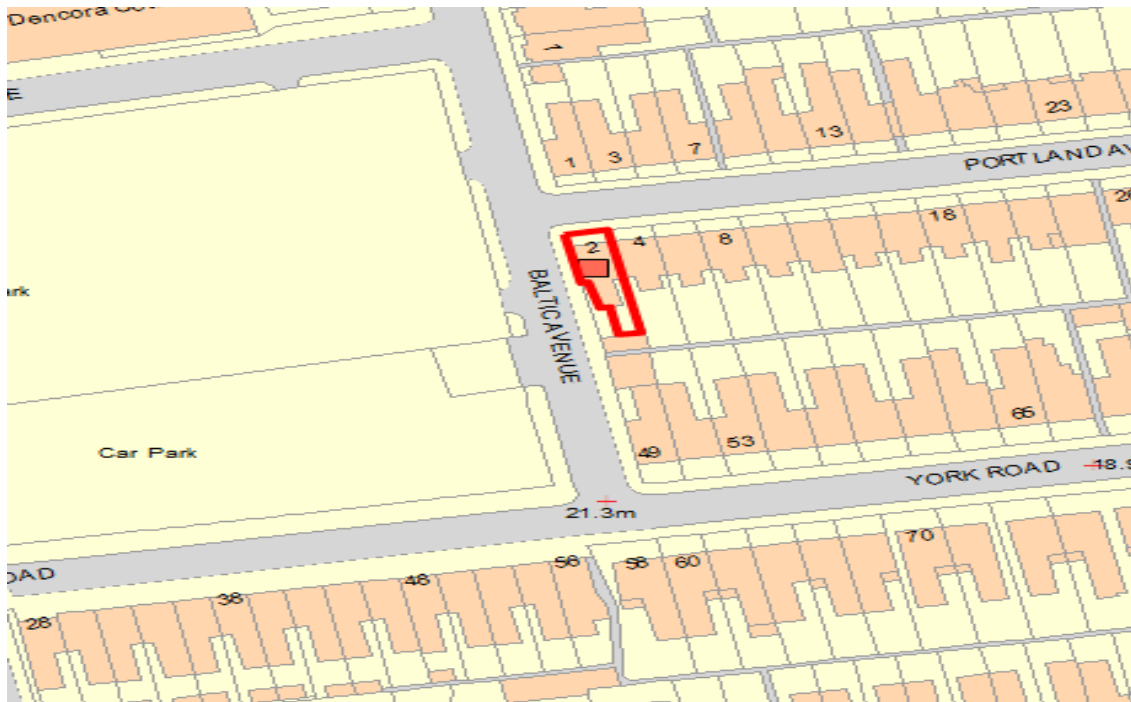
2 Proposed Roof Plan

Scale: 1:100

REVISION	DATE	AMENDMENT
APS DESIGN ASSOCIATES LTD ARCHITECTURAL DESIGNERS AND PLANNING CONSULTANTS		
PROJECT STAGE	DRAWN BY	DATE
TOWN PLANNING	T.E	17.11.2017
CLIENT MR. ELMORE		
PROJECT 30-32 THE LEAS		
JOB NO.	DRAWING NO.	REVISION
2566	06	
DRAWING TITLE Proposed Street Scene/Lower Ground		SCALE 1:100 @ A1
The Design Studio 1 Cambridge Road (Rear) Nelson Street Southend-On-Sea Essex SS1 1ET		Tel: 01702 469 789 - 01702 337328 Email: solmir@apsdesignsuk.com designteam@apsdesignsuk.com planning@apsdesignsuk.com Website: www.apsdesignsuk.com

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Reference:	17/02009/FUL	9
Ward:	Milton	
Proposal:	Replace existing external staircase (Partially retrospective)	
Address:	2A Portland Avenue Southend-On-Sea Essex SS1 2DD	
Applicant:	Mr William Price	
Agent:	Tony Merry	
Consultation Expiry:	29.01.2018	
Target Date:	09.02.2018	
EOT Expiry Date:	09.03.2018	
Case Officer:	Robert Lilburn	
Plan Nos:	91336 01, 91336 02 revision C, 91336 03	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought retrospectively (in part) to erect a wooden staircase with landing from the rear door of a first floor flat, leading from an external yard space.
- 1.2 The application has been submitted following a planning enforcement investigation into the staircase and associated landing at the site, which has been built to replace an earlier stair and landing.
- 1.3 The submitted plans show that the stairs are the same external dimensions as those replaced, at 0.9m in width, and that the platform measures approximately 1.675m in rearward extent as per the former platform.
- 1.4 The scheme differs from the former arrangement by the addition of an approximately 0.5m sideward projection of the platform towards the common boundary with nos.4 and 4A Portland Avenue. The resulting width of the platform is approximately 1.4m, compared with the earlier width of 0.9m.
- 1.5 Photographs have been submitted which show that the former stair which the current stair has been built to replace appeared to be in an advanced state of decay.
- 1.6 The applicant has revised the submitted plans to address neighbour concerns. The first revision is to incorporate an additional proposed balustrade along the line of the edge of the former platform.
- 1.7 The anticipated effect of this would be to reduce the useable extent of the platform on which people can stand, and to reduce the potential for disturbance and intrusion to neighbouring occupiers over and above the former situation.
- 1.8 In addition a 1.7m high privacy screen would be installed along the outer edge of the platform. The anticipated effect of this would be to reduce the potential for intrusion to neighbouring occupiers over and above the former situation, and to deter the use of the platform as a balcony.

2 Site and Surroundings

- 2.1 Portland Avenue is residential in character, characterised primarily by two storey terraced dwellings with small front gardens and modestly-sized rear gardens.
- 2.2 The application site is a two storey end of terrace building, which comprises two flats. It is finished externally in white painted render and concrete roof tiles. The property has a flat-roofed, two-storey rear outrigger measuring approximately 6m in depth.
- 2.3 The adjoining property comprising nos.4 and 4a Portland Avenue is a mid-terrace building, which has also been divided into flats, with a single-storey rear outrigger. It includes a box dormer on the rear, providing additional living accommodation in the roof space.

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 Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Southend Central Area Action Plan (SCAAP) (2016) (submitted version)

- 4.1 The dwelling is located within a residential area. The SCAAP seeks to deliver housing development in the Central Area in a mix of housing types and sizes. The proposal would not conflict with the spatial policies of the development plan or emerging SCAAP. An extension or alteration to the property in association with the 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 Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 4.2 Paragraph 56 of the National Planning Policy Framework 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 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”*.
- 4.4 Policy DM3 of the Development Management Document states that alterations and additions to a building will be expected to make a positive contribution to the character of the original building.
- 4.5 Policy KP2 of Core Strategy states that 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”*.

- 4.6 The wooden staircase appears to have been constructed in the same position as an earlier stair, and appears to have re-used at least two of the pre-existing wooden platform supports. This conclusion is reached having regard to the relatively weathered appearance of the posts and photographs of the former stair.
- 4.7 The stair has been designed with a landing platform at the top, which projects to the side approximately 0.5m eastwards from the outer edge of the stair towards the common boundary with the flats at nos.4 and 4a Portland Avenue. The projecting element of the platform is further supported by a pair of angled wooden supports attached to the main platform support posts.
- 4.8 The stair and platform is consistent with the former arrangement in size, scale and general character, with the exception of the side projection. It has a functional design for the purposes of access and egress from the established door at the back of the first floor flat.
- 4.9 The stair is visible within the rear garden scene behind the property, but is not a feature of the street scene. It is built along the inside of the two-storey rear outrigger and as such is not especially prominent in the general scene.
- 4.10 The projection of the platform to the side ensures that the balustrade does not cut across the rear first floor window at the application site. This may be regarded as a positive aspect of the design, maintaining the integrity of original architectural features. The angled supports are relatively low profile and are considered to not have a significant visual impact.
- 4.11 It is considered that the scale and character of the stair and platform satisfactorily respect the established characteristics of the site and surroundings, and the proposal is therefore consistent with the objectives of the above-mentioned policies and guidance with reference to the character, appearance and visual amenities of the property and the immediate surroundings.

Impact on Residential Amenity:

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

- 4.12 Paragraph 17 of the NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 4.13 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.”* Policy DM3 of the Development Management Document seeks to avoid over-intensification and to resist a detrimental impact on the living conditions of existing, future and neighbouring residents.
- 4.14 Paragraph 343 of the Design and Townscape Guide 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”*.

- 4.15 Paragraph 364 of the Design and Townscape Guide states that with regard to balconies, *“Obscure screens may be used to prevent overlooking but these should not be at the expense of good design”*.
- 4.16 The proximity of the platform to the kitchen window of the neighbouring flat at no.4a Portland Avenue is noted. It appears that the platform has been extended by approximately 0.5m towards the common boundary with the flats at nos.4 and 4a Portland Avenue, compared with the previous arrangement.
- 4.17 It is considered reasonable that the previous stair and platform be replaced, and it is noted that these existed with no apparent restriction on their use. It is possible that occupiers of the property could sit on the steps or platform for any purpose for any length of time, however in practice this may have been discouraged by the width.
- 4.18 The additional 0.5m projection appears to allow for a person or persons to stand on the platform, while the door can be opened and closed. This appears to have encouraged occupiers to dwell on the platform, and given the close proximity to the neighbouring flats at nos.4 and 4a Portland Avenue has had a consequential impact on the neighbouring occupiers in terms of noise disturbance, and actual or perceived loss of privacy.
- 4.19 It is acknowledged that occupiers could have used the former stair or landing for uses other than access and egress, such as smoking. It appears however that the larger platform has facilitated an increased frequency and duration of such uses, more akin to a balcony.
- 4.20 In order to address this, the applicant has proposed the installation of an additional balustrade within the platform, to separate off the extended platform area, thus restricting the platform to a similar dimension to the previous established arrangement. This is considered a reasonable approach and would effectively return the scheme to the established arrangement in terms of the size of the platform on which people can stand. It is considered that on this basis it would not be materially worse in terms of how it facilitates ‘social’ uses and dwell times, and the degree of visual intrusion.
- 4.21 While the partitioned arrangement could still allow objects to be placed on the platform, it is considered that this is not materially worse than the former arrangement in so far as objects could always have been placed on part of the platform or balustrade. In the event of approval a condition could be attached requiring the installation of the partitioning balustrade within a prescribed timescale.
- 4.22 The applicant has also proposed the installation of a 1.7m high privacy screen along the edge of the platform close to the common boundary with nos.4 and 4a Portland Avenue. It is considered that this would be likely to further discourage the use of the platform, including the partitioned area, for smoking and social purposes, while reducing the potential for associated visual intrusion to the neighbouring kitchen window at no.4a Portland Avenue and loss of privacy the outrigger and rear yard of the lower flat.

- 4.23 While the privacy screen would be evident from within the kitchen at no.4a, it would not significantly harm the outlook given the existing backdrop of the two-storey outrigger. At 1.7m in height and 1.7m in rear extent it is considered that it would not be unduly overbearing, and would not have a significant effect in terms of daylight or shadowing to no.4a.
- 4.24 The replacement platform projects 0.5m closer to the common boundary with nos.4 and 4a Portland Avenue and as such has a greater visual impact than the former arrangement, when viewed from the ground floor. In light of the short rearward length of the platform at 1675mm, and its situation in the context of the two storey extension, it is considered that the effect on the lower flat in terms of daylight, shadowing, outlook, sense of enclosure, visual impact and actual or perceived loss of privacy is not materially worse than the former arrangement. This consideration includes any impact of the proposed privacy screen and other changes from the previous structure. As such it is considered that a refusal of planning permission on this basis would not be warranted.
- 4.25 No judgement is made as part of this application as to whether the arrangement meets the requirements of other regulatory frameworks, such as Building Regulations.
- 4.26 It is considered that subject to an appropriately worded condition requiring the installation and retention of a partitioning balustrade and privacy screen, the concerns relating to the amenity impacts of the stair and platform can be overcome to a reasonable degree. The development would therefore be capable of maintaining neighbour amenities in accordance with the above noted policies and guidance. The application is found to be acceptable and policy compliant in terms of its impact on neighbouring occupiers' amenities in all relevant regards.

5 Conclusion

- 5.1 Having taking all material planning considerations into account, it is found that the development is acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of altering the building is acceptable; the design is appropriately consistent and sympathetic to the character of the original building, thus protecting the visual amenities of the wider area while allowing for reasonable access to the property. On balance, subject to planning conditions, the stair and platform can sufficiently protect the privacy of neighbouring occupiers.

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 KP1 (Spatial Strategy), 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

Public Consultation

7.1 Eight neighbours were notified and nine representations have been received from two neighbours, as follows:

- Overlooking from the stair to the bedroom window below at 4 Portland Avenue;
- Loss of light to the bedroom window and general harm to neighbour amenity;
- Cigarette smoke from occupiers smoking on the stair is abhorrent and harmful to neighbours' health;
- Occupiers smoking on the stair throwing ash and cigarette ends into neighbour's garden;
- Occupiers congregating on the platform causing noise and disturbance to neighbouring occupiers until the early hours;
- Storage of car parts below the stair and attracting vermin from other storage;
- Storage of refuse and antisocial use of platform;
- Loss of privacy and intrusion of smoke, odours and noise due to proximity to neighbouring dwellings;
- Question legality and positioning of structure.

[Officer comment: As the stair and platform replace an established stair in the same position, the use of which was not restricted, it is considered that the effects of the stair and platform are not materially worse than the previous arrangement and therefore would not warrant a refusal of planning permission, subject to installation of the partitioning balustrade and the privacy screen. The placing of objects including car parts under the stair appears to be incidental to the domestic occupation of the property, however should a material change of use be identified this would be investigated accordingly from a planning enforcement point of view].

The above 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 91/0294: Convert dwellinghouse into two self contained flats, erect pitched roof double garage at rear and widen vehicular access onto Baltic Avenue. Granted.

88/0739: Use dwellinghouse as guest house lay out parking and form new vehicular access. Granted.

9 Recommendation

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: 91336 01, 91336 02 revision C, 91336 03.

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

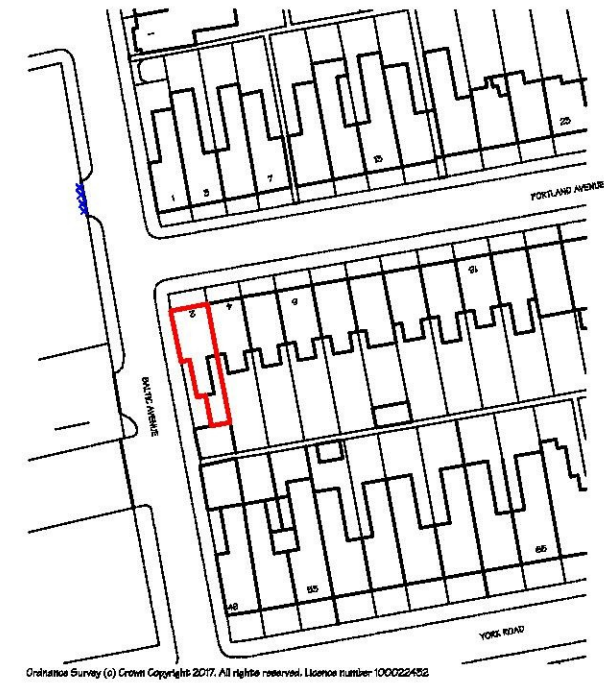
03 The proposed additional balustrade, planter and screen shown on approved plan 91336 02 revision C shall be installed in full, in accordance with the approved plan within eight weeks of the date of the grant of this permission, and shall be retained in perpetuity thereafter as such.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the 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).

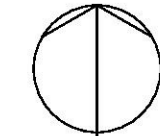
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in 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.

10 Informatives:

- 1 You are advised that as the proposed extension(s) to your property 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.**
- 2 For the avoidance of doubt should this development not be implemented in full accordance with the terms of this consent the Local Planning Authority will need to consider whether or not it is appropriate to take enforcement action against the current structure.**



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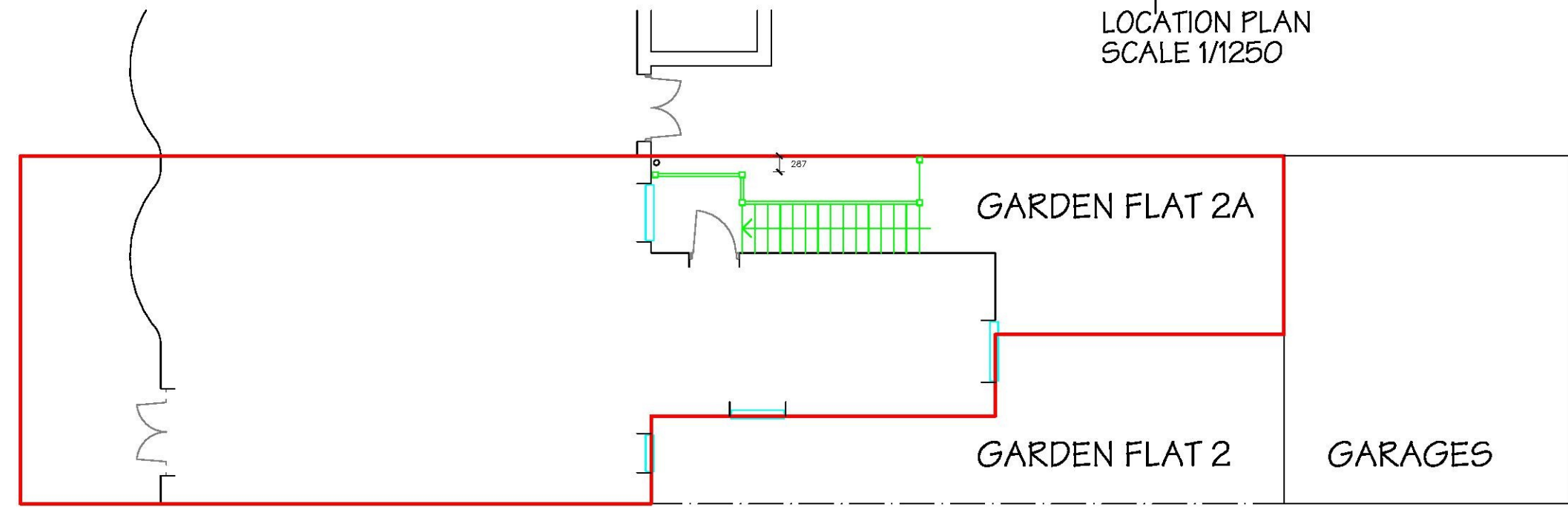


LOCATION PLAN
SCALE 1/1250

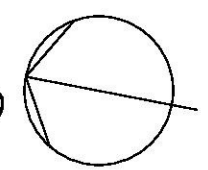
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NOTES

191



SITE PLAN
SCALE 1/200



KEY	DATE	DESCRIPTION

2A PORTLAND AVENUE
SOUTHEND
PROJECT
TITLE
SITE + LOCATION PLANS

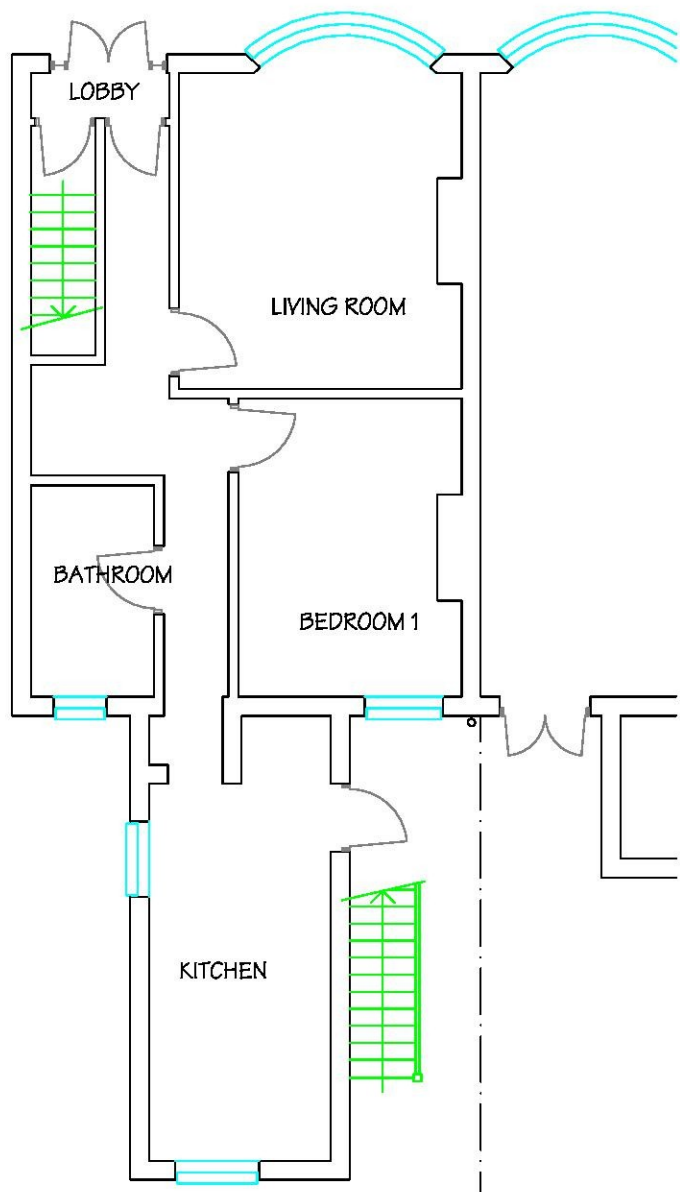
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Design Associates
ARCHITECTURAL DESIGN - SPACE PLANNING - PROJECT MANAGEMENT
82 LONDON ROAD - SOUTHEND ON SEA - ESSEX - S91 1PG
TELEPHONE - 01702 362302
EMAIL: tonymerry@dacl.com

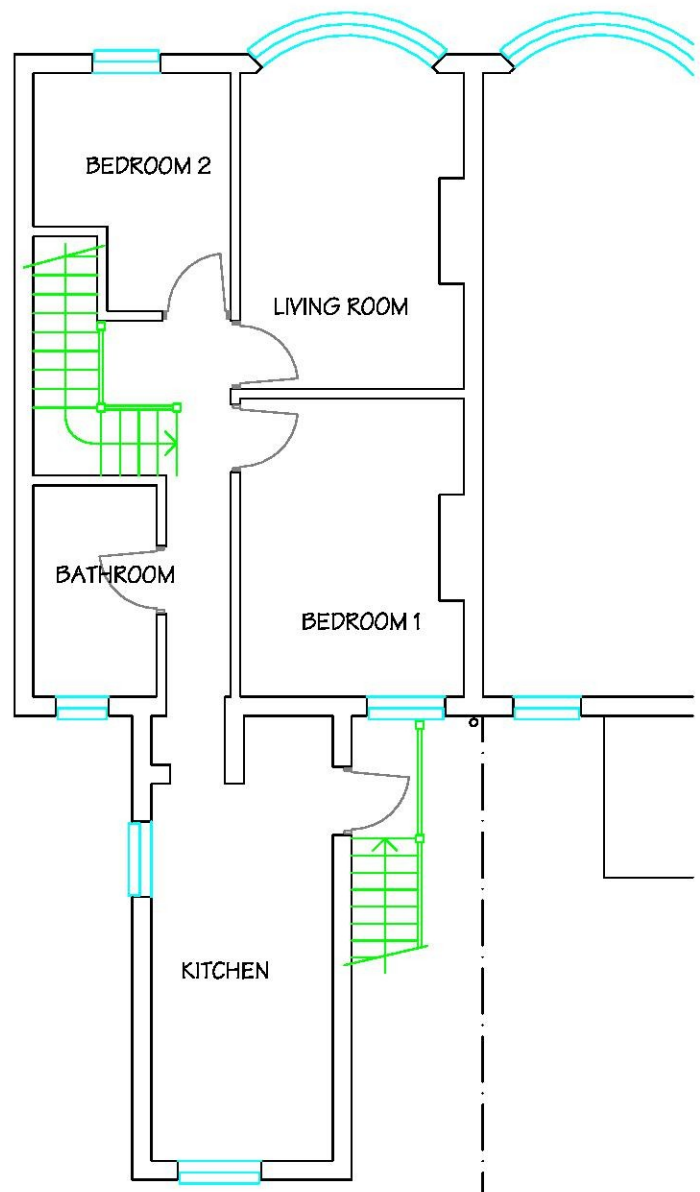
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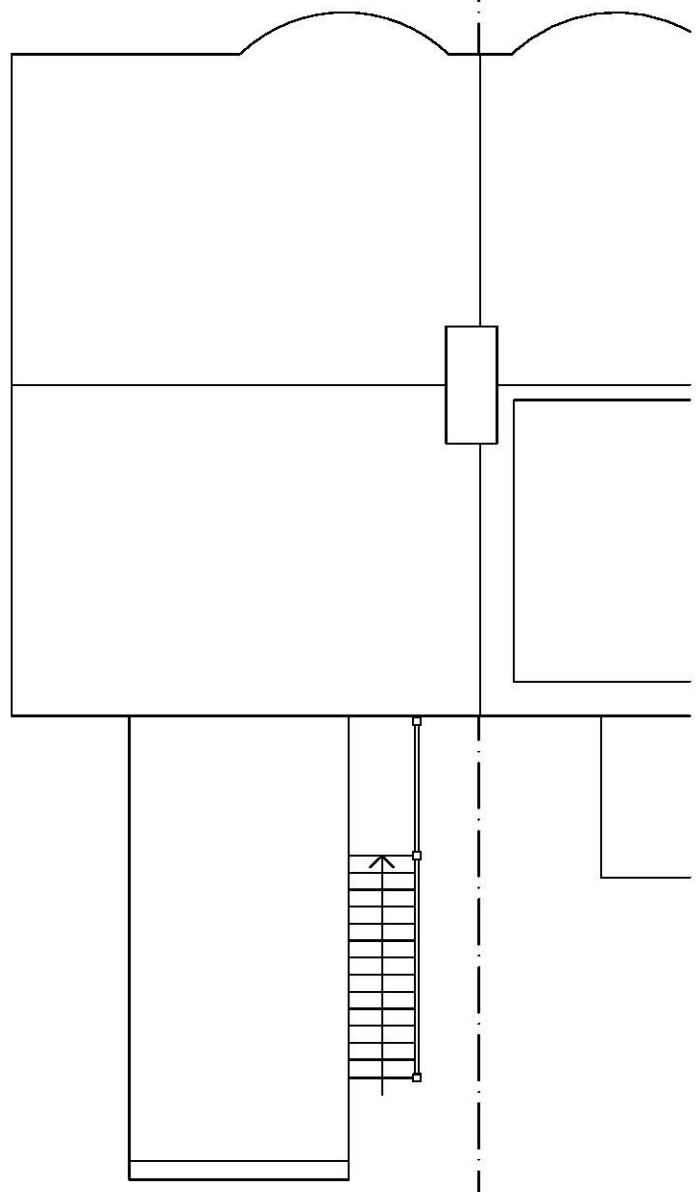
NOTES



GROUND FLOOR PLAN



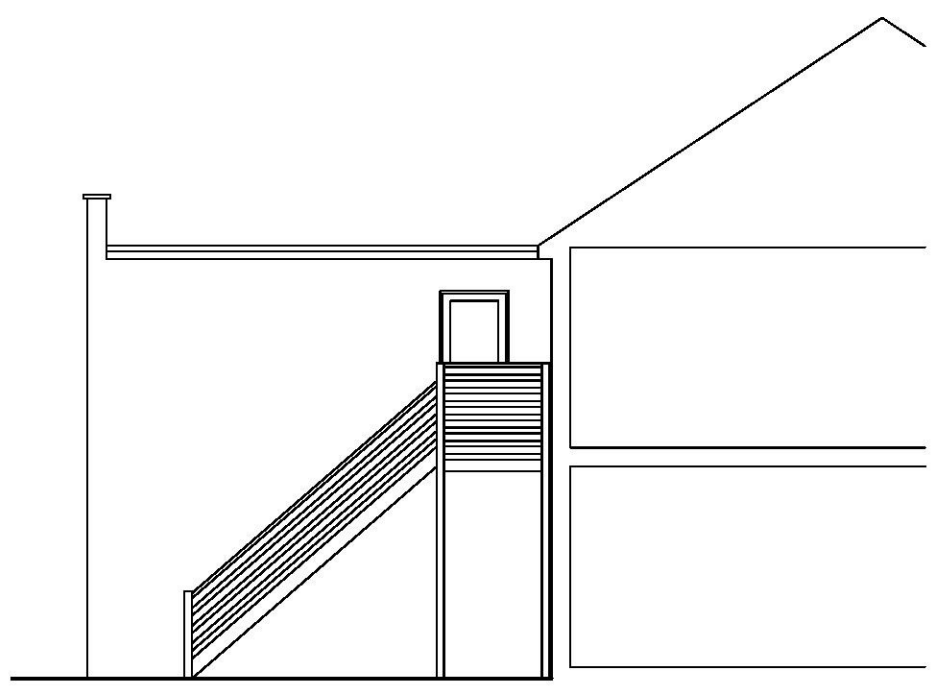
FIRST FLOOR PLAN



ROOF PLAN



REAR ELEVATION



SECTIONAL SIDE ELEVATION - EAST

REV	DATE	DESCRIPTION

2A PORTLAND AVENUE
SOUTHEND
PROJECT
TITLE
PLAN + ELEVATIONS AS EXISTING

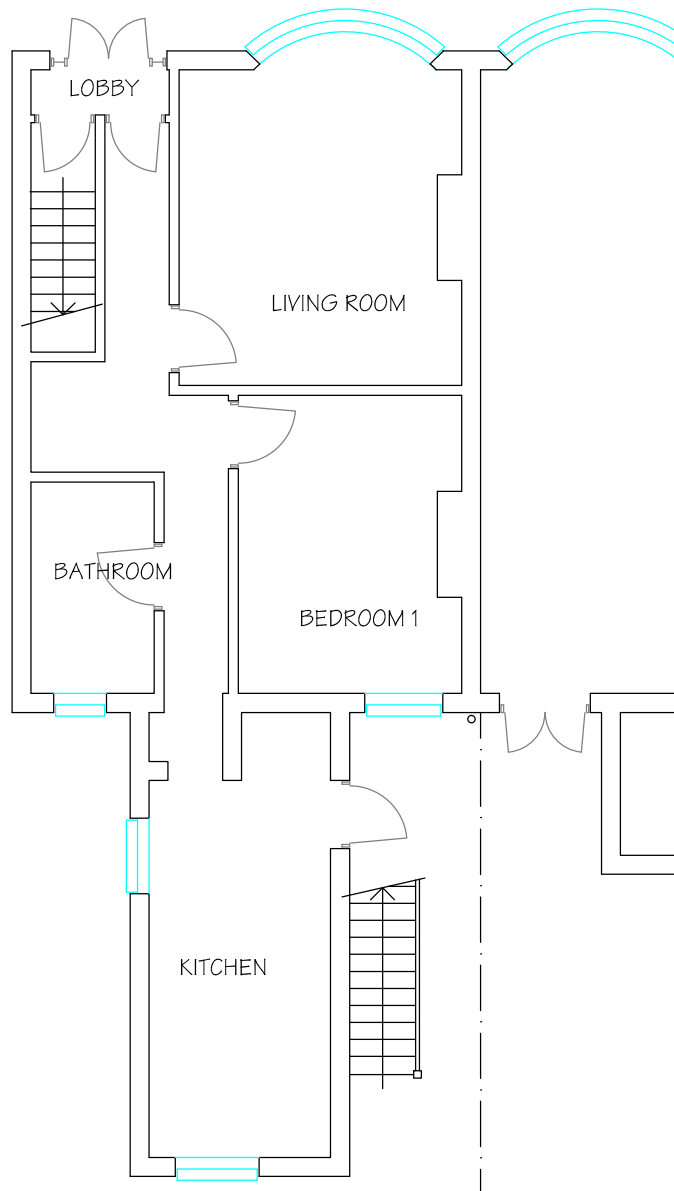
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91336 | 01 | - | SCALE 1/100 @ A3

Design Associates
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82 LONDON ROAD - SOUTHEND ON SEA - ESSEX - S91 1PG
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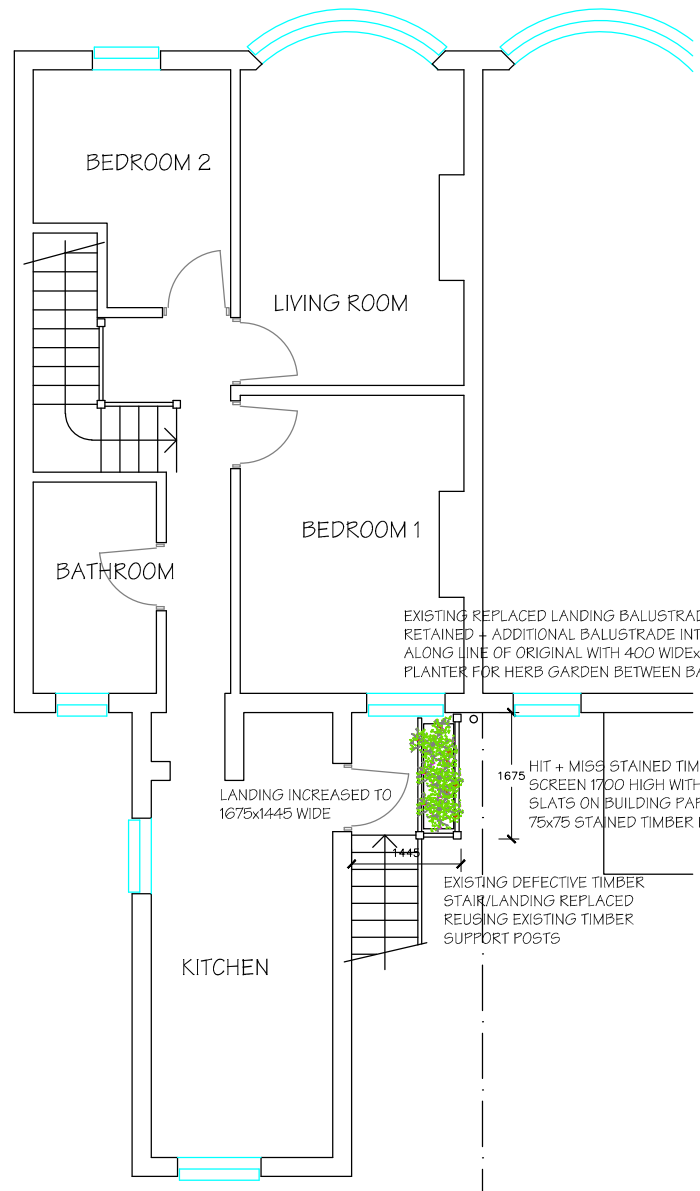
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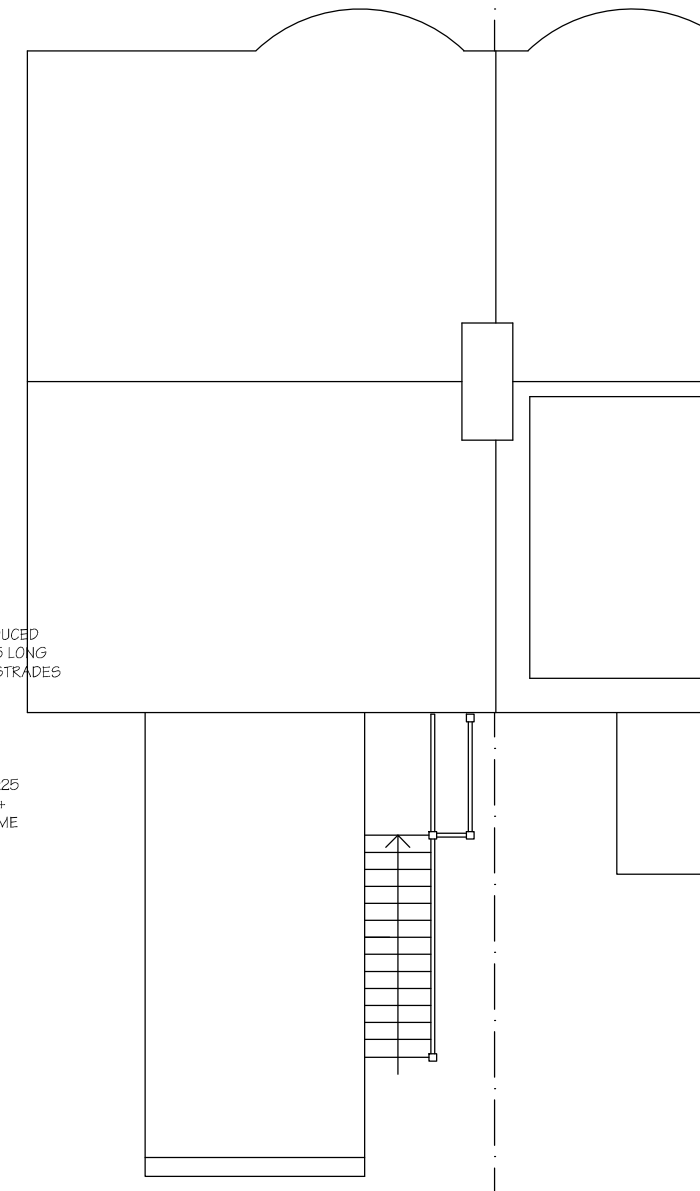
NOTES



GROUND FLOOR PLAN



FIRST FLOOR PLAN



ROOF PLAN

EXISTING REPLACED LANDING BALUSTRADE RETAINED + ADDITIONAL BALUSTRADE INTRODUCED ALONG LINE OF ORIGINAL WITH 400 WIDEX1325 LONG PLANTER FOR HERB GARDEN BETWEEN BALUSTRADES

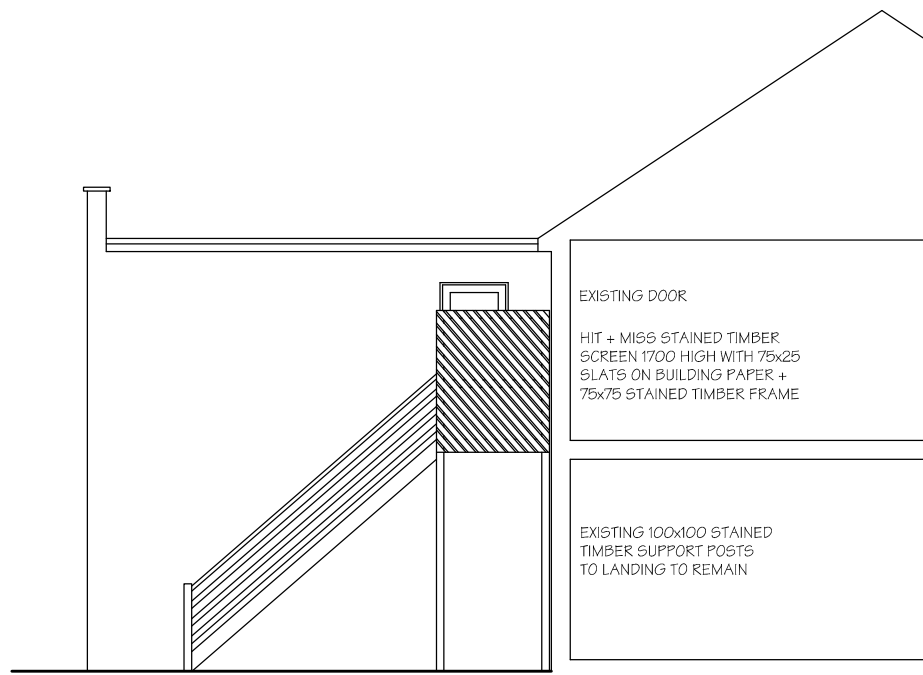
LANDING INCREASED TO 1675x1445 WIDE

HIT + MISS STAINED TIMBER SCREEN 1700 HIGH WITH 75x25 SLATS ON BUILDING PAPER + 75x75 STAINED TIMBER FRAME

EXISTING DEFECTIVE TIMBER STAIR/LANDING REPLACED REUSING EXISTING TIMBER SUPPORT POSTS



REAR ELEVATION



SECTIONAL SIDE ELEVATION - EAST

EXISTING DOOR

HIT + MISS STAINED TIMBER SCREEN 1700 HIGH WITH 75x25 SLATS ON BUILDING PAPER + 75x75 STAINED TIMBER FRAME

EXISTING 100x100 STAINED TIMBER SUPPORT POSTS TO LANDING TO REMAIN

REV	DATE	DESCRIPTION
C	FEB 2018	PLANTER ADDED
B	FEB 2018	WIND SCREEN OMITTED
A	FEB 2018	WIND SCREEN REVISED

2A PORTLAND AVENUE
 SOUTHEND
 PROJECT
 TITLE
 PLAN + ELEVATIONS AS PROPOSED

JOB NUMBER | DRAWING NUMBER | REVISION | DATE | SCALE
 91336 | 02 | C | 11/12/2017 | 1/100@A3

Design Associates
 ARCHITECTURAL DESIGN - SPACE PLANNING - PROJECT MANAGEMENT
 92 LONDON ROAD - SOUTHEND ON SEA - ESSEX - S61 1PG
 TELEPHONE - 01702 592502
 EMAIL - tonymerry@aol.com

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Reference:	17/02159/FULM	<h1>10</h1>
Ward:	Prittlewell	
Proposal:	Demolish existing building and erect 4 storey block comprising of 18 self-contained flats with associated car parking and amenity space and refuse and cycle stores and vehicular access onto Roots Hall Avenue.	
Address:	25 Roots Hall Avenue, Southend-on-Sea, Essex, SS2 6HN	
Applicant:	Icon ECDB Ltd	
Agent:	RD Architecture	
Consultation Expiry:	23.01.2018	
Expiry Date:	23.03.2018	
Case Officer:	Charlotte White	
Plan Nos:	1594/110/P1, 1594/111/P1, 1594/120/P1, 1594/130/P1, 1594/140/P1, 1594/150/P1, 1594/220/P2 1594/230/P3 1594/250/P5, 1594/251/P5, 1594/260/P4, 1594/261/P2, 1594/262/P1, 1594/270/P1	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

1.1 Planning permission is sought to demolish the existing vacant building on the site and construct a four storey building incorporating 18 flats. The building has been designed with the fourth storey constituting a mansard-type roof which is set in from the edges of the building and includes a raised terrace area. 17 parking spaces are proposed, 9 of which would be accessed directly from Roots Hall Avenue, with the remaining 8 accessed via an access road located to east of the site. Communal amenity space is provided to the rear of the site and on the roof terrace, with the first, second and third floor flats having private balconies also.

1.2 The details of the scheme are summarised as follows:

Units	4x 1-bedroom flats (77sqm) 10x 2-bedroom flats (94sqm – 105 sqm) 4x 3-bedroom flats (110sqm – 150 sqm)
Parking	17 parking spaces
Amenity space	100 sq.m communal amenity space at ground floor level, 63sqm communal amenity space on the roof terrace, and private balconies to all but the ground floor units.
Height (max)	4 storey (12m max)
Width (max)	25.5m
Depth (max)	16.7m

1.3 The floors will include:

- Ground floor- 2x 1-bedroom flats, 2x 3-bedroom flats
- First floor- 1x 1-bed flat, 5x 2-bed flats.
- Second floor- 1x 1-bed flat, 5x 2-bed flats.
- Third floor – 2x 3-bedroom flats.

1.4 Cycle storage will be provided internally at ground floor level. An external refuse store is proposed to the east of the site within the landscape buffer within the parking area.

1.5 Materials proposed include a tiled roof, brick and render and grey aluminium windows.

1.6 The application has been submitted with a Design and Access Statement, Transport Statement Recycling/waste management strategy and SUDs statement.

2 Site and Surroundings

- 2.1 The site is located on the northern side of Roots Hall Avenue. The site is occupied by a vacant, two-storey commercial building that is in a poor state of repair.
- 2.2 To the south of the site are terraced dwellinghouses. To the immediate east of the site is a vacant, hardsurfaced area which is in a poor state of repair and is used for informal parking. The ground slopes down at the rear and backs onto Roots Hall Football ground car park. To the west of the site is open storage.
- 2.3 The site is not located within an area with any specific planning allocation on the Development Management Document Proposals Map.
- 2.4 The Prittlewell Conservation Area is located to the east of the site.

Background for the site:

- 2.5 The most recent outline planning permission granted (ref. 07/01180/OUTM) to demolish the existing building and erect a 3 storey block of 18 flats with basement parking spaces was approved, subject to conditions and a S106 Legal Agreement to secure education contributions and affordable housing on 4th December 2012. All matters were reserved, and no reserved matters application was submitted. This application is therefore no longer extant and as such limited weight can be afforded to this permission. It is also noted that since the determination of this outline planning permission there have been changes in Planning Policy, including the adoption of the Development Management Document (2015).

3 Planning Considerations

- 3.1 The main considerations in relation to this application include the principle of development, design, impact on the street scene, residential amenity for future and neighbouring occupiers, traffic and parking implications, sustainability, developer contributions and CIL.

4 Appraisal

Principle of development

National Planning Policy Framework; Core Strategy (2007) Policies KP1, KP2, CP1, CP4, CP8; Development Management Document (2015) Policies DM1, DM3, DM7, DM8, DM10, DM11, DM14 and DM15 and the Design and Townscape Guide (2009)

Loss of Employment and Principle of Residential Development

- 4.1 Paragraph 22 of the National Planning Policy Framework (NPPF) (2012) states *planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose...where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities.* Whilst this

site is not specifically allocated for employment purposes, it has a commercial, employment use and as such this paragraph of the NPPF is considered relevant.

- 4.2 Core strategy Policy KP1 seeks to focus regeneration and growth within the Southend Town Centre and Central Area, providing for 6,500 new jobs and at least 2,000 additional homes.
- 4.3 Policy CP1 of the Core Strategy states that permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.
- 4.4 Development Management Document (2007) Policy DM11 states outside the employment areas, proposals for alternative uses on sites used (or last used) for employment purposes, including sites for sui-generis uses of an employment nature, will only be permitted where it can be demonstrated that it will no longer be effective or viable to accommodate the continued use of the site for employment purposes or use of the site for B2 or B8 purposes gives rise to unacceptable environmental problems. It will need to be demonstrated that an alternative use or mix of uses will give greater potential benefits to the community and environment than continued employment use.
- 4.5 Part C of appendix 4 of the Development Management Document sets out the information to be provided as part of an appraisal to demonstrate the site is no longer viable for employment purposes which includes an analysis of the site identifying the advantages and limitations of the site to accommodate employment uses; for each limitation identified, justification should be provided as to why it cannot be overcome having regard to the introduction of alternative employment uses, general investment or improvements or through competitive rental levels. Marketing and market demand information may be used to support the appraisal. Comparisons with other employment sites or areas within the locality should discuss issues that are relevant to the site or premises.
- 4.6 The application is not accompanied by any supporting information to demonstrate that the site is not viable as a commercial site.
- 4.7 Whilst it is noted that the site is constrained by the adjoining residential units, and whilst the unit appears to have been vacant for significant length of time, in the absence of any supporting information or evidence to demonstrate justification for the loss of employment use, the proposal has failed to comply with the development plan and an objection is raised on this basis.

Dwelling Mix

- 4.8 Policy DM7 of the Development Management Document states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough's housing need and housing demand. The Council seeks to promote a mix of dwellings types and sizes as detailed below. The relevant dwelling mixes required by the abovementioned policy and proposed by this

application are shown in the table below.

Dwelling size: No bedrooms	1-bed	2-bed	3-bed	4-bed
Policy Position (Market Housing)	9%	22%	49%	20%
Proposed	22%	55%	22%	0%

- 4.9 Whilst the proposed development does not exactly reflect the housing needs of the Borough, given that it includes a mix of 1, 2 and 3 bedroom units, it is considered that a suitable mix of dwellings will be provided on the site, to meet a range of needs within the Borough, in accordance with Policy DM7 of the Development Management Document and is in accordance with the NPPF which states that planning should deliver a wide choice of high quality homes, widen opportunities for home ownership and create suitable, inclusive and mixed communities (paragraph 50). No objection is therefore raised on this basis.

Design and Impact on the Character of the Area (including the nearby Prittlewell Conservation Area).

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

- 4.10 S72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 4.11 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64 and Core Strategy Policies KP2, CP4 and CP8.
- 4.12 One of the core planning principles of the NPPF is to “*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.*” Paragraph 56 of the NPPF states; “*the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*” Paragraph 64 of the NPPF states; “*that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*”
- 4.13 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development.

- 4.14 Policy DM3 states that *“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.”* Moreover, policy DM1 states that 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”.*
- 4.15 Policy DM5 states *“Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation area, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.”*
- 4.16 The existing building on the site is in a poor state of repair and its redevelopment has the potential to benefit the streetscene. Whilst located in a cul-de-sac, given its positioning the site is highly prominent from West Street.
- 4.17 In terms of size and bulk, the proposed building is of a considerably greater size, scale, mass, bulk and height than the existing building on the site. The surrounding dwellings are two-storey in scale, and this proposed four storey building, which is of a substantial size and height would be materially out of keeping with the scale of the existing dwellings. Whilst the existing building is larger than the adjoining development, this proposal is substantially materially greater in size, as indicated on the existing and proposed massing plan submitted (ref. 1594/270/P1). Concern is therefore raised to the size, scale, mass and bulk of the development, which, if approved would result in an incongruous and bulky development which is out of scale with other properties in Roots Hall Avenue in a highly prominent location, contrary to National and Local Planning Policy.
- 4.18 In terms of the design and appearance, the building has an unrefined ‘box like form’ with a mansard roof. The development includes two rendered front projections; however, these provide limited articulation to break up the large mass and bulk of the building. The mansard roof is also out of character in the area and is a poor design feature. The eastern side elevation is also poor, including a large expanse of undercroft parking. The design lacks subtlety and finesse and results in a feature which is wholly out of keeping and would visually jar with the surrounding development.
- 4.19 In terms of materials, whilst limited details have been submitted at this stage, the plans indicate that the development will include fairly large expanses of red brick with some render. The majority of the terraced houses in the streetscene constitute render, painted brickwork or brown facing brickwork. As such the red brickwork would increase the prominence of the proposed building and would be at odds with the prevailing character of the area. However, a condition could be imposed on any grant of consent requiring samples of materials to be submitted.

- 4.20 In terms of landscaping, the front of the site would be dominated by extensive hardsurfacing for parking and parked vehicles, with very limited opportunities for soft landscaping. Whilst there is existing hardsurfacing and parking at the front of the site, the existing commercial use has a different character to the proposed residential development and it is noted as making a negative contribution to visual amenity. Moreover, the existing site does not include a full width crossover.
- 4.21 As such, whilst it is noted that the existing site and use is of a poor quality design and character, this does not justify the poor, unduly functional design hereby proposed. The proposed development is of an unacceptable size, scale, mass and bulk and includes unacceptable design detailing, excessive hardsurfacing and limited opportunities for soft landscaping. Nor does the ground floor amenity area, set in a rectangular arrangement to the building's rear provide any mitigation to assist in the buildings publically viewed setting.
- 4.22 Given the design, size and scale of the development, the proposal would also have a negative impact on the setting of the nearby Prittlewell Conservation Area. Whilst this harm would be less than substantial, the public benefits (the provision of 18 additional market dwellings) would not outweigh this harm.
- 4.23 The development is therefore of an unacceptable design that is out of keeping with and would result in material detrimental harm to the character and appearance of the area, including the adjoining Prittlewell Conservation Area, contrary to the National Planning Policy Framework (NPPF), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the guidance contained with the Design and Townscape Guide (2009).

Impact on Residential Amenity.

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

- 4.24 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 4.25 Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 of the Development Management requires that all development should (inter alia):
- 4.26 *“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight;”*

- 4.27 In terms of overlooking, the front windows proposed overlook the public highway which is already open to public gaze, the side windows overlook commercial areas and the rear overlooks the car park to the football stadium. The football stadium may be developed in the future, and this development should not prejudice any future development of the larger site but it is considered that the adjoining site is significantly large for designers of any future development proposals there to resolve that issue at that time. Given that the site is currently a car park, the proposal would have no material impact upon the residential amenity of adjoining residents in terms of overlooking or loss of privacy and no objection is therefore raised on this basis.
- 4.28 In terms of dominance and an overbearing impact, whilst the development is of a visually unacceptable size and scale, the development is sufficiently removed from the dwellings to the south and adjoins commercial uses to the sides and rear. As such it is considered that the proposal would not result in any direct dominance or overbearing impact, sense of enclosure or loss of light and outlook in this respect.
- 4.29 In terms of noise and disturbance, the residential use proposed would not result in any material noise and disturbance to the adjoining residents.
- 4.30 As such it is considered that the development would not result in any material adverse harm to the residential amenity of the adjoining residents. It is therefore acceptable and policy compliant in this regard.

Standard of Accommodation:

National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM8 and the Design and Townscape Guide (2009).

- 4.31 Paragraph 17 of the NPPF states that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. It is considered that most weight should be given to the Technical Housing Standards that have been published by the Government which are set out as per the below table:

- Minimum property size for residential units shall be as follow:
 - 1 bedroom (2 bed spaces) 50sqm
 - 2 bedroom (4 bed spaces) 70 sq. m
 - 3 bedroom (6 bed spaces) 95 sq.m
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m² ; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of

the Gross Internal Area.

4.32 The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home.
- Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

4.33 All of the flats proposed exceed the minimum sizes required by the technical housing standards. The bedrooms are of acceptable sizes and the flats have been designed to have dedicated, built-in storage. No objection is therefore raised on this basis.

4.34 In terms of light, ventilation and outlook, whilst all habitable rooms will be provided with windows, given the location and nature of some of these windows and the depth of the floor layouts towards the building's core, the development would result in limited light and outlook to some of the habitable rooms, resulting in substandard living conditions for the future occupiers of the site. In particular, the ground floor eastern side windows would be adjacent to the undercroft parking, providing very limited light and outlook and a poor residential environment. In this respect, particular concern is raised with regard to the bedroom within flat 1 which would only be served by 1 window overlooking the undercroft parking area. Flat 4 also has windows which are only either north facing or which face onto the undercroft carport. This is considered to be a poor standard of design for a new build proposal. The ground floor front windows would also be located in close proximity to the parking area proposed at the front of the site, limiting the quality of their outlook. The proposed development therefore fails to provide adequate living conditions for the future occupiers of the site.

4.35 No contaminated land report has been submitted with the application. Given the previous use of the site, it is possible that the site could suffer from contamination. However, a condition can be imposed on any grant of consent in this respect.

- 4.36 With regard to the external amenity space, 163 sqm communal space is provided, and with the exception of the ground floor flats, the flats have private amenity balconies. Such amenity space provision is considered acceptable and would provide adequate outside amenity facilities for the future occupiers of the site.
- 4.37 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. Policy DM8 also requires that 10% of dwellings in 'major applications' should be built to be wheelchair accessible.
- 4.38 The applicant's Agent has confirmed that three flats at ground floor level can meet M4(3) standards, and it is considered that a condition can be attached to any grant of consent requiring compliance with the M4(2) standard. Subject to a condition no objection is therefore raised on this basis.
- 4.39 With regard to refuse and cycle storage, the submitted plans and information indicate that 54 cycle spaces will be provided and an outside refuse store area will be provided. The parking standards require a minimum of 1 cycle parking space per unit and requires cycle parking to be covered and secure. The cycle parking proposed is therefore acceptable. With regard to refuse, a recycling/waste management strategy has been submitted. However, the information provided in this document is limited. Subject to a condition requiring full details, such as the number of containers proposed, no objection is raised on this basis.
- 4.40 The site is located in close proximity to the football ground. As such, the proposed premises may be subject to noise and disturbance from this existing noise sources. No noise impact assessment has been submitted with the application in this regard. However, this issue could potentially be dealt with through conditions if the scheme were considered acceptable overall.

Highways and Transport Issues:

National Planning Policy Framework, Policy KP2, CP3 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design and Townscape Guide (2009).

- 4.41 Policy DM15 of the Development Management Document seeks a minimum of 1 car parking space per flat. This would equate to a minimum requirement of 18 spaces. The proposed development will provide 17 parking spaces. The site is therefore deficient of 1 parking space. However, the site is located in a highly sustainable location, well served by bus routes and within reasonable walking distance of Prittlewell Railway Station. Sufficient cycle parking is also provided. The Highway Authority has also raised no objection to the parking provisions proposed.
- 4.42 In terms of highway impacts, a transport statement has been submitted with the application which demonstrates that the development would not have a detrimental impact upon the highway when compared to the existing use. No objection is therefore raised on this basis.

Sustainability

National Planning Policy Framework, Core Strategy (2007) Policies KP2, CP4 and CP8, Development Management Document (2015) Policies DM1, DM2 and the Design and Townscape Guide (2009).

- 4.43 Policy KP2 of the Core Strategy states; “*All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources*” and that “*at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*”. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design
- 4.44 The submitted plans indicate that PV panels will be provided on the roof of the development. No details have been submitted to demonstrate compliance with the above policy; however, it is considered that this requirement could be secured via planning condition. Subject to such a condition, no objection is therefore raised on this basis.
- 4.45 The site is located in flood risk zone 1 (low risk). Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 4.46 Whilst a SUDS/ surface water drainage statement has been submitted, it includes limited information and a condition would need to be imposed on any grant of consent to demonstrate full compliance with Policy KP2.
- 4.47 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd 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 would be dealt with by conditions if the application is deemed acceptable.

Other Matters

- 4.48 As part of its Strategic Housing Land Availability Assessment (SHLAA) update, the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). This demonstrates that the Council has a 6 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.

Community Infrastructure Levy

- 4.49 This application is CIL liable. If the application had been recommended for approval, a CIL charge could have been payable. If an appeal is lodged and allowed the development could be CIL liable. Any revised application could also be CIL liable.

Planning Obligations

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (NPPG), 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)

- 4.50 The Core Strategy Policy KP3 requires that:

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

- 4.51 In this instance, affordable housing and a contribution towards secondary education are of relevance. For information, primary education is covered by the Community Infrastructure Levy, as set out in the Council’s Infrastructure Delivery Plan and CIL Regulation 123 Infrastructure List, but the impact on secondary education is currently addressed through planning obligations (subject to complying with statutory tests and the pooling restriction).

- 4.52 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.

- 4.53 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.

4.54 Specifically in relation to incentivising the bringing back into use of brownfield sites, which the application 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).

4.55 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 10-49 dwellings or 0.3 hectares up to 1.99 hectares make an affordable housing or key worker provision of not less than 20% of the total number of units on 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.

4.56 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”

4.57 The requirements for this development constitute the provision of 4 on-site affordable units and a secondary education contribution of £24,489.89.

4.58 In this regard, the applicant has failed to indicate whether a requisite affordable housing and secondary education contributions will be provided. No Heads of Terms have been received, no viability assessment has been provided and no Legal Agreement under S106 of the Town and Country Planning Act (1990) as amended has been completed to date. In the absence of a formal undertaking to secure appropriate contributions to affordable housing and secondary education facilities, or adequate evidence to demonstrate that policy compliant developer contributions cannot be supported by the scheme, the proposed development would fail to provide affordable housing to meet local need and mitigate the resulting increased pressure on local education infrastructure. This is unacceptable and contrary to the NPPF and Policies KP3, CP6 and CP8 of the Core Strategy

5 Conclusion

5.1 Having taken all material planning considerations into account, it is found that the proposed development does not constitute sustainable development, is unacceptable and would be contrary to the development plan and is therefore recommended for refusal. The applicant has failed to demonstrate that the site is no longer effective or viable to accommodate its continued use for employment

purposes. The proposed development is of a contrived and unacceptable, unrefined design that would result in a bulky, intrusive feature which would be unrelieved by any soft landscaping setting and would materially harm the character and appearance of the area including the setting of the nearby Conservation Area. The development fails to provide adequate living conditions for future occupiers of the site by virtue of habitable rooms being provided with poor light and outlook. The above concerns are indicative of an unacceptable overdevelopment of the site. The applicant has also failed to provide any Heads of Terms and no S106 legal agreement has been completed to date to secure appropriate contributions for affordable housing and secondary education facilities. The scheme therefore fails to provide affordable housing to meet local needs and fails to mitigate the resulting increased pressure on local education infrastructure.

- 5.2 The benefits of the proposal do not outweigh the significant and material harm identified as a result of this proposal and the application is therefore recommended for refusal. Whilst outline planning permission was granted for 18 units on this site, this is no longer extant and provides no justification for the unacceptable scheme for full consent hereby proposed which has been capable of full and considered assessment based on the detailed plans submitted.

6 Planning Policy Summary

6.1 National Planning Policy Framework

6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development) CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure) and CP8 (Dwelling Provision)

6.3 Development Management DPD 2015: Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), Policy DM5 (Southend on Sea's Historic Environment) Policy DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), Policy DM10 (Employment Sectors), Policy DM11 (Employment Areas), Policy DM14 (Environmental Protection) and Policy DM15 (Sustainable Transport Management)

6.4 Design & Townscape Guide 2009

6.5 Planning Obligations 2010

6.6 Community Infrastructure Levy Charging Schedule 2015

7 Representation Summary

Traffic and Transportation

7.1 The applicant has provided a comprehensive transport statement which demonstrates that the proposed development will not have a detrimental impact on the public highway with 1 additional 2 way traffic movement when compared to the existing use. The applicant has also provided 54 cycle spaces to provide an alternative travel option. The site also benefits from being in a sustainable location

with regard to public transport with good links in close proximity.

The applicant should ensure that the construction of the private road that serves the refuse collection is of suitable make up to accommodate a refuse freighter. The refuse storage area should be covered and secure.

The applicant will be required to ensure that a footway is still maintained when providing additional vehicle crossovers. The applicant has not shown the existing lamp column on site this will need to be changed and alterations made to the parking layout with the highway boundary clearly identified. The applicant will be required to enter into a Section 278 agreement to carry out any highway works associated with the development.

The applicant should also be aware that surface water should not discharge directly onto the public highway as is shown at the front of the site.

Therefore given the information contained within the transport statement and the necessary changes required to the highway layout at the front of the site there are no highway objections to this proposal

Housing

- 7.2 The development will need to provide a minimum of 20% affordable housing which equates to 4 units, or 3 units and a financial contribution of 0.6 units in accordance with Southend Borough Council's Interim Affordable Housing Policy. 2 units should constitute intermediate housing and 2 units should constitute social rent. The affordable housing provided should constitute 2x 1-bedroom units, 1x 2-bed unit and 1x 3-bed unit.

It is recommended that Registered Providers are contacted to understand their preferences as historically they have had reservations around taking 3 bedroom flats. With this in mind, the Strategic Housing Team would also support a dwelling mix of 2 x 1 bedroom units and 2 x 2 bedroom units.

Affordable housing units must meet the latest National Technical Housing Minimum Standards.

Education

- 7.3 This application falls within the school Catchment areas for The Westborough Primary school and Chase High School. All these schools are oversubscribed. Any further developments with the area, even flats, will add to this oversubscription. A contributions towards Secondary expansion at Chase High School of £24,489.89 is requested.

Essex and Suffolk Water

- 7.4 Our records show that we do not have any apparatus located in the proposed development.

We have no objection to this development subject to compliance with our requirements; consent is given to the development on the condition that a water

connection is made onto our Company network for the new dwelling for revenue purposes.

Anglian Water

- 7.5 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

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

The foul drainage from this development is in the catchment of Southend Water Recycling Centre that will have available capacity for these flows

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA).

We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

Anglian Water would recommend a condition requiring a foul water strategy.

Design Officer

- 7.6 The site is a vacant industrial building in Roots Hall Avenue. It is one of two industrial buildings in this location. The remainder of the street is characterised by modest two storey late Victorian terraces. The site is located at the northern end of the street where it turns the bend. The existing building terminates the view from the main road, West Street, to the south. To the east the site is close to the boundary of Prittlewell Conservation Area. This is an eclectic mix of historic buildings some of which are to the rear of properties in Victoria Avenue and can be seen from the site.

The site is one of a number of potential development sites in this area including the other industrial site to the east, the open area to the west and the Roots Hall Site to the north.

The proposal seeks to erect a three storey building plus significant roof accommodation on the site. The building has a box like form which is topped with a tall mansard roof. The overall mass and bulk of the proposal is larger than the existing building and would completely dominate the surrounding streetscape including that of the adjacent conservation area. The scale and bulk of the proposal is therefore considered to be unacceptable.

The building has two projecting features to the front but overall these projecting features will not offset the significant scale and bulk of the development. It is also considered, in addition to adding to the bulk of the proposal, the mansard roof is out of character with the area and is inappropriate in this context. It is also noted that the detailing of this feature is unbalanced in its placement and in its pitch and this element is generally considered to be poor design. Concern is also raised in regard to the overhanging nature of the upper floors on the east and north elevations. Not only will this result in an unresolved form and dark void in the side of the building, it also means that the rooms on the ground floor east side will outlook into the deep undercroft and will have very poor outlook and virtually no daylight. The fake windows facing the street in this location will be unconvincing in the streetscene and are also a concern.

The outlook for the rooms at ground floor to the west side which look onto a fence close by and also to rooms at ground floor to the front which look directly onto the parking are also a concern. The extent of parking to the forecourt is also considered to be detrimental to the streetscene. It is noted that there is parking in this location at present, but this is related to an industrial unit which has an entirely different character in the street. This solution would not be suitable for a residential proposal where outlook for the occupiers and defensible space needs to be provided in an attractive way.

The implications for the surrounding development sites will also need to be considered. It may be that a more joined up approach would give more options and achieve a better development on this site.

Overall, whilst the change of use proposed is welcomed, it is considered that the scale, bulk, form and detailed design of this proposal would be detrimental to the streetscene and the adjacent conservation area and is unacceptable.

Sustainability

It is noted that PVs are proposed for the roof to meet the requirements of KP2. There is no objection to this in principle provided they are not prominent in the streetscene. Any acceptable proposal will be required to demonstrate that 10% of energy needs can be provided.

8 Public Consultation

- 8.1 A site notice was displayed, the application was advertised in the press and 35 neighbour letters were sent out.
- 8.2 No letters of objection have been received to date.
- 8.3 This application was called in to the Development Control Committee by Cllr D Garston.

9 Relevant Planning History

- 9.1 07/01180/OUTM – Demolish building and erect 3 storey block of 18 flats with basement parking spaces, vehicular access, refuse and cycle stores and amenity area (outline – amended proposal) – permission granted.
- 9.2 06/00312/OUT – Demolish building and erect 3 storey block of 18 flats with basement parking spaces (outline – amended proposal) – application refused
- 9.3 06/00202/FUL – Demolish buildings and erect part two/ part three/ part four storey block of 28 self-contained flats, layout 38 parking spaces, cycle and refuse stores and form vehicular access onto Roots Hall Avenue (25 and site adjoining) – application withdrawn
- 9.4 05/01283/OUT – Demolish building and erect 3 storey block of 18 self-contained flats with basement parking spaces – application refused.

10 Recommendation

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

- 01 The applicant has failed to demonstrate that the site is no longer effective or viable to accommodate a continued use for employment purposes in the medium and long term. The loss of the existing employment floor spaces is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP1, KP2 and CP1 of the Core Strategy (2007) and Policies DM3 and DM11 of the Development Management Document (2015).**
- 02 The proposal, by reason of its size, scale, bulk, mass and unrefined design; lacking quality and finesse and the excessive extent of permanent hardsurfacing would result in an overly prominent and incongruous development that is unacceptable and would result in material harm to the character and appearance of the site and the surrounding area; including the setting of the adjoining Prittlewell Conservation Area, contrary to National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).**
- 03 The proposed scheme would fail to provide adequate light and outlook to all habitable rooms, resulting in substandard living conditions and a poor quality residential environment for the future occupiers of a number of ground floor dwellings on the site. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).**

- 04** The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area and no evidence has been submitted to demonstrate that such a contribution would make the scheme economically unviable. The submission also lacks a formal undertaking to secure a contribution to the delivery of education facilities necessary to meet the need for such infrastructure generated by the development. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework, Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007) and policy DM7 of the Development Management Policies Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action

Informatives

- 1** Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.

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25-27 ROOTS HALL AVENUE, SOUTHBEND ON SEA RESIDENTIAL DEVELOPMENT

ORIENTATION

LEGEND

- APPLICATION SITE BOUNDARY
- PROPOSED DEVELOPMENT

MASSING ANALYSIS

- 3 STOREY
- 4 STOREY



APPLICATION SITE: No.25 - 27
ROOTS HALL AVENUE

HEIGHT OF 4/5 STOREY



PROPOSED SITE LOCATION PLAN
SCALE 1:250



PROPOSED SITE LOCATION PLAN
SCALE 1:2500

PROPOSED BLOCK PLAN
SCALE 1:500

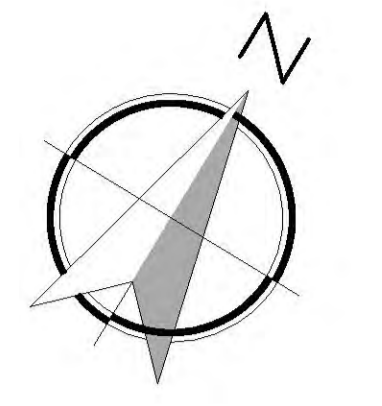
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25-27 ROOTS HALL AVENUE, SOUTHEND ON SEA

RESIDENTIAL DEVELOPMENT OF 18 NO. 1 AND 2 BEDROOM APARTMENTS.

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ORIENTATION



EXISTING BLOCK PLAN
SCALE 1:500



EXISTING SITE LOCATION PLAN
SCALE 1:250



EXISTING SITE LOCATION PLAN
SCALE 1:250

LEGEND

APPLICATION SITE BOUNDARY

MASSING ANALYSIS

3 STOREY

4 STOREY

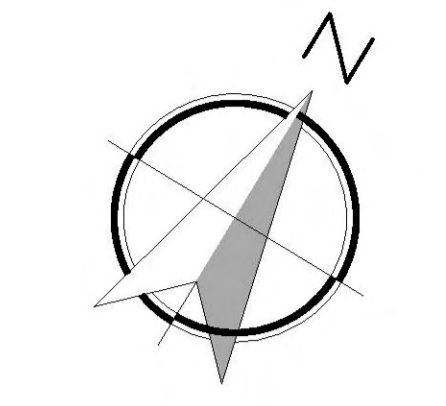
FOR PHOTO REFERENCE
SEE DRAWING 110 & 111

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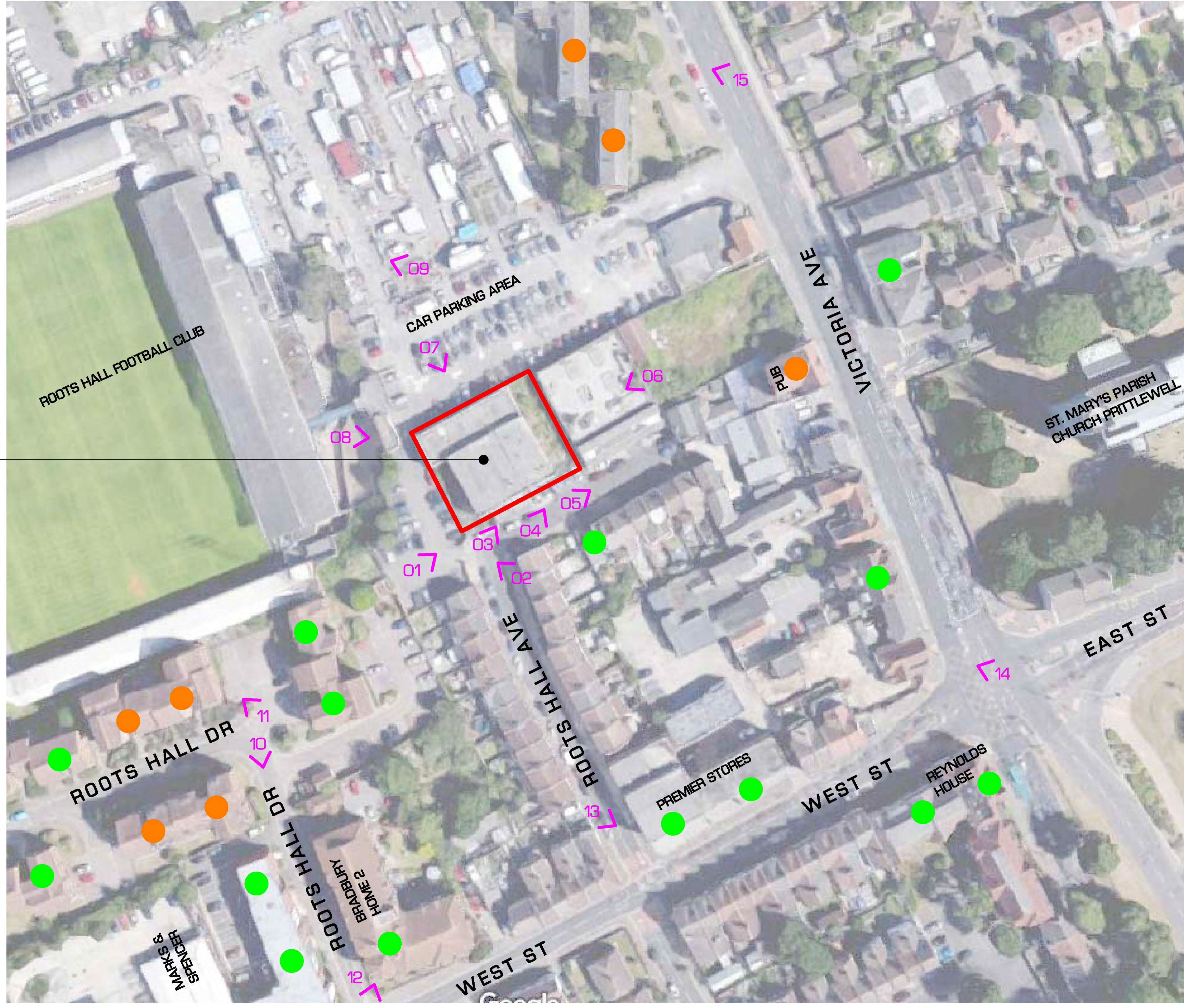
25-27 ROOTS HALL AVENUE, SOUTHEND ON SEA

RESIDENTIAL DEVELOPMENT OF 18 NO. 1 AND 2 BEDROOM APARTMENTS.

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- LEGEND**
- APPLICATION SITE BOUNDARY
 - MASSING ANALYSIS**
 - 3 STOREY
 - 4 STOREY
 - > FOR PHOTO REFERENCE SEE DRAWING 110 & 111



221

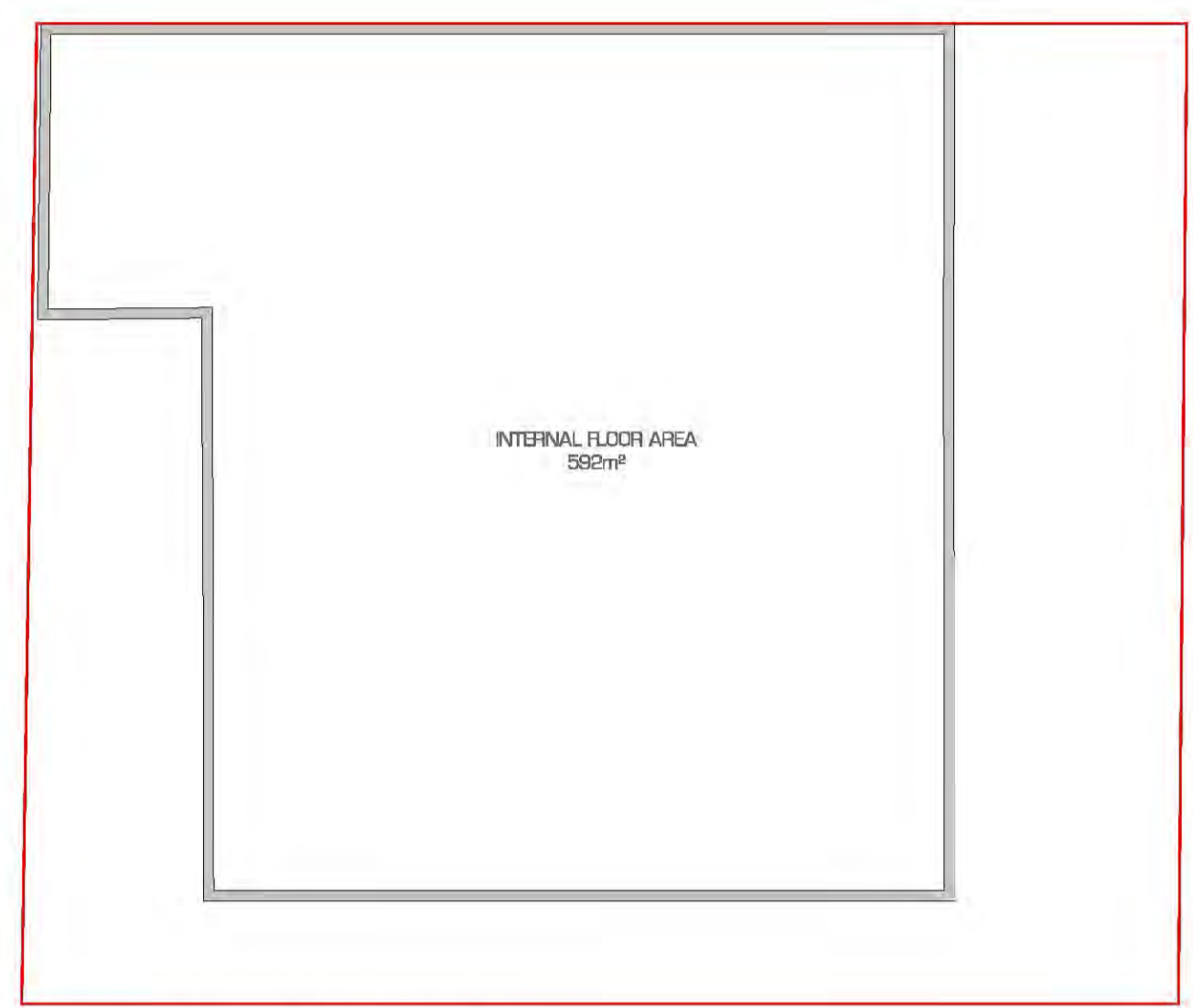
APPLICATION SITE No.25 - 27
ROOTS HALL AVENUE

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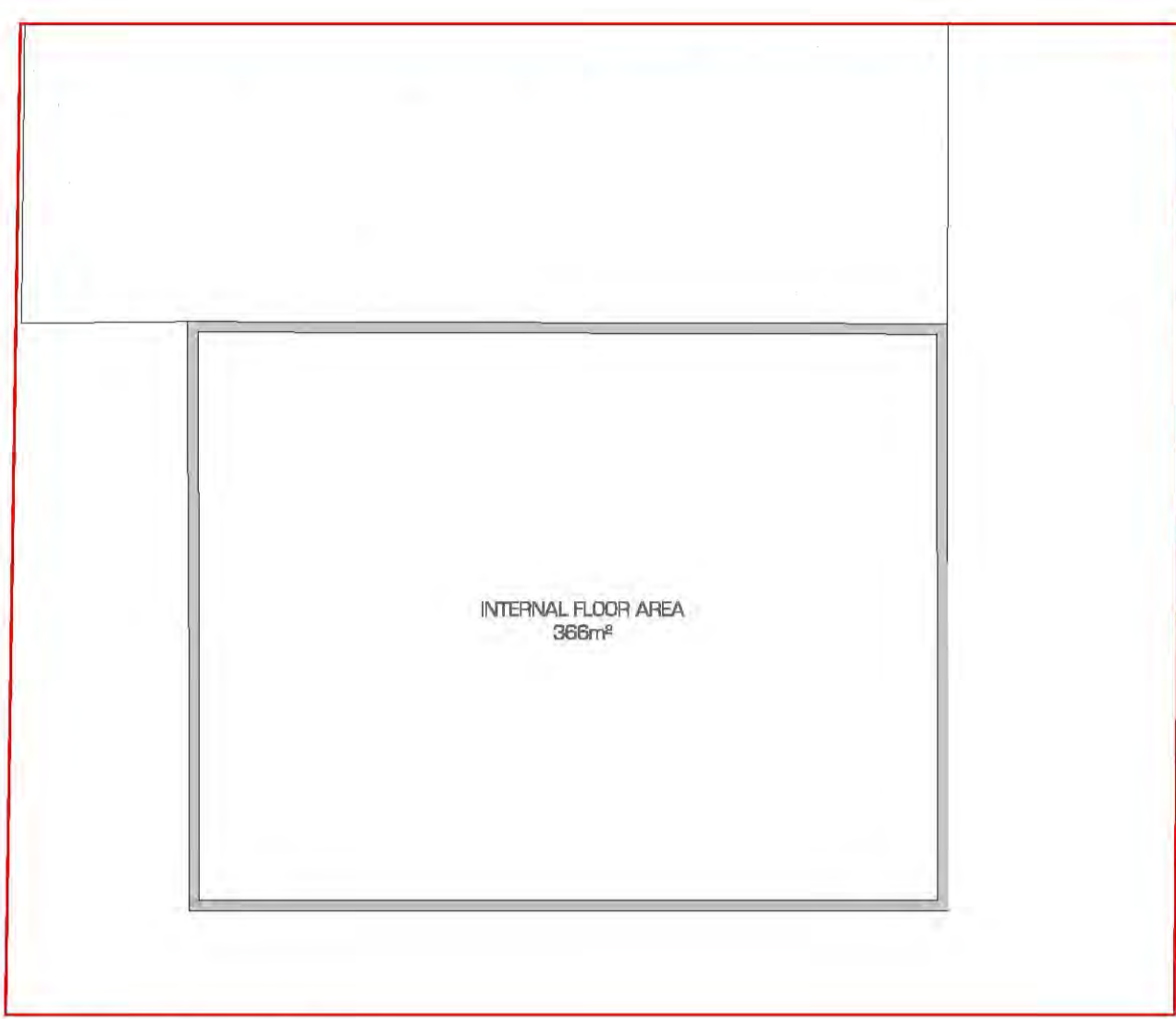
25-27 ROOTS HALL AVENUE, SOUTHEND ON SEA

RESIDENTIAL DEVELOPMENT OF 18 NO. 1 AND 2 BEDROOM APARTMENTS.

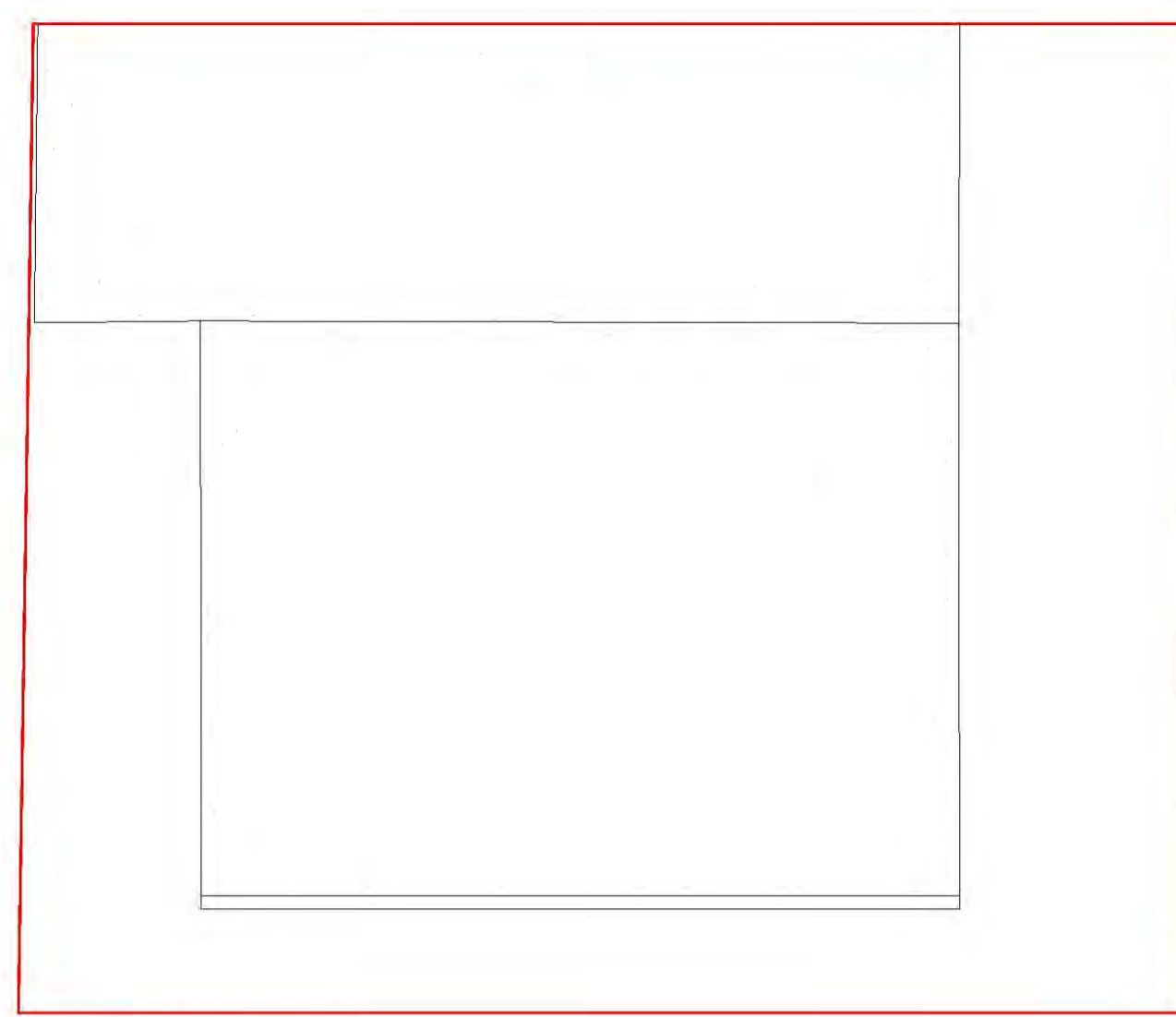
ORIENTATION



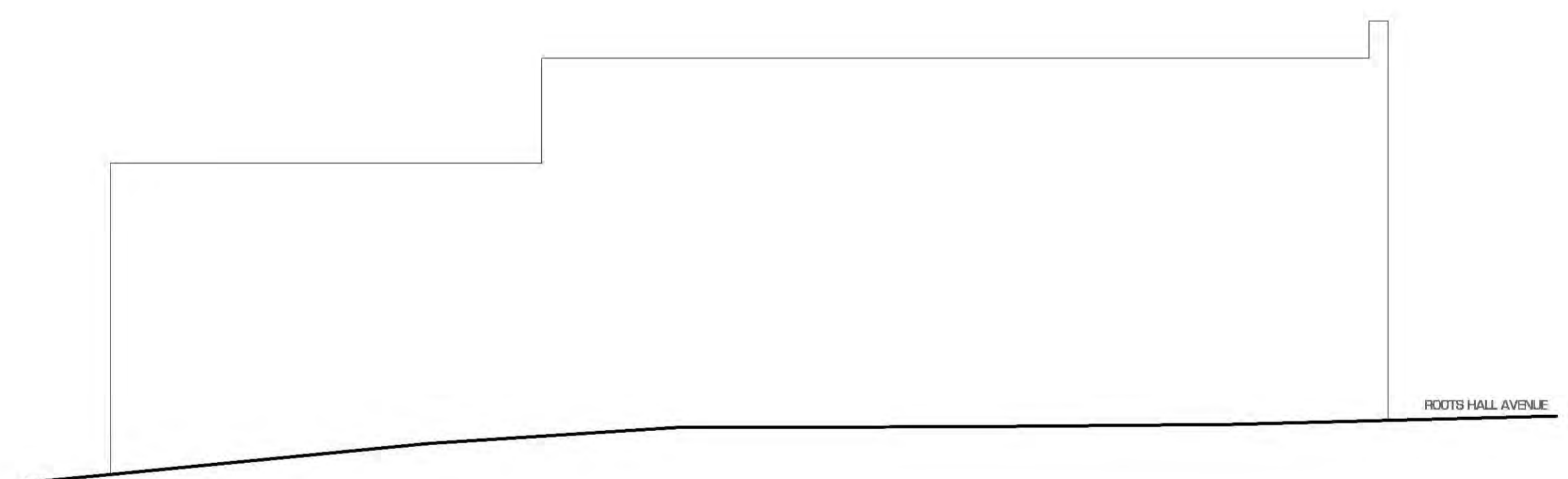
01 EXISTING GROUND FLOOR PLAN
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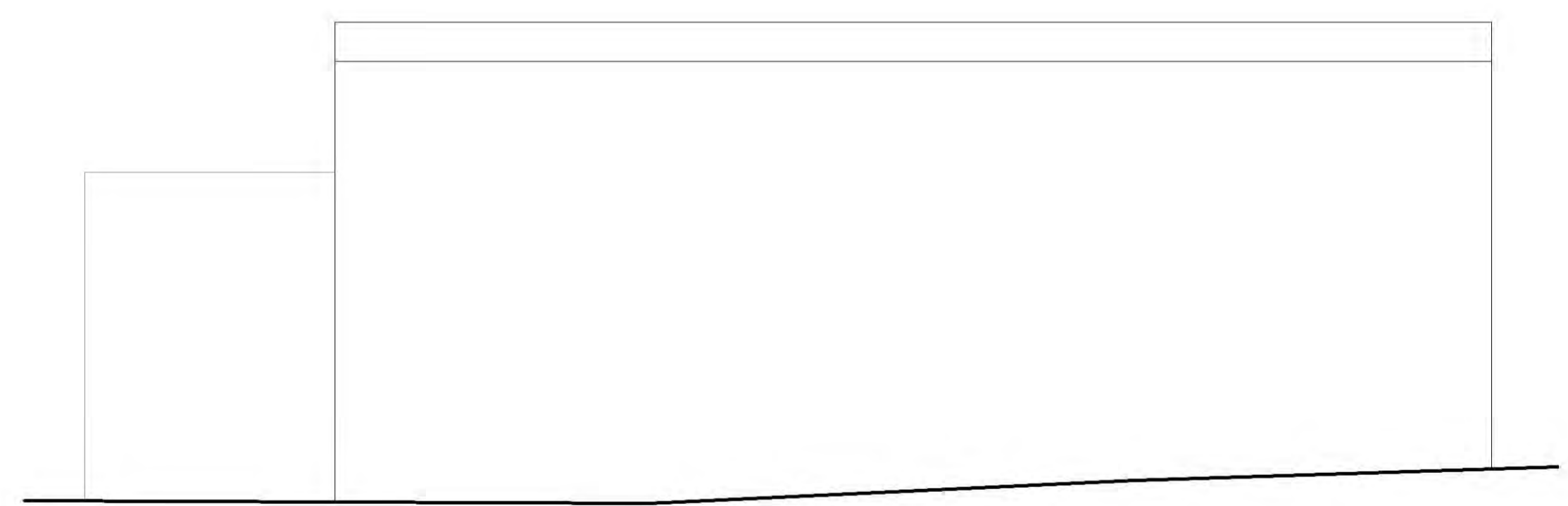
02 EXISTING FIRST PLAN
Scale: 1:200



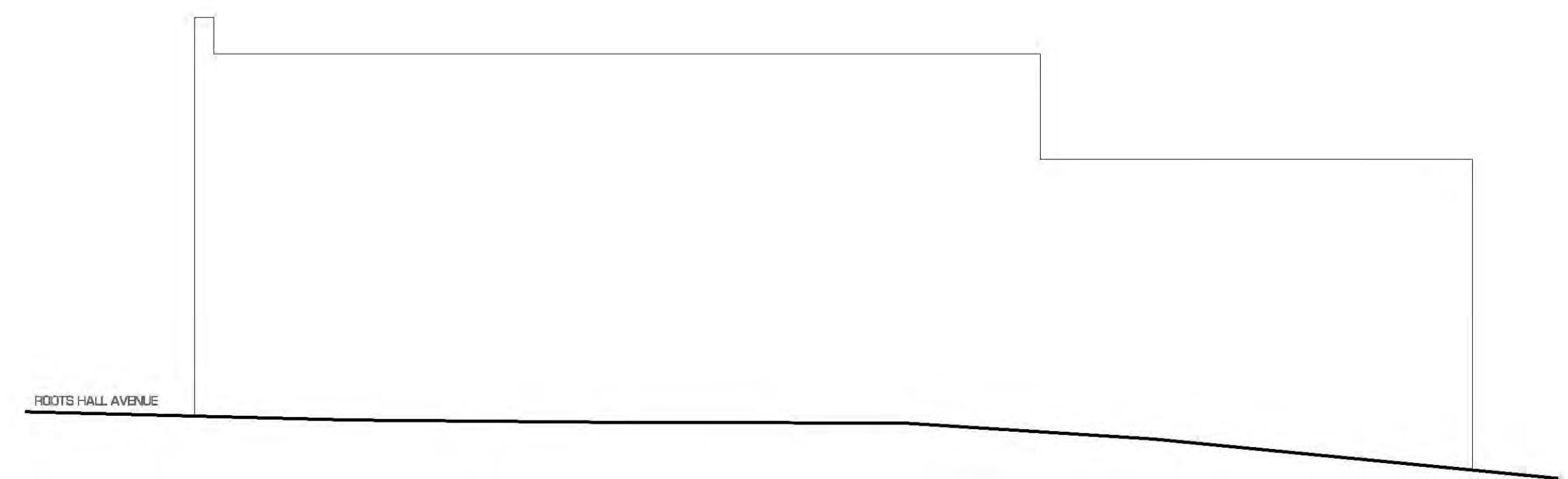
03 EXISTING ROOF PLAN
Scale: 1:200



04 EXISTING WEST ELEVATION
Scale: 1:100



05 EXISTING SOUTH ELEVATION
Scale: 1:100



06 EXISTING EAST ELEVATION
Scale: 1:100



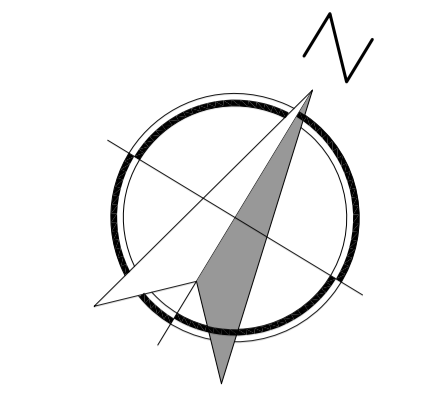
07 EXISTING NORTH ELEVATION
Scale: 1:100

223

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25-27 ROOTS HALL AVENUE, SOUTHBEND ON SEA RESIDENTIAL DEVELOPMENT

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- LEGEND**
- APPLICATION SITE BOUNDARY
 - PROPOSED DEVELOPMENT

- MASSING ANALYSIS**
- 3 STOREY
 - 4 STOREY



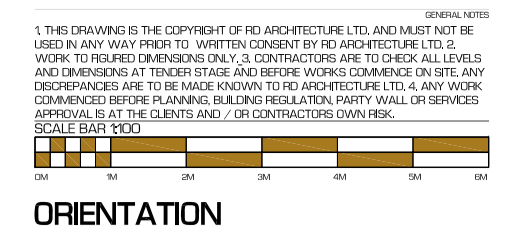
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APPLICATION SITE: No.25 - 27
ROOTS HALL AVENUE

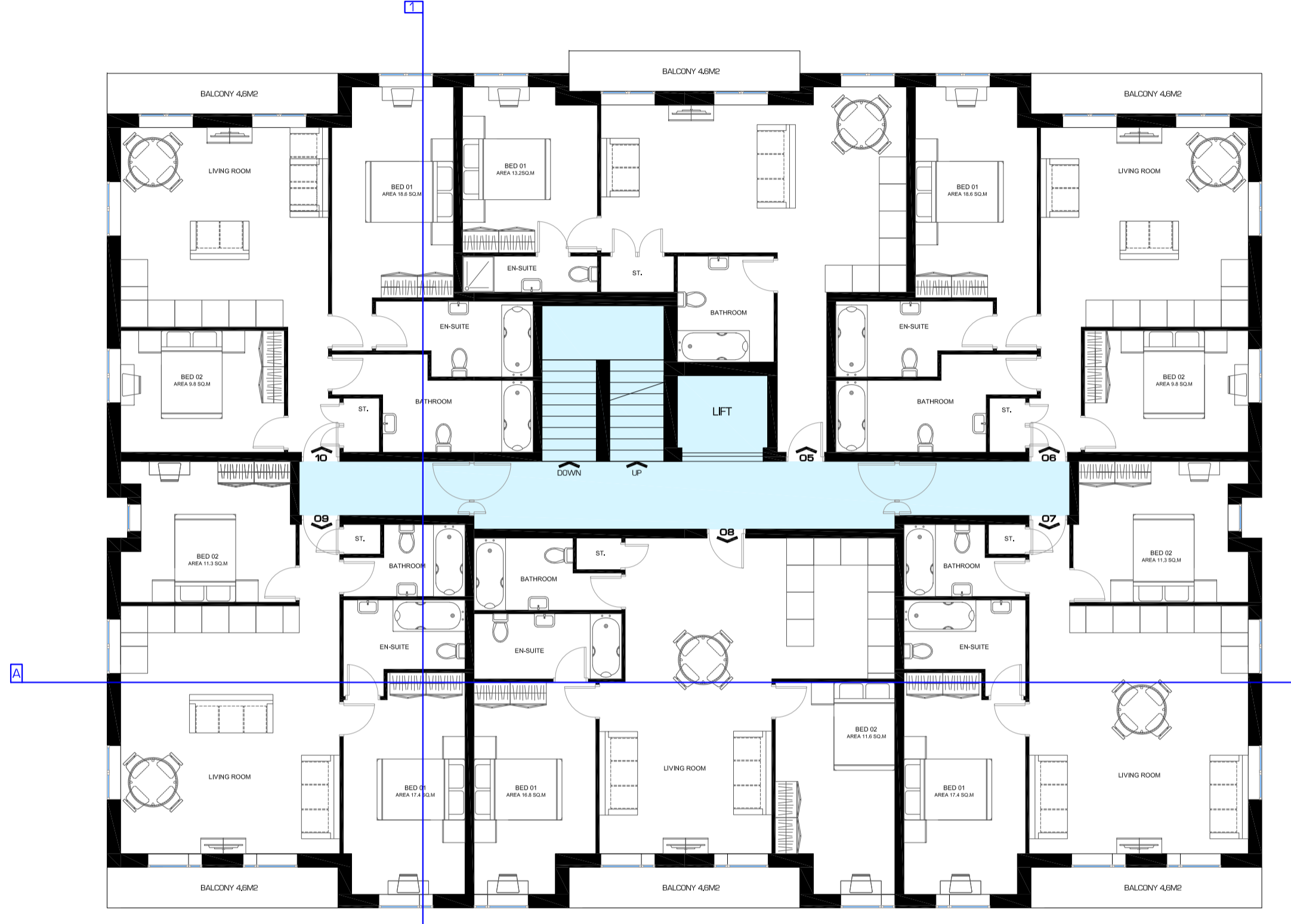
HEIGHT OF 4/5 STOREY

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25-27 ROOTS HALL AVENUE, SOUTHEND ON SEA RESIDENTIAL DEVELOPMENT



01 PROPOSED GROUND FLOOR / BLOCK PLAN
Scale: 1:100

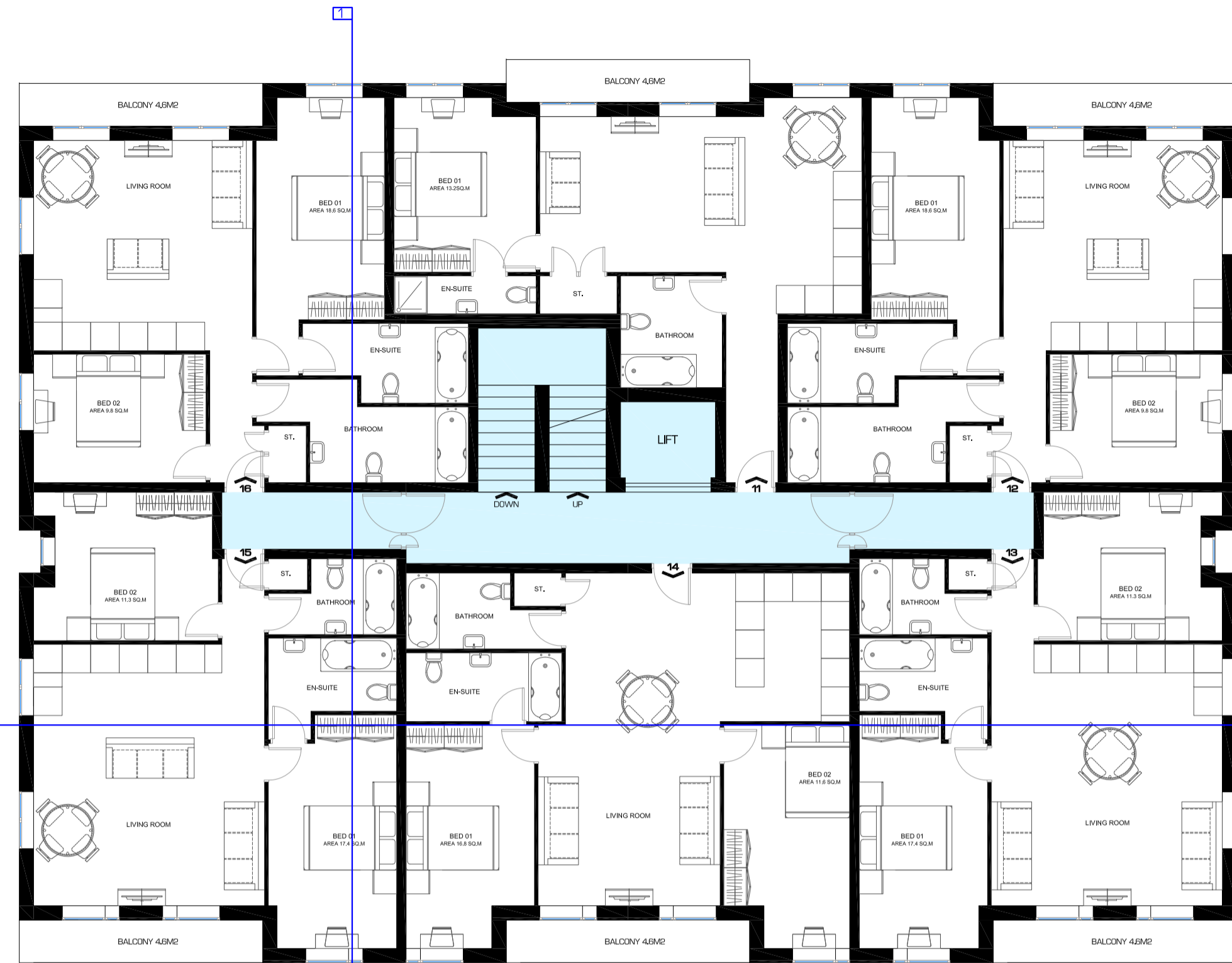


02 PROPOSED FIRST FLOOR PLAN
Scale: 1:100

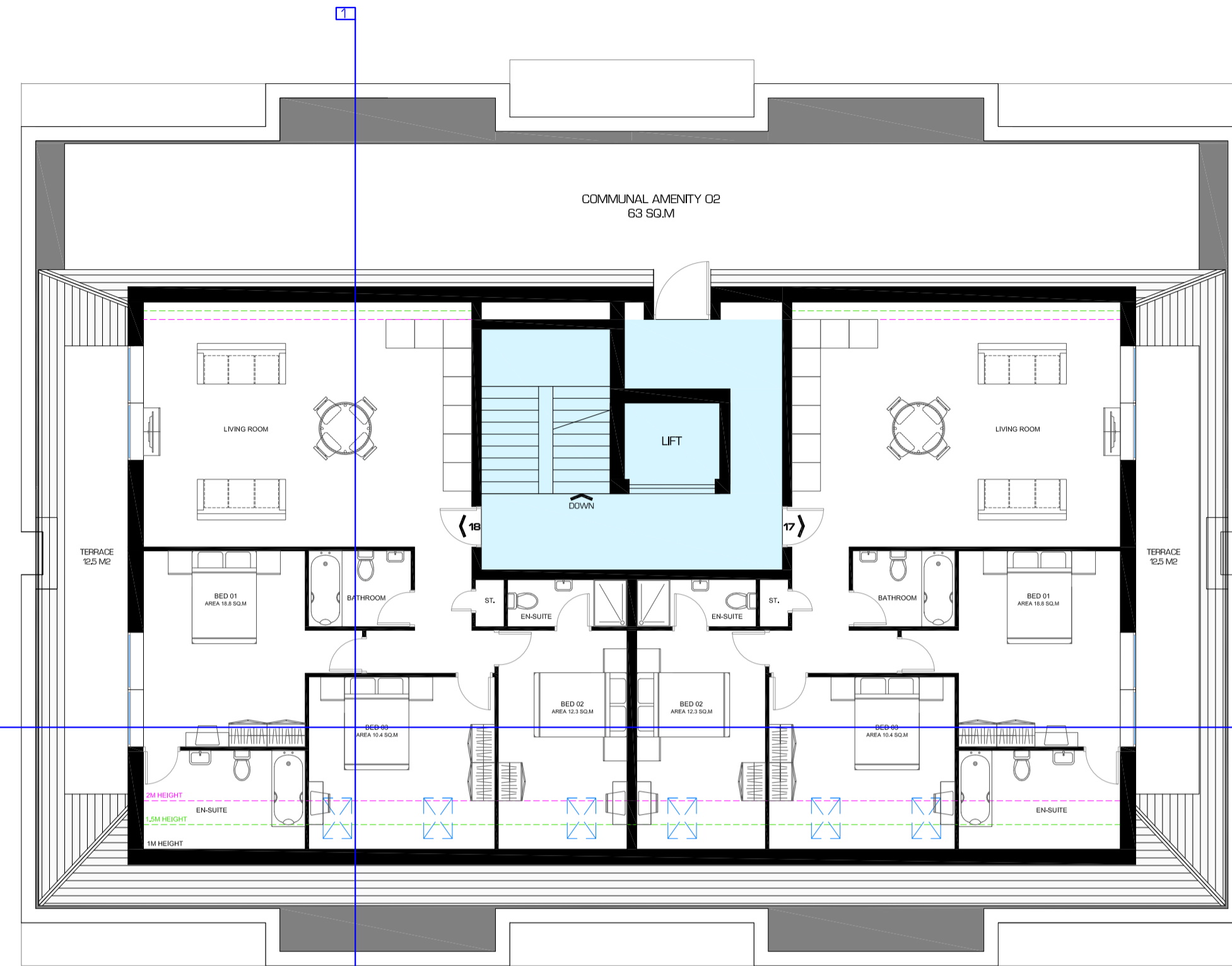
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25-27 ROOTS HALL AVENUE, SOUTHBEND ON SEA RESIDENTIAL DEVELOPMENT

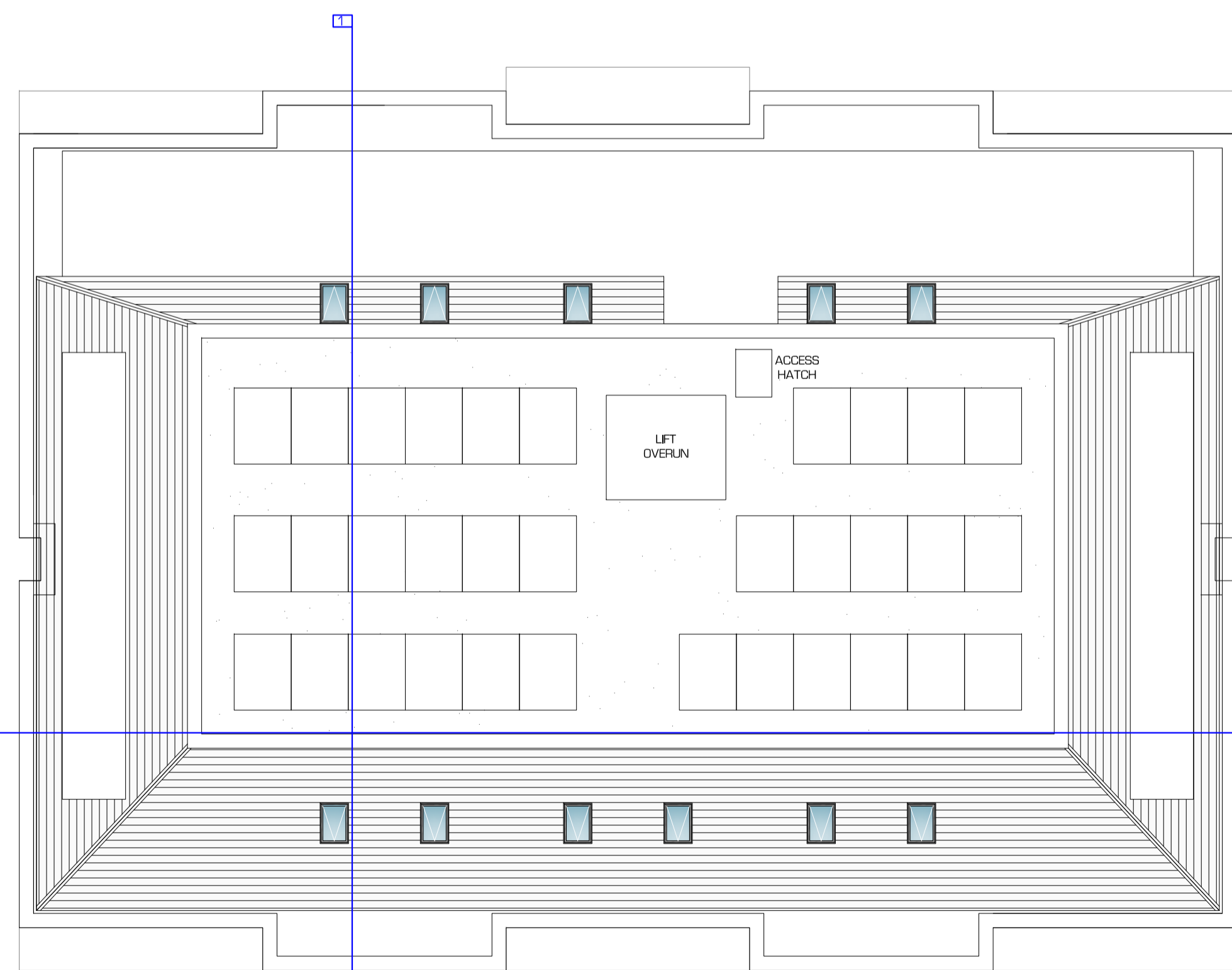
ORIENTATION



01 PROPOSED SECOND FLOOR PLAN
Scale: 1:100



02 PROPOSED THIRD FLOOR PLAN
Scale: 1:100



03 PROPOSED ROOF PLAN
Scale: 1:100

2/29

1594 / 251 / P5

RD architecture

FOR PLANNING APPROVAL

25-27 ROOTS HALL AVENUE, SOUTHBEND ON SEA, ESSEX, SS20 9PA

1594 / 251 / P5

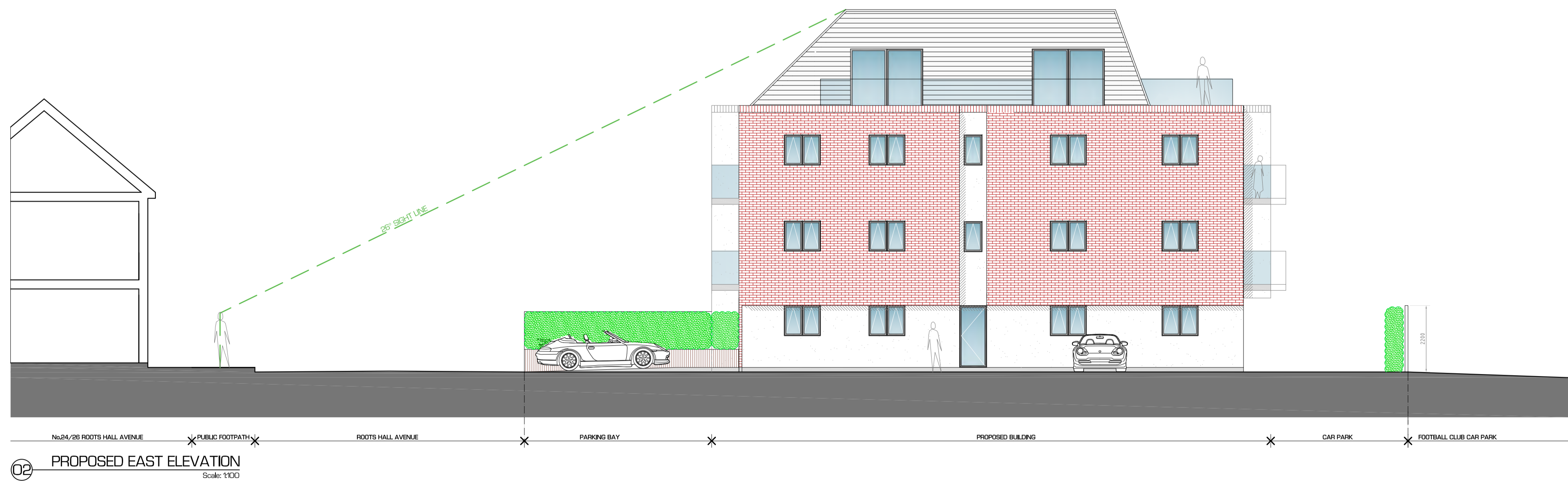
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25-27 ROOTS HALL AVENUE, SOUTHEND ON SEA

RESIDENTIAL DEVELOPMENT

ORIENTATION



233

15/25/18 PAHATCH UPDATED
15/25/18 POLYPARTED
15/25/18 FORWENT DESIGN
15/25/18 P1 RELEED

IN MR
IN MR
IN MR
IN MR

FOR PLANNING APPROVAL

RESIDENTIAL DEVELOPMENT

25-27 ROOTS HALL AVENUE, WESTCLIFF ON SEA, ESSEX, SS20 9FN

1594 / 260 / P4

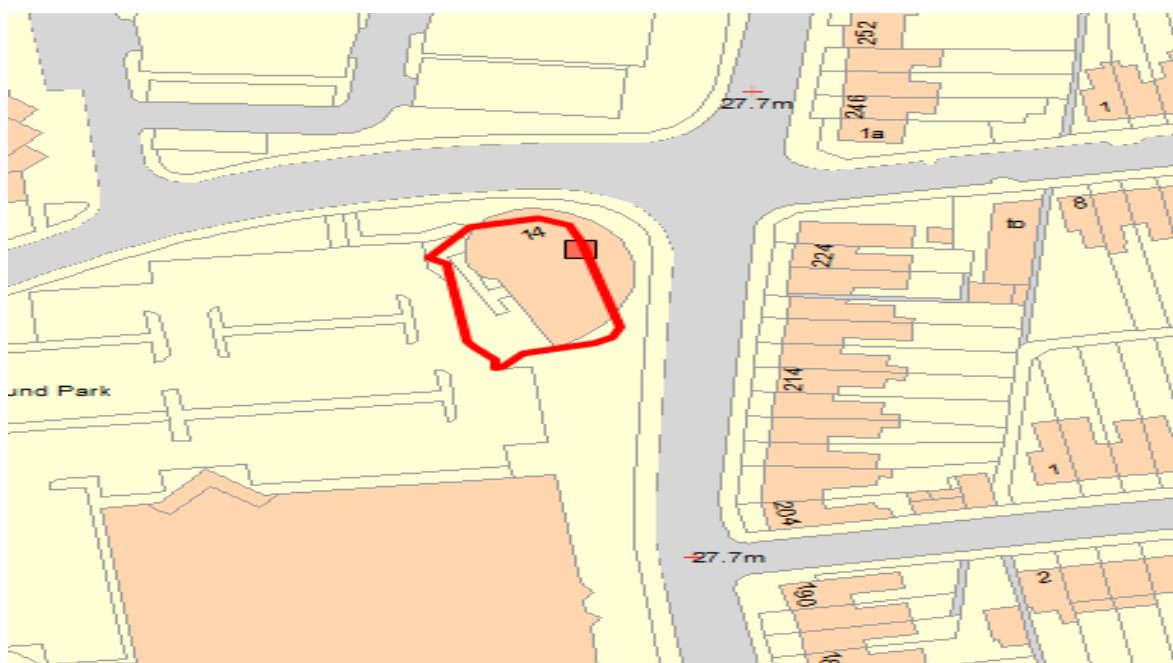
1594 / 260 / P4

1594 / 260 / P4

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Reference:	18/00045/ADV
Ward:	Victoria
Proposal:	Install 1 x internally illuminated Totem Sign, 2 x internally illuminated single faced logo disk signs, 2 x internally illuminated double sided high directional signs, 1 x high single sided directional sign, 1 x illuminated LED lettering sign, 1 x illuminated building directional sign and vinyl graphics
Address:	Unit 4, Greyhound Trading Park, Greyhound Way, Southend-On-Sea, Essex, SS2 5PY
Applicant:	23.5 Degrees Limited
Agent:	23.5 Degrees Limited
Consultation Expiry:	15.02.2018
Expiry Date:	12.03.2018
Case Officer:	Janine Rowley
Plan Nos:	01; A-2001 External Elevations Revision A 14.02.2018; A-2002-External Elevations Revision A 14.02.2018; Signage Details-Southend Greyhound RP Revision A 14.02.2018
Recommendation:	GRANT ADVERTISEMENT CONSENT



1 The Proposal

- 1.1 This application seeks to install 1 x internally illuminated 5m high totem Sign, 2 x internally illuminated single faced logo disk signs, 2 x internally illuminated double sided high directional signs, 1 x high single sided directional sign, 1 x illuminated LED lettering sign, 1 x illuminated building directional sign and vinyl graphics

2 Site and Surroundings

- 2.1 The application site is within the Greyhound Retail Park, which consists of several large retail buildings, associated parking areas, located to the north east of the town centre. The application relates to a new drive through facility being built with planning permission, in the eastern corner of the southern side of the Greyhound Retail Park.
- 2.2 To the north, south and west of the site is the remainder of the Greyhound Retail Park buildings and associated car park. Within the northern part of the retail park is a KFC restaurant and drive through and immediately to the south is Mecca Bingo, whilst the remainder of the park is predominantly in retail use.
- 2.3 To the east of the site are two storey terrace dwellings which front Sutton Road.

3 Planning Considerations

- 3.1 The main considerations in relation to this application relate to amenity and public safety.

4 Appraisal

Amenity

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

- 4.1 The National Planning Policy Framework paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. The National Planning Policy Framework advises advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 4.2 The Design and Townscape Guide require advertisements to be well designed and sited to respect the character and appearance of buildings and the street scene.
- 4.3 The Council's Design and Townscape Guide states;

“Low quality poorly sited or excessive signage can have an adverse effect on both the image of the business and the wider area”.

“Large numbers of adverts add clutter to the streetscene and will not be considered appropriate”.

- 4.4 The Design and Townscape Guide states signage should not have a detrimental impact on townscape and should have adequate regard to their setting. It also states the acceptability of illuminated fascia signs will depend on their location and appropriateness to the character of the building.
- 4.5 The proposed signage on the building is typical of that of similar chain cafes and is of a design which relates appropriately to the contemporary style of the building. The advertisements on the building would be of a scale commensurate with that of similar units within the Greyhound Estate, most notably KFC to the immediate north of the site, and are typical of the area. The 5m high totem sign would consist of a round disk atop a comparatively modest width supporting column. It would be positioned forward of the building on top of the grassed area adjacent to the Sutton Road frontage. The two internally illuminated single faced logo disk signs would measure some 1.5m in diameter, affixed one either side of the buildings upward projecting, integral totem feature. The high single-sided directional sign would be fixed to the eaves level of the building, above its glazed shopfront, as would the LED lettering sign. Other vinyl graphics would be located on the building and for the direction of customers within the drive through access route. The level of internal illumination proposed and siting of the advertisements are not considered to harm the amenity of the surrounding area nor detract from the character of the proposed building. With regards to the impact of the signage on residential properties, there are no residential properties which would be materially and directly affected by the proposed signage, given that there is sufficient distance between the application site and the opposite properties fronting Sutton Road.
- 4.6 The proposed 5m totem sign has been amended during the course of the application, reduced from 7m, and is now in keeping with existing adverts to the north of the site.
- 4.7 Given the nature of the advertisement it is considered that the advertisement would not result in any undue noise or disturbance and would not therefore result in any harm to aural amenity in this respect.
- 4.8 The proposal is considered acceptable on amenity grounds and compliant with the development plan.

Public Safety

National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 CP3, and CP4; Development Management Document (2015) Policy DM15

- 4.9 The proposed advertisements and totem sign are considered acceptable on public safety grounds. The Councils Highway Officer has raised no objection to the proposed advertisements and the luminance levels would not impact harmfully on the public highway.

Conclusion

- 4.10 The proposed advertisements are not considered to have a detrimental impact on the amenity of the surrounding area or on public safety and therefore subject to appropriate conditions, the proposal is considered acceptable and it is recommended that advertisement consent is granted.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework 2012
- 5.2 Core Strategy (2007) Policies KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance).
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)

6 Representation Summary Traffic and Transportation

- 6.1 No objections.

Public Consultation

- 6.2 A site notice was displayed on the 25th January and no letters of representation have been received.
- 6.3 Councillor Borton has requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

- 7.1 Install one air conditioning unit and associated equipment to east elevation- Pending consideration (18/00044/FUL)
- 7.2 Replace plan numbers 14557-103D, 14557-106B and 14557-108 with 14557-103E, 14557-106C and 14557-108A alterations due to operational requirements and as a result of detailed design (Non-material Amendment to Planning Permission 16/01952/FUL dated 20.01.2017- Allowed (17/02257/NON)
- 7.3 Replace plan numbers 14557-103D, 14557-106B and 14557-108 with 14557-103E, 14557-106C and 14557-108A alterations due to operational requirements and as a result of detailed design (Non-material Amendment to Planning Permission 16/01952/FUL dated 20.01.2017- Allowed (17/01182/AD)
- 7.4 Replace plan numbers 14557-103D, 14557-106B and 14557-108 with 14557-103E, 14557-106C and 14557-108A alterations due to operational requirements and as a result of detailed design (Non-material Amendment to Planning Permission 16/01952/FUL dated 20.01.2017- Allowed (17/01124/NON)

- 7.5 Replace plan numbers 14557-103D, 14557-106B and 14557-108 with 14557-103E, 14557-106C and 14557-108A alterations due to operational requirements and as a result of detailed design (Non-material Amendment to Planning Permission 16/01952/FUL dated 20.01.2017- Allowed (17/00253/NON)
- 7.6 Demolition of existing building, erect single storey coffee shop (Class A1/A3) with drive-through take away facility, servicing area, car parking, outdoor seating, landscaping, bin store and associated works- Granted (16/01952/FUL)
- 7.7 Demolition of existing building, erect single storey restaurant (Class A3) with drive-through take away (Class A5), servicing area, car parking, landscaping and associated works- Granted (14/01723/FUL)

8 Recommendation

8.1 GRANT ADVERTISEMENT CONSENT subject to the following conditions:

- 1 This consent is granted for a period of 5 years beginning from the date of this consent.**

Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

- 2 The advertisements shall be displayed in accordance with the approved plans: 01; A-2001 External Elevations Revision A 14.02.2018; A-2002-External Elevations Revision A 14.02.2018; Signage Details-Southend Greyhound RP Revision A 14.02.2018.**

Reason: To ensure that the advertisements are displayed in accordance with the policies outlined in the development plan.

- 3 (a) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.**
- (b) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.**
- (c) Where any advertisement is required under the Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.**
- (d) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.**
- (e) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including coastal waters) or aerodrome (civil or military).**

Reason: Required to be imposed to comply with Regulation 14 of the Town and Country Planning (Control of Advertisements) Regulations 2007.

- 4 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.**

Reason: Required to be imposed to comply with Regulation 14 of the Town and Country Planning (Control of Advertisements) Regulations 2007.

- 5 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.**

Reason: Required to be imposed to comply with Regulation 14 of the Town and Country Planning (Control of Advertisements) Regulations 2007.

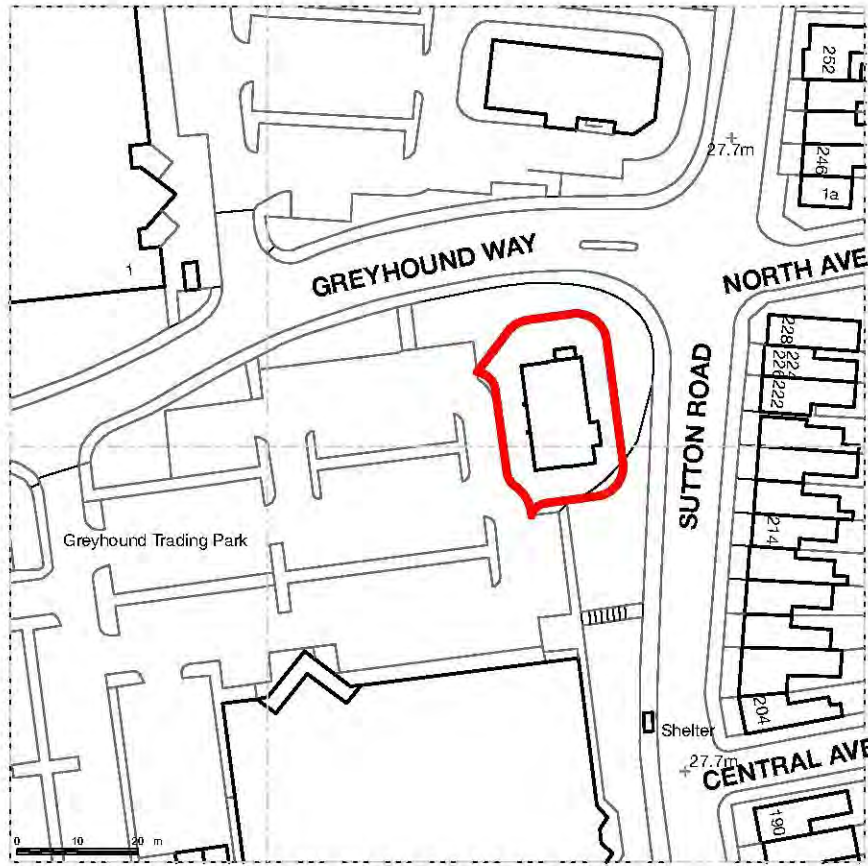
- 6 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.**

Reason: Required to be imposed to comply with Regulation 14 of the Town and Country Planning (Control of Advertisements) Regulations 2007.

- 7 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.**

Reason: Required to be imposed to comply with Regulation 14 of the Town and Country Planning (Control of Advertisements) Regulations 2007.

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.



SITE PLAN, 1:1250

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BLOCK PLAN, 1:500



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Revision Schedule			
Rev	Date	By	Description

PROJECT NAME:
 Southend - Greyhound Trade Park

PROJECT ADDRESS:
 Unit 4,
 Greyhound Trading Park,
 Sutton Road,
 Southend-on-Sea, SS2 5PY

STORE #: 49166
PROJECT #: 73085-001
CONCEPT:
PALETTE:
ISSUE DATE: JAN 2018
DESIGN MANAGER:
LEED® AP:
PRODUCTION DESIGNER: ADL
CHECKED BY: EG

SHEET TITLE:
 Siteplans
SCALE: As indicated

SHEET NUMBER:
 01

DESIGN DEVELOPMENT ONLY - NOT INTENDED FOR CONSTRUCTION

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ISO	TopPlan	Design ID	Count	Description	Resp	Comments
		11589	1	SIGN - STACKED ILLUMINATED ON RACEWAY - 14IN 355MM	SS	
		13164	2	SIGN - DISK SF ILLUMINATED FLUSH MOUNTED EVOLVED - 60IN 1525MM	SS	
		14091	1	SIGN - DT DIRECTIONAL EXIT SIGN ILLUMINATED ARROW SERIES - 46IN 1170MM	SS	
		14093	2	DT EVOLVED STAR PATTERN	SS	
		14106	1	SIGN - DT CLEARANCE BAR ARROW SERIES FREESTANDING	SS	
		14110	1	SIGN - PYLON DISK DRIVE THRU ILLUMINATED ARROW SERIES - 72IN 1830MM	SS	
		14119	1	MENU BOARD - DT 5 PANEL FREESTANDING - 108X65IN 2745X1650MM - FLAT BLACK MT0028	SS	
		14120	1	MENU BOARD - DT PRE MENU FREESTANDING - 36X65IN 915X1650MM - FLAT BLACK MT0028	SS	
		14163	1	DT ORDER POINT CANOPY FREESTANDING - FLAT BLACK MT0028	SS	
		14323	2	DT WAYFINDING GRAPHIC DIRECTIONAL DOUBLE ARROW - GREEN	SS	
		14327	2	SIGN - DT DIRECTIONAL ILLUMINATED ARROW SERIES - 46IN 1170MM	SS	
		SS01	1	SIGN - DT DIRECTIONAL ARROW - PAINTED ONTO EXTERIOR WALL FINISH	SS	

GENERAL NOTES

- PROVIDE 3" (75MM) HIGH BLACK ACRYLIC STORE ADDRESS ON GLAZING OR PER LOCAL JURISDICTIONAL CODE REQUIREMENTS.
- MAIN ENTRANCE.
- SIDE ENTRANCE.
- ARTWORK XG01 SB LOGO ON EXTERNAL SCREEN. SEE GRAPHICS AND ARTWORK SCHEDULE ON I-105 FOR DETAILS.
- MANIFESTATION DOTS TO FULL HEIGHT WINDOWS.

NOTE:
LICENSEE'S PM TO CONFIRM ALL DIMENSIONS ON SITE AND ADVISE STARBUCKS OF ANY CHANGES.

- CM CONSTRUCTION MANAGER
- GC GENERAL CONTRACTOR
- LL LANDLORD
- SBUX STARBUCKS
- WH STARBUCKS WAREHOUSE (3PL)
- VD STARBUCKS VENDOR DIRECT
- CS CASEWORK SUPPLIER
- FZ FRANCHISEE
- AS ARTWORK SUPPLIER
- SS SIGNAGE SUPPLIER

EXTERIOR ELEVATION NOTES

- GENERAL CONTRACTOR TO COORDINATE AND SCHEDULE SIGNAGE INSTALLATION WITH THE SIGNAGE CONTRACTOR PROVIDING A MINIMUM SCHEDULING NOTICE OF 4 WEEKS AND 1 WEEK PRIOR TO SCHEDULED DATE OF INSTALLATION. STARBUCKS CONSTRUCTION MANAGER TO PROVIDE GENERAL CONTRACTOR WITH SIGNAGE CONTRACTOR CONTACT INFORMATION.
- GENERAL CONTRACTOR SHALL COORDINATE WITH ELECTRICAL CONTRACTOR TO FURNISH AND INSTALL ELECTRICAL CIRCUITS INCLUDING ALL CONDUIT, WIRE, CONNECTIONS, AND BREAKER AT PANEL BOARD NECESSARY TO SERVE SIGNAGE.
- GENERAL CONTRACTOR TO PROVIDE FIRE TREATED WOOD STUD BLOCKING, OR EQUIVALENT TO SUPPORT SIGNAGE.
- SIGNAGE CONTRACTOR SHALL VERIFY SIZE AND LOCATION OF ANY AND ALL ALLOWABLE MONUMENT OR POLE SIGNAGE WITH LANDLORD AND PROVIDE SHOP DRAWING (S) PRIOR TO FABRICATION TO STARBUCKS DESIGNER FOR APPROVAL.
- SIGNAGE CONTRACTOR TO INSTALL SIGNAGE IN COMPLIANCE WITH LOCAL JURISDICTIONAL REQUIREMENTS AND OBTAIN PERMIT AND LANDLORD APPROVAL.
- SIGNAGE CONTRACTOR TO SUPPLY SHOP DRAWINGS TO STARBUCKS CONSTRUCTION MANAGER AND TO THE GENERAL CONTRACTOR AS NEEDED. GENERAL CONTRACTOR TO NOTIFY STARBUCKS CONSTRUCTION MANAGER IMMEDIATELY IF SHOP DRAWINGS OR INSTALLATION IS IN DISCREPANCY WITH STARBUCKS ARCHITECTURAL DRAWINGS.
- GENERAL CONTRACTOR TO CLEAN, PATCH AND REPAIR EXISTING EXTERIOR AS REQUIRED.



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FOR CONSTRUCTION PURPOSES

PROJECT NAME:
Greyhound Retail Park

PROJECT ADDRESS:
Unit 4 Greyhound Retail Park
Sutton Road, Greyhound Way
Southend SS25P7

STORE #: 49166
PROJECT #: 73085-001
CASEWORK CONCEPT: Casework Concept
ISSUE DATE: 07/11/17
DESIGN MANAGER: Duncan Maskell
LEED® AP: Lead AP
PRODUCTION DESIGNER: Production Designer
CHECKED BY: Checked By

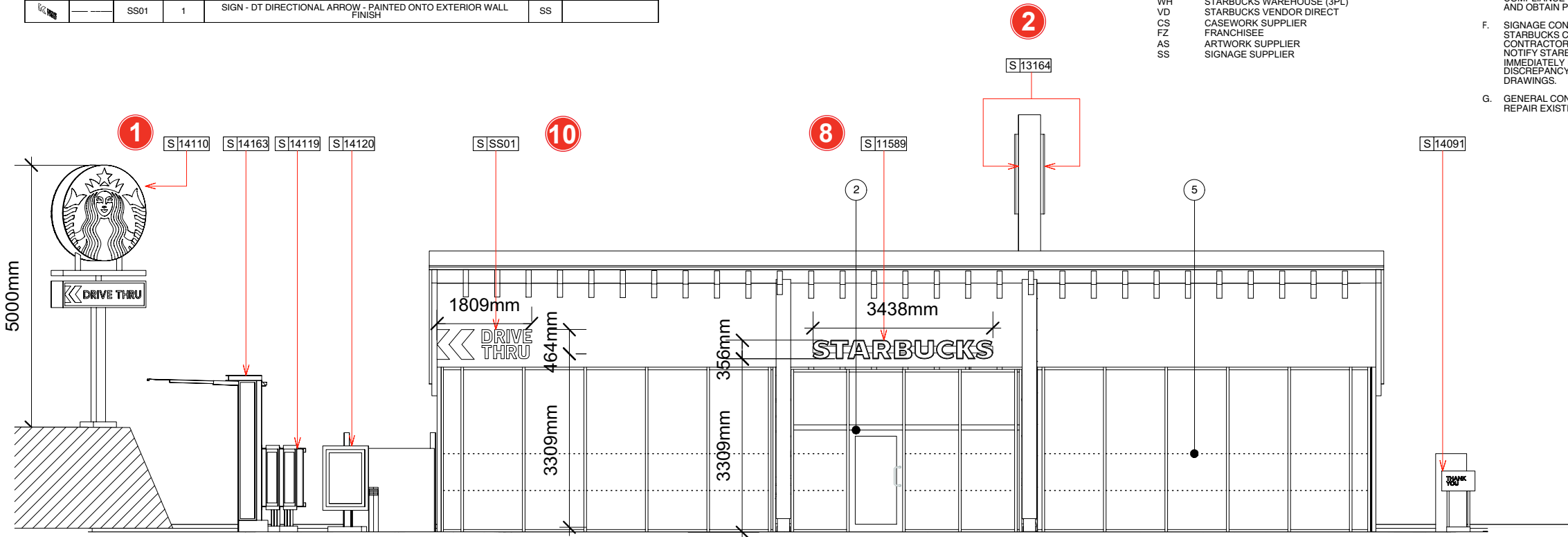
Revision Schedule

Rev	Date	By	Description
A	23/8/17		Revised to comments received 18.08.17
B	5/9/17		Revised to comments received 25.08.17

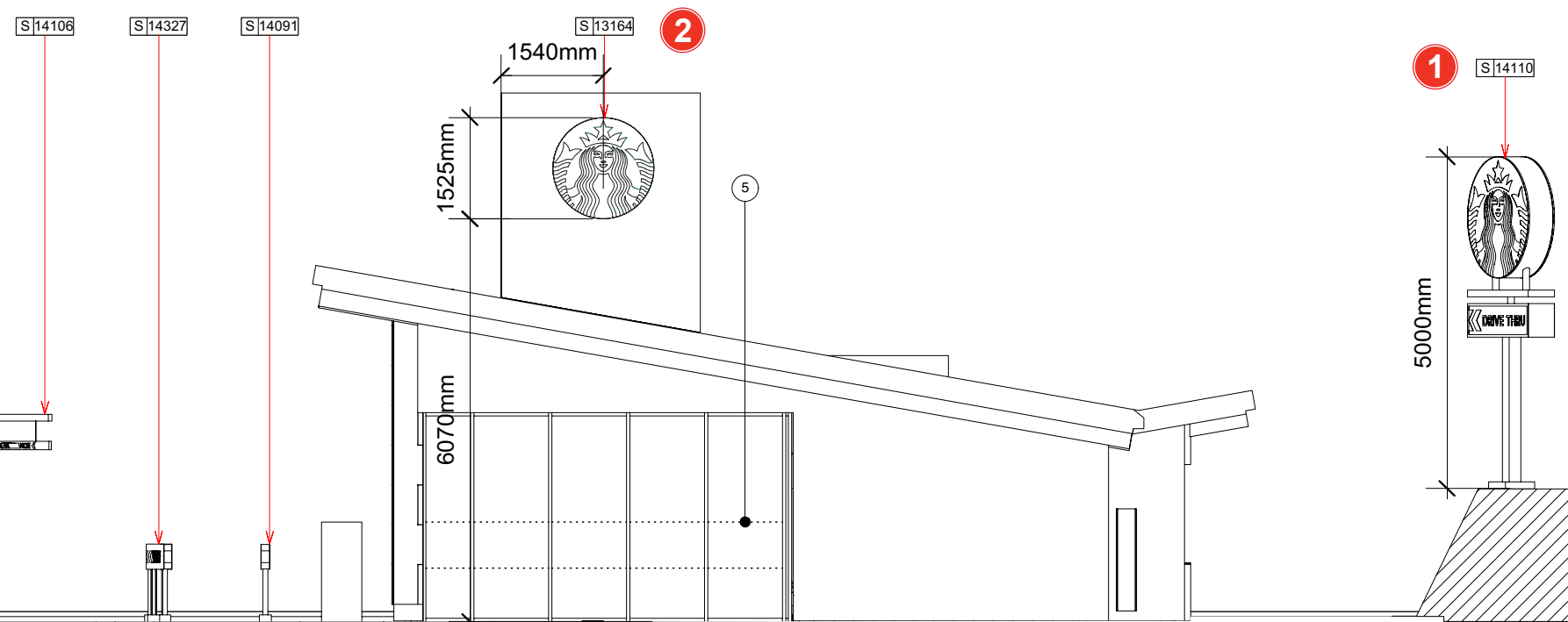
SHEET TITLE:
Exterior Elevations

SCALE: 1:100

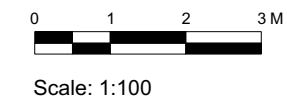
SHEET NUMBER:
A-2001



1 Front Elevation
Scale: 1:100



2 East Elevation
Scale: 1:100



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ISO	TopPlan	Design ID	Count	Description	Resp	Comments
		11589	1	SIGN - STACKED ILLUMINATED ON RACEWAY - 14IN 355MM	SS	
		13164	2	SIGN - DISK SF ILLUMINATED FLUSH MOUNTED EVOLVED - 60IN 1525MM	SS	
		14091	1	SIGN - DT DIRECTIONAL EXIT SIGN ILLUMINATED ARROW SERIES - 46IN 1170MM	SS	
		14093	2	DT EVOLVED STAR PATTERN	SS	
		14106	1	SIGN - DT CLEARANCE BAR ARROW SERIES FREESTANDING	SS	
		14110	1	SIGN - PYLON DISK DRIVE THRU ILLUMINATED ARROW SERIES - 72IN 1830MM	SS	
		14119	1	MENU BOARD - DT 5 PANEL FREESTANDING - 108X65IN 2745X1650MM - FLAT BLACK MT0028	SS	
		14120	1	MENU BOARD - DT PRE MENU FREESTANDING - 36X65IN 915X1650MM - FLAT BLACK MT0028	SS	
		14163	1	DT ORDER POINT CANOPY FREESTANDING - FLAT BLACK MT0028	SS	
		14323	2	DT WAYFINDING GRAPHIC DIRECTIONAL DOUBLE ARROW - GREEN	SS	
		14327	2	SIGN - DT DIRECTIONAL ILLUMINATED ARROW SERIES - 46IN 1170MM	SS	
		SS01	1	SIGN - DT DIRECTIONAL ARROW - PAINTED ONTO EXTERIOR WALL FINISH	SS	

GENERAL NOTES

- PROVIDE 3" (75MM) HIGH BLACK ACRYLIC STORE ADDRESS ON GLAZING OR PER LOCAL JURISDICTIONAL CODE REQUIREMENTS.
- MAIN ENTRANCE.
- SIDE ENTRANCE.
- ARTWORK XG01 SB LOGO ON EXTERNAL SCREEN. SEE GRAPHICS AND ARTWORK SCHEDULE ON I-1105 FOR DETAILS.

NOTE:
CM TO CONFIRM ALL DIMENSIONS ON SITE AND ADVISE STARBUCKS OF ANY CHANGES.

CM CONSTRUCTION MANAGER
GC GENERAL CONTRACTOR
LL LANDLORD
SBUX STARBUCKS
WH STARBUCKS WAREHOUSE (3PL)
VD STARBUCKS VENDOR DIRECT
CS CASEWORK SUPPLIER
FZ FRANCHISEE
AS ARTWORK SUPPLIER
SS SIGNAGE SUPPLIER

EXTERIOR ELEVATION NOTES

- GENERAL CONTRACTOR TO COORDINATE AND SCHEDULE SIGNAGE INSTALLATION WITH THE SIGNAGE CONTRACTOR PROVIDING A MINIMUM SCHEDULING NOTICE OF 4 WEEKS AND 1 WEEK PRIOR TO SCHEDULED DATE OF INSTALLATION. STARBUCKS CONSTRUCTION MANAGER TO PROVIDE GENERAL CONTRACTOR WITH SIGNAGE CONTRACTOR CONTACT INFORMATION.
- GENERAL CONTRACTOR SHALL COORDINATE WITH ELECTRICAL CONTRACTOR TO FURNISH AND INSTALL ELECTRICAL CIRCUITS INCLUDING ALL CONDUIT, WIRE, CONNECTIONS, AND BREAKER AT PANEL BOARD NECESSARY TO SERVE SIGNAGE.
- GENERAL CONTRACTOR TO PROVIDE FIRE TREATED WOOD STUD BLOCKING, OR EQUIVALENT TO SUPPORT SIGNAGE.
- SIGNAGE CONTRACTOR SHALL VERIFY SIZE AND LOCATION OF ANY AND ALL ALLOWABLE MONUMENT OR POLE SIGNAGE WITH LANDLORD AND PROVIDE SHOP DRAWING (S) PRIOR TO FABRICATION TO STARBUCKS DESIGNER FOR APPROVAL.
- SIGNAGE CONTRACTOR TO INSTALL SIGNAGE IN COMPLIANCE WITH LOCAL JURISDICTIONAL REQUIREMENTS AND OBTAIN PERMIT AND LANDLORD APPROVAL.
- SIGNAGE CONTRACTOR TO SUPPLY SHOP DRAWINGS TO STARBUCKS CONSTRUCTION MANAGER AND TO THE GENERAL CONTRACTOR AS NEEDED. GENERAL CONTRACTOR TO NOTIFY STARBUCKS CONSTRUCTION MANAGER IMMEDIATELY IF SHOP DRAWINGS OR INSTALLATION IS IN DISCREPANCY WITH STARBUCKS ARCHITECTURAL DRAWINGS.
- GENERAL CONTRACTOR TO CLEAN, PATCH AND REPAIR EXISTING EXTERIOR AS REQUIRED.



STARBUCKS COFFEE COMPANY
2401 UTAH AVENUE SOUTH
SEATTLE, WASHINGTON 98134
(206) 318-1575

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FOR CONSTRUCTION PURPOSES

PROJECT NAME:
Greyhound Retail Park

PROJECT ADDRESS:
**Unit 4 Greyhound Retail Park
Sutton Road, Greyhound Way
Southend SS25P7**

STORE #: 49166
PROJECT #: 73085-001

CASEWORK CONCEPT: Casework Concept
ISSUE DATE: 07/11/17
DESIGN MANAGER: Duncan Maskell
LEED® AP: Lead AP
PRODUCTION DESIGNER: Production Designer
CHECKED BY: Checked By

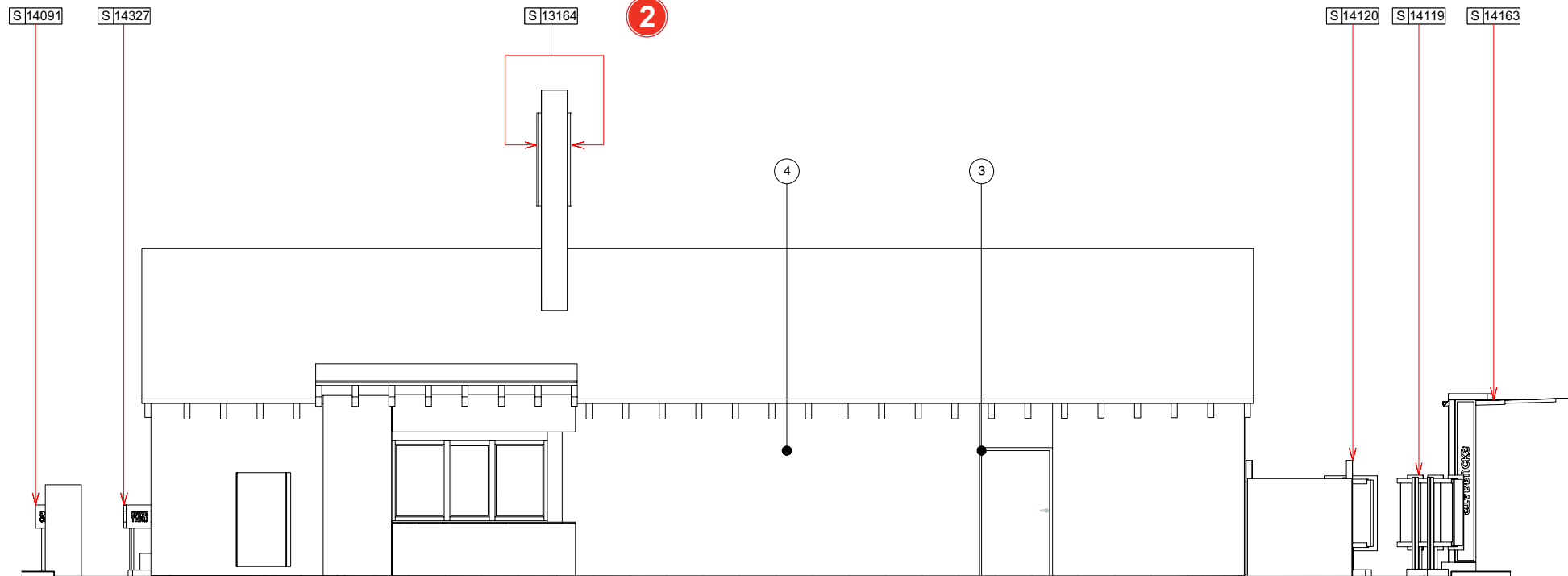
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SHEET TITLE:
Exterior Elevations

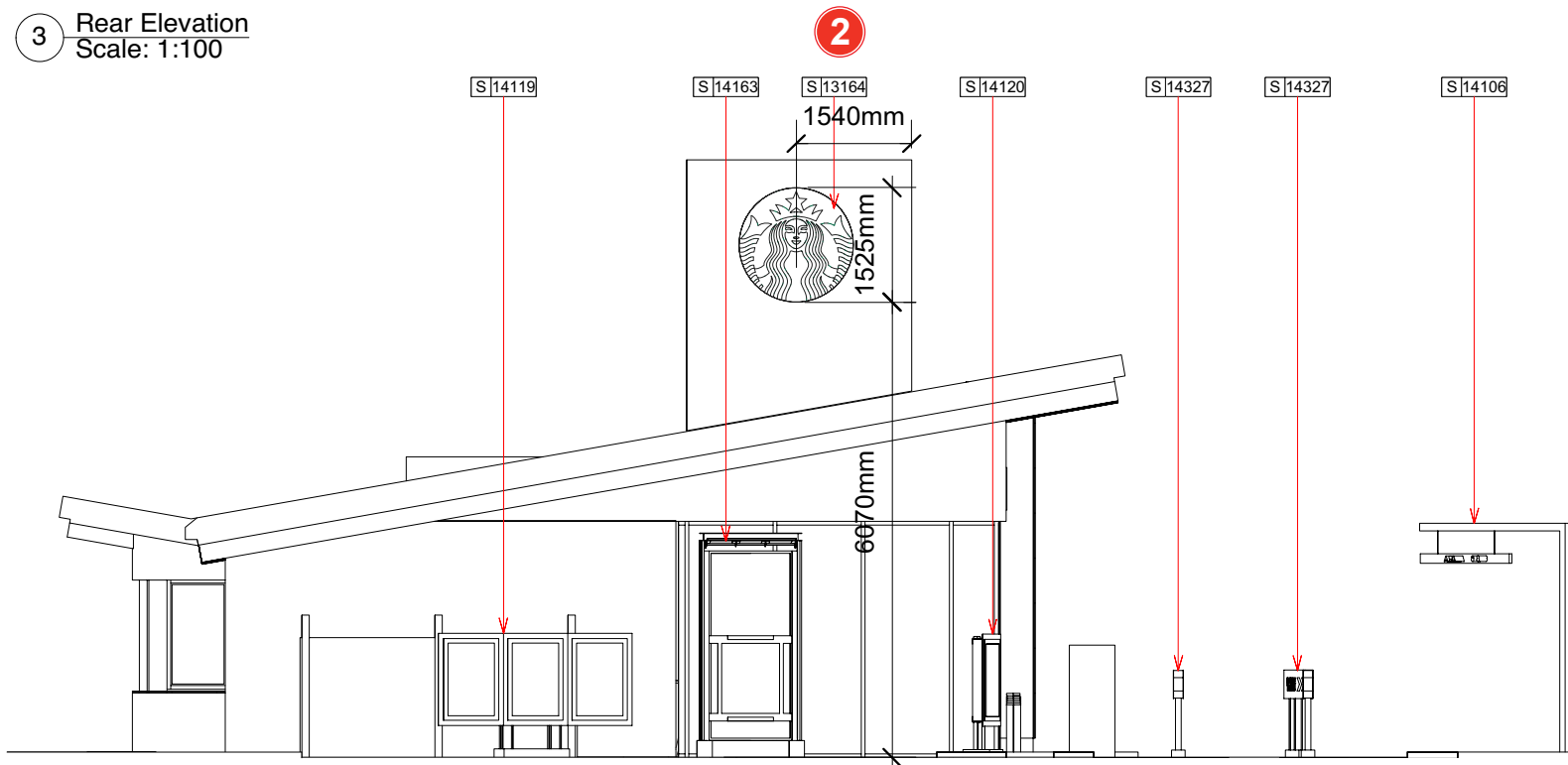
SCALE: 1:100

SHEET NUMBER:
A-2002

247



3 Rear Elevation
Scale: 1:100

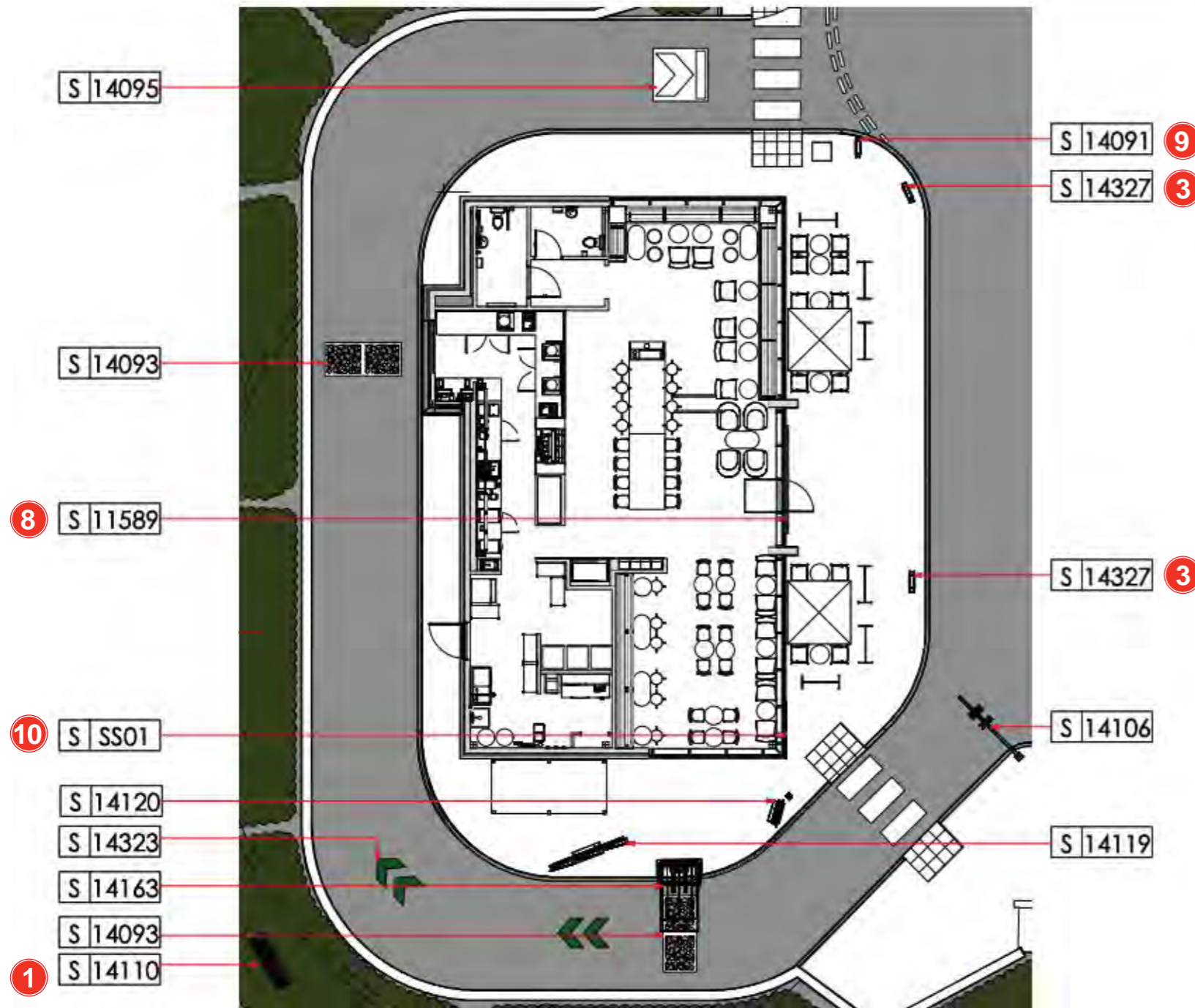


4 West Elevation
Scale: 1:100





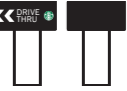



Scale: 1:100

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1 SITE PLAN OVERVIEW
Scale: 1:250

Key

- 1 5m Totem 
- 2 1525mm Siren 
- 3 Directional 
- 8 STARBUCKS WHITE 305mm Wordmark 
- 9 No Entry/ Thank You Directional 
- 10 Wall mounted Directional 

- 1 Item A | 1 Off 5metre Internally Illuminated Totem Pole Sign - 1:50
5000mm high mild steel post with box section frame top and drop arms to carry siren roundel and drive thru box.

Siren Logo :

2x fret cut aperture face trays with 50mm trim to accept 5mm opal 050 acrylic roundall in rear with applied Starbucks Green Siren logo to face.
Sign illuminated by LED's positioned on clear acrylic divider suspended from within. Carcass Painted Satin Black outside, White inside.

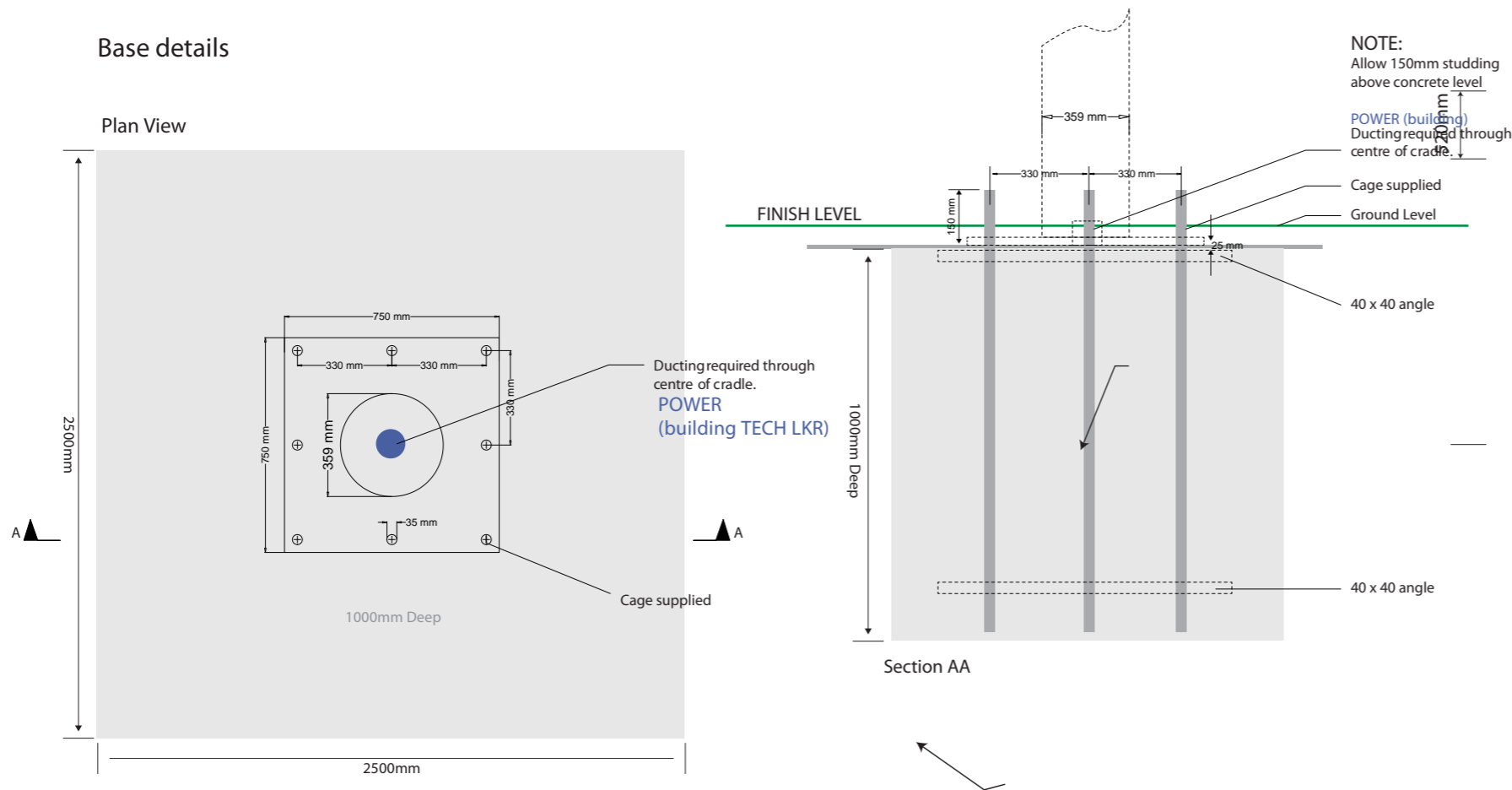
Drive Thru Box :

2x fret cut face trays with aluminium carcass designed to fit around post. Painted white inside and satin black outside. Aluminium face trays backed up with 5mm 050 opal acrylic and internally illuminated by tridonic led's.



Base details

250



NIS SIGNS

Nis Signs (Leicester) Ltd
51 Marlow Rd, Leicester, LE3 2BQ

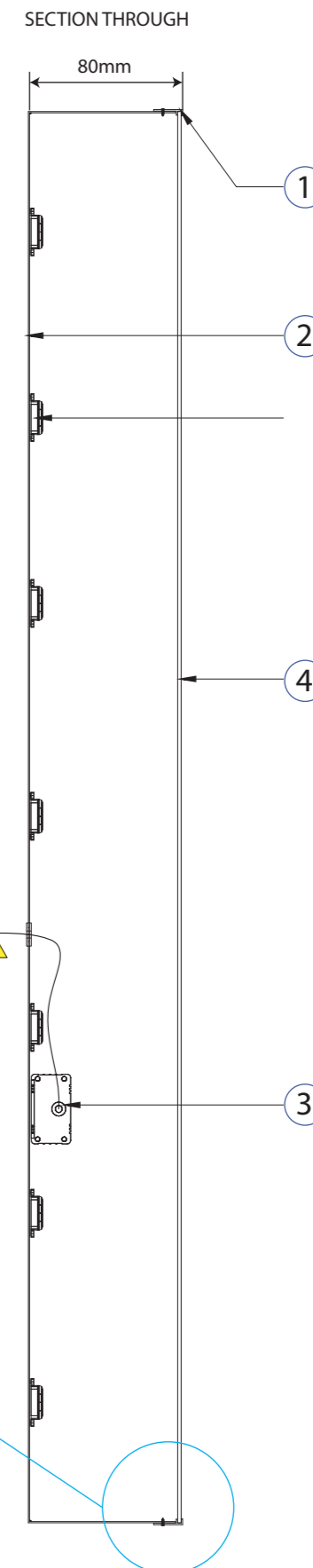
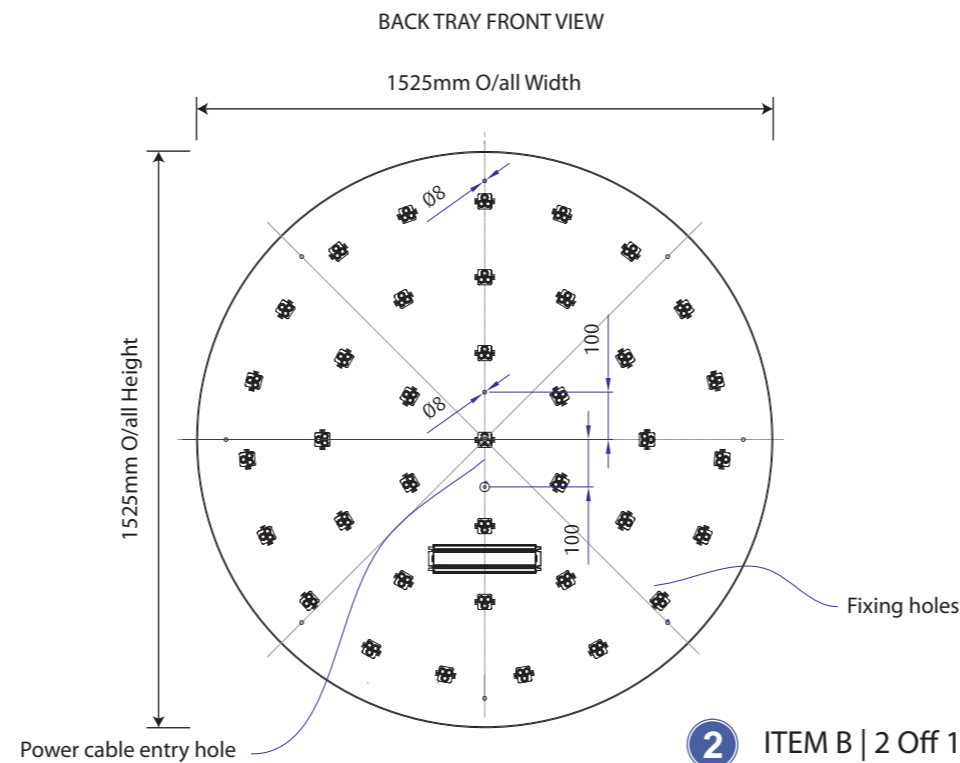
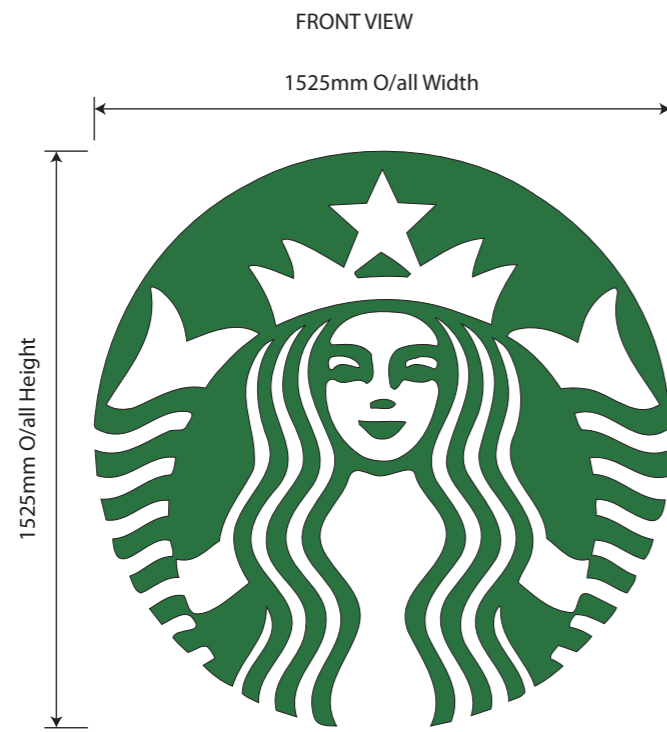
0116 270 6228
info@signs-nis.co.uk
www.signs-nis.co.uk

Client: Starbucks
Address: Unit 4 Greyhound Retail
Sutton Rd, Greyhound Way
Southend
SS25P7

Drawing no: 18-009
Job location: Jobs/Starbucks/Southend, Greyhound Retail Park
Drawn by: DW
Rev no: A
Date: 08/01/18

Revision notes: 0) Initial issue
A) Pylon reduced to 5m

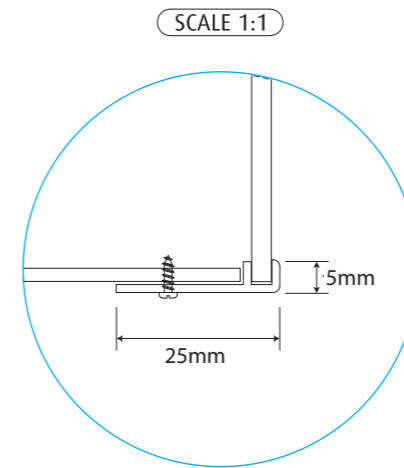
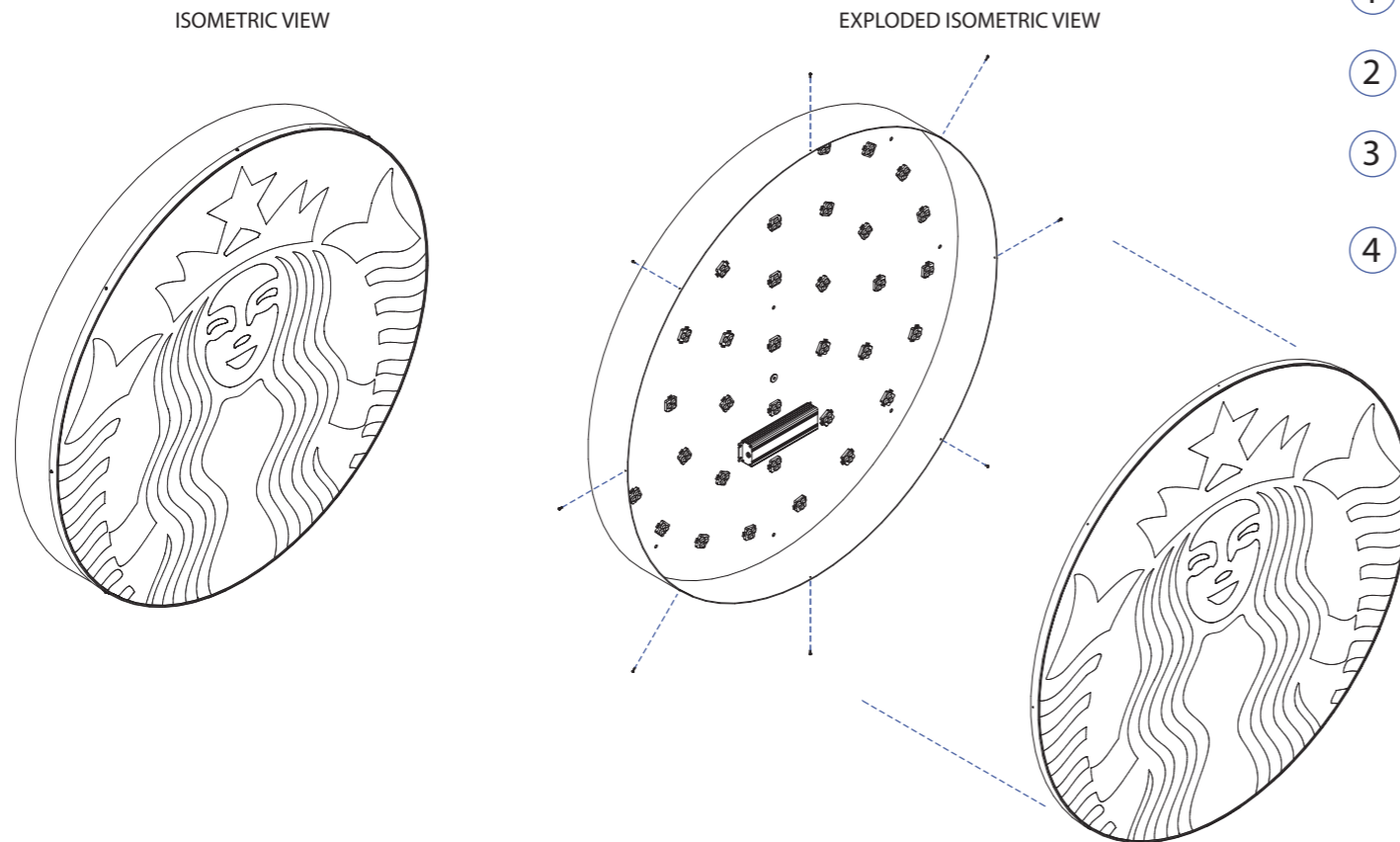
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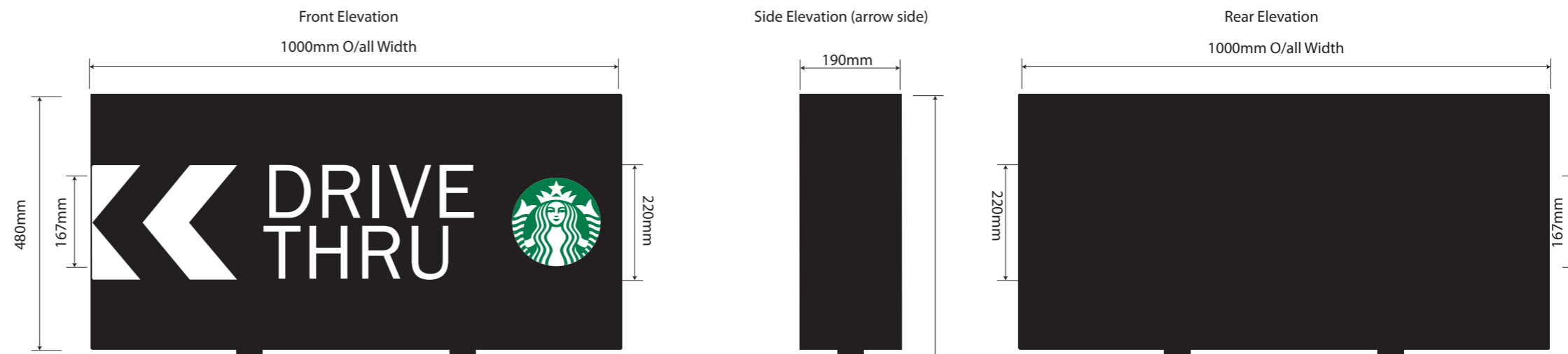


2 ITEM B | 2 Off 1525mm Internal Single Sided Roundel

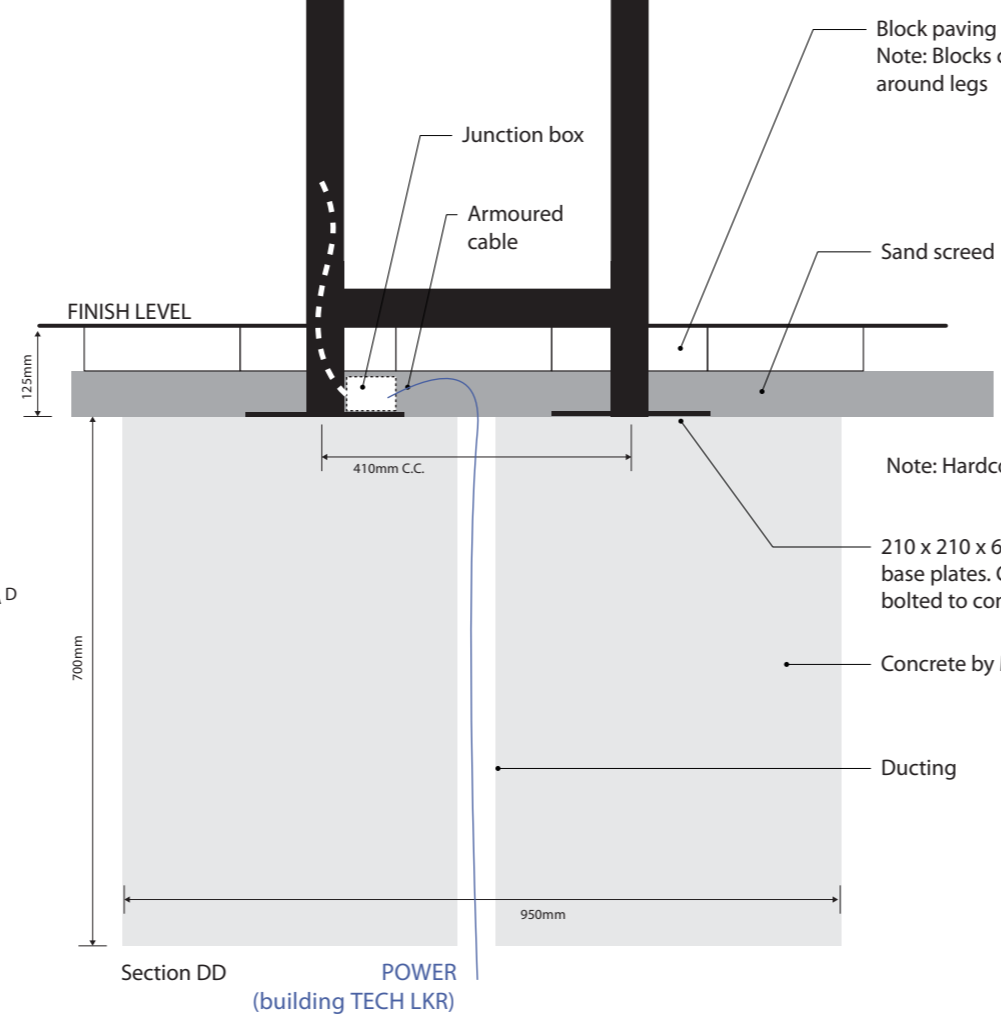
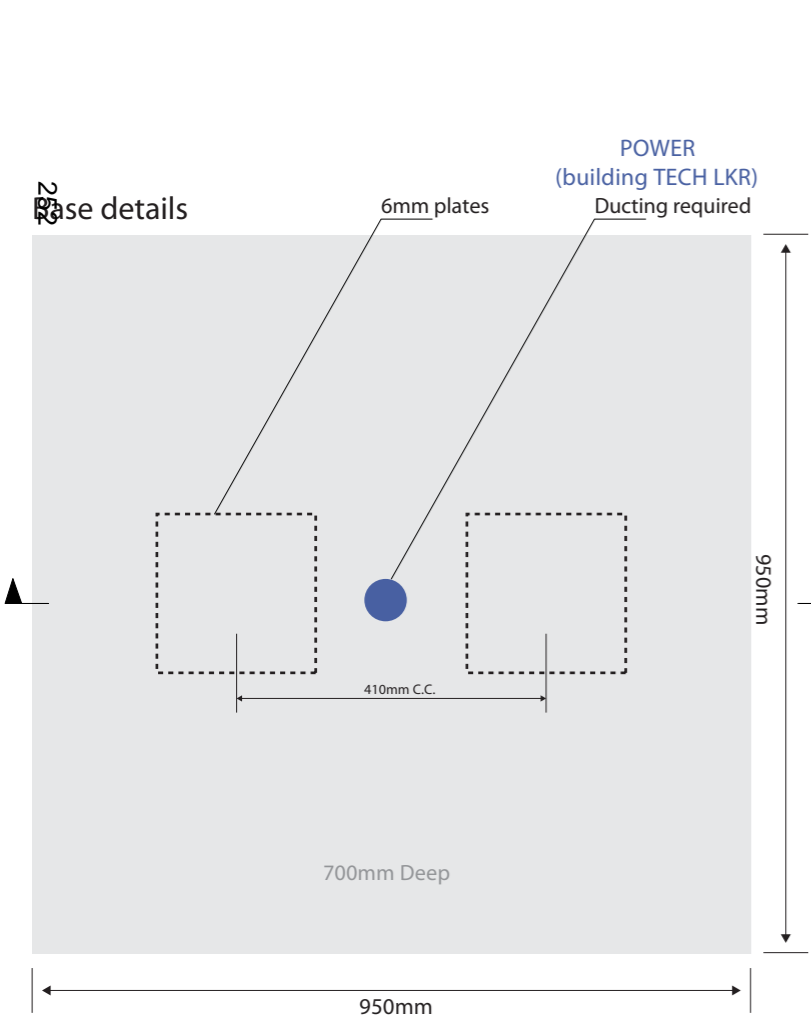
SPECIFICATION

- 1 Black plastic trim, fixed to aluminium carcass using small pan head screws with heads painted Black
- 2 2mm thick Aluminium carcass finished White inside and Satin Black RAL 9005 externally.
- 3 Tridonic P560 Crystal White LED, 38 off modules required.
1 Off Tridonic Talex LCU 060/12 D010 120/240V converter required.
- 4 3mm thick 050 Opal perspex face with face applied translucent vinyl 3M scotchall vinyl Holly Green 3630-76



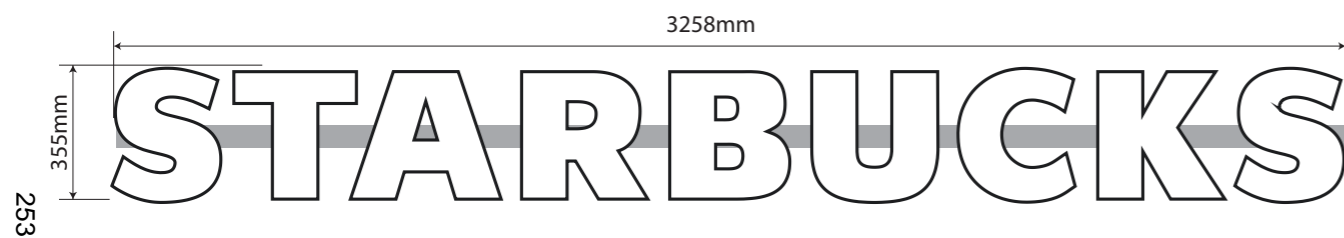


3 ITEM C | 2 Off 1500 High Directional Sign - 1:10
2 Off 1500mm Double sided entrance directional sign internally illuminated via LED's.

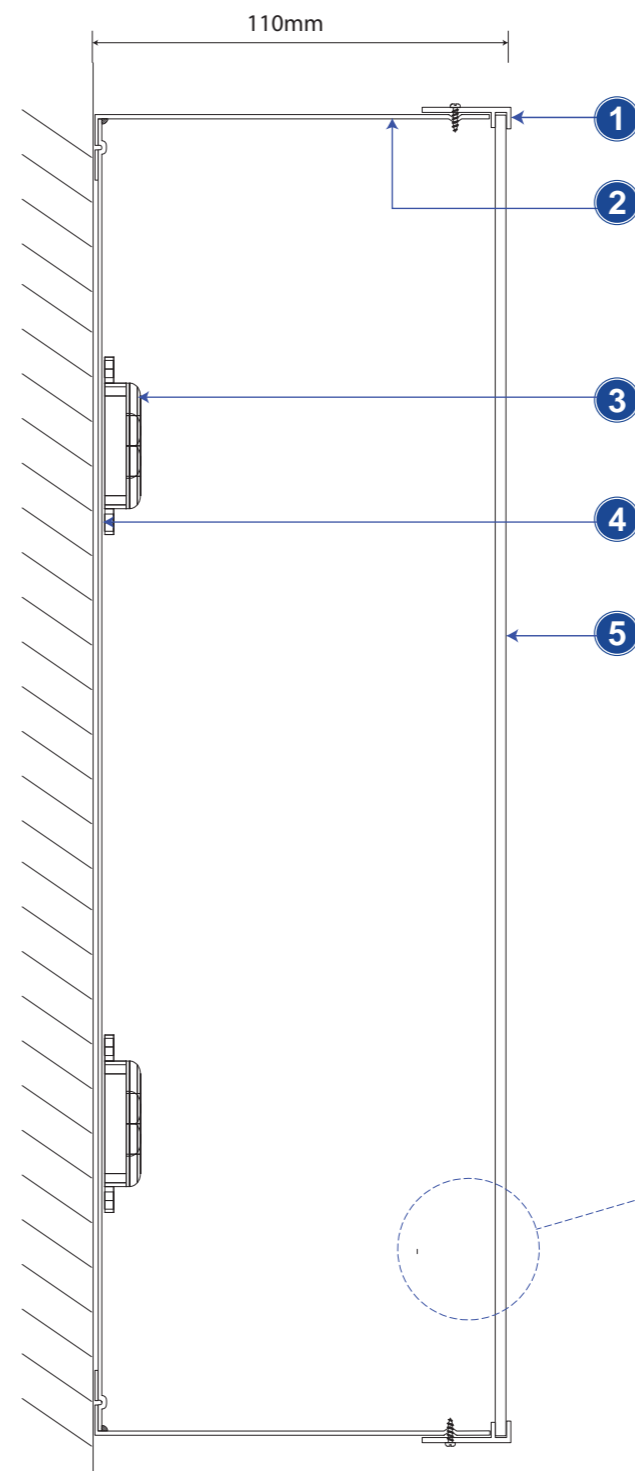


Note: Hardcore/Groundworks by others
210 x 210 x 6mm thick base plates. Chemical fix & bolted to concrete
Concrete by MC
Ducting

8 ITEM H | LED Wordmark Lettering - 1:20
Face illuminated LED wordmark.



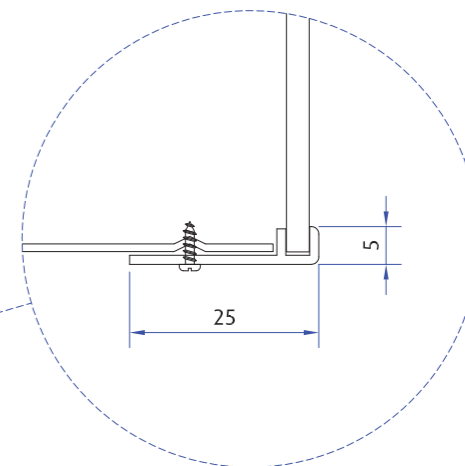
Section Through - Scale 1:2



Specification:

- 1** Black plastic trim, fixed to aluminium carcass using small pan head screws with heads painted Black.
- 2** 1mm thick aluminium carcass finished White inside and Satin Black RAL 9005 externally.
- 3** Tridoni LED, see next page for type quantities and convertors required for each letter set.
- 4** 1mm thick aluminium backing finished White inside, pressed fixed to carcass.
- 5** 3mm thck 050 opal perspex face.

SCALE 1:1



NIS SIGNS

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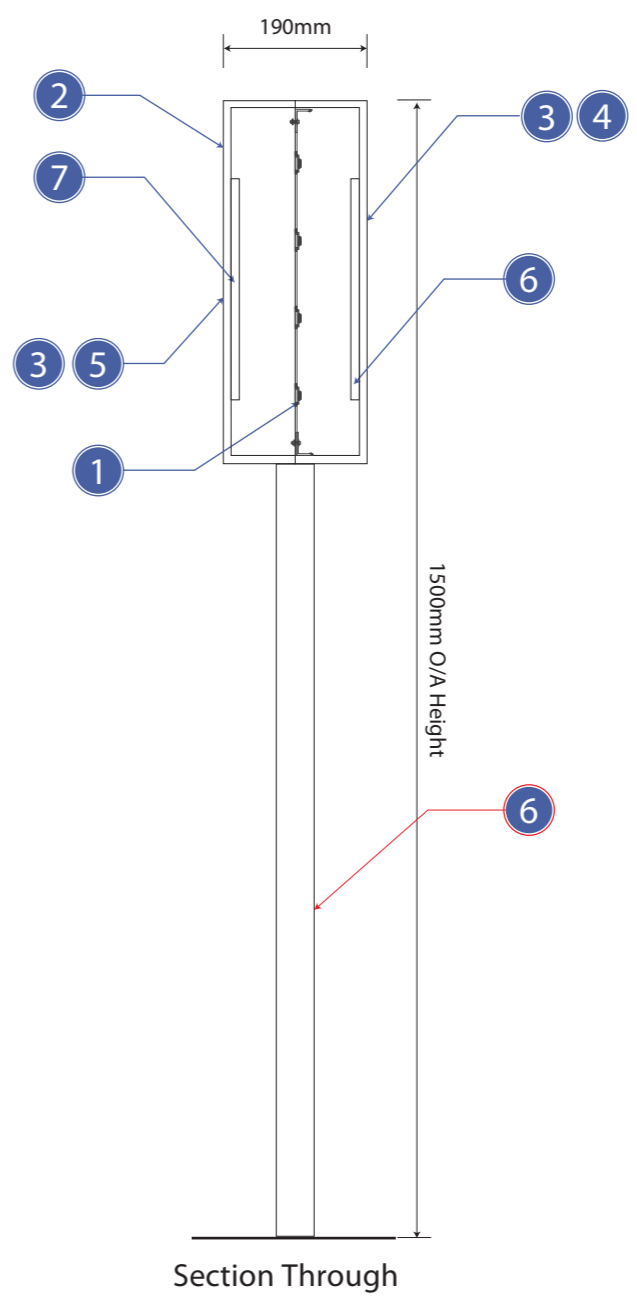
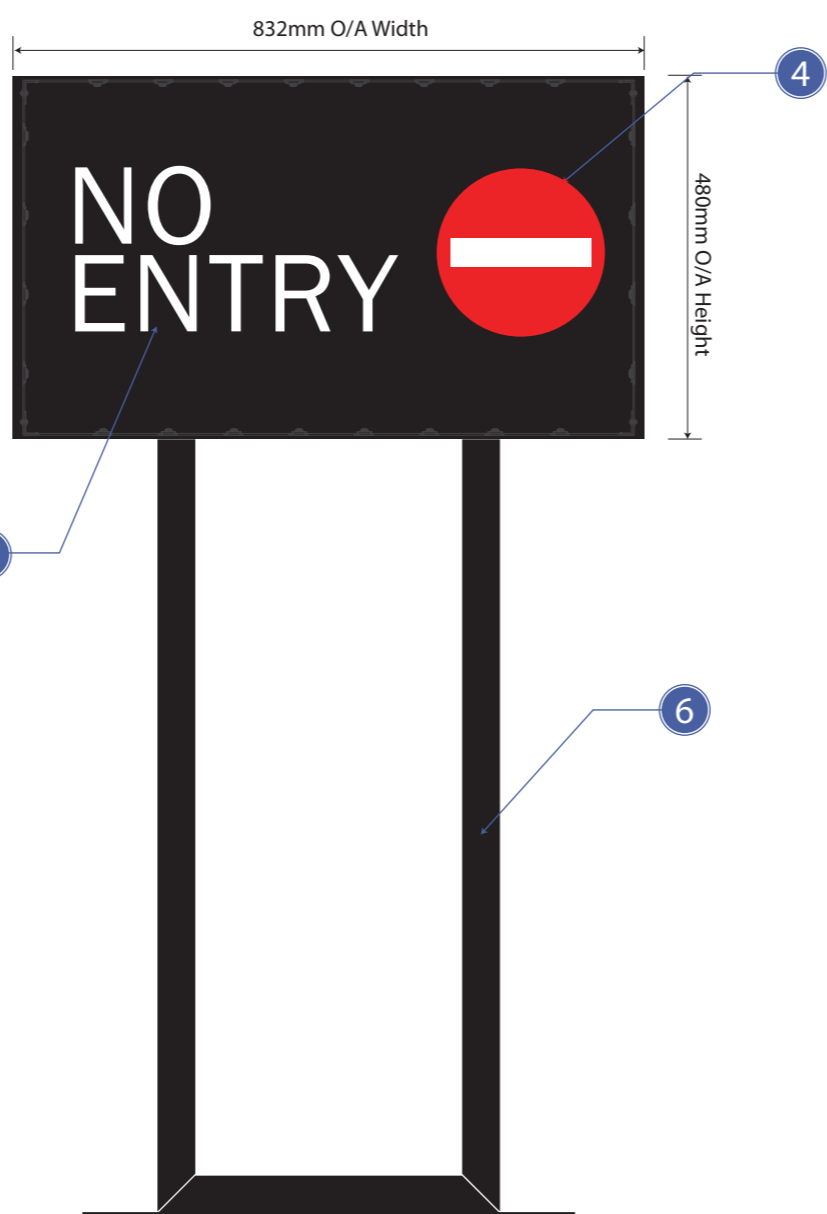
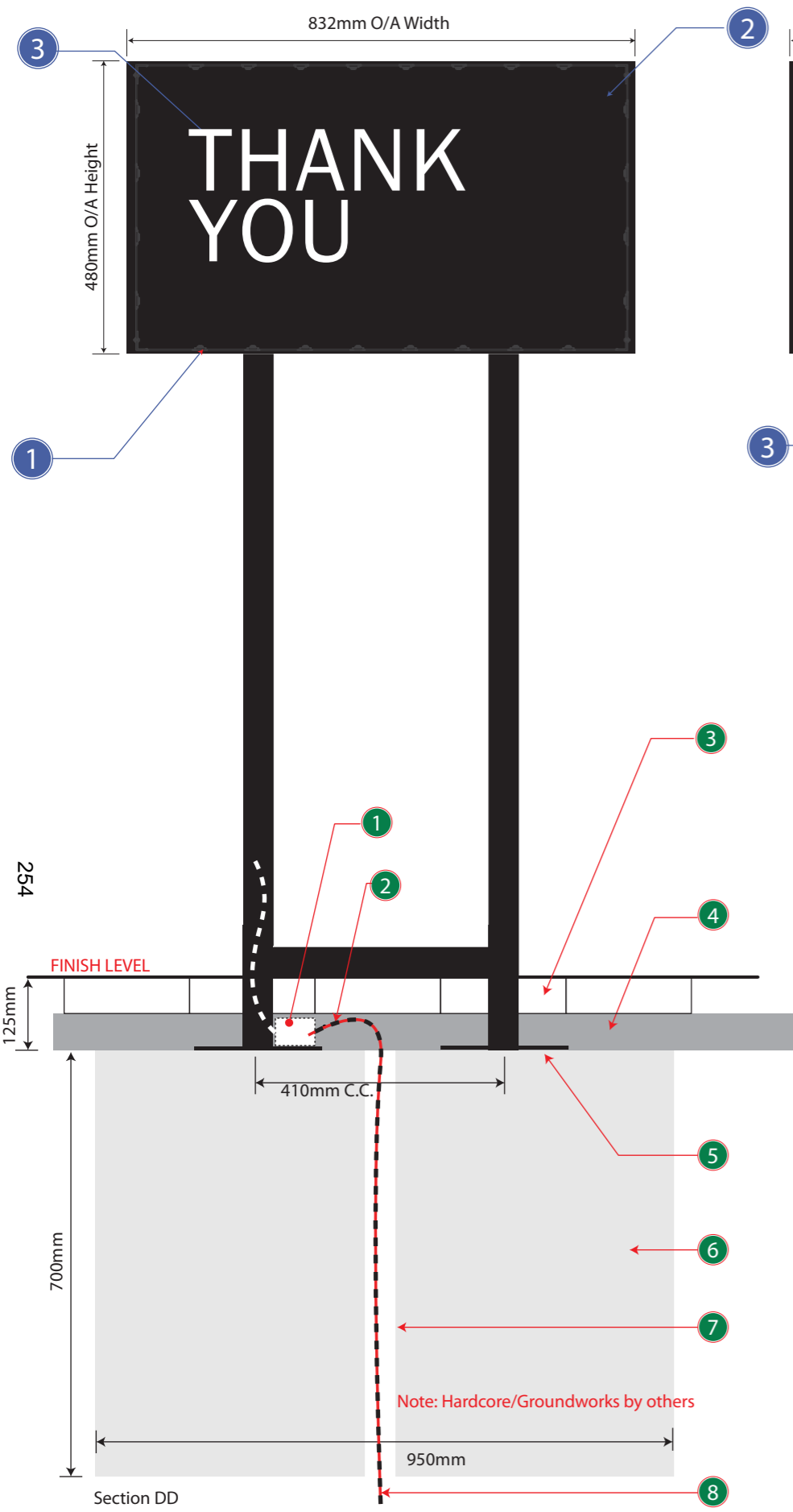
Client: Starbucks
Address: Unit 4 Greyhound Retail
Sutton Rd, Greyhound Way
Southend
SS25P7

Drawing no: 18-009
Job location: Jobs/Starbucks/Southend, Greyhound Retail Park
Drawn by: DW
Rev no: A
Date: 08/01/18

Revision notes: 0) Initial issue
A) Pylon reduced to 5m

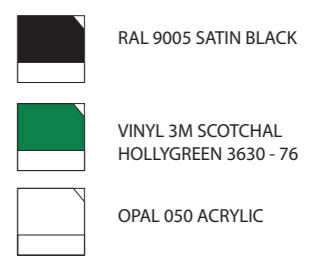
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9 ITEM I | 1500mm High Single Sided Directional Sign - 1:10

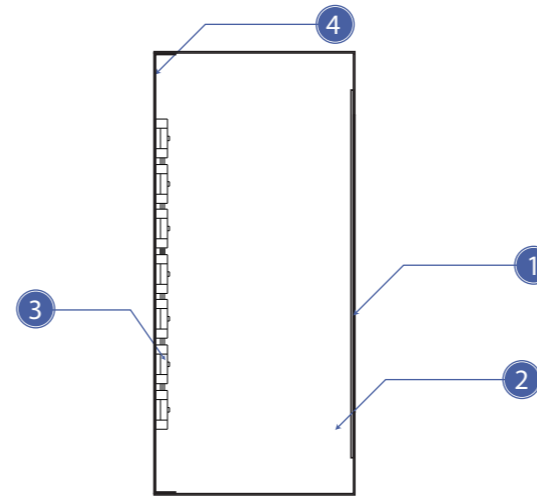


- ### Key
- 1 Chiplite CL-ELI Modules
 - 2 Folded Aluminium back to back trays finished RAL 9005 Gloss Black.
 - 3 Inlaid flush Opal 050 Acrylic Lettering
 - 4 Inlaid flush Opal 050 Acrylic Symbols
 - 5 Inlaid flush Opal 050 Acrylic Siren complete with S/A translucent vinyl to match 3M Translucent Green
 - 6 40mm x 40mm Box section frame finished RAL 9005 Gloss Black
 - 7 3M Opal 050 Acrylic Backing

- ### Base Details Key
- 1 Junction box
 - 2 Armoured cable
 - 3 Block paving (NOTE: Block cut around legs)
 - 4 Sand screed
 - 5 210mm x 210mm x 6mm thick base plates. Chemical fiz & bolted to concrete.
 - 6 Concrete by MC
 - 7 Ducting
 - 8 Power (building TECG LKR)
 - 9 6mm plates
 - 10 (POWER building TECH LKR) Ducting required





10 ITEM J | 585m High Illuminated Building Directional Sign - 1:10



Key

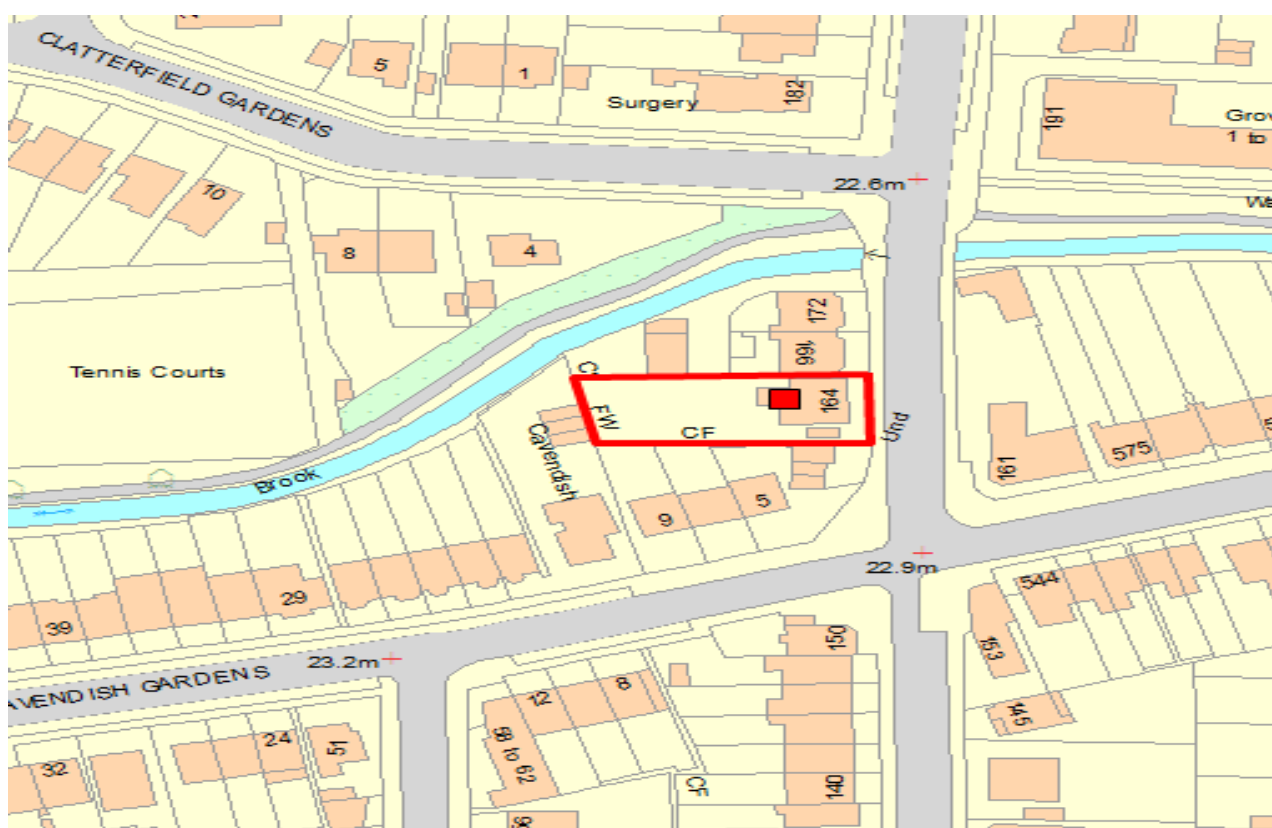
- 1 3mm Opal 050 Acrylic Symbol/ Letters
- 2 3M Opal 050 Acrylic backing
- 3 LED Modules
- 4 3mm thick folded Aluminium tray finished RAL 9005 Satin Black.

 RAL 9005 SATIN BLACK

 OPAL 050 ACRYLIC

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Reference:	17/00050/UCOU_B	<h1>12</h1>
Ward:	Westborough	
Breaches of Control	Without planning permission, the change of use from a dwelling to a hotel.	
Address:	164 Southbourne Grove, Westcliff on Sea, Essex. SS0 0AA	
Case Opened:	8 th March 2017	
Case Officer:	Steve Jones	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	



1 Site and Surroundings

- 1.1 The property is a two storey, detached building set within a predominantly residential location. It lies approximately 30m south of the junction with Cavendish Gardens. The property is currently being used as a guesthouse named 'Lotus Lodge'

2 Lawful Planning Use

- 2.1 The lawful planning use is either as a dwelling house within Class C3 of the Town and Country Planning Use Classes Order 1987 (as amended) or a small House in Multiple Occupation under Class C4.

3 Present Position

- 3.1 A Complaint was received during March 2017 concerning the alleged change of use from a dwelling to a guest house/hotel without planning consent.
- 3.2 On 8th March 2017 Enforcement staff made initial enquiries on-line and established that this property was being advertised on the websites, booking.com, Airbnb.com and other sites. It appeared from the adverts that 4 rooms were available to rent. The property was being marketed as a 'guest house'. Elsewhere in the advert text the term 'hotel' was used.
- 3.3 On 9th March 2017 Enforcement staff attended the property and met with a person who indicated they were staying at the property effectively in the role of caretaker.
- 3.4 Enforcement staff were shown a ground floor room which had a built in kitchenette. There was clothing present and a double bed and staff were informed someone was staying in that room currently. The 'caretaker' confirmed there were 4 rooms available to rent in the property in total.
- 3.5 On 14th March 2017 Enforcement staff wrote to the property owner identifying the material change of use and inviting a retrospective planning application.
- 3.6 On 15th March 2017 the owner rang Enforcement and a discussion took place regarding the current and intended future use of the property. The owner confirmed its current use as a hostel/hotel but also stated they wanted to run longer term yoga retreats. The owner was informed that a planning application was required for a change of use to Use Class C1 as the premises were now operating as a hotel and not a dwelling house (Class C3).
- 3.7 The owner advised that the property used to operate as a House in Multiple Occupation (HMO). He was advised that it may have operated as such but the council records show that a planning application for a change of use to operate as a large HMO in 2016 was withdrawn.
- 3.8 On 4th April 2017 Enforcement staff were notified by the owner that his architect would be in contact to arrange pre application advice.

- 3.9 On 11th April 2017 Enforcement staff received an email from the architect regarding contact with a planner to arrange a pre application meeting.
- 3.10 On 21st April 2017 a formal pre-application request was received by the Local Planning Authority.
- 3.11 On 24th April 2017 the Local Planning Authority wrote to the architect advising that the pre application was invalid.
- 3.12 On 10th May 2017 Enforcement staff emailed the architect reminding him of the invalid application and asking for an update.
- 3.13 On 7th June 2017 Enforcement staff emailed the owner and architect asking for timescales regarding the submission of a planning application.
- 3.14 On 13th June 2017 Enforcement staff confirmed that rooms were still being advertised on booking.com and subsequently telephoned the owner to advise that a planning application should be submitted within the next 7 days to avoid formal enforcement action.
- 3.15 On 14th June 2017 Enforcement staff received an email from the architect advising a planning application would be submitted within a week.
- 3.16 On 29th June 2017 the Local Planning Authority processed a planning application dated 16th June 2017.
- 3.17 On 14th July 2017 an invalid letter was sent to the architect requiring a response within 21 days.
- 3.18 On 17th July 2017 Enforcement staff emailed the architect advising the application rejection should be dealt with promptly.
- 3.19 On 24th July 2017 the planning application proposing the retrospective Change of Use from an HMO (Class Sui Generis) to 6 bedroom guesthouse (Class C1) was validated and allocated to a planning officer to determine.
- 3.20 On 12th September 2017 the planning application under reference 17/01059/FUL was refused.
- 3.21 On 21st November 2017 Enforcement staff emailed the owner reminding him of the refused planning application and seeking clarification of their intentions.
- 3.22 On 22nd September 2017 the owner rang Enforcement staff advising their intentions to appeal the decision.
- 3.23 On 4th January 2018 Enforcement staff emailed the owner advising that the Local Planning Authority would be seeking approval from the Development Control Committee to authorise the issuance of an Enforcement Notice should the current use of the property as a hotel not cease within 2 weeks.

3.24 On 10th January 2018 Enforcement staff were contacted by the owner advising they would reconsider their decision to wait the 6 months allowed to make an appeal to the planning Inspectorate and that they would inform the Enforcement staff as to their intentions within the next 4 weeks.

3.25 No further communication has been received from the property owner since.

4 Appraisal

4.1 Principle of Development

4.2 National Planning Policy Framework, Core Strategy (2007) Policies KP2, CP1, Development Management Document (2015) policies DM1, DM3 and DM12

4.3 Tourism and cultural industries within Southend are important for sustained economic growth in the Borough. Visitor accommodation is an important part of the tourism sector, which is emphasised in the Southend-on-Sea Local Economic Assessment 2013. Policy DM12 of the Development Management Document states that it is necessary that the Borough Council manages growth of visitor accommodation in a sustainable manner that positively contributes to the Borough's regeneration and economic objectives.

4.4 Whilst it is accepted that there are many sites in Southend that can accommodate future hotel sites, there is a need to prioritise locations and sites to ensure that hotels are directed to where they can deliver the greatest benefit. The priority areas are the Southend Central Area, London Southend Airport and close to the Seafront.

4.5 Policy DM12 is clear that hotel development that is directly associated with the airports operations will be supported. London Southend Airport is located 2-3 miles from the property. It is considered that due to its distance from the airport, as well as its distance from the other outlined 'key areas', the principle of development is objected to as it would compete for a share of the wider Southend market and would undermine potential growth in those key locations, resulting in detrimental impacts upon sustainable tourism and economic growth in the Borough.

4.6 There are no specific policies relating to the loss of an HMO and therefore no objection is raised to the loss of the previous use as a small HMO. However, the loss of residential accommodation is a factor which weights against this scheme being granted consent. Other material considerations are discussed below.

4.7 Design and Impact on the Street Scene

4.8 National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Development Management (2015) policies DM1 and DM3 and the Design and Townscape Guide (2009)

4.9 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management DPD. The Design and Townscape Guide (SPD1) also states that "the Borough Council is committed to good design and will seek to create attractive, high-quality living environments. "

4.10 No external alterations or additions were carried out in order to facilitate the change of use. Furthermore, it is not considered that the change of use would conflict with an extant planning permission for a dwelling to the rear of the site. For these reasons it is not considered the change of use would result in demonstrable harm to the character and appearance of the building or the wider area in accordance with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy policies DM1 and DM3 of the Development Management Document DPD2 and the Design and Townscape Guide

4.11 **Traffic and Transportation**

4.12 **National Planning Policy Framework; Core Strategy policies KP2, CP4, CP3; policy DM15 of the Development Management Document and the Design and Townscape Guide.**

4.13 The site is served by an existing vehicle access from Southbourne Grove. Policy DM15 of the Development Management Document states that for hotels, a maximum of 1 off-street parking space is required per bedroom. Therefore, 6 parking spaces are required. The refused application stated that 2 off-street spaces are provided at the rear of the site. However, the guesthouse is listed on numerous booking sites on the internet whereby it is stated that no parking is available for guests and on-street parking should be used. The parking plan proposed also conflicts with the approved plans for an extant planning permission for a dwelling at the rear of the site. It is therefore considered to be strongly likely that no parking will be provided for the proposed use of the site

4.14 The Council's Highways engineer raised an objection to the guesthouse use as the off-street parking provision fell short of the required standards. Whilst it is accepted that the guesthouse is marketed towards airport users who are likely to stay for one of two nights, it is necessary to consider the sustainability of the application site. The site is not located within convenient walking distances to a full range of facilities and services and would result in an increase of journeys reliant on a car which would not accord with the core principles of the NPPF.

4.15 The site is located off a one-way classified road which does not benefit from on-street parking. Limited on-street parking available within Southbourne Grove is restricted to resident permit holders only (between the hours of 9.30am and 4:30pm). It was therefore considered that the six bedroom hotel with no parking would be contrary to policy DM15 of the Development Management Document and advice contained within the Design and Townscape Guide and would result in additional on-street parking stress and demonstrably negative impacts upon the free flow of traffic and highway safety in the area to a detrimental effect.

4.16 **Conclusions**

4.17 The planning application was refused for the following reasons

- **The proposed guesthouse is not located within any of the 'key areas' which prioritises areas for visitor accommodation within the Southend Central Area, at London Southend Airport and close to the Seafront. Therefore, the principle of development is objected to as it would**

compete for a share of the wider Southend market and would undermine potential growth in those key locations, resulting in detrimental impacts upon sustainable tourism and economic growth in the Borough, contrary to Policy DM12 of the Development Management Document (2015) and the general principles of the National Planning Policy Framework.

- **The proposed development fails to provide any vehicular or cycle parking for guests and therefore is likely to result in a demand for on-street parking, to the detriment of highway and pedestrian safety and the free flow of traffic, contrary to guidance contained within the National Planning Policy Framework and Development Management Document (DPD2) Policy DM15.**

4.18 The reasons for refusal cannot be easily overcome due to the physical location and constraints of the site and it is considered that the continued use of the property as a guesthouse/hotel is detrimental to highway and pedestrian safety and neighbourhood amenity due to the lack of off street parking as well as being an unacceptable location for a hotel in principle.

4.19 It is therefore concluded that enforcement action is necessary, justified and proportionate in this case. It may amount to an interference with the owner/occupiers Human Rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area. In this particular case it is considered reasonable and expedient and in the public interest to pursue enforcement action to require the discontinuance of the use of the property as a hotel/guest house.

5 Relevant Planning History

5.1 17/01059/FUL – Change of use from HMO (Class Sui Generis) to Guesthouse (Class C1) Retrospective – REFUSED 12/09/2017

5.2 16/01266/FUL - Demolish existing outbuildings, erect two storey dwelling house with layout parking, cycle storage, bin store and amenity space on land to rear of 164 Southbourne Grove - APPROVED 27/09/2016

5.3 16/00077/FUL – Change of use from house in multiple occupation (Class C4) to larger house in multiple occupation (Sui Generis). – WITHDRAWN 04/05/2016

6 Recommendation

6.1 **Members are recommended to AUTHORISE ENFORCEMENT ACTION** to secure the cessation of use of the property as a hotel/guesthouse for the reasons outlined in the paragraphs above.

6.2 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.

- 6.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case the cessation of use could take effect immediately but a compliance period of 1 month is deemed reasonable.

164 Southbourne Grove, Westcliff on Sea



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1 Site and Surroundings

- 1.1 No 194 is a two storey end of terrace commercial property consisting of a bar and lounge area to the ground floor with decked patio area to rear and a lounge area to the first floor. It is situated on the south side of Leigh Road, west of its junction with Carlton Drive. Immediately adjoining is a two storey building used as an artist's studio/gallery. The nearest residential accommodation is opposite in Carlton Drive and within the Leigh Road terrace to the west, above commercial properties. The bar is now called 'Mojo' but was formally known as 'Tigers' and 'Tiger Lily'

2 Lawful Planning Use

- 2.1 The current use is as a drinking establishment (Class Use A4) but previous recent uses has been as a restaurant and bar (Class Use A3) of the Town and Country Planning (Use Classes) Order 1987 (as amended). Further investigation is required to establish the lawful planning use.

3 Present Position

- 3.1 On 23rd November 2017 an enforcement case was opened following complaints that a substantial construction was taking place at the rear of the premises.
- 3.2 On 28th November 2017 Enforcement staff attended the site and established the property was undergoing a total refurbishment. At the rear of the property it was noted that a raised deck area with perimeter seating had been constructed with a pergola type roof over. The deck measured 370mm off the ground and the roof measured 3.6m in height. Photographs were taken.
- 3.3 On 28th November 2017 Enforcement staff wrote to the freeholder advising that the decking required planning permission and the roof element was unlikely to gain approval and should be removed. Any retrospective planning application should be received by the Local Planning Authority (LPA) by 29th December 2017.
- 3.4 On 29th November 2017 Enforcement staff were contacted by the owner and following discussions he advised that he would instruct his architect to submit a retrospective planning application.
- 3.5 On 26th January 2018 Enforcement staff phoned the owner as no planning application had been received by the LPA. The owner stated he thought an application had been submitted and would make some enquiries with his architect.
- 3.6 On 1st February 2018 Enforcement staff attended the site which was closed for business but the rear structure was noted to still be in situ. Photographs were taken.
- 3.7 On 7th February 2018 Enforcement staff attended the site and noted the structure was still in situ and that no planning application had been received by the LPA.

4 Appraisal

- 4.1 Express planning permission is required for this development because both the decking and pergola style roof constitute operational development as defined by the Town and Country Planning Act 1990 (as amended) and the works do not benefit from permitted development rights.
- 4.2 The raised platform extends approximately 7m west/east across the rear of the property and is approximately 4m deep. The raised decking gives an uninterrupted view to users of the deck, over the boundary fence of the bar into Carlton Drive. It appears to be used as an overflow area to the current use of the premises as a bar and as a smoking area for its patrons. The pergola framework above is constructed in basic form out of wooden timbers.

5.0 Policy Considerations

- 5.1 The issues raised by this unauthorised development are: the design and visual impact of the structures and their impact on the streetscene and character of the surrounding area.
- 5.2 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the National Planning Policy Framework 2012 (NPPF), in Policy DM1 of the Development Management Document and in Policies KP2 and CP4 of the Core Strategy. 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.”
- 5.3 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.”
- 5.4 Policy DM1 states that 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.”
- 5.5 Policy KP2 of Core Strategy (CS) states that new development should “respect the character and scale of the existing neighbourhood where appropriate”. Policy CP4 of the CS 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”.

6.0 Planning Considerations

- 6.1 It is considered that the unauthorised structure causes demonstrable harm to the visual amenities of the area given its overall form and appearance and that it can be easily seen from the highway. It is understood that the elevated decking area is used as an overflow from the current use of the premises as a bar and as a smoking zone. Due to its elevated nature, activity thereon will be particularly evident and visible within the side street scene and would be intrusive in nature.

Had an application been submitted for an alternative approach and judged acceptable in most respects, it may have been possible to make a more detailed assessment of the amenity impacts and whether and, if so how, there were associated proposals to mitigate matters such as the impact of noise and disturbance for example through boundary treatment and/or hours of use and in how the decking is used. However no such planning application has been submitted to be able to be given due consideration to neighbour amenity impacts in these regards. Furthermore the lawfulness or otherwise of the current bar use in planning terms warrants further, separate investigation. This means that the amenity impacts of the deck/pergola area may not be able to be assessed in their entirety at this stage. Nevertheless, the pergola is rudimentary in form and appearance and adds to the visual clutter lacking the quality of materials, finish or design which may otherwise have rendered this development to be visually acceptable. At present the structure relates poorly to the host building in conflict with development plan policy and is extremely prominent.

6.2 It is therefore considered necessary to take enforcement action to remove the entire deck and pergola.

6.3 Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the local planning authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

7.0 Relevant Planning History

7.1 14/01193/FUL – Installation of new shop front (Tiger Lily) - Approved

8 Recommendation

8.1 **Members are recommended to AUTHORISE ENFORCEMENT ACTION** to secure (a) the removal of the external raised platform and roof structure, (b) the removal of all wood, materials and equipment associated with complying with the notice.

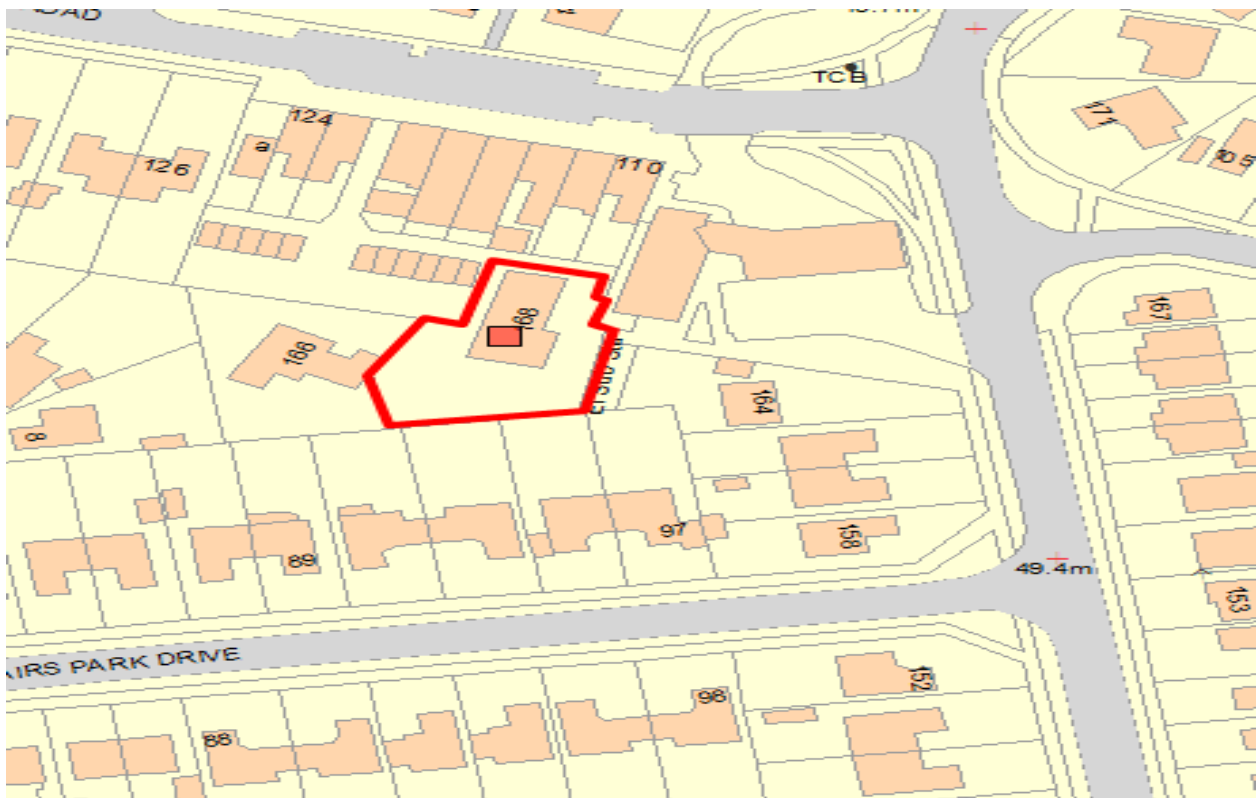
8.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

8.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 4 weeks is considered reasonable for the removal of the unauthorised structures.





Reference:	17/02218/FULH	<h1>14</h1>
Ward:	Belfairs	
Proposal:	Form roof extension, erect dormer to side and alter front elevation (Amended Proposal)	
Address:	168 The Fairway, Leigh-On-Sea	
Applicant:	Mr And Mrs Upton	
Agent:	DK Building Designs Ltd - Danny Knott	
Consultation Expiry:	26.01.2018	
Expiry Date:	12.02.2018	
Case Officer:	Kara Elliott	
Plan Nos:	3108-12A, 3108-12B	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 **The Proposal**

- 1.1 The application seeks planning permission for a roof extension, side dormer and to alter the elevations of the building.
- 1.2 The proposed development would increase the roof pitch of the gable by a maximum of 1.55m to a roof height 6.1m. The proposal includes a side dormer which would have a maximum height of 5.6m from ground level. The height of the elongated roof element of the dwelling would remain the same. The dormer incorporates a screen structure which extends down to ground floor level.
- 1.3 There are five windows measuring 1.35m (h) x 0.5(w) proposed on the south side elevation, which would all be obscure glazed. There would be an additional window on the front elevation at ground floor. There would be one window on the rear west elevation at first floor measuring 1.3m (h) x 1.3 (w).
- 1.4 The proposal is contemporary in its design approach with a two storey flat faced column on the southern side of the east elevation incorporated into the existing patio, creating an overhang on the first floor. There is also a column proposed on the front elevation, resulting in an overhang and as such creating a porch area.
- 1.5 The proposed materials would include dark grey, smooth faced roof tiles. The proposal would be white render, incorporating cedar colour hardi plank cladding on part of the side dormer and on the front 'porch' area.
- 1.6 The proposal would create two bedrooms on the first floor and an additional bathroom. 4 no. rooflights are proposed to the north side facing roof space.
- 1.7 This application forms a resubmission of a previous refused scheme. The previous application proposed slight differences in design – but not dimensions – and proposed an alternative arrangement of fenestration i.e. first floor window to front facing 164 The Fairway. The reason for refusal was;
 1. The proposed development, by reason of its bulk and the position of upper floor windows, would result in a loss of privacy to residents at No.164 The Fairway and result in an overbearing form of development, contrary to policies NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policy DM1 and DM5; SPD 1 (Design & Townscape Guide (2009).
- 1.8 The application is called to be decided by members of the Development Committee at the request of Cllr M Butler.

2 **Site and Surroundings**

- 2.1 The site is located to the north of The Fairway, approximately 80m from the junction of the A127 Southend Arterial Road. The application site is set back from the streetscene and is located to the rear of No.164 and the petrol station. The site is accessed through a private road off The Fairway.

- 2.2 The surrounding area of Belfairs Park Drive is characterised by detached and semi-detached bungalows of similar scale and design.
- 2.3 The site is not located within a conservation area or subject to any site specific planning policies.

3 **Planning Considerations**

- 3.1 The main considerations in relation to this application are the principle of development, design and impact on the character of the area, impact on residential amenity, traffic and transport implications and whether the proposed development overcomes the previous reason for refusal.

4 **Appraisal**

Principle of Development

NPPF; Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document (2015) Policy DM1 and DM3.

- 4.1 Policy DM3 (4) quotes that; *“The conversion or redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal:*

- (i) Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and*
(ii) Will not result in a net loss of housing accommodation suitable for the needs of Southend’s older residents having regard to the Lifetime Homes Standards.”

- 4.2 In relation to DM3 part (i) the application site is positioned unusually, set back from the streetscene located to the rear of No.164 The Fairway and a petrol station. The site is accessed through a private road off The Fairway. Further assessment of the impact upon the character and appearance is assessed below in the relevant section. However, in principle, it is considered that the proposed development would not appear out of keeping and at odds with the existing varied mix of built form in this location as well as the wider streetscene.
- 4.3 In respect of DM3 (ii), since 1st of October 2015 policy DM3 (ii) of the Development management Document has been amended and substituted by building regulation M4 (2). The requirements of M4 (2) to include for example a requirement for 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. The applicant has submitted information demonstrating that the proposed two storey dwelling meets the criteria of building regulation M4 (2).

Design and Impact on the Character of the Area:

NPPF; Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3; The Design & Townscape Guide (2009)

- 4.4 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management DPD. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.5 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.”* One of the core planning principles of stated in the NPPF requires *“to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.
- 4.6 According to Policy KP2 of the Core Strategy states that 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”*.
- 4.7 Paragraph 374 of the Design and Townscape guide outlines that *‘Extensions that raise the ridge height of an existing building are only considered acceptable in principle where they complement the design of the original building and where they do not break the continuity of the streetscene or appear overbearing.’* As the dwelling is set back from the streetscene of The Fairway, there is limited visibility. The proposed front elevation would not appear dominant in the streetscene given it would result in a similar scale to that of No. 164 which is sited closer to the highway.
- 4.8 The proposed alterations on the front elevation satisfactorily relate to the existing dwelling in terms of design, the proposed ‘porch’ area which would be partially cedar clad and would create a focal point on the front elevation.
- 4.9 Although the application site is located on slightly higher ground, the backland site is surrounded with development both residential and commercial of different scales and as such an increase in roof height would not be considered to be out of keeping with the design and character of the surrounding area.
- 4.10 The ‘Design and Townscape Guide’ stipulates that; *‘Dormer windows, where appropriate, should appear incidental in the roof slope (i.e. set in from both side walls, set well below the ridgeline and well above the eaves). The position of the new opening should correspond with the rhythm and align with existing fenestration on lower floors.’*
- 4.11 The proposed dormer would be set lower from the ridge height by 700mm and set up above the eaves by 300mm. The dormer would be sited 1m and 1.7m from the south and north elevations respectively. The contemporary design approach of the dormer and screen structure satisfactorily relates to the existing building. On balance the proposal is considered to be acceptable and policy compliant in terms of the impact on design, the character and appearance of the surrounding area.

Traffic and Transport Issues

NPPF; Development Management Document (2015) Policy DM15; Core Strategy (2007) Policy CP3; The Design & Townscape Guide (2009)

- 4.12 Policy DM15 of the development Management Document requires that dwellings with 2+ bedrooms must provide two parking spaces. Currently the dwelling has capacity for two car parking spaces and the proposal does not impact on the availability of car parking spaces or increase the requirement for car parking need. Therefore, no objection is raised in relation to car parking space provision.

Impact on Neighbouring Properties

NPPF; Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3 and The Design & Townscape Guide (2009)

- 4.13 The Design and Townscape Guide (Paragraph 343; under the heading of Alterations and Additions to Existing Residential Buildings) states that amongst other criteria, that *'extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties'*. In addition to this Policy DM1 of the Development Management Document also states that development should *"Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight."*
- 4.14 The proposal is not considered to have a negative impact on the residential amenity of No. 166 which is located to the west of the application site. Similarly, the proposal is not considered to be overbearing or result in an undue material impact on the residential amenity of properties north of the site which face onto Eastwood Old Road.
- 4.15 As result of the separation distance between the application site and properties south of the site on Belfairs View Drive and the proposed obscure glazing of first floor windows, it is considered not to be overbearing or result in overlooking to an extent that would warrant refusal. As result of the considerable separation distance and siting north of properties on Belfairs Park Drive it is not considered to result in an undue loss of light to these properties.
- 4.16 The previously refused application concluded that, as result of the proposed siting of the first floor window on the front elevation combined with the ground level change between No. 168 and No. 164, the proposal would have resulted in overlooking and an overbearing nature to the rear garden and habitable rooms of No. 164 to the east, resulting in an undue loss of privacy.
- 4.17 The proposed development attempts to overcome this demonstrable harm above by removing first floor windows to the east (front) elevation. The distance from the east elevation of the dwelling to the boundary shared with no. 164 measures approximately 6.5 metres. The distance from the east elevation of the dwelling to the rear of no. 164 is approximately 23 metres. Furthermore, the orientation of

no.164 is skewed in relation to that of the dwelling at the application site.

- 4.18 It is considered that the removal of the first floor window mitigates the harm as occupiers of 164 The Fairway would no longer feel a sense of overlooking and loss of privacy. The height and scale of the proposed development remains the same as per the previously refused application. However, the omission of a first floor window is considered to alleviate the cumulative negative effects as previously proposed.
- 4.19 The proposal is therefore considered to be acceptable and policy compliant in terms of the impact on residential amenity and is considered to overcome the previous reasons for refusal.

CIL Charging Schedule.

- 4.20 The proposed development equates to less than 100sqm of new floorspace. As such, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

5 Conclusion

- 5.1 Having regard to all material considerations assessed above, it is considered that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local development plan policies and guidance as well as those contained within the National Planning Policy Framework. Furthermore, the proposed development would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site and the locality more widely. The proposal would not result in any adverse impact on parking provision or highways safety. This application is therefore recommended for approval, subject to conditions.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2012)
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance)
- 6.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (The Efficient and effective use of land), DM15 (Sustainable Transport Management)
- 6.4 Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015

7 Representation Summary

7.1 Public Consultation

17 neighbours were notified and a site notice was posted at the site. A total of 13 representations have been received (9 objections / 4 in support) and are summarised below;

- Letters of support are pro-forma and read as follows: “I am writing to confirm that I have no objections or concerns in connection to the above planning application and give my full support to go ahead.”

The objections can be summarised as follows:

- Loss of privacy and overlooking;
- Overbearing and oppressive impact on neighbours;
- Dominant impacts upon neighbours;
- No guarantee windows will be obscure/fixed shut;
- Is not considered to overcome the previous reasons for refusal;
- The dwelling is already elevated and appears ‘crammed in’;
- Development is not in keeping with area;
- The 1.5 metre increase in ridge height is unrealistic;
- Sets a precedent for similar development;
- Health effects upon neighbouring occupiers;
- Building works will be undertaken for a long time;
- Overshadow and unacceptable loss of light ;
- Against human rights to live in peace;
- Out of keeping with character and appearance of surrounding development and wider area;
- Property prices will go down;
- Imposing and unpleasant development
- Overdevelopment of site
- Impacts from lighting at property

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. The main body of the report considers the main material planning considerations. In terms of the effect upon the health and wellbeing of the neighbouring occupiers, paragraphs 4.11 – 4.16 of the report consider the effect upon neighbouring occupiers and consider the proposed development to be acceptable in this regard.

8 Relevant Planning History

- 8.1 16/02265/FULH - Form roof extension and erect dormer to side – Refused.

9 Recommendation

GRANT PLANNING PERMISSION 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: 3108-12A, 3108-12B**

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

- 03 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 before it is occupied.**

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 The first floor windows in the south elevation 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) before the first floor accommodation hereby approved is occupied and retained as such thereafter 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: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and The Design and Townscape Guide (2009).

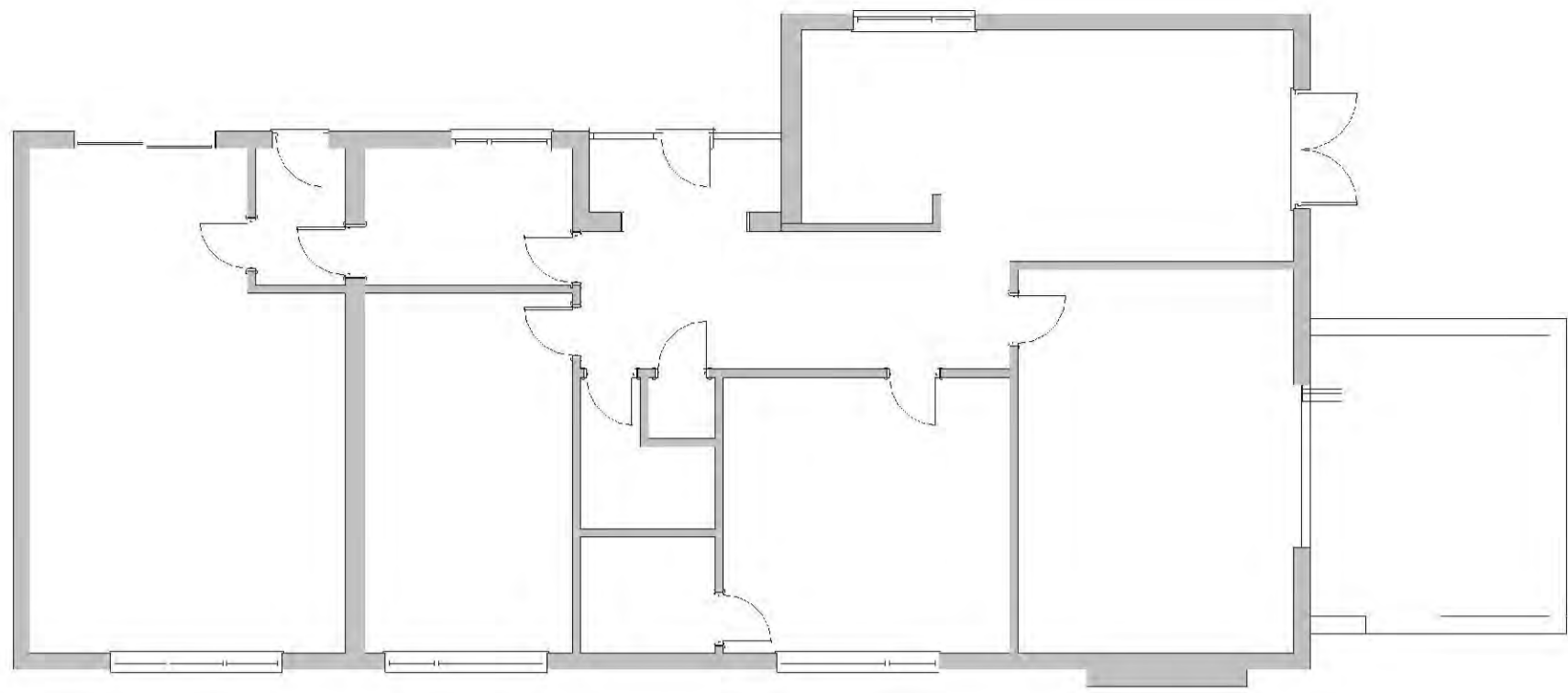
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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

Informative

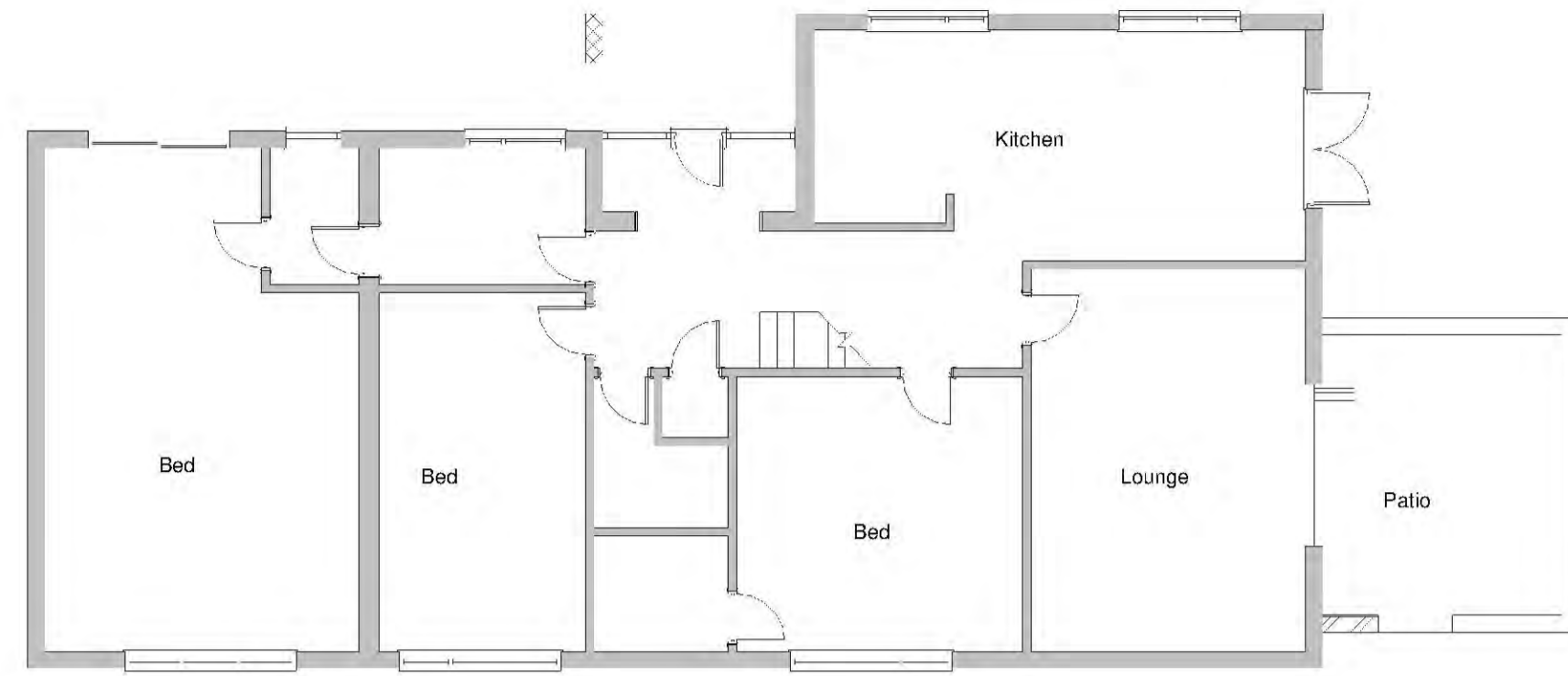
1. You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil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

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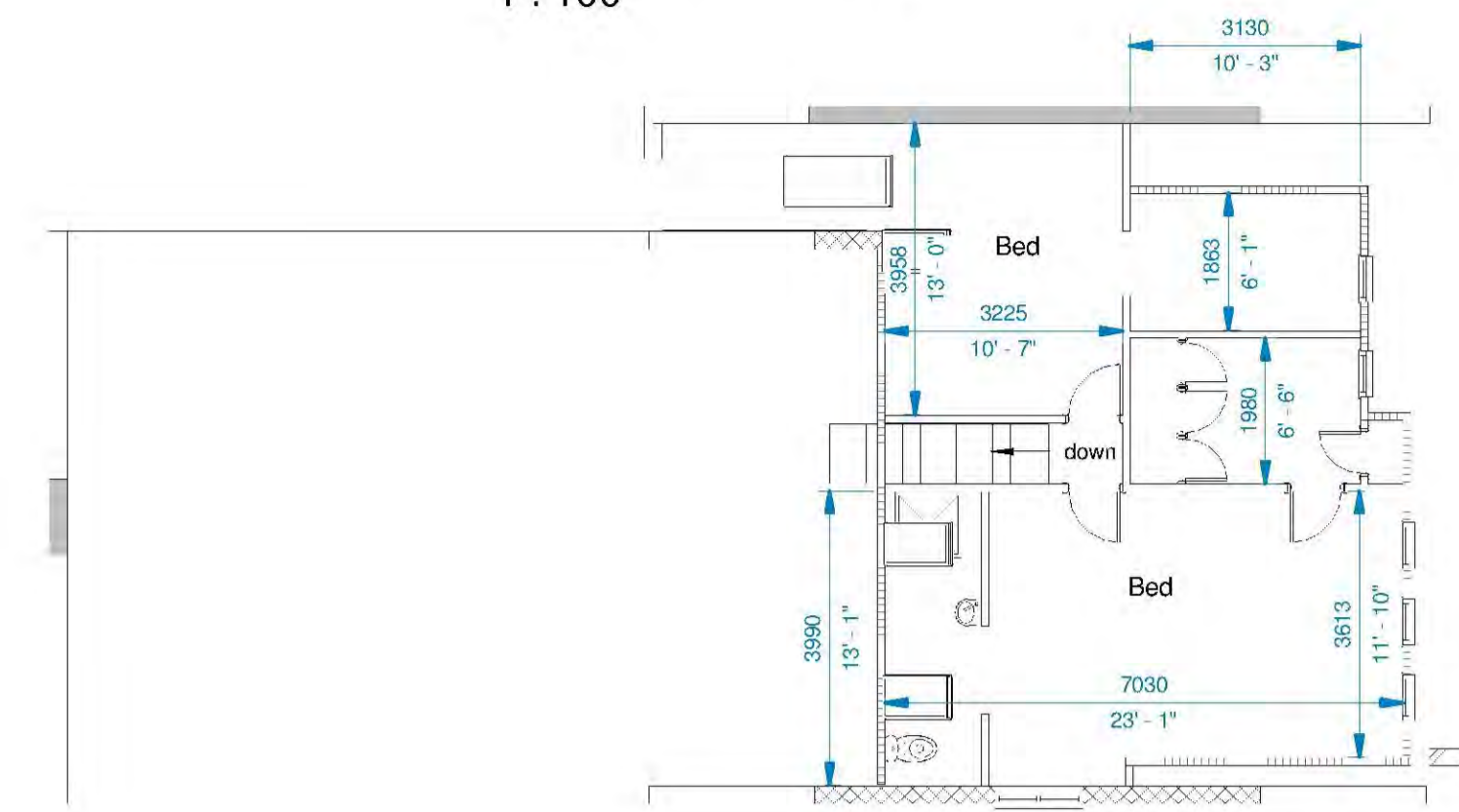
Existing Ground
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Proposed ground
1 : 100

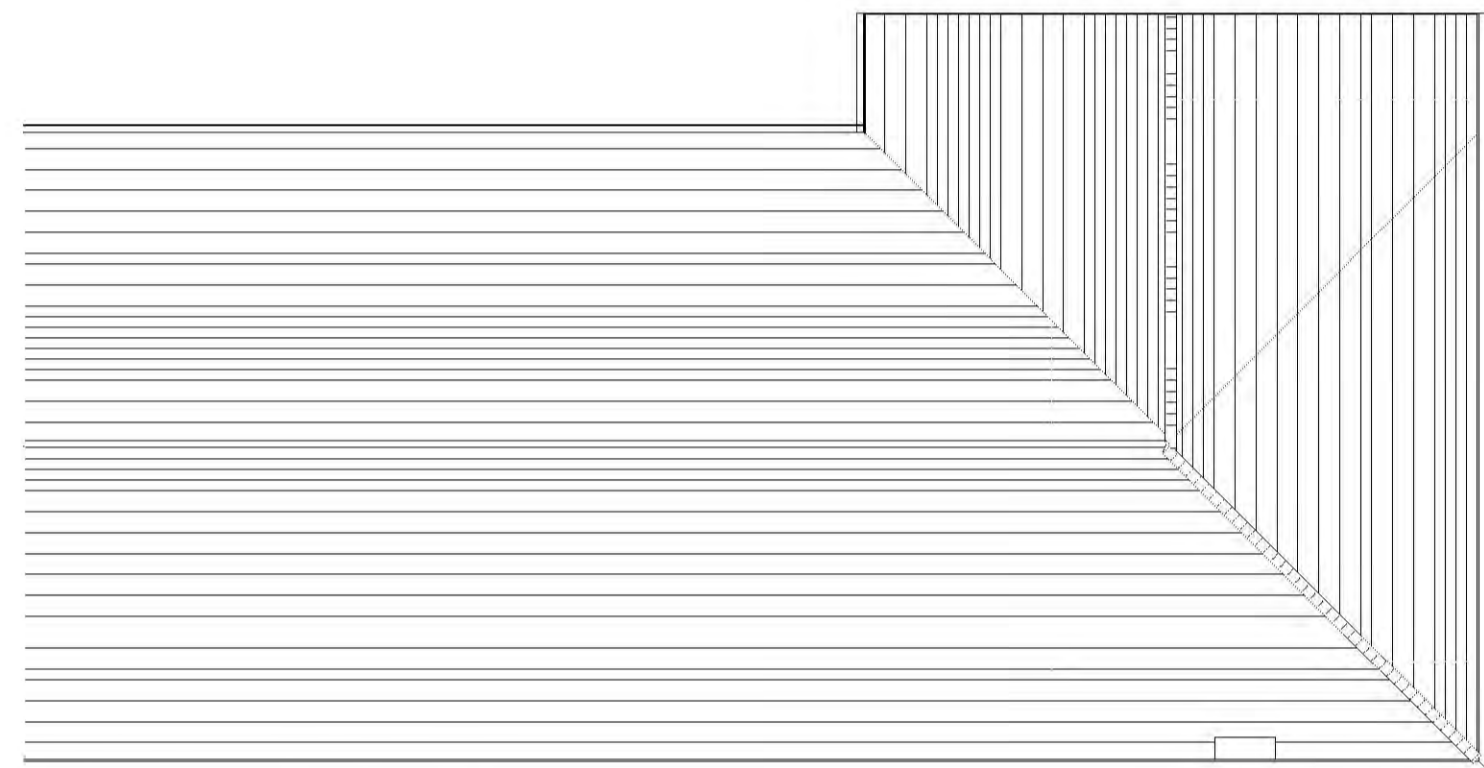


proposed first
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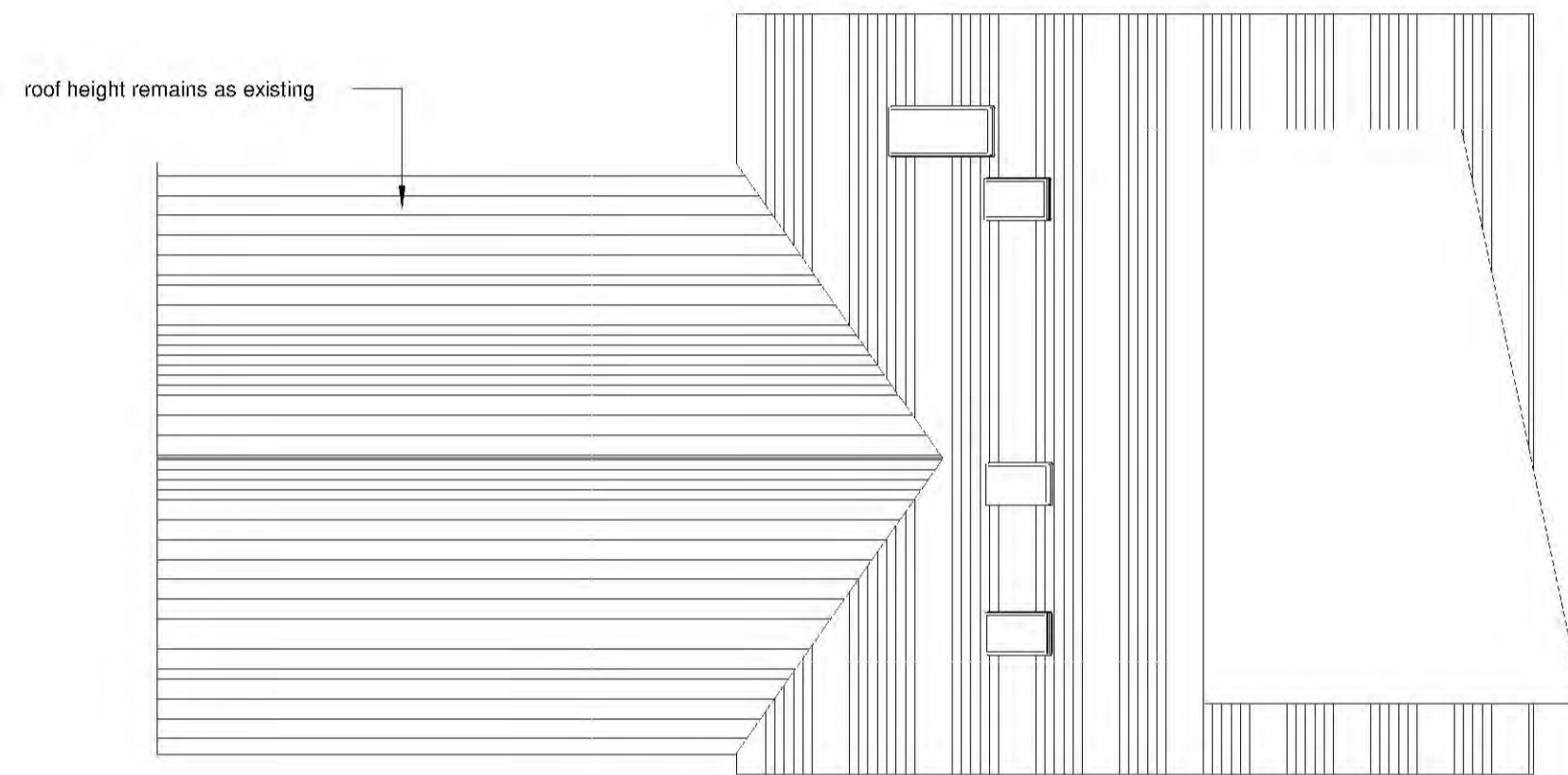


Raise ridge height for part of roof and form loft conversion with side dormer at 168 The Fairway Leigh-on-Sea

Notes
All dimensions and/or load-bearing walls to be checked and agreed on site as correct by contractor prior to commencement of works and ordering of materials. Any discrepancies to be reported to DK Building Designs prior to commencement of works. DK Building Designs will accept no responsibility for works commenced on site prior to planning approval (if relevant) and building control approval.
Plans are copyright and are not to be used without consent from DK Building Designs.
If applicable, clients / contractor to liaise with neighbours to abide with party wall act etc.
All beam calculations (if applicable) as per separate sheet. All stated spans of beams are clear spans only, between supports. Additional length to be added for end bearing of beams. Beams to cover full length of padstones.



Existing Roof Plan
1 : 100



Proposed Roof Plan
1 : 100



3D View 1



3D View 2



Proposed Front
1 : 100



Proposed Rear
1 : 100



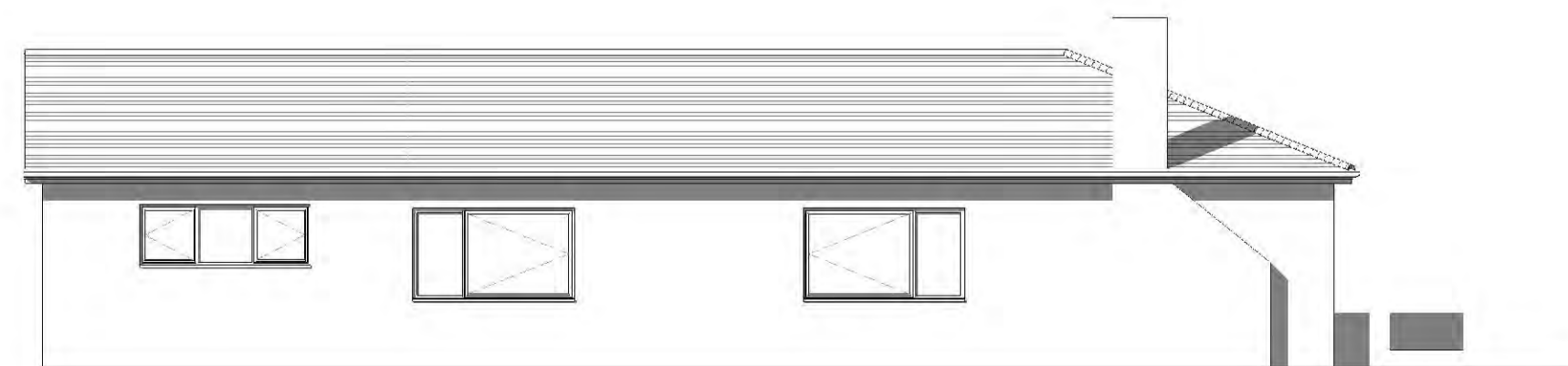
Proposed Side L
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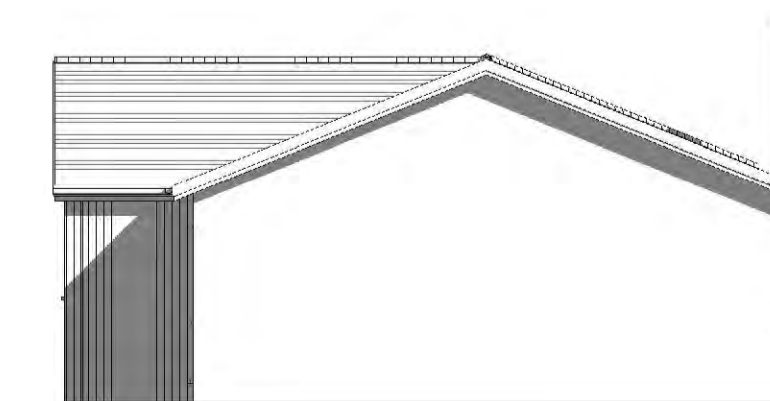
Proposed Side R
1 : 100



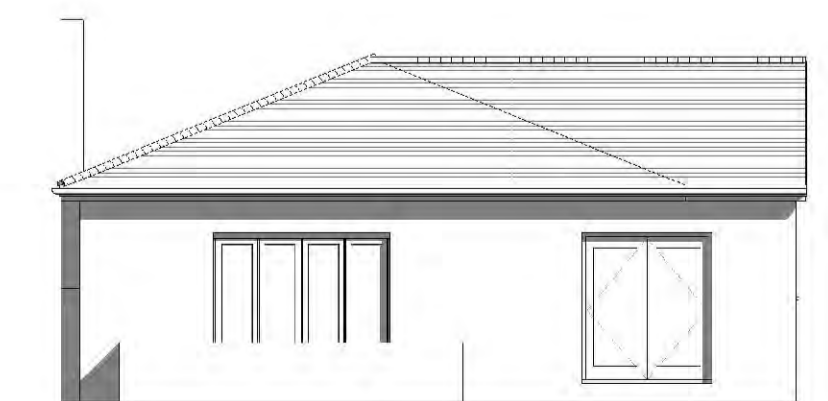
Existing Front
1 : 100



Existing Rear
1 : 100



Existing Side L
1 : 100



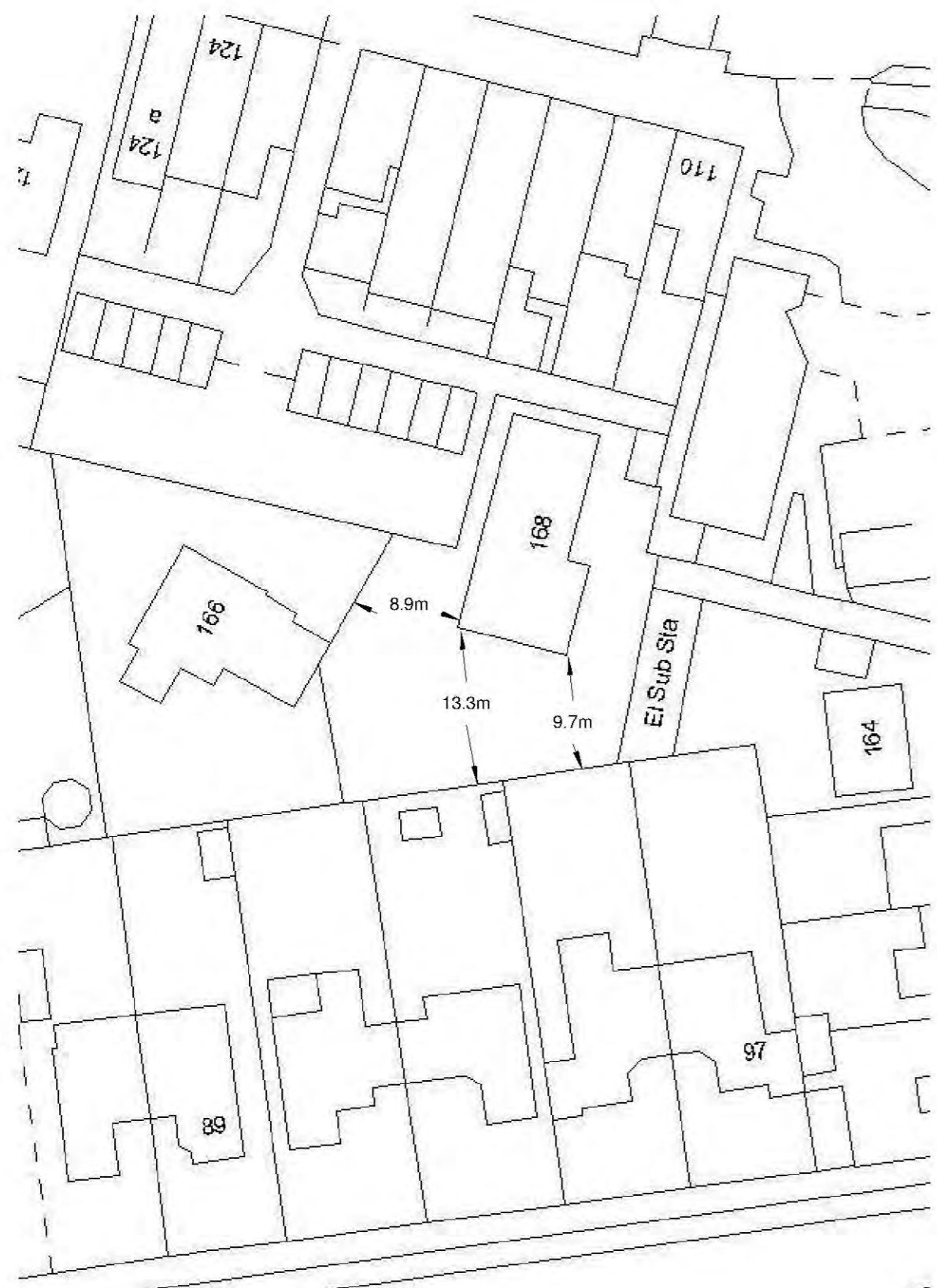
Existing Side R
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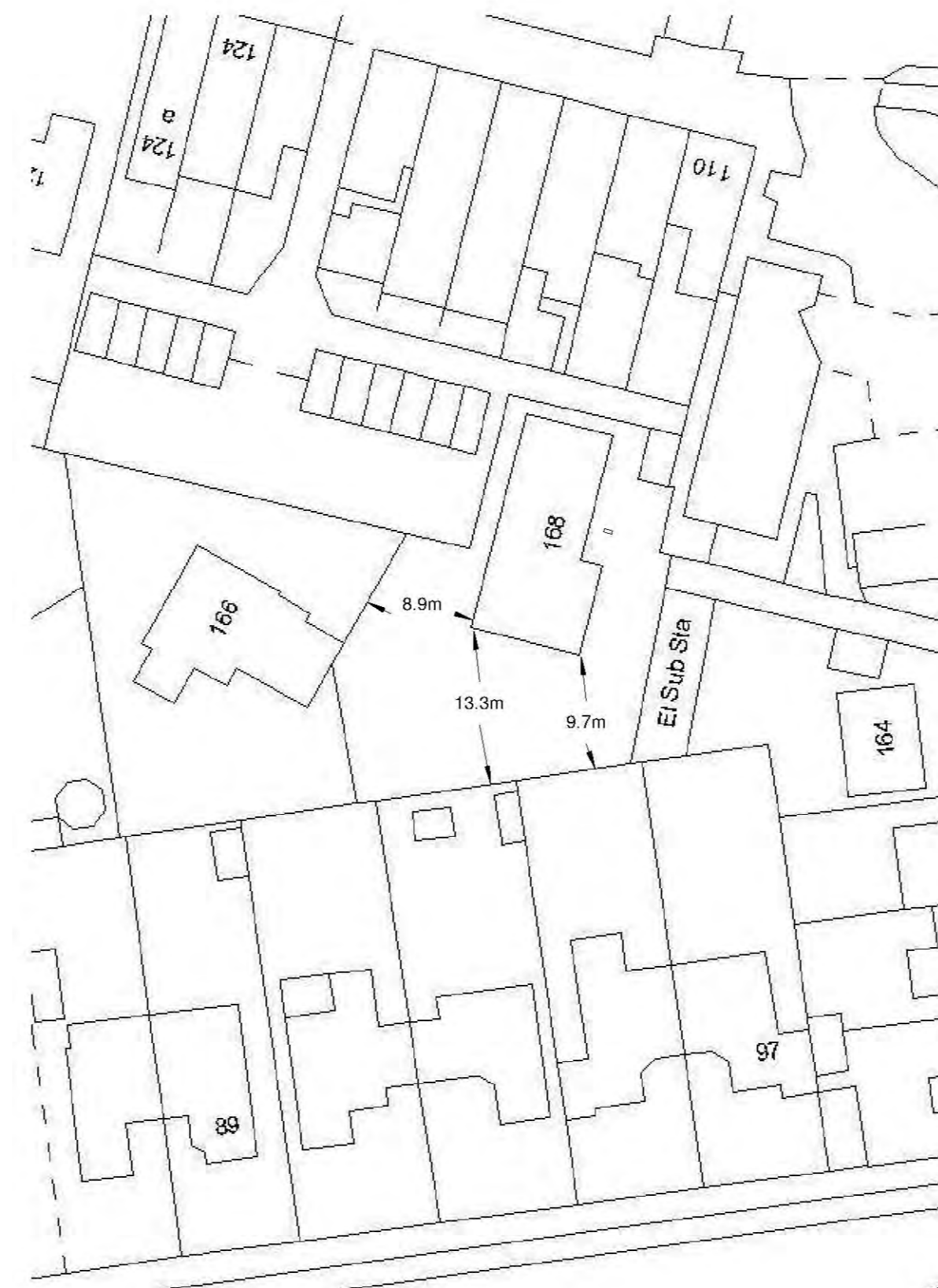
	DRG NO	3108-12
	Revision No.	A
	Date	Dec 2016
		Sheet Size A2
		Sheet 1 of 2

Raise ridge height for part of roof and form loft conversion with side dormer at 168 The Fairway Leigh-on-Sea

All dimensions and or load-bearing walls to be checked and agreed on site by contractor prior to commencement of works and ordering of materials. Any discrepancies to be reported to DK Building Designs prior to commencement of works. DK Building Designs will accept no responsibility for works commenced on site prior to planning approval (if relevant) and building control approval. If applicable, clients / contractor to liaise with neighbours and to abide with party wall act etc



Site Plan Existing
1 : 500



Site Plan Proposed
1 : 500



Location Plan
1 : 1250

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Reference:	17/02042/FULH
Ward:	Leigh
Proposal:	Install bi-folding doors to rear, raised decking to rear and render dwellinghouse. Install cladding and roof lantern to single storey side extension. New boundary fencing, landscaping and changes to land levels. Form additional parking area to front (retrospective)
Address:	14 Leigh Park Road, Leigh-on-Sea, Essex, SS9 2DU
Applicant:	Ms Law
Agent:	DK Building Designs Ltd
Consultation Expiry:	15.02.2018
Expiry Date:	08.03.2018
Case Officer:	Charlotte White
Plan Nos:	3344-11 Rev B sheet 1 of 2, 3344-11Rev B Sheet 2 of 2
Recommendation:	REFUSE PLANNING PERMISSION



1 The Proposal

1.1 Retrospective planning permission is sought for the following developments at the site:

- Alterations to the existing single storey side projection including cladding the structure in black timber cladding (previously white render) and inserting a UPVC roof lantern.
- Re-render the main dwelling in white render.
- Bi-fold doors inserted on the rear elevation.
- Raised platform to the immediate rear of the dwelling which measures some 2.6m in depth, 9m in width and has a height of 0.67m.
- New boundary fencing to the eastern and southern boundaries which constitutes horizontal wooden boards with gaps between the boards. The plans submitted indicate that the fencing, which steps down to the south, with changes in ground levels; measures between 1.8m to 2m in height. However, it is apparent that steels have been inserted, with gravel boards provided below the fences, significantly increasing the height of the boundary treatment in places.
- Landscaping alterations, including changes in levels, including the insertion of steels and sleepers. However, limited information has been submitted to clearly identify the changes in levels across the site.
- To the front of the site, a previous car port and fence have been removed to provide additional off-street parking. The extended off-street parking area currently consists of loose gravel.

2 Site and Surroundings

2.1 The site is located on the southern side of Leigh Park Road and is occupied by a semi-detached dwelling with single storey side extension. The site slopes down to the south.

2.2 The site is also highly prominent from New Road, with the rear of the dwelling, the rear garden and its boundary treatments visible between The Ship and the dwellings in Leigh Hill.

2.3 The site is located in a residential area and is located within the Leigh Conservation Area which is subject to an article 4 direction which requires planning permission for the following types of development:

- The alteration of any window
- The rendering of brickwork of any part of a dwellinghouse
- Re-roofing with different materials
- Hard standings for vehicles
- Painting over facing brickwork on any part of a building

3 Planning Considerations

3.1 The main considerations in relation to this application include the principle of development, design, impact on the street scene and the Conservation Area, residential amenity, traffic and parking implications, and CIL.

4 Appraisal

Principle of development

National Planning Policy Framework; Core Strategy policies KP1, KP2, CP3, CP4; Development Management Document Policies DM1, DM3, DM5, DM15 and the Design and Townscape Guide (2009)

- 4.1 Altering the dwelling to provide facilities in association with the existing residential accommodation is acceptable in principle, subject to other material considerations, particularly the impact of the proposal on the character and appearance of the Conservation Area:

Design and Impact on the Character of the Conservation Area

The National Planning Policy Framework; Core Strategy policies KP2 and CP4; Development Management Document policies DM1, DM3 and DM5, the Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2010)

- 4.2 S72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 4.3 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Chapters 7 which requires good design and Chapter 12 which seeks to conserve and enhance the historic environment.
- 4.4 Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Paragraph 64 of the NPPF states; *“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
- 4.5 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development.
- 4.6 Policy DM3 states that *“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.”* Moreover, Policy DM1 states that 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”.

- 4.7 Policy DM5 states *“Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation area, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.”*
- 4.8 Paragraph 324 of the Design and Townscape Guide states *“In the Borough’s Conservation Areas there is generally a good balance between the visual “hardness” of building and streets and the “softness” of gardens and planted open areas. Front gardens, in particular should be maintained as planted areas wherever possible.*
- 4.9 Paragraph 325 of the Design and Townscape Guide states *“Hardstandings in front gardens harm the appearance of individual properties and the Area’s character if badly designed. They will only be acceptable if no reasonable alternative to parking is possible, and there is adequate space in the garden to allow a good design incorporating a suitable surface, landscaping and partial enclosure of the frontage with a traditional boundary wall or railings. It should not involve the loss of mature trees.*
- 4.10 Paragraph 327 of the Design and Townscape Guide states *“Development will be expected to...preserving and enhancing gardens and landscaping wherever possible.”*
- 4.11 The Leigh Conservation Area Appraisal states: *“With the exception of the Broadway, the Conservation Area is predominantly residential, the streets presenting terraces of housing or else tightly grouped together...the buildings in individual streets are generally similar in style...this has created streetscapes with regular rhythm of well detailed and well-articulated facades...Gardens too are usually well presented. Where houses and built along the slope, they often have long gardens terraced down the hill, which because of their prominence have a significant impact on the appearance of the Conservation Area...relatively few gardens have been paved over for car parking...boundary treatments are usually walls, often white painted and hedges...Featheredge weatherboard was very common in Leigh as a cladding on late timber frames, but is a feature of relatively few buildings today...”*
- 4.12 The site is located within the ‘Arts and Crafts Suburban’ Zone of the Conservation Area. The Leigh Conservation Area Appraisal states; *the semi-detached houses at the lower end of Leigh Park Road are smaller and more modest than the others in the character zone, with casement windows, many with black painted frames, arranged in wide curved bays. The generous red tiled window-cills are the tiled roofs all contribute to the architectural coherence of the area...Old photographs show this street lined with newly planted small trees in gardens with attractive low picket fences running along their boundaries.*
- 4.13 Firstly, it is noted that no heritage statement has been submitted with this

application.

- 4.14 This proposal includes a number of alterations which can be considered in turn with regards to the impact on the character and appearance of the area and the Conservation Area.
- 4.15 The re-rendering of the dwelling is white render to match the neighbouring dwelling is of an acceptable design that would not harm the character and appearance of the dwelling or the surrounding Conservation Area.
- 4.16 The rear bi-fold doors replace an existing door with windows each side and would not result in any material harm to the character and appearance of the host dwelling or the surrounding Conservation Area.
- 4.17 The raised platform would not be particularly visible from the public realm and would not therefore result in any material harm to the character and appearance of the Conservation Area. Whilst limited information has been submitted with regard to the changes in levels and no existing levels information has been specifically provided, it is nevertheless considered that the levels that have been provided across the site would not result in any material harm to the character and appearance of the Conservation Area. It is also noted that the Leigh Conservation Area Appraisal notes that houses built on slopes often have gardens terraced down the hill.
- 4.18 However, with regard to the alterations to the side extension: the proposed cladding is out of keeping with the existing white, rendered dwelling and the UPVC roof lantern constitutes an incongruous feature in the streetscene and setting of the Conservation Area. It is noted that the Leigh Conservation Area Appraisal states that featheredge weatherboarding is a feature of relatively few buildings today.
- 4.19 The proposed boundary treatments are of an unduly stark and contemporary form that is highly prominent in the streetscene and result in a prominent and incongruous development in the Conservation Area. Whilst limited information has been submitted with the application, it is apparent that the site previously benefited from soft landscaping to the rear of the site. These alterations undertaken have resulted in material harm to the character and appearance of the Conservation Area in this regard.
- 4.20 The hardsurfacing to the front of the site is of a poor design, resulting in an excessively large area of rough hardstanding within the streetscene. The majority of the adjoining dwellings have a more discrete single off-street parking space, enabling the provision of some soft landscaping features and low level boundary treatments. Whilst no objection is raised to the removal of the previous car port, the site previously benefitted from some soft landscaping and a picket fence to the front of the site. This part of the proposal is considered to result in material harm to the character and appearance of the Conservation Area. However, it is considered that it could be addressed through the use of conditions had the scheme been found acceptable.
- 4.21 As such, it is considered that the cladding and roof lantern to the side extension and the new boundary treatments are unacceptable alterations to the site, which would result in material harm to the character and appearance of the host dwelling

and the surrounding Conservation Area.

- 4.22 As material harm has been identified to the Conservation Area, it is necessary to determine whether this harm is substantial or less than substantial. In this respect the NPPG provides guidance: *“What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset...significance derives not only from a heritages asset’s physical presence, but also from its setting...In general terms, substantial harm is a high test, so it may not arise in many cases.”* (Paragraph 017 ID: 18a-017-20140306).
- 4.23 Given this guidance and the nature of the unacceptable alterations, it is considered that the development would result in less than substantial harm to the character and appearance of the Conservation Area. As such, the harm identified needs to be weighed against the public benefits of the proposal. In this respect, the proposed changes will have no significant public benefits. An objection is therefore raised to the proposed development as the proposal is contrary to National and Local Planning Policy as the development would result in material harm to the character and appearance of the Conservation Area.

Impact on Residential Amenity.

National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Development Management Document Policies DM1 and DM3 and Design and Townscape Guide.

- 4.24 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 4.25 Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 of the Development Management requires that all development should (inter alia):
- 4.26 *“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight;”*
- 4.27 In terms of overlooking and loss of privacy, the proposed bi-fold doors, given their nature would not result in any material overlooking. The proposed roof lantern is located above head height and would also not result in any material overlooking or loss of privacy.
- 4.28 Limited information has been provided in relation to the changes in levels. However, given the existing sloping nature of the site and the changes in levels which characterise the area it is considered that the levels within the site would not result in any material overlooking. With regards to the raised platform at the rear, it is noted that there was a previous raised platform to the rear of the dwelling.

Subject to a condition requiring a 1.8m high visibility screen being retained to the western edge of the raised platform, no objection is therefore raised on this basis. Given the scale and nature of the proposed alterations, it is not considered that the development would result in any material harm to the residential amenity of the adjoining residents in terms of dominance, an overbearing impact, sense of enclosure or loss of light and outlook.

The proposed alterations to the existing dwelling would not result in any material harm to the adjoining residents in terms of noise and disturbance over and above the existing situation.

Highways and Transport Issues:

National Planning Policy Framework, Policy KP2, CP3 and CP4 of the Core Strategy, Development Management Document Policies DM1, DM3 and DM15 and the Design and Townscape Guide.

- 4.29 Policy DM15 of the Development Management Document seeks a minimum of 2 parking spaces per 2+ bedroom dwellinghouse. The dwelling previously only benefited from 1 parking space, and this proposal seeks to increase the parking provisions, no objection is therefore raised on this basis.
- 4.30 However, it is noted above that the proposed additional parking provisions would result in material harm to the Conservation Area. It is not considered that the provision of additional parking to meet the parking standards would outweigh this harm, especially considering that the site is located in a sustainable location, where a lower provision of off-site parking can be considered acceptable. The majority of the adjoining dwellings also only benefit from 1 off-street parking space.

Community Infrastructure Levy

- 4.31 The proposed development equates to less than 100sqm of new floorspace. As such, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

5 Conclusion

- 5.1 Having taken all material planning considerations into account, it is found that the proposed development is unacceptable; and would result in material harm to the character and appearance of the Conservation Area which is not outweighed by any public benefits. The application is therefore recommended for refusal.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework and National Planning Practice Guidance
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy); KP2 (Development Principles); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance);

- 6.3 Development Management Document 2015: Policies DM1(Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment) and Policy DM15 (Sustainable Transport Management)
- 6.4 Design & Townscape Guide 2009
- 6.5 Leigh Conservation Area Appraisal 2010
- 6.6 Community Infrastructure Levy Charging Schedule 2015

7 Representation Summary

Traffic and Transportation

- 7.1 There are no highway objections to this proposal.

Leigh Town Council

- 7.2 No objection

8 Public Consultation

- 8.1 The application was advertised in the press, a site notice was displayed, and 11 neighbour letters were sent out. No responses have been received.
- 8.2 This application was called in to the Development Control Committee by Cllr Arscott.

9 Relevant Planning History

- 9.1 None

10 Recommendation

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

- 01 The cladding and roof lantern to the side extension and the garden boundary treatments by reason of their unduly stark contemporary design and appearance result in incongruous and obtrusive features in the streetscene and garden setting which cause material harm to the character and appearance of the host dwelling and the Leigh Conservation Area. Whilst this material harm is less than substantial, no public benefits have been identified to outweigh this harm. The development is therefore unacceptable and contrary to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2010).**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action.

Informatives

- 1 You are advised that as the proposed extension(s) to your property 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.**

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Proposed hardstand, rear decking, fencing
 Proposed re-render of existing walls and cladding to
 existing walls retrospective at
 14 Leigh Park Road
 Leigh-on-Sea

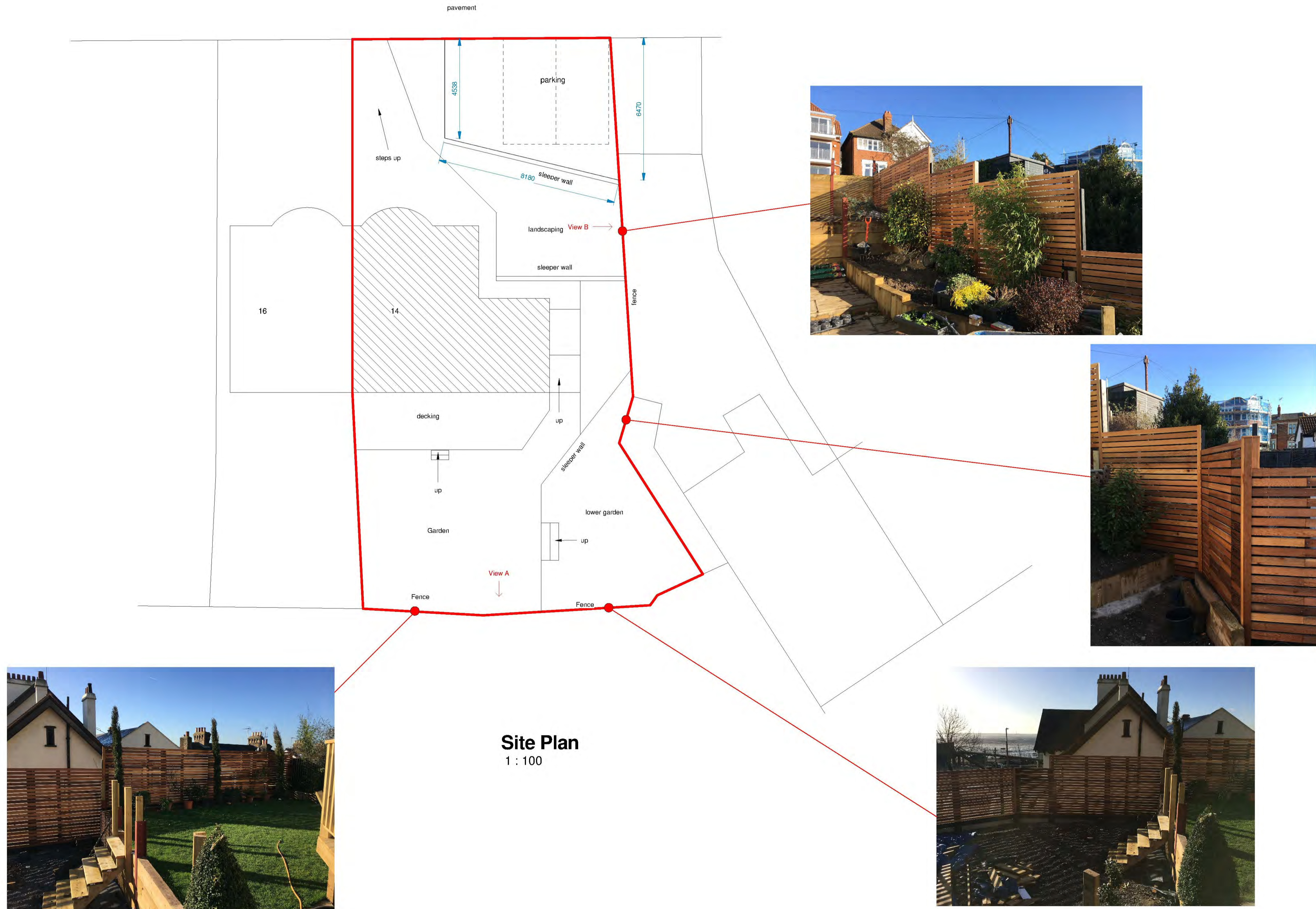
Notes
 All dimensions and/or load-bearing walls to be checked and agreed on site as correct by contractor prior to commencement of works and ordering of materials. Any discrepancies to be reported to DK Building Designs prior to commencement of works. DK Building Designs will accept no responsibility for works commenced on site prior to planning approval (if relevant) and building control approval.

Plans are copyright and are not to be used without consent from DK Building Designs.

If applicable, clients / contractor to liaise with neighbours to abide with party wall act etc.

All beam calculations (if applicable) as per separate sheet. All stated spans of beams are clear spans only, between supports. Additional length to be added for end bearing of beams. Beams to cover full length of padstones.

296

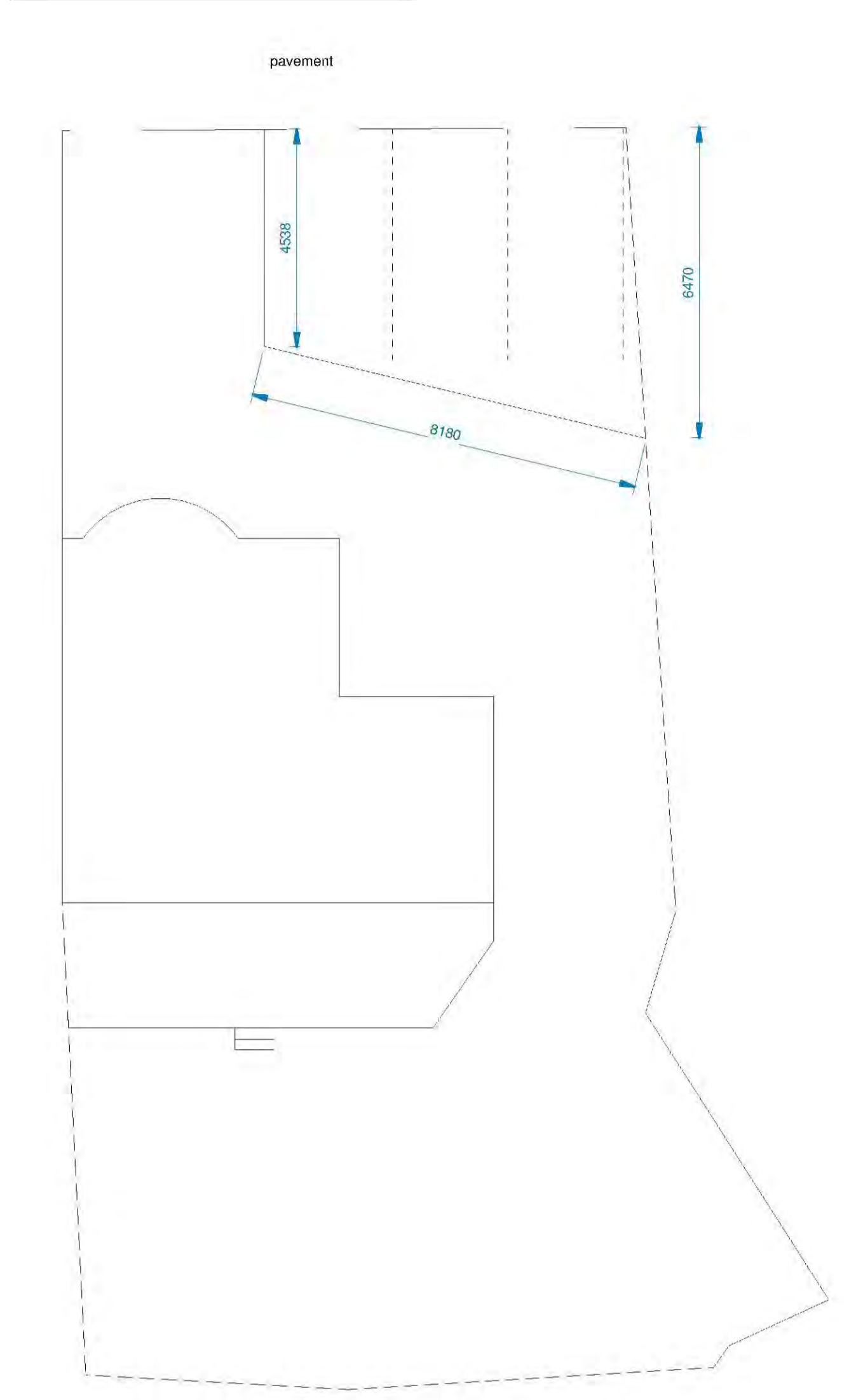


Site Plan
 1 : 100

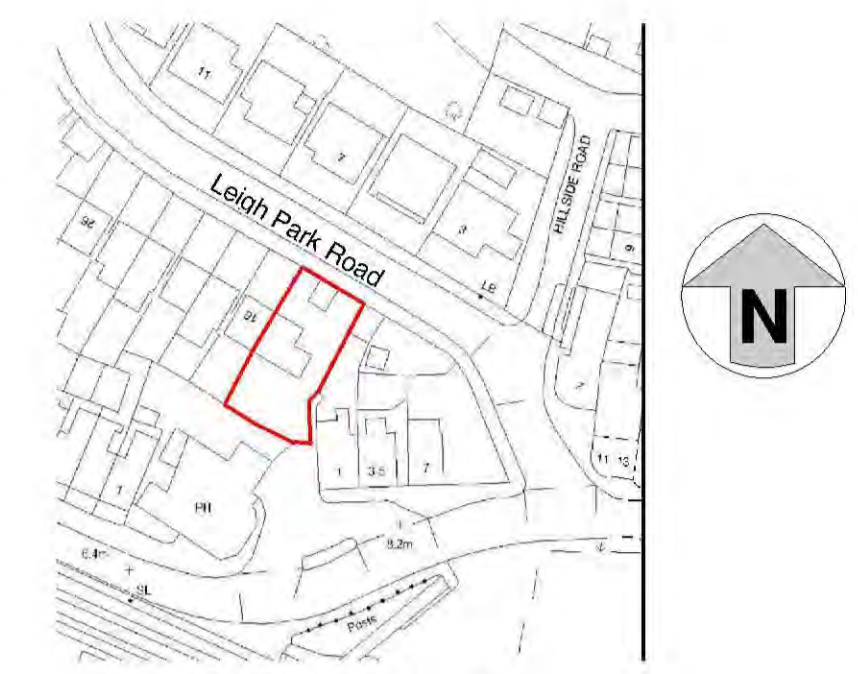
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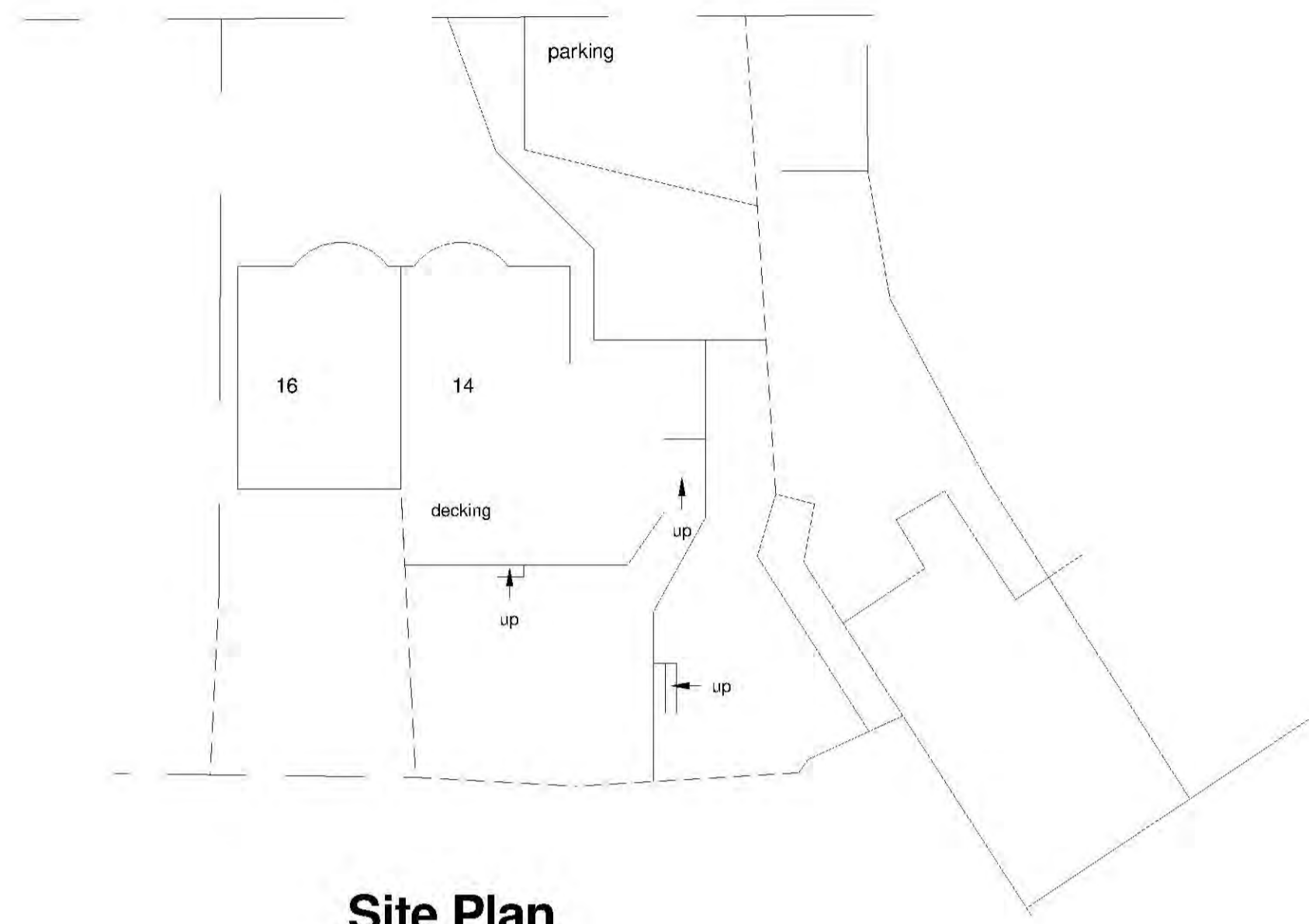
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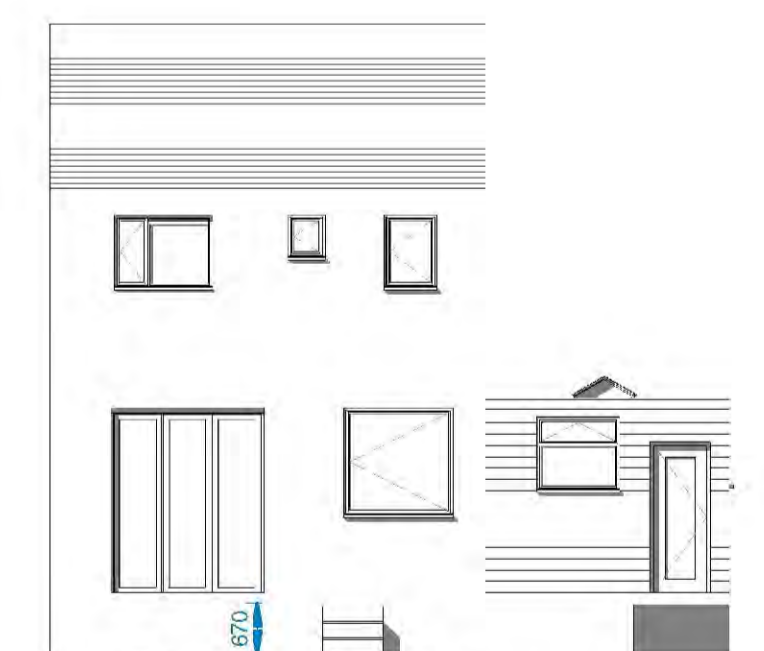
Ground
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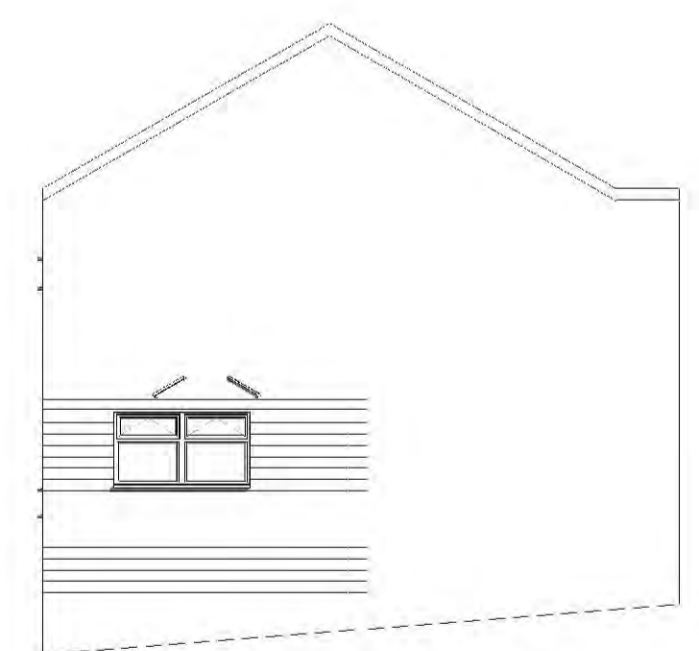
Location Plan
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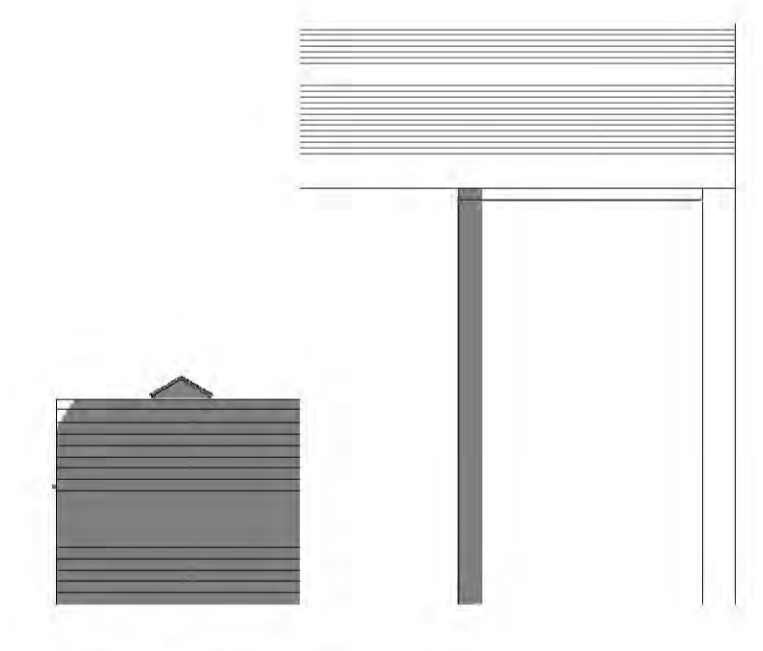
Site Plan
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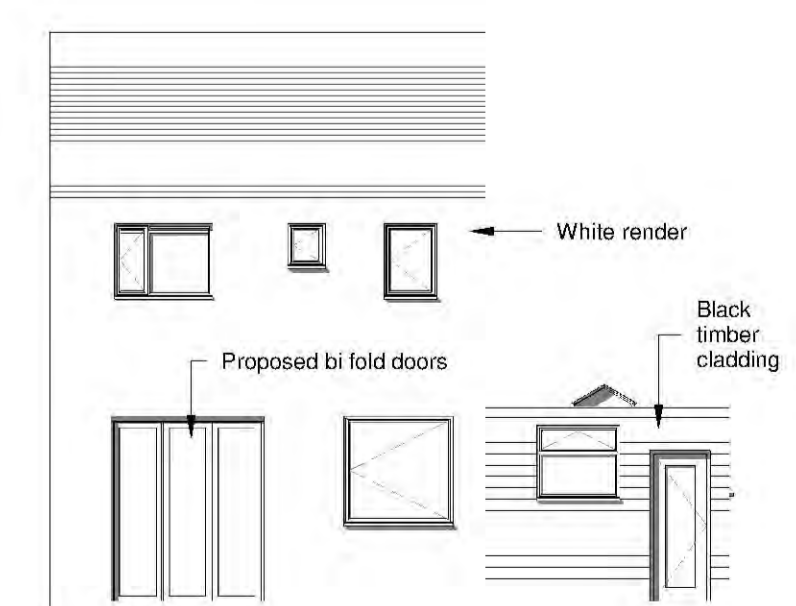
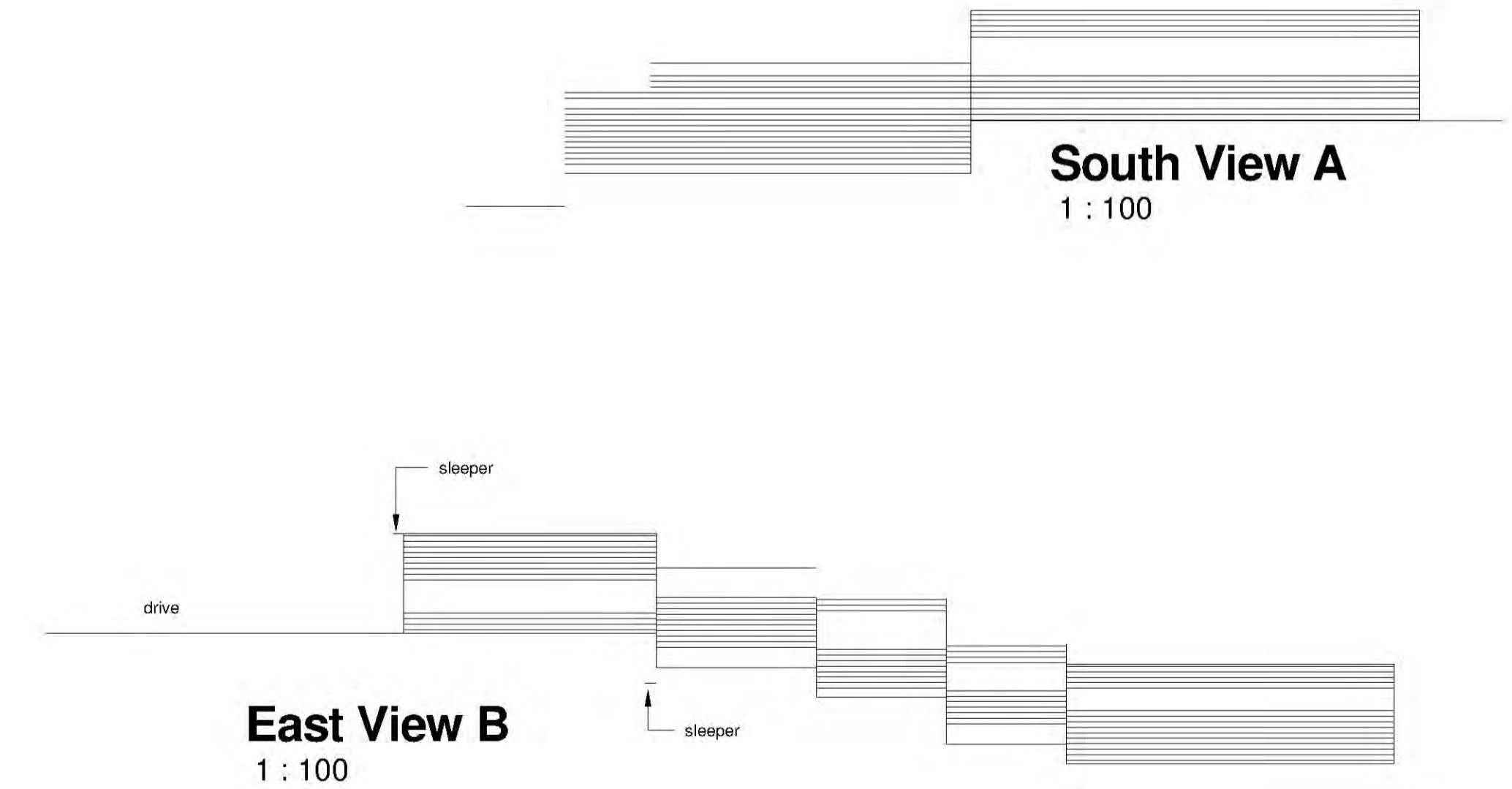
Existing Rear.
1 : 100



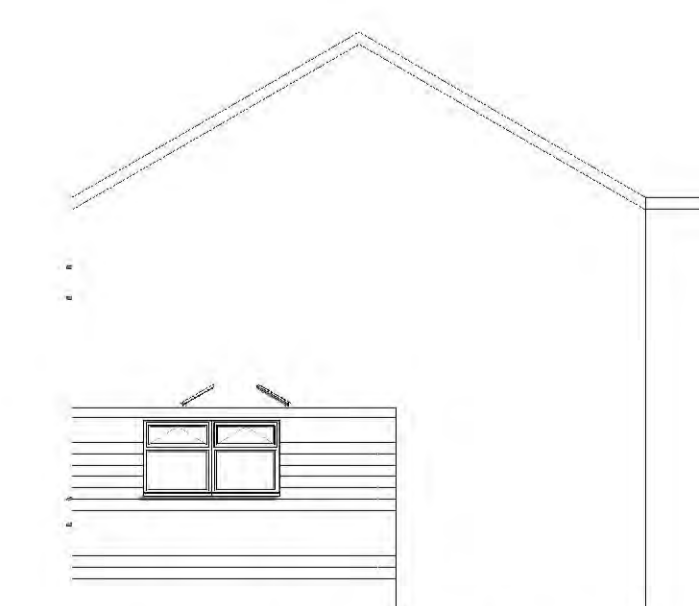
Existing Side R
1 : 100



Existing Front
1 : 100



Previous Rear
1 : 100



Previous Side R
1 : 100

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Reference:	17/02146/FUL
Ward:	Leigh
Proposal:	Demolish existing buildings, erect four storey building comprising nine self-contained flats with balconies, terraces and commercial (Class A1) at ground floor, associated landscaping, layout parking and install vehicular access onto Victor Drive
Address:	Car Wash, 120 Broadway, Leigh-On-Sea, SS9 1AA
Applicant:	Mr L. Panormo, Plaistow Broadway Filling Stations
Agent:	Mr M. Calder, Phase 2 Planning and Development
Consultation Expiry:	08.02.2017
Expiry Date:	01.03.2018
Case Officer:	Janine Rowley
Plan numbers:	369.001.00; 769.200.01; 769.201.01; 769.202.01; 769.203.01; 769.204.01; 769.205.01
Recommendation:	REFUSE PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to demolish the existing buildings at 114 to 120 Broadway and to erect a four storey building containing 9 self-contained flats with balconies and terraces, 325sqm of commercial floorspace (Class A1) at ground floor, 9 parking spaces to the rear of the proposed building, public realm enhancements, and associated works. A new vehicular access is proposed to be installed onto Victor Drive.
- 1.2 The application site is mainly rectangular shape, with a small area projecting to the northeast. The site measures a maximum of 38.5m wide by 25.4m in depth. The proposed building would extend from three to four floors and it would be a maximum of 37.5m wide by 19.5m deep, with a height of 10.2m to 13.8m due to the varying site levels.
- 1.3 The building would be fully glazed at ground floor, to the commercial uses, while the first floor would overhang the ground floor supported by colonnades, incorporating recessed balconies and a rounded corner to the southwest. The third floor would be set back from the first and second floors, resulting in the highest part of the building being set back approximately 1.8m from the front building line facing Broadway.
- 1.4 325sqm of commercial floorspace is proposed at ground floor level which is split into two separate units. An entrance to the flats is on the ground floor onto Broadway. 9 self-contained flats are proposed on the upper floors:
 - Flat 1-2 bedroom (4 persons) 75sqm
 - Flat 2-2 bedroom (4 persons) 72sqm
 - Flat 3-2 bedroom (4 persons) 82sqm
 - Flat 4-3 bedroom (5 persons) 90sqm
 - Flat 5-3 bedroom (6 persons) 95sqm
 - Flat 6-2 bedroom (4 persons) 72sqm
 - Flat 7-2 bedroom (4 persons) 82sqm
 - Flat 8-3 bedroom (5 persons) 132sqm
 - Flat 9-3 bedroom (6 persons) 161sqm
- 1.5 Solar panels are proposed on the roof of the building. Private inset balconies are proposed to each flat. A communal terrace of 80sqm on the second floor will be available to all occupiers. Larger than average terraces are also proposed for flats 8 (62sqm) and 9 (170sqm).
- 1.6 9 car parking spaces are proposed to the rear of the building and these would be accessed from Victor Drive. A lift is proposed to access the whole building. Cycle and refuse storage is proposed on the ground floor of the building. Separate residential and commercial stores are proposed.

- 1.7 Highway works are proposed along the western side of the proposed building along the Broadway, which include blocking up the two existing vehicular crossovers, together with the installation of Sheffield cycle stands to serve the commercial units.
- 1.8 Materials proposed are:
- Blended red brickwork
 - Powder-coated metal cladding
 - Powder-coated aluminium windows and external doors.
- 1.9 This application has been submitted following the refusal of application 16/01756/FULM, which sought planning permission to erect a part three and part four storey building including 20 flats, 445sq of commercial floorspace, basement parking, public realm enhancements, associated works and install new vehicular access onto Victor Drive to 114-120 Broadway. The application was refused by Development Control Committee on the 4th October 2017 for the following reasons:
1. *“The submission does not include a formal undertaking to secure an appropriate contribution to affordable housing provision to meet the demand for such housing in the area despite it having been found financially viable for the development proposed to make such a contribution. The application is therefore unacceptable and contrary to the National Planning Policy Framework; Strategic Objective SO7, and policies KP3 and CP8 of the Core Strategy (2007); and the advice contained within Supplementary Planning Document 2 Planning Obligations (2015)”.*
 2. *“The submission does not include a formal undertaking to secure an appropriate financial contribution to the provision of education facilities in the borough, to mitigate the demand for such facilities generated by the development proposed. The application is therefore unacceptable and contrary to the National Planning Policy Framework; Strategic Objective SO13, and Policies KP2, KP3 and CP6 of the Core Strategy (2007), and the advice contained within Supplementary Planning Document 2 Planning Obligations (2015)”.*
- 1.10 The previously refused application was not objected to in principle nor on grounds related to, design and impact on the character of the area, impact on residential amenities, highway grounds or standard of accommodation for future occupiers. The reason solely related to the failure to provide an appropriate contribution for affordable housing and education.
- 1.11 The main changes following the previously refused application include:
- 20 flats reduced to 9 flats
 - Commercial floorspace reduced from 445sqm to 325sqm
 - Height reduced from 15.7m to 13.8m
 - Design remains similar to that refused but with removal of the fourth

- floor and reduction in size of the third floor
- The addition of large areas of terrace for certain flats
- Removal of the basement car park

2 Site and Surroundings

- 2.1 The site is located on the eastern side of the Broadway, Leigh-on-Sea, to the north of its junctions with Victor Drive and Grand Drive and to the south of its junction with Maple Avenue.
- 2.2 The site also lies opposite the Grand Hotel, which is an important locally listed building, and to the east of Leigh Cliff Conservation Area, which covers the blocks to the north and south of Broadway to the west of The Grand Hotel. Although the site itself is outside the conservation area, it terminates the views out of it. Land levels drop significantly towards the south of the site.
- 2.3 To the east, the application site abuts a residential area, comprising mainly two storey dwellings, while to the south, along Grand Drive are two 1970s multi-storey blocks of flats. To the north the site adjoins a five storey mixed use building, including commercial uses at ground floor and flats above, which was allowed on appeal in August 2007.
- 2.4 The site is currently being used as a hand car wash (*sui generis*) and (at 114 Broadway) for retail (Class A1) purposes. The site is predominantly hard surfaced and there are two vehicular accesses along the Broadway and one off Victor Drive.
- 2.5 The site is located within the district centre of Leigh within a designated secondary shopping frontage.

3 Planning Considerations

- 3.1 The main considerations in the determination of this application are the principle of the development, including whether it is sustainable development, design and impact on the character and appearance of the area and impact on neighbouring occupiers, standard of accommodation for future occupiers, traffic and highways, CIL and whether the proposal has overcome the previous reasons for refusal of application 16/01756/FULM.

4 Appraisal

Principle of Development

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP1, KP2, KP3, CP1, CP2, CP3, CP4, CP6 and CP8; Development Management Document (2015) Policies DM1, DM3, DM5, DM7, DM8, DM11, DM13 and DM15 and the Design and Townscape Guide (2009)

Employment Use

- 4.1 Policy DM11 of the Development Management Document relates to employment areas. The site is not located within an allocated Employment Area but will result in the loss of an employment generating use. The car wash facility is still in operation on site however, it is noted that a new car wash facility has recently opened on 1163 London Road (relevant planning approval reference 16/01655/FUL). Policy DM11 states that proposals for employment generating uses outside of the Employment Areas will be allowed where they do not impact upon the amenity of the surrounding uses and do not conflict with other development plan policies. This will be assessed in further detail in the report below. As noted above, the site is located within a mixed commercial and residential area. The site is currently used as a car wash (sui generis use) and a retail business (Class A1 floorspace). There is no objection in principle to the loss of these uses as the proposed commercial units (Class A1) will continue to provide a satisfactory level of employment on the site and the proposed development is considered to be a more appropriate use in the surrounding area than the existing one.
- 4.2 The site is located within a secondary shopping frontage and Policy DM13 of the Development Management Document states that *'All developments in the secondary shopping frontage, as defined on the Policies Map, must maintain or provide an active frontage with a display function for goods and services rendered and the proposed use will provide a direct service to visiting members of the general public.'*
- 4.3 The site is located in a mixed commercial and residential area and therefore, the principle of mixed use development on the site is considered to be acceptable. The commercial space (Class A1) would provide an active frontage and a continuation of the link between Broadway and Leigh Road commercial frontages which is important as the site is allocated within the district centre of Leigh and forms part of the secondary shopping frontage. The provision of residential uses to the upper floors would be compatible with the adjacent site to the north and adjacent residential side streets to the south.
- 4.4 The proposed development will enhance the appearance of the site and provide housing. There is no objection in principle to the introduction of commercial units in this location (which are appropriate in this secondary shopping frontage). The proposal is therefore considered to be policy compliant in regard to the nature and mix of uses proposed.

Residential Use and efficient use of the land

- 4.5 One of the Core Planning Principles of the National Planning Policy Framework is to *"Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value"*.
- 4.6 The issue of meeting challenging targets on provision of new homes against a background of limited land resource within the borough is recognised by strategic policies in the Core Strategy as follows.

- 4.7 Policy CP8 of the Core Strategy identifies that 6500 dwellings will be provided within the Borough over the plan period. The policy also identifies that 80% of residential development should occur on previously developed land, such as the application site.
- 4.8 Policy CP8 of the Core Strategy also states that the Council will enter into negotiations with developers to ensure that all residential proposals of 10-49 dwellings or 0.3 hectares up to 1.99 hectares make an affordable housing or key worker provision of not less than 20% of the total number of units on the site.
- 4.9 The site is located within Leigh Broadway which is part of a 'Priority Urban Area' and so is a focus for appropriate regeneration and growth as set out by Policy KP1 of the Core Strategy.
- 4.10 Policy KP2 of the Core Strategy states all new development must make the best use of previously developed land such as the application site, ensuring that sites and buildings are put to the best use and continues that proposals should be achieved in ways which apply a sequential approach to the location and siting of development, particularly having regard to the need, amongst other things, to minimise the use of 'greenfield' land.
- 4.11 Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable, urban environment which enhances and complements the natural and built assets of Southend amongst other things by maximising the use of previously developed land. The effective and efficient use of land is also sought by Policy DM3 of the Development Management Document. This confirms that 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.
- 4.12 Pulling together all of the above, the clear objective of national and local planning policy is to optimise and efficiently and effectively use previously developed land, particularly for housing, which is in short supply. It is noted that the policies do not dictate densities as there are many variables between one site and another. However, in light of national and local policy on the subject, and given the need to maximise the use of limited available land for housing, it is appropriate to look at relevant comparable approved developments as a basis for assessment, when trying to establish whether the proposal achieves a reasonable, sustainable and efficient amount of development on the site, and in particular how this affects the proposals provision of housing. Comparable schemes within the vicinity of the site, which fall outside of the conservation area but have similar site areas, include:
- Rileys, Leigh Road (16/02045/FULM) approved with 22 flats – 0.0992ha, which equates to a density of 222dph
 - 136 The Broadway, Leigh-on-Sea (06/01039/FUL) has been

constructed with 14 flats – 0.06ha, which equates to a density of 228dph

- 4.13 The proposed site area is 0.10ha, on which this proposal equates to a density of 90dph. The two developments referred to above were solely residential, rather than mixed use incorporating residential and ground floor commercial as is the case here. Even so, and purely as a broad guideline, comparison to the sites discussed above raises an important concern as to whether the proposed 9 unit residential aspect of this mixed use proposal effectively uses previously developed land in accordance with the clear objectives of the National Planning Policy Framework. It is also relevant in this regard to note that the previous refusal was solely on the basis that there was no contribution to affordable housing or education. In all other respects the Council considered that the 20 dwelling scheme proposed was policy compliant and acceptable.
- 4.14 Taking account of the above, it is considered that the site has the potential to deliver more housing than is currently proposed in a manner that could be fully compliant with broader development plan policies. Furthermore, it is considered that the development currently fails to do so as a result of its design approach. Internal space within the majority of the 9 new flats, is consistently generous. Units 8 and 9 for example are respectively 46sqm and 66sqm, both oversized in comparison with the technical standards. Furthermore, that is in addition to each unit having private external amenity space of 62sqm and 170sqm respectively. The previous 20 unit scheme showed that the site can acceptably sustain higher numbers of units than this. Even allowing for a range of flat types and sizes, it is considered here that the size and layout of the units in combination contrives to result in an unreasonably low number of units based against planning policy. This does not represent best use of limited land resources to meet housing needs and is therefore contrary to the NPPF and the Councils strategic planning policies. Furthermore, it is noted that this under provision of units in turn keeps the development below the threshold for provision of affordable housing (11 units), which is contrary to the objectives of Policy CP8 notwithstanding that notionally the development sits below the threshold itself.
- 4.15 Therefore although the principle of the new uses and their mix is considered acceptable, and other matters of design and impact are separately addressed below, it is considered that fundamentally this proposal fails to redevelop the site in a way which effectively and efficiently uses the land as set out by the planning policies above. As a result it fails to adequately deliver a sufficient number of residential units on this brownfield site in Leigh Broadway and fails to incorporate a contribution to affordable housing by under sailing the relevant threshold trigger in a contrived manner. Therefore this would not be a sustainable development and is considered unacceptable and fails to comply with the objectives of policies detailed above.

Design and Impact on the Streetscene

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

- 4.16 The proposal is considered in the context of the Borough Council policies relating to design including Core Strategy Policies KP2 and CP4, Development Management Document Policies DM1 (Design Quality) and DM3 (The Efficient and Effective Use of Land) and the Design and Townscape Guide. These policies require that new development respects the existing character and appearance of the building and the townscape and reinforces local distinctiveness.
- 4.17 A core planning principle set out in Paragraph 17 of the National Planning Policy Framework is to seek to secure high quality design and a good standard of amenity for future occupiers.
- 4.18 The National Planning Policy Framework also states at paragraph 56:
- “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 4.19 Policy CP4 of the Core Strategy seeks development which contributes to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend through maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the nature and scale of that development.
- 4.20 The application site lies at the eastern end of Leigh Broadway at the junction with Grand Drive and Victor Drive and directly opposite the locally listed Grand Hotel which lies within Leigh Cliff Conservation Area. The conservation area covers the blocks to north and south of Broadway to the west of The Grand and continues westwards along the Broadway also including a number of residential streets to the south (but not Grand Drive). The site itself is outside the Conservation Area but terminates the view out of the conservation area when looking east from the Broadway.
- 4.21 The site at present contains a two storey traditional commercial building and an open car wash. The existing building does not appear out of place in this location although the blocking up of the windows does not have a positive impact on the streetscene. The car wash site however is a negative gap in the streetscene and the site which is covered with visual clutter and advertising and is considered to be detrimental to the streetscene and the setting of the adjacent historic building and Conservation Area.
- 4.22 The site location at the end of a straight section of road and at a key junction means that it is in a particularly prominent position in the local townscape. The key views will be from the conservation area to the west and from the south

east up Grand Drive where the proposal will be seen in the foreground to the Grand Hotel. The view from the north is not considered to be as prominent as it is a short approach and it is screened by other buildings.

4.23 To the east the site abuts the residential area with a more domestic scaled architecture to Victor Drive. Down the slope of Grand Drive, are two 1970s style taller residential blocks but their location at a lower land level and away from the Broadway sets them apart from the sites primary context of the Broadway itself. They are therefore less relevant to the context of the site. To the north, the site adjoins the Grand View, five storey mixed used development. This scheme was allowed at appeal in August 2007.

4.24 The site is an important, visible and historically sensitive site for Leigh town centre; a successful proposal will need to provide a positive relationship to the neighbouring buildings and an appropriate response to the wider character and historic context as with the previous proposal for the site. A key component of the design will be ensuring that the setting of The Grand and its prominence in the townscape is preserved and enhanced, and redevelopment of the site will need to ensure that the proposed design is respectful of The Grand as a local landmark and its importance in the townscape at this point. This particular issue was discussed in depth in the appeal for the adjacent site at Grand View where the inspector (appeal reference: 12872/A also 12872/B) made the following comments on this issue:

“The hotel... remains the defining feature at the northern end of the Broadway and in local views hereabouts, I agree with the Council that it would be wholly inappropriate were it to be upstaged by other developments” (paragraph 5).

4.25 In this instance the Inspector clearly recognised the importance of The Grand in the townscape as being paramount but concluded that the location of the proposal at Grand View to the side of The Grand and around the corner on the shorter section of Broadway significantly diminished its impact in the streetscene. Therefore it was considered that that the scale of the proposal would not appear unduly prominent in the streetscene or diminish The Grand as the principle landmark in this location. Although the proposal site is adjacent to Grand View, its more southerly and corner location to the front of The Grand and at the end of the Broadway makes this site more prominent in the setting of the locally listed building, the conservation area and the streetscene generally. Therefore, whilst it could be argued that corner sites are often suitable for a small increase in height to provide a local landmark, in this case the fact that there is already a high quality historic landmark building in the vicinity means that a new landmark would not be considered appropriate.

4.26 The overall height and scale of the proposed development satisfactorily relates to the streetscene and surrounding area. The design of the elevations is suitably proportioned and detailed. The proposed development is a simple design in comparison to Grand View but one which is well considered with good detailing and well scaled fenestration with placement relating to the surrounding locality. The proposed use of red brick with feature stone

surrounds to large format windows draws a positive reference to The Grand without competing with the rich detailing of this historic building and this works well. High quality detailing to the surrounds, reveals and balconies will be key to the success of this proposal as this will provide the interest in the streetscene and details would need to be dealt with by condition if the scheme is found acceptable. The proposal for a more transparent third floor including glass cladding is adequate. The final choices for the materials and product details for the external elevations will need to be controlled by condition.

- 4.27 The arrangement at ground floor continues the colonnade feature of Grand View and this will provide some continuity at street level between these developments and is welcomed. The external colonnade wraps around the whole frontage, providing shadowing, articulation, interest and shelter to the development at street level. This will also help to break up the scale of the building by splitting it horizontally into three elements. The proposal shows the continuation of tree planting on the pavement along the main frontages and this should help to soften the building in the streetscene.
- 4.28 In respect of layout there is no objection to the proposed building line which reflects that of the existing building and provides a positive relationship to the north and a reasonable separation distance to the houses to the east. The location of the vehicular access at the southeast corner works well in providing good separation between the grander scale and close building line on the Broadway and the more domestic and subservient scale in Victor Drive. The inclusion of landscaping here is also welcomed.
- 4.29 There is no objection in principle to parking provided to the rear of the site and further details could be controlled by condition if this application is deemed acceptable.
- 4.30 Overall this proposal is considered to be appropriately scaled for this location and adequately designed and detailed from an aesthetic perspective, notwithstanding the issues raised in other parts of this report.

Impact on Neighbouring Occupiers

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

- 4.31 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.*”

Overbearing nature, overshadowing, lighting, overlooking

- 4.32 With regard to the impact on the neighbouring property to the east (No. 5 Victor Drive), the ground, first and second floor would be set 4.8m to 11m

away from the property to the east and 7.9m to 11.3m to the third floor, which is considered acceptable when taking account of the scale and height of the existing building at 114 Broadway and its proximity to the neighbouring property to the west. It is considered that this separation distance would be, sufficient to mitigate any overbearing impact onto the neighbours to the east. Given that a reasonable level of separation would be retained between the highest parts of the development and the adjacent site, and the fact that there are no windows on the west elevation of the property to the east which would be adversely affected, it is considered that the impact would not be such that it would warrant refusal of the application. The adjacent property has an existing terrace access from the roof. It is not considered that this would be affected by the proposed development, in terms of dominance or loss of light to an extent that would justify a refusal of planning permission.

- 4.33 The proposed development would be sited close to the neighbouring new built mixed use building to the north (a minimum of 3m). Although there are windows and balconies to the south elevation of this building from first to fourth floor, they are not sole sources of light to habitable rooms or sole amenity spaces for the south facing flats. It is accepted that the flats to the south of the neighbouring site (Grand View, 136 Broadway) would be affected by the proposed development, however the relationship and resultant impact would not be such as to justify refusal of the application.
- 4.34 The nearest residential properties to the west and south are sited approximately 17m and 15m away from the proposed development, respectively. As such, it is not considered that the proposal would result in material harm to the residential amenity of nearby neighbours to the west and south, in any respect.
- 4.35 With regards to potential overlooking and loss of privacy, no windows are proposed to the north elevation adjacent to Grand View 136 Broadway, which is welcomed. There are a number of balconies, private terraces and communal amenity deck at the first, second and third floors to the north, southeast and southwest elevations. A number of mitigation measures are proposed to prevent overlooking to the residential properties to the east in Victor Drive including a mix of high level windows, an oriel window to flat 5 at first floor and 1.8m high obscure screens, which could be controlled by condition if this application is deemed acceptable.

Commercial Use

- 4.36 There is no objection in principle to the introduction of retail (Class A1) uses in this location as it is not considered that such use would have an adverse impact on the amenities of neighbouring occupiers.
- 4.37 The proposed development would reduce the overall impact of noise and disturbance in comparison to that associated with the current car wash facility and it is not considered the proposed development would adversely affect the amenities of residential occupiers in terms of noise and disturbance.

- 4.38 In light of the above, is not considered that the proposed development would be detrimental to the amenities of neighbouring occupiers and satisfies the policies detailed above.

Standard of Accommodation for Future Occupiers

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

- 4.39 Paragraph 17 of the National Planning Policy Framework states that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”.
- 4.40 The National Technical Housing Standards require minimum property sizes for residential units shall provide an internal floorspace of 70sqm for a 2 bedroom (4 persons) unit, 86sqm for a 3 bedroom (5 person unit) and 95sqm for a 3 bedroom (6 persons) unit. The proposed internal floorspaces include:
- Flat 1-2 bedroom (4 persons) 75sqm
 - Flat 2-2 bedroom (4 persons) 72sqm
 - Flat 3-2 bedroom (4 persons) 82sqm
 - Flat 4-3 bedroom (5 persons) 90sqm
 - Flat 5-3 bedroom (6 persons) 95sqm
 - Flat 6-2 bedroom (4 persons) 72sqm
 - Flat 7-2 bedroom (4 persons) 82sqm
 - Flat 8-3 bedroom (5 persons) 132sqm
 - Flat 9-3 bedroom (6 persons) 161sqm
- 4.41 Predominantly the proposed flats are generously sized and the majority are in excess of the technical housing standards, which generates the concerns that the site is not being used efficiently or effectively as discussed in sections 4.5-4.13 of this report.
- 4.42 The proposed development will provide convenient, useable and effective room layouts with satisfactory outlook and levels of natural light. A noise impact assessment has been submitted for consideration (carried out by Cambridge Acoustics). There are specific mitigation measures required in relation to ventilation in accordance with Building Regulation BS8233:2014 to ensure all habitable rooms have adequate ventilation. Passive type acoustic ventilators or mechanically assisted ventilation are required and this can be controlled by condition if the application is deemed acceptable. The applicant has confirmed the new development will meet part M4 (2) in accordance with Building Regulations and this could be controlled by condition if the application were deemed acceptable.

- 4.43 Adequate waste storage facilities, cycle parking and domestic storage facilities are proposed within the development and could be controlled by condition.

External amenity areas and balconies

- 4.44 The applicant has demonstrated that whilst some of the balcony areas and communal amenity space at first and second floor will be affected by noise from the surrounding highway network and uses, this is to be reasonably expected given the urban location of the site within Leigh and that the noise levels are similar to that affecting existing occupiers at Grand View to the immediate north of the site.
- 4.45 The third floor level will have a private balcony and is larger than the lower floors and taking into account the distance from the road, the shielding offered by the balcony floor itself and associated balustrade, the resultant noise climate would be below the upper threshold of noise levels set out in BS8233:2014 and is therefore considered acceptable.

Amenity space provision

- 4.46 Whilst the Council has no set standard for amenity space, it is recognised that private outdoor space is an important amenity asset and all new residential units will be expected to have direct access to an area of private amenity space. This is recognised in Policy DM8 of the Development Management Document. Paragraph 4.43 of the Development Management Document states, “...In the case of flats, balconies may take the place of a garden, although easily accessible semi-private communal areas will also be beneficial.”
- 4.47 All the proposed flats benefit from either a private balcony or terrace and access to the communal amenity deck. The proposed balconies vary from 4sqm to 5sqm in size and the private terraces 62sqm to flat 8 and 170sqm to flat 9. The communal amenity deck to the second floor measures 80sqm. The communal and private decks will have 1.8m high obscure glazed screens to prevent overlooking of neighbouring properties and would be suitably landscaped. A lift runs through the building and therefore, all communal amenity decks are accessible to all occupiers.
- 4.48 It is considered that the standard of external amenity space is extremely generous. Full details of hard and soft landscaping to the communal amenity deck could be required by condition should planning permission be granted.
- 4.49 It is considered that the proposed development will provide an acceptable standard of accommodation and is therefore policy compliant in these regards.

Traffic and Transportation

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2, CP4, CP3; Policy DM15 of the Development Management

Document (2015), the Design and Townscape Guide (2009)

- 4.50 Policy DM15 (Appendix 6) of the Development Management Document requires vehicle parking standards of a minimum of one space per flat. 9 car parking spaces are proposed and this scheme is policy compliant with regards to the residential use. A travel pack could be required by condition to encourage modes of sustainable transport. The car parking spaces will be accessed off Victor Drive via an existing vehicular crossover which will need to be widened. The vehicular crossover is sited in a position which would not be detrimental to highway or pedestrian safety. Cycle and refuse storage is proposed on the ground floor of the building. Separate residential and commercial stores are proposed.
- 4.51 With regard to the proposed commercial space which is described as class A1 (retail use). The following maximum parking standards are required for this use:
- A1 (shops – food): 1 space per 14sq.m (32 spaces).
 - A1 (shops – non food): 1 space per 20sq.m (23 spaces).
- 4.52 No off-street parking is proposed for the retail space. However taking into account the location of the site with access to public transport, car parking in the vicinity of the site and the impact of the existing uses, it is considered that this is acceptable in this instance. It should also be noted that the vast majority of commercial premises in Leigh do not benefit from off street parking. The two existing vehicular crossovers are proposed to be removed, and the footway reinstated.
- 4.53 The application is accompanied by a Transport Statement, which has taken into account TRICS data and Census information. The current uses on site generate 12 two-way vehicular trips during the am peak hour, 25 during the pm peak hour and a total of 298 over the course of a typical day. It is anticipated there would be negligible increase in vehicular trips during peaks hours with 17 vehicular movement in the am peak hour (5 extra movements compared to the existing use), 19 in the pm peak hour (6 extra movements) and a total of 155 over the course of a typical day from the proposed use. Whilst the assignment of vehicle trips have changed in terms of how the site is accessed which is now from Victor Drive it is not considered that this will be detrimental to the public highway. It is considered that there is no supportable reason for refusal of this application on highway or transportation grounds given the applicant has demonstrated the overall vehicle trips will be reduced from the proposed development.
- 4.54 The Transport Statement accompanying this planning application provides details of a loading bay. However, the application plans do not show a loading bay for the proposed development. The applicant has confirmed that the proposal would depend on alteration of the existing TRO (Traffic Regulation Order) to allow sufficient space for a loading bay to be created to the front of the building on The Broadway. This could be dealt with through a separate 278 highways agreement. The Councils Highway Officer has raised no

objections to the development and this could be controlled by condition, were the proposal otherwise acceptable.

- 4.55 With regard to cycle parking for the proposed flats, appendix 6 of DM15 of the Development Management Document requires one secure covered cycle parking space per dwelling. A secure covered cycle parking area will provide space for 9 vertical stacked cycle spaces and will meet the required standard.
- 4.56 In terms of cycle parking for the proposed commercial use, policy DM15 of the Development Management Document states 1 space per 400sqm is required and the applicant is providing ten 'Sheffield' cycle parking spaces to the front of the site, whilst on the public highway and could result in an obstruction the Councils Highways Officer has confirmed the cycle hoops could be located to the south of the site in Victor Drive which is considered to be acceptable and in excess of policy.
- 4.57 The position, siting and size of both the commercial and residential refuse stores are considered to be acceptable. It is stated that the refuse store will be on secure key fob entry and the Council's refuse contractor will require a key fob to enable access. The waste will be collected The applicant will be reminded of this by informative if the application is deemed acceptable.
- 4.58 In light of the above, no objection is raised to the development on transport and highways grounds and the proposed development satisfies the policies detailed above in these respects.

Sustainable Construction

National Planning Policy Framework (2012); Core Strategy (2007) Policy KP2; Policy DM2 of the Development Management Document (2015) and the Design and Townscape Guide (2009)

- 4.59 Paragraph 97 of the National Planning Policy Framework states that Local Authorities should promote energy from renewable sources. Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources.
- 4.60 Policy DM2 of the Development Management Document requires new development to be energy and resource efficient.
- 4.61 Photovoltaic panels are proposed to be installed onto the roof of the building and will be sited away from the edges of the roof to allow them to be obscured from public view. Whilst no further details have been provided, should permission be granted, a condition can be imposed to ensure full details are submitted and agreed with the Local Planning Authority if this application is deemed acceptable to ensure the proposal complies with the National Planning Policy Framework 2012, Development Management Policy DM2,

Core Strategy Policy KP2, and advice contained within the Design & Townscape Guide.

- 4.62 A Sustainable Urban Drainage surface water drainage strategy has been submitted. The report details that it is proposed to utilise permeable paving for the collection of all surface water run-off from the car parking area. Surface water from the site will then be collected and attenuated below ground in attenuation crates or permeable sub-base storage could be used, thus no objection is raised.
- 4.63 Therefore, it is considered that the details of renewables and SUDs are acceptable, in accordance with the policies detailed above.

Other matters

Land Contamination

- 4.64 A Geo-Environmental Assessment (desk study and ground investigation report) carried out by Jomas Associates Limited dated 8th July 2015 has been submitted for consideration. The Councils Environmental Health Officer has requested a contaminated land condition should planning permission be granted.

Community Infrastructure Levy (CIL) Charging Schedule.

- 4.65 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application may also be CIL liable.

5 Conclusion

- 5.1 In light of the above, the design of the proposed development is considered to be acceptable in regard to how it would impact on the character and appearance of the streetscene and on the amenities of neighbouring occupiers. The proposed development will provide a satisfactory standard of accommodation and off-street parking in accordance with policy. Servicing requirements in the form of a layby could be secured through a highways agreement and appropriate planning conditions.
- 5.2 Fundamentally however and as a separate criticism of the design approach the proposal, by reason of the contrived under provision in the number of dwellings coupled with those dwellings' predominantly over generous internal sizes and very generous over provision of external amenity areas, fails to achieve a residential provision which represents a suitably effective and efficient reuse of the brownfield land within this Priority Urban Area for appropriate regeneration and growth as designated by Policy KP1 of the Core Strategy. Bearing in mind how the previously submitted 20 units scheme was considered to be policy compliant in all but affordable housing provision and

education contribution, the current proposal seemingly has little regard to the limited land and challenging targets faced by the Borough in providing housing. Furthermore, the under provision of residential units prejudices the development's potential to contribute to affordable housing for the Borough whether by provision of units on site or through a commuted payment for off-site provision. For these reasons the proposal does not represent sustainable development and is thereby contrary to the National Planning Policy Framework, Policies KP1, KP2, CP4 and CP8 of the Core Strategy and Policies DM1 and DM3 of the Development Management Document.

6 Development Plan

- 6.1 National Planning Policy Framework, 2012.
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 6.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Historic Buildings) DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the town centre), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).
- 6.4 Design and Townscape Guide (2009)
- 6.5 The Community Infrastructure Levy Charging Schedule (2015)
- 6.6 DCLG Technical Housing Standards, 2015.
- 6.7 Waste Storage, Collection and Management Guide for New Developments (October 2014).

7 Relevant Planning History

- 7.1 Demolish existing buildings and erect 20 self-contained flats with balconies and terraces, 445sqm of commercial floorspace, basement parking, public realm enhancements, associated works and install new vehicular access onto Victor Drive to 114-120 Broadway- Refused (16/01756/FULM)

8 Representation Summary

Highways

8.1 **Parking**

1 car parking space has been provided for each of the 9 dwellings e which is policy DM15 compliant. Therefore no highway objections are raised. 1 cycle parking space has been provided per dwelling which is policy compliant. Access to the parking area would be via Victor Drive.

Refuse collection

The proposed refuse collection for commercial and residential waste will be carried out on Victor Drive this will not interfere with the flow of traffic within Victor Drive.

Commercial Element

No formal commercial parking is provided as part of the proposal however this is no different to other commercial offers within the vicinity. It should be noted that no commercial parking is currently available for the existing use. Parking is available within the Broadway with limited waiting bays along the extent. A public car parking area is also located in North Street. A loading bay is proposed at the front of the site, which is considered acceptable and has provided half a bay on the highway and footway the applicant has confirmed that they will enter into a Section 278 agreement to ensure an adequate footway is still retained. This would involve the applicant making part of their land suitable for highway adoption.

Trip Generation / Impact on Public Highway

TRICS database has been used to demonstrate an overall vehicle reduction in the number of trips associated with the proposed use. The current uses on site generate 12 two-way vehicular trips during the am peak hour, 25 during the pm peak hour and a total of 298 over the course of a typical day. It is anticipated there would be negligible increase in vehicular trips during peaks hours with 17 vehicular movement in the am peak hour (5 extra movements compared to the existing use), 19 in the pm peak hour (6 extra movements) and a total of 155 over the course of a typical day from the proposed use. The applicants transport statement is considered to be robust. The applicant has used the latest TRICS Data and Census Data to confirm that a reduction in vehicle trips within the local area will occur as a result of the proposal. Given the above information and that contained within the transport assessment it is not considered a highway objection can be raised.

Design and Regeneration

8.2 No objections.

Environmental Protection

8.3 No comments.

Leigh Town Council

8.4 No objection.

Public Consultation

8.5 A site notice was displayed on the 18th January 2017 and 36 residents were notified of the proposal. No letters of objection have been received.

8.6 Councillor Mulronev has requested this application be dealt with by Development Control Committee.

9 Recommendation

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

- 1 The proposal by reason of the design approach proposed results in a significant under provision in the total number of new dwellings within the development compared with that which could reasonably be achieved on this brownfield site in Leigh Broadway having regard to adopted planning policy. The under provision of dwellings fails to contribute appropriately both to the Borough's housing needs and also creates a contrived ability for the proposal to sit beneath the policy threshold for making a potential contribution towards affordable housing. The proposal therefore constitutes a materially inefficient and ineffective use of the brownfield site. The proposal would therefore not represent sustainable development and is thus contrary to the objectives of the National Planning Policy Framework (2012), Policies KP1, KP2, CP4 and CP8 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

Informatives

- 1 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.**

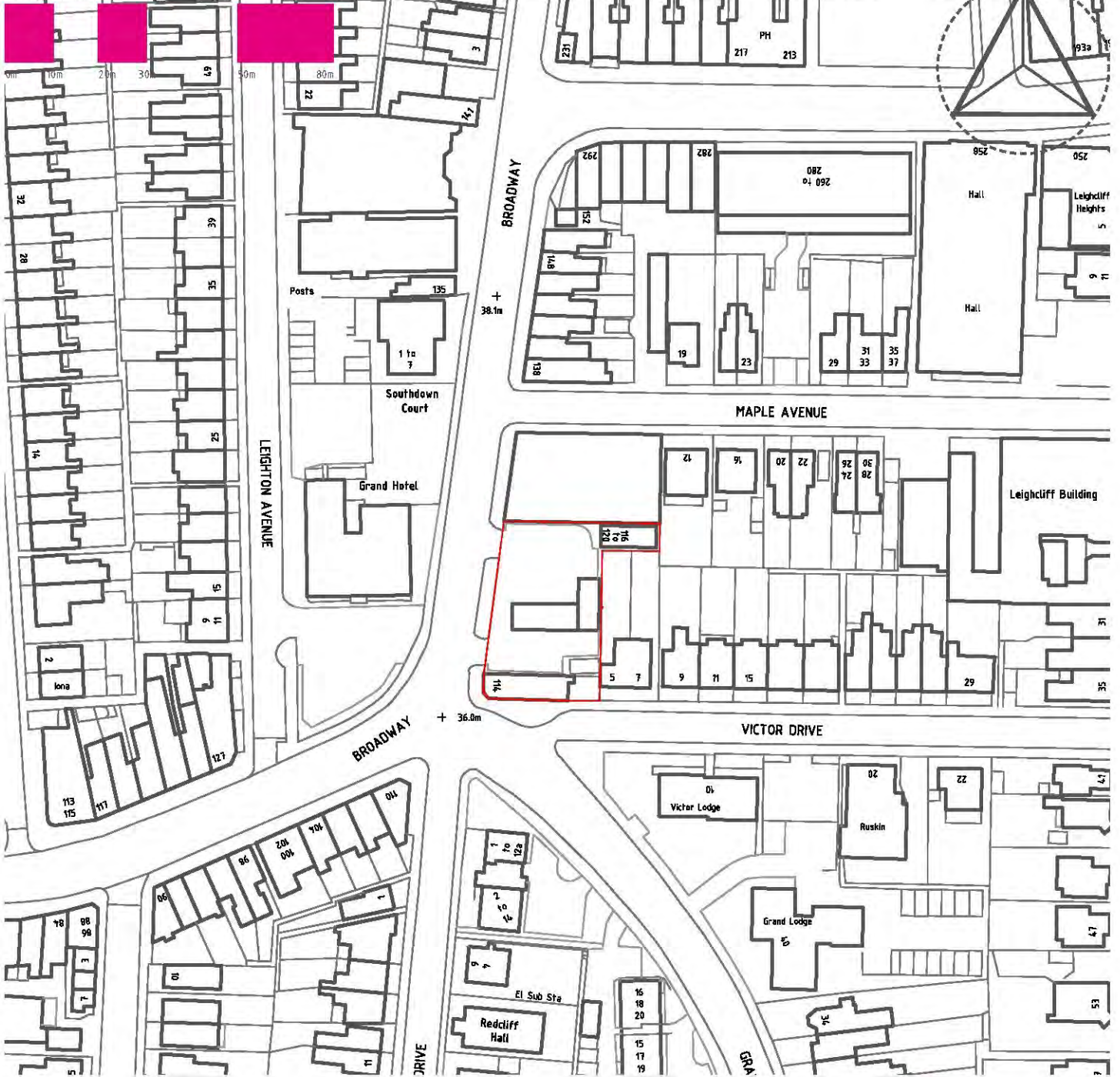
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not

considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action.

114-120 BROADWAY

MIXED-USE SCHEME: 530SQ.M COMMERCIAL SPACE + 21NO. APARTMENTS

SCALE BAR 1:1250



PROJECT
MIXED-USE DEVELOPMENT

DRAWING
AS EXISTING
SITE LOCATION PLAN

CLIENT
PLAISTOW BROADWAY FILLING STATIONS LTD

ADDRESS
114 - 120 BROADWAY
LEIGH-ON-SEA
ESSEX
SS9 1AA



ARCHITECTURE LTD
PROJECT NO. DWG NO. REVISION.

369.001.00

ISSUE STATUS
PLANNING

DATE:
21.10.2015

SCALE:
1:1250 @ A4

DRAWN: JB
CHECK: DAP

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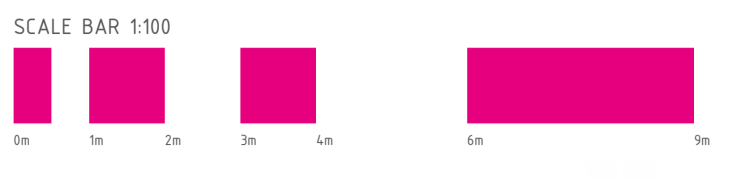
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114-120 BROADWAY, LEIGH-ON-SEA.

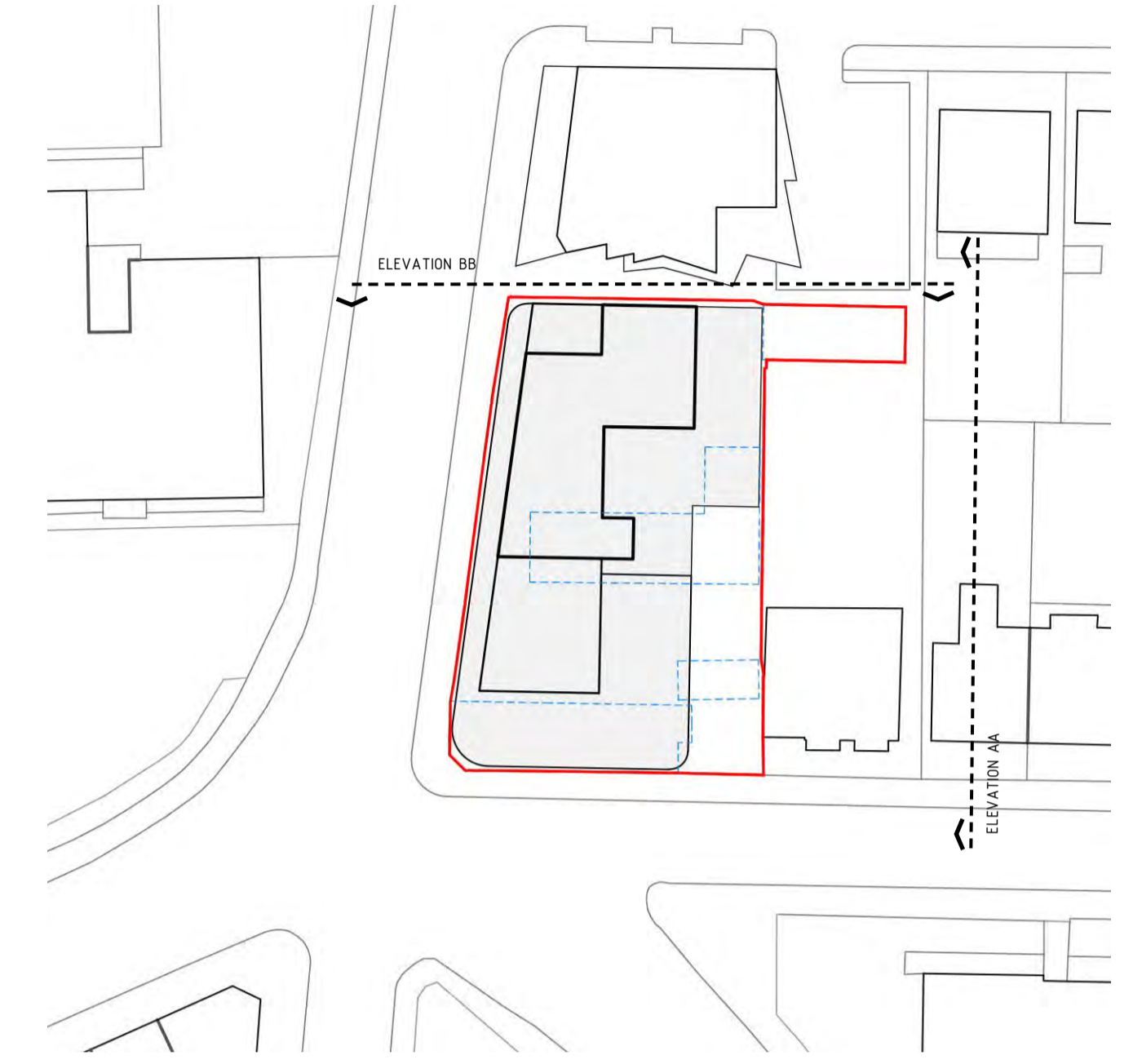
MIXED-USE SCHEME: 445SQ.M COMMERCIAL SPACE + 20NO. APARTMENTS.



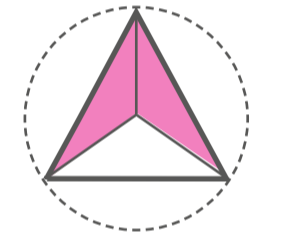
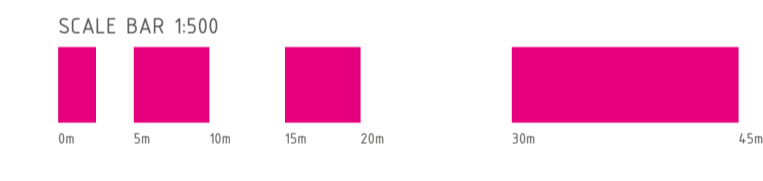
321



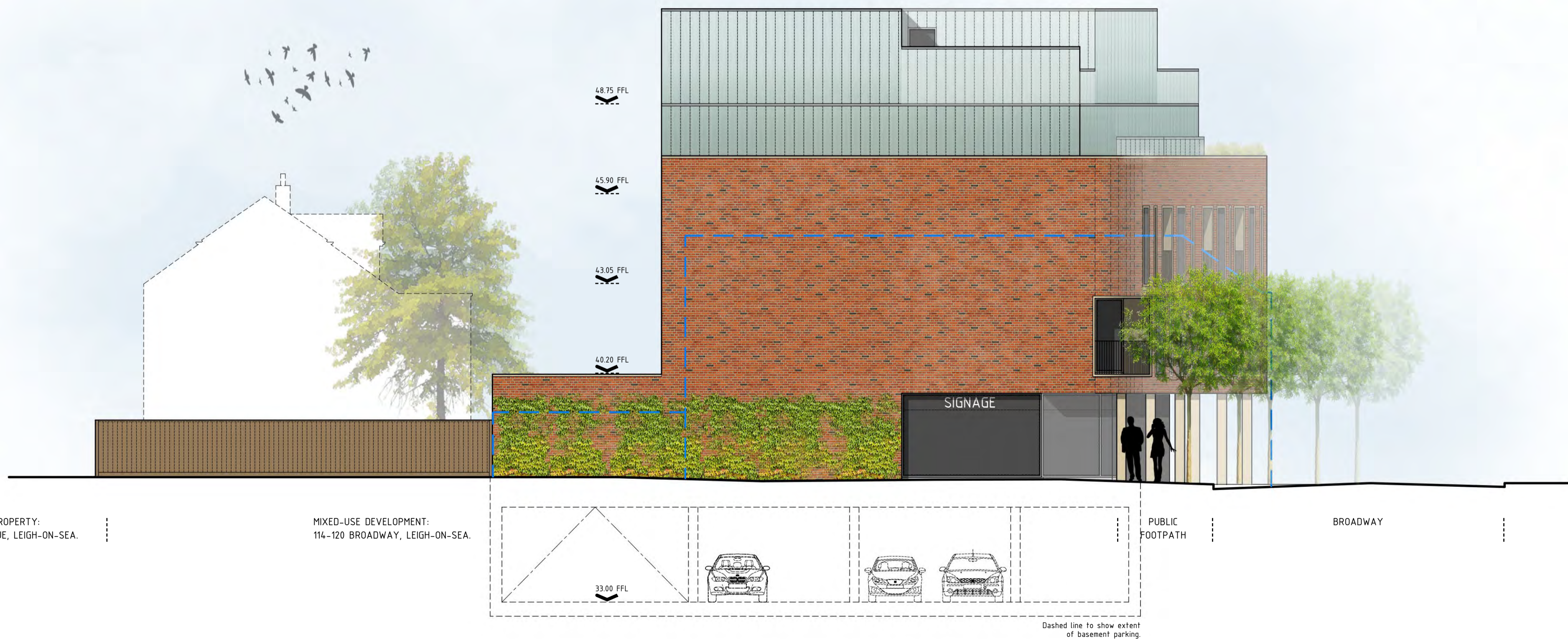
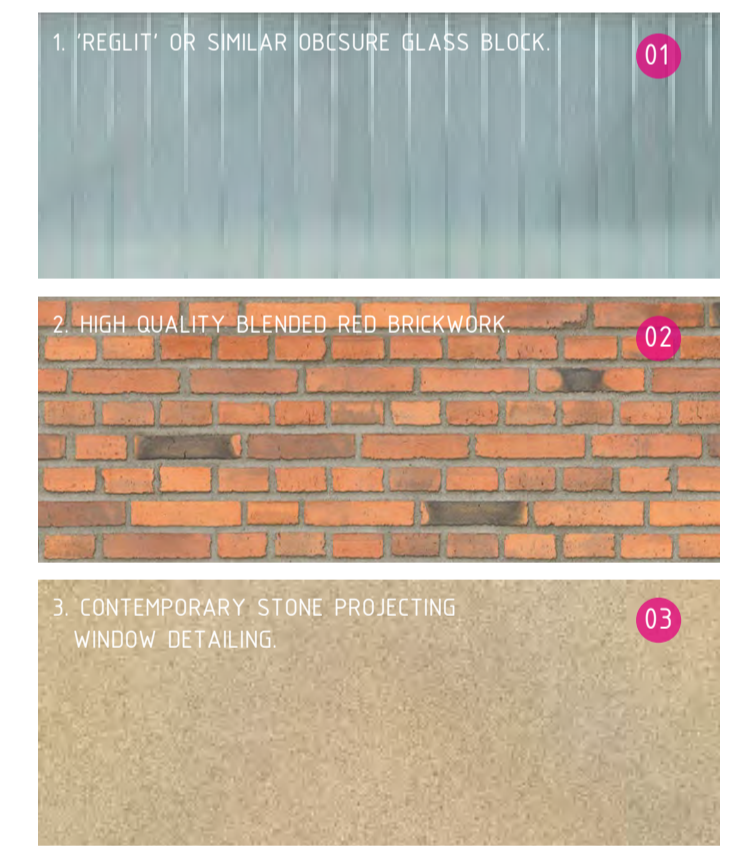
AS PROPOSED: ELEVATION AA.



AS PROPOSED: Key Plan



MATERIAL PALLETTE:



AS PROPOSED: ELEVATION BB.

DAVID PLANT ARCHITECTURE LTD

PROJECT
MIXED-USE DEVELOPMENT
DRAWING
AS PROPOSED ELEVATIONS
CLIENT
PLAISTOW BROADWAY FILLING STATIONS LTD
ADDRESS
114 - 120 BROADWAY
LEIGH-ON-SEA
ESSEX
SS9 1AA

DATE: 05.08.2016 SCALE: 1:100 @ A1 DRAWN: JB CHECK: JB
PROJECT NO. DWG NO. REVISION:

369.206.01

ISSUE STATUS
PLANNING

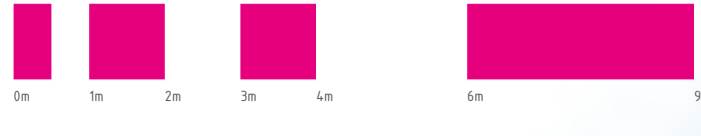
e studio@daparchitecture.co.uk t (0844) 854 9007
www.daparchitecture.co.uk

LONDON BIRMINGHAM ESSEX

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114-120 BROADWAY, LEIGH-ON-SEA.

MIXED-USE SCHEME: 445SQ.M COMMERCIAL SPACE + 20NO. APARTMENTS.



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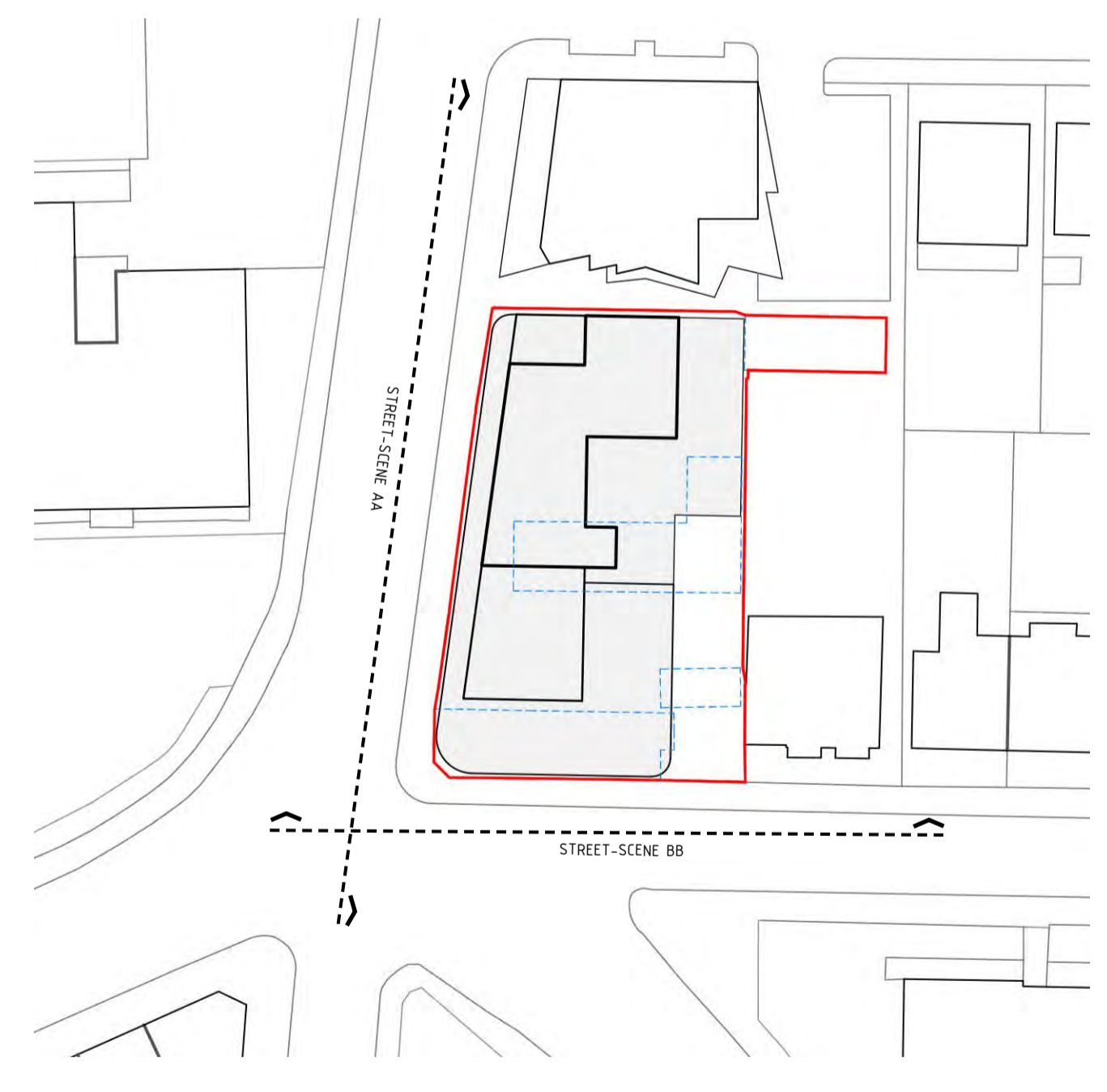


323

AS PROPOSED: STREET-SCENE AA, along Broadway.



AS PROPOSED: STREET-SCENE BB, along Grand Drive.



AS PROPOSED: Key Plan
SCALE BAR 1:500

MATERIAL PALLETTE:

- 1. 'REGKIT' OR SIMILAR OBCURE GLASS BLOCK. 01
- 2. HIGH QUALITY BLENDED RED BRICKWORK. 02
- 3. CONTEMPORARY STONE PROJECTING WINDOW DETAILING. 03

DAVID PLANT ARCHITECTURE LTD

PROJECT: MIXED-USE DEVELOPMENT

DRAWING: AS PROPOSED STREET-SCENES

CLIENT: PLAISTOW BROADWAY FILLING STATIONS LTD

ADDRESS: 114 - 120 BROADWAY, LEIGH-ON-SEA, ESSEX, SS9 1AA

DATE: 05.08.2016 | SCALE: 1:100 @ A1 | DRAWN: JB | CHECK: JB

PROJECT NO. | DWG NO. | REVISION:

369.204.04

ISSUE STATUS: PLANNING

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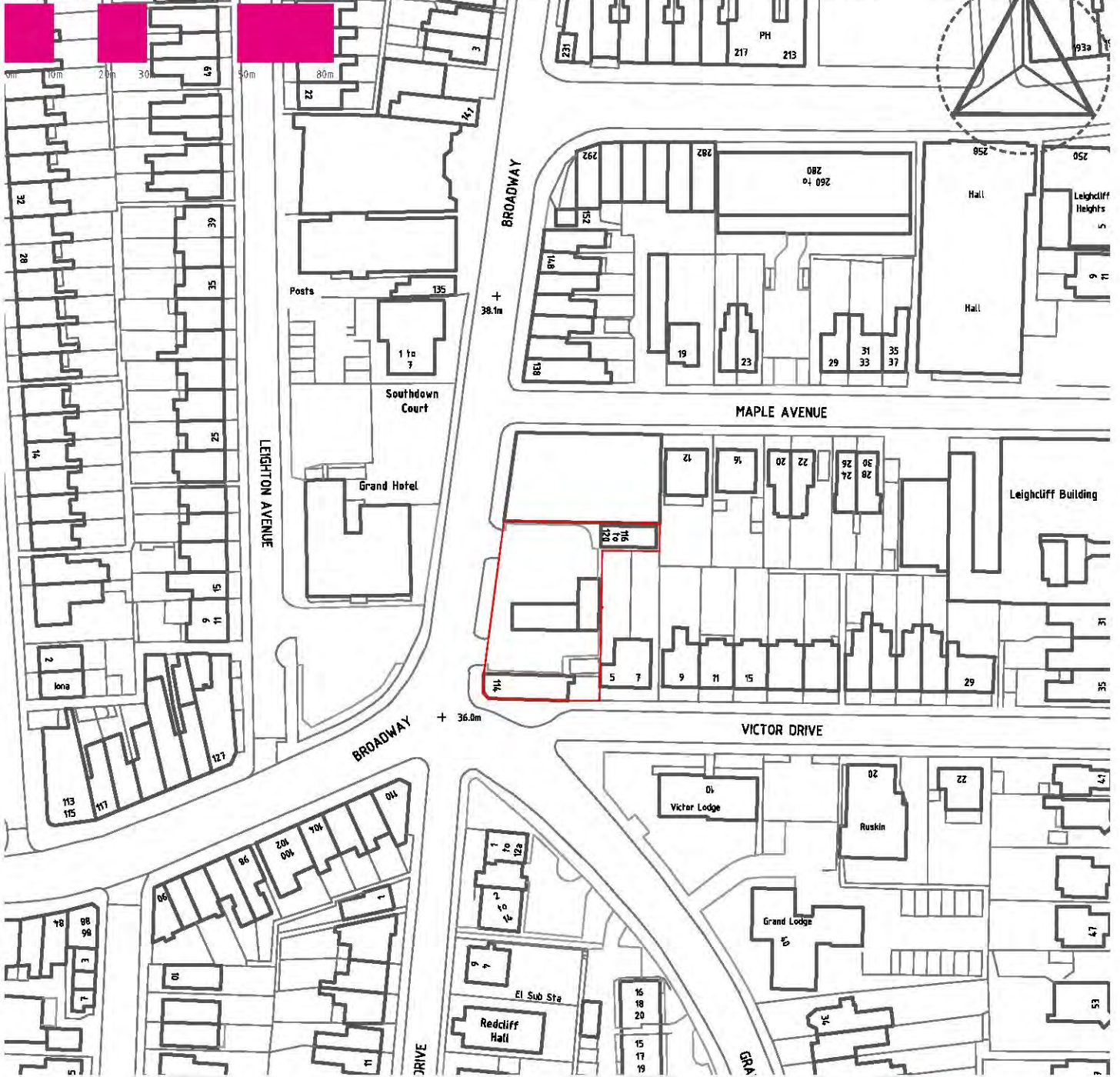
LONDON | BIRMINGHAM | ESSEX

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114-120 BROADWAY

MIXED-USE SCHEME: 530SQ.M COMMERCIAL SPACE + 21NO. APARTMENTS

SCALE BAR 1:1250



PROJECT
MIXED-USE DEVELOPMENT

DRAWING
AS EXISTING
SITE LOCATION PLAN

CLIENT
PLAISTOW BROADWAY FILLING STATIONS LTD

ADDRESS
114 - 120 BROADWAY
LEIGH-ON-SEA
ESSEX
SS9 1AA



ARCHITECTURE LTD
PROJECT NO. DWG NO. REVISION.

369.001.00

ISSUE STATUS
PLANNING

DATE:
21.10.2015

SCALE:
1:1250 @ A4

DRAWN: JB
CHECK: DAP

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LONDON BIRMINGHAM ESSEX

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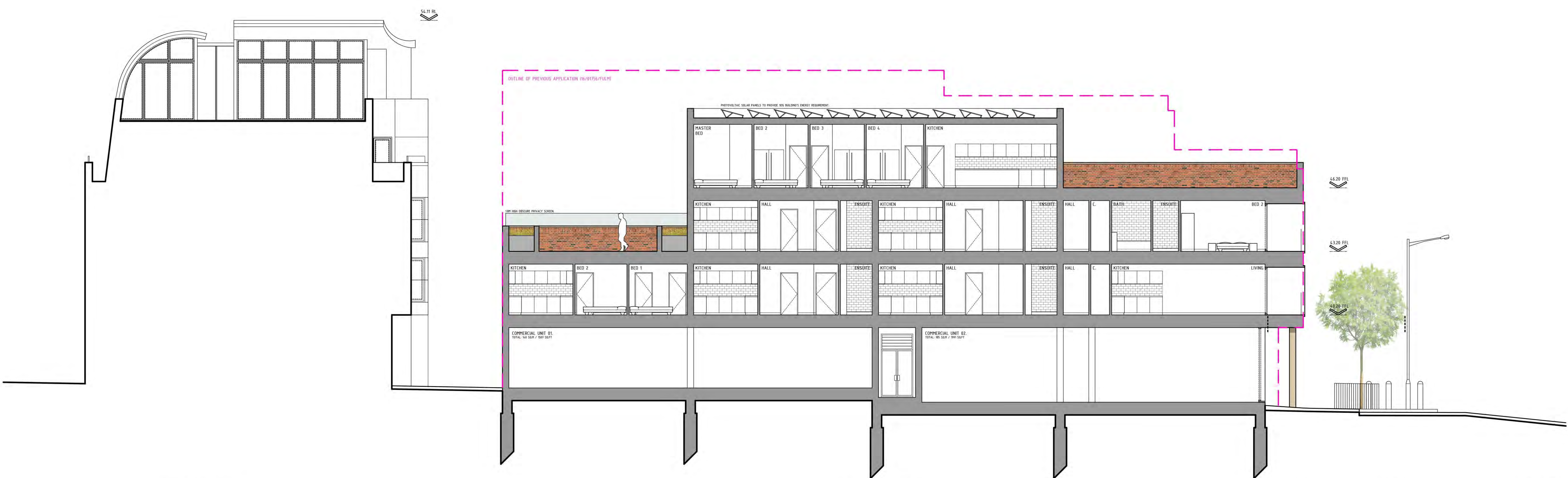
114-120 BROADWAY, LEIGH-ON-SEA.

MIXED-USE SCHEME: 325SQ.M COMMERCIAL SPACE + 9NO. APARTMENTS.



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327



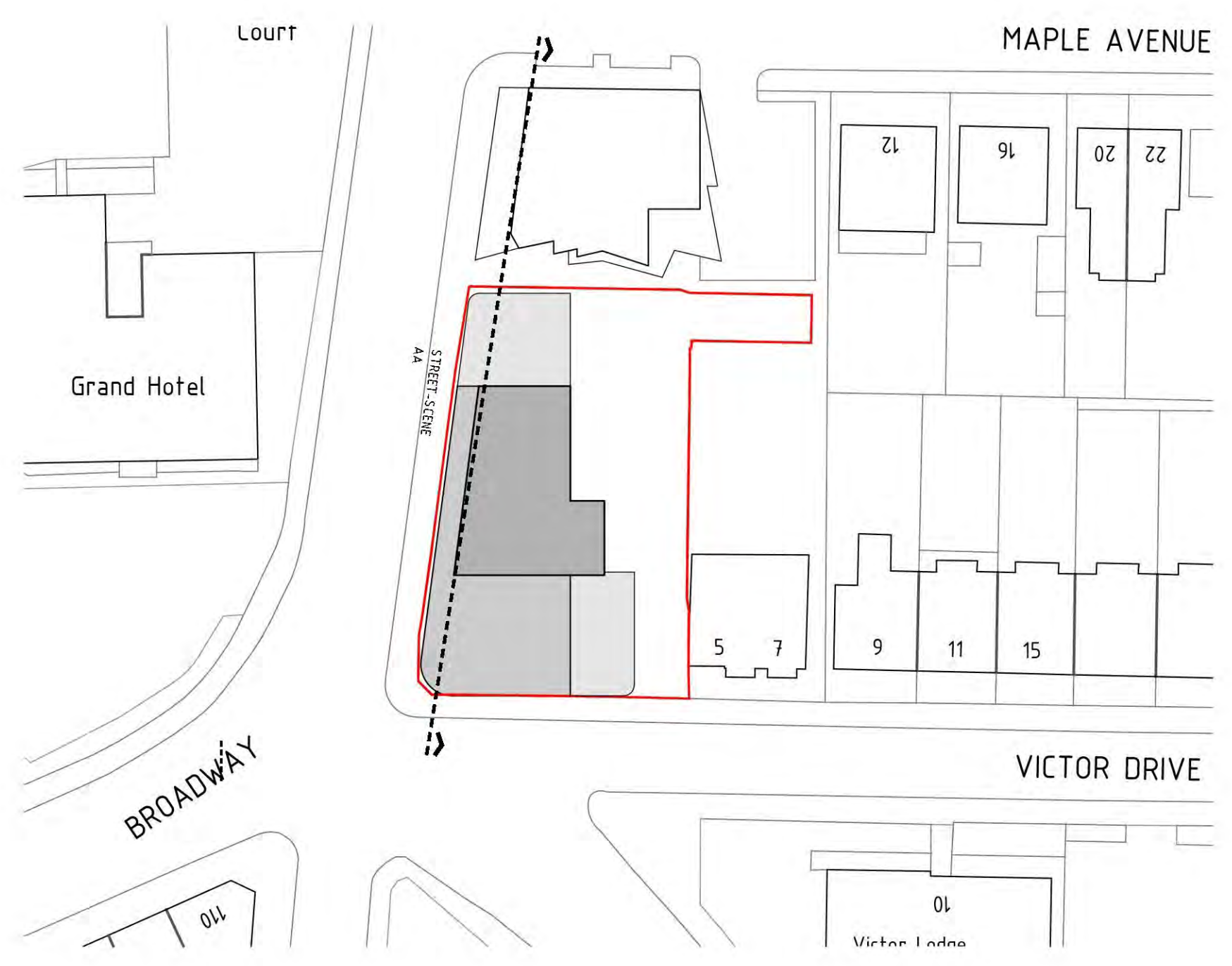
NEIGHBOURING DEVELOPMENT:
 GRANDVIEW, 136 BROADWAY, LEIGH-ON-SEA.

MIXED-USE DEVELOPMENT:
 114-120 BROADWAY, LEIGH-ON-SEA.

PUBLIC
 FOOTPATH

GRAND DRIVE

AS PROPOSED: STREET-SCENE AA, along Broadway.



REV.	DESCRIPTION	DATE
DAP ARCHITECTURE LTD		
PROJECT MIXED-USE DEVELOPMENT		
DRAWING AS PROPOSED SITE -SECTION		
CLIENT PLAISTOW BROADWAY FILLING STATIONS LTD		
ADDRESS 114-120 BROADWAY LEIGH-ON-SEA ESSEX SS9 1AA		
DATE 06.04.17	SCALE 1:100 @ A1	CHECKED BY JB
PROJECT No.	DWG No.	REVISION
769.204.01		
ISSUE STATUS PLANNING		
a. 3 + 5 Hospital Approach The Millers Chelmsford ESSEX, CM1 7FA e. studio@daparchitecture.co.uk t. (0844) 854 9007 w. www.daparchitecture.co.uk		
CHELMSFORD	LONDON	BIRMINGHAM

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114-120 BROADWAY, LEIGH-ON-SEA.

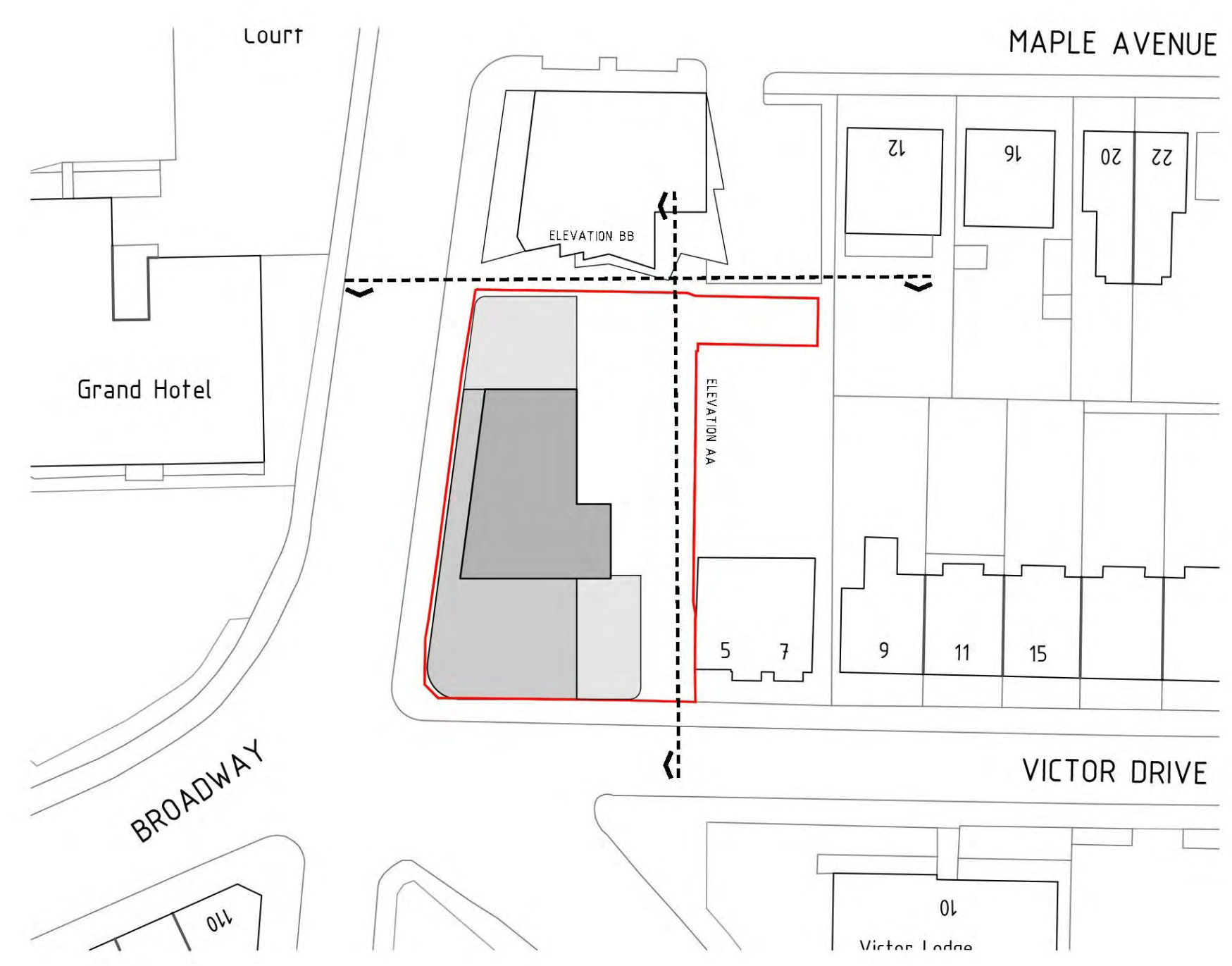
MIXED-USE SCHEME: 325SQ.M COMMERCIAL SPACE + 9NO. APARTMENTS.



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AS PROPOSED: ELEVATION AA.



AS PROPOSED: ELEVATION BB.

REV.	DESCRIPTION	DATE
PROJECT		
MIXED-USE DEVELOPMENT		
DRAWING		
AS PROPOSED ELEVATIONS		
CLIENT		
PLAISTOW BROADWAY FILLING STATIONS LTD		
ADDRESS		
114-120 BROADWAY LEIGH-ON-SEA ESSEX SS9 1AA		
DATE	SCALE	DRAWN BY
07.04.17	1:100 @ A1	JB
PROJECT No.	DWG No.	CHECKED BY
		JB
REVISION		
769.205.01		
ISSUE STATUS		
PLANNING		
a. 3 + 5 Hospital Approach The Millers Chelmsford ESSEX, CM1 7FA e. studio@daparchitecture.co.uk t. (0844) 854 9007 w. www.daparchitecture.co.uk		
CHELMSFORD	LONDON	BIRMINGHAM

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114-120 BROADWAY, LEIGH-ON-SEA.

MIXED-USE SCHEME: 325SQ.M COMMERCIAL SPACE + 9NO. APARTMENTS.



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NEIGHBOURING DEVELOPMENT:
 GRANDVIEW, 136 BROADWAY, LEIGH-ON-SEA.

MIXED-USE DEVELOPMENT:
 114-120 BROADWAY, LEIGH-ON-SEA.

PUBLIC FOOTPATH

GRAND DRIVE

AS PROPOSED: STREET-SCENE AA, along Broadway.

331



BROADWAY

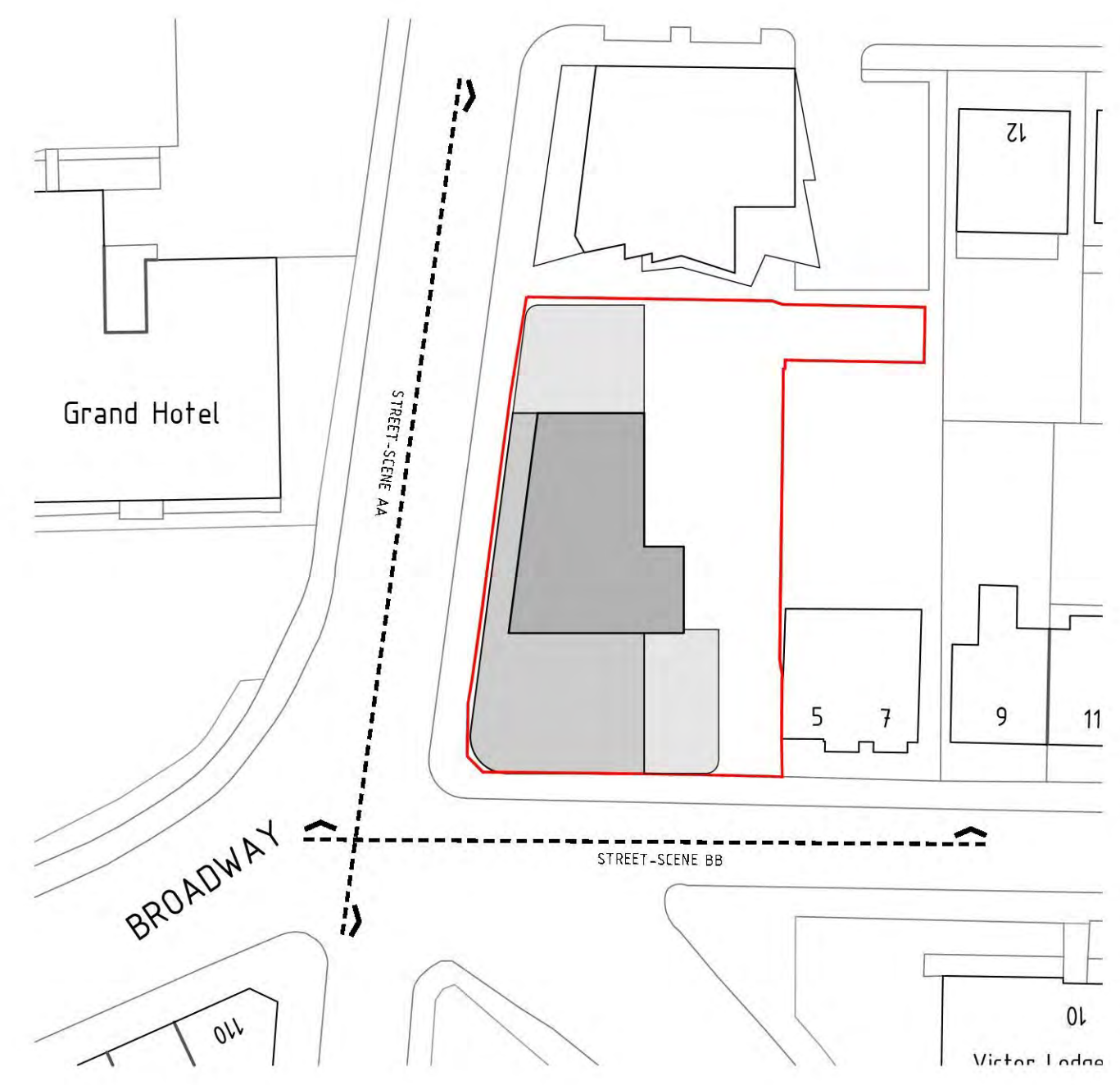
PUBLIC FOOTPATH

MIXED-USE DEVELOPMENT:
 114-120 BROADWAY, LEIGH-ON-SEA.

PROPOSED ACCESS

NEIGHBOURING PROPERTY:
 5 VICTOR DRIVE, LEIGH-ON-SEA.

AS PROPOSED: STREET-SCENE BB, along Grand Drive.



REV.	DESCRIPTION	DATE
DAP ARCHITECTURE LTD		
PROJECT MIXED-USE DEVELOPMENT		
DRAWING AS PROPOSED STREET-SCENES		
CLIENT PLAISTOW BROADWAY FILLING STATIONS LTD		
ADDRESS 114-120 BROADWAY LEIGH-ON-SEA ESSEX SS9 1AA		
DATE 06.04.17	SCALE 1:100 @ A1	DRAWN BY JB
PROJECT No.	DWG No.	CHECKED BY JB
769.203.01		
ISSUE STATUS PLANNING		

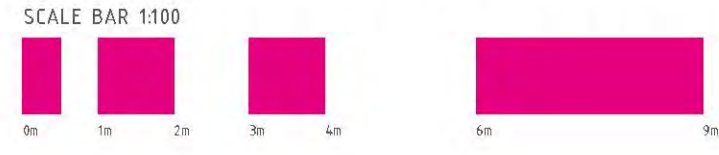
3 + 5 Hospital Approach
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 Chelmsford
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 t. (0844) 854 9007
 w. www.daparchitecture.co.uk

CHELMSFORD LONDON BIRMINGHAM

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114-120 BROADWAY, LEIGH-ON-SEA.

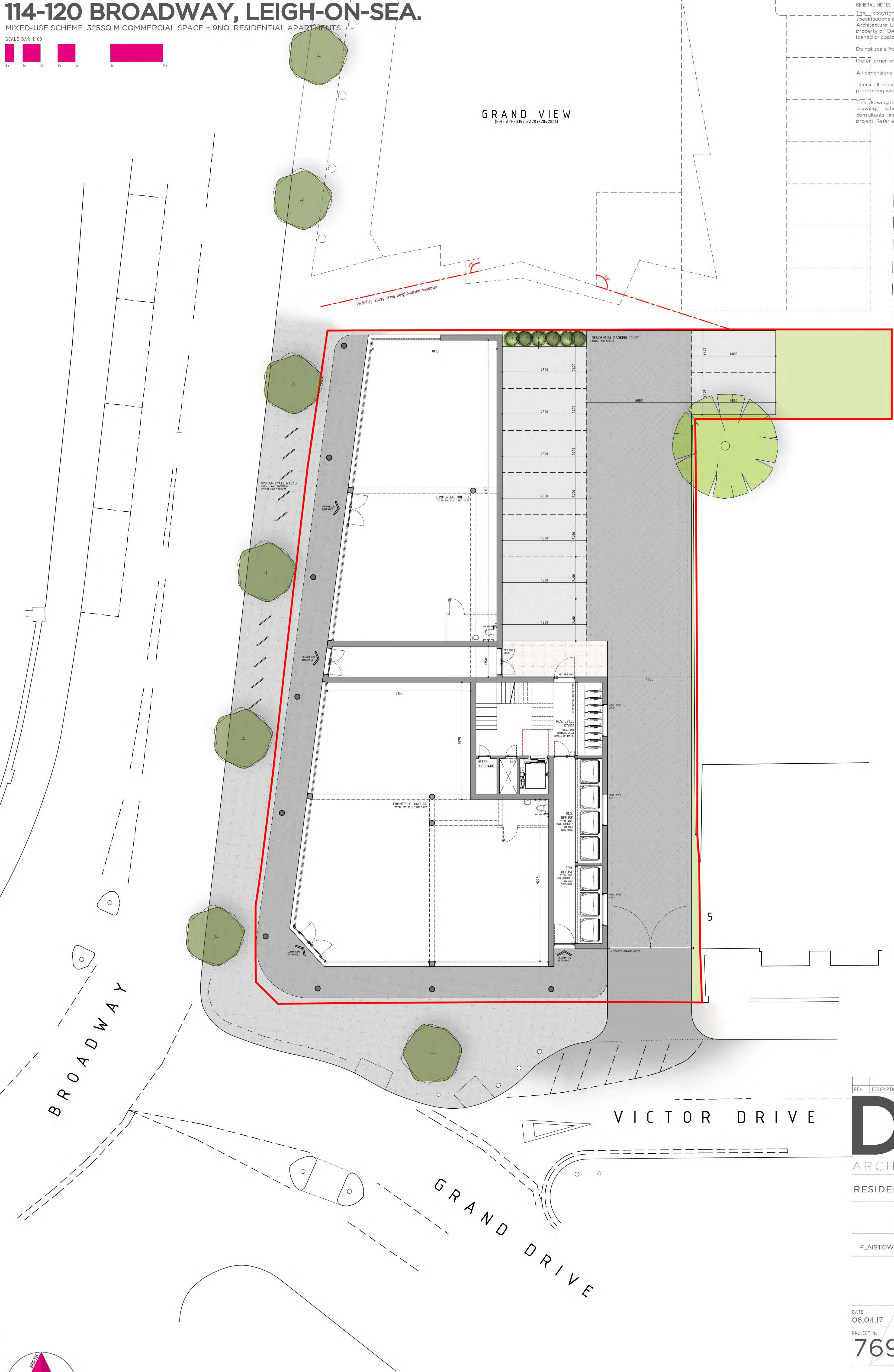
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GRAND VIEW

(Ref: APP/01590/A/01/2042695)



BROADWAY

VICTOR DRIVE

GRAND DRIVE

REV.	DESCRIPTION	DATE



PROJECT
RESIDENTIAL DEVELOPMENT

DRAWING
AS PROPOSED
SITE + GROUND FLOOR PLAN

CLIENT
PLAISTOW BROADWAY FILLING STATIONS LTD

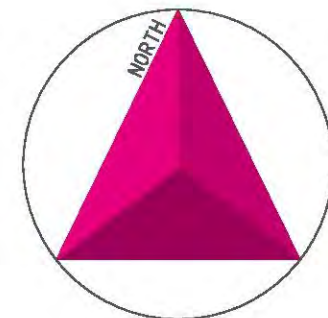
ADDRESS
114 - 120 BROADWAY
LEIGH-ON-SEA
ESSEX
SS9 1AA

DATE: 06.04.17 SCALE: 1:100 @ A1 DRAWN BY: JB CHECKED BY: JB

PROJECT No: 769.200.01

ISSUE STATUS
PLANNING

a. 3 + 5 Hospital Approach
The Millers
Chelmsford
ESSEX, CM1 7FA
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t. (0844) 854 9007
w. www.daparchitecture.co.uk



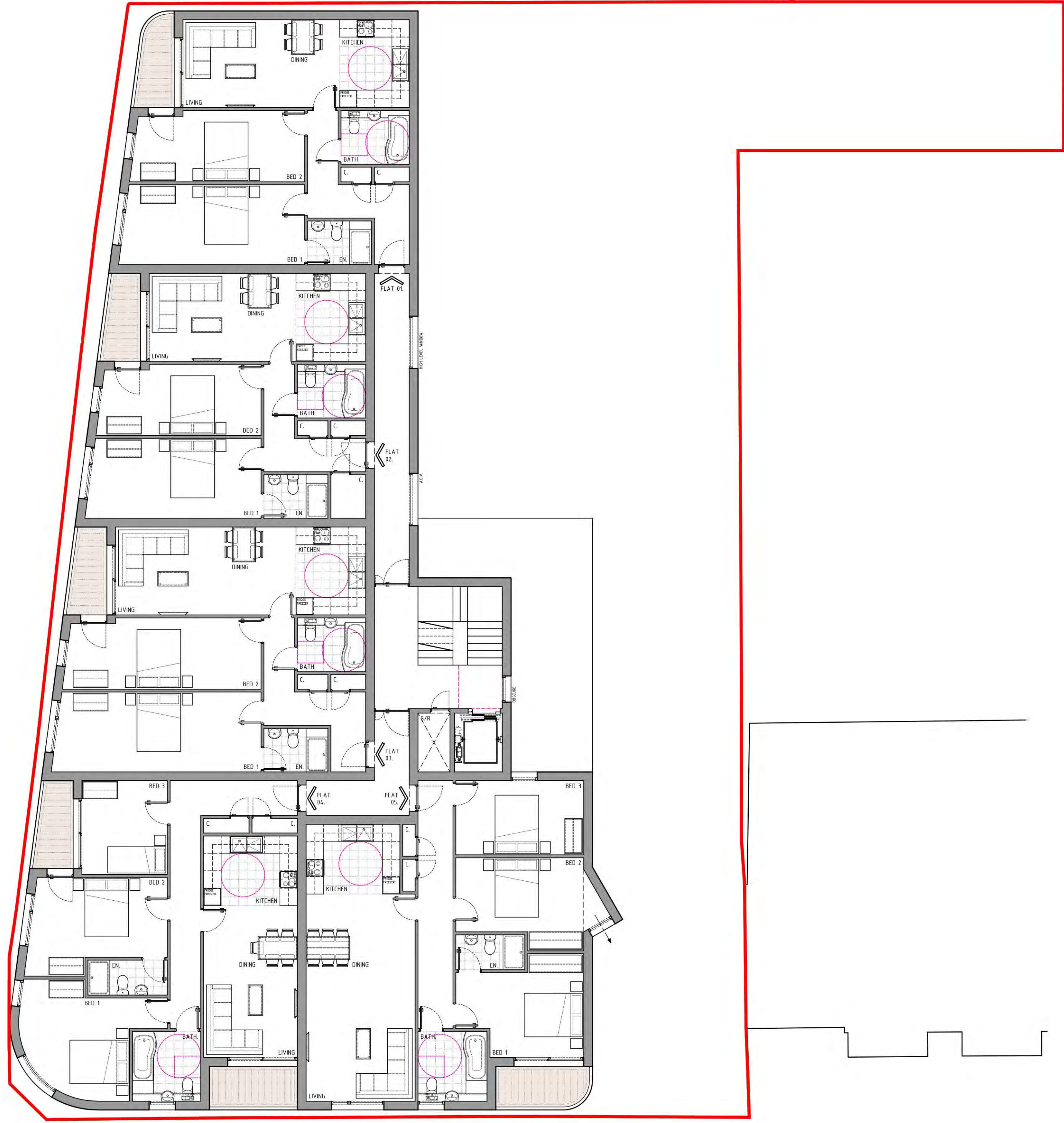
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114-120 BROADWAY, LEIGH-ON-SEA.

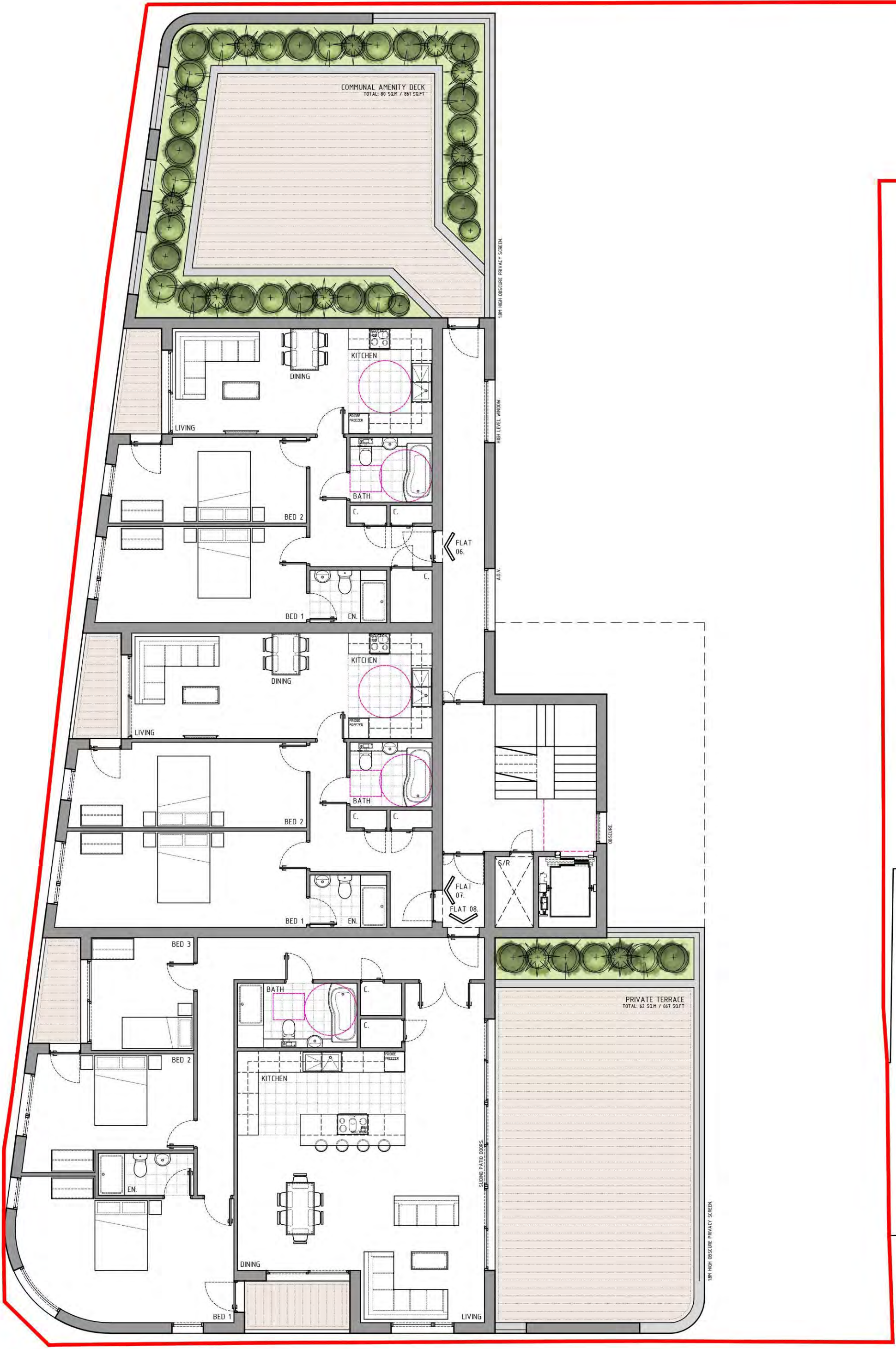
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AS PROPOSED: FIRST FLOOR PLAN



AS PROPOSED: SECOND FLOOR PLAN



AS PROPOSED: FIRST + SECOND FLOOR PLAN

REV.	DESCRIPTION	DATE
		
ARCHITECTURE LTD PROJECT RESIDENTIAL DEVELOPMENT		
DRAWING AS PROPOSED FIRST + SECOND FLOOR PLAN		
CLIENT PLAISTOW BROADWAY FILLING STATIONS LTD		
ADDRESS 114 - 120 BROADWAY LEIGH-ON-SEA ESSEX SS9 1AA		

DATE: 06.04.17 SCALE: 1:100 @ A1 DRAWN BY: JB CHECKED BY: JB
 PROJECT No: 769.201.01 DWG No: REVISION

ISSUE STATUS
PLANNING

a. 3 + 5 Hospital Approach
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 e. studio@daparchitecture.co.uk
 t. (0844) 854 9007
 w. www.daparchitecture.co.uk

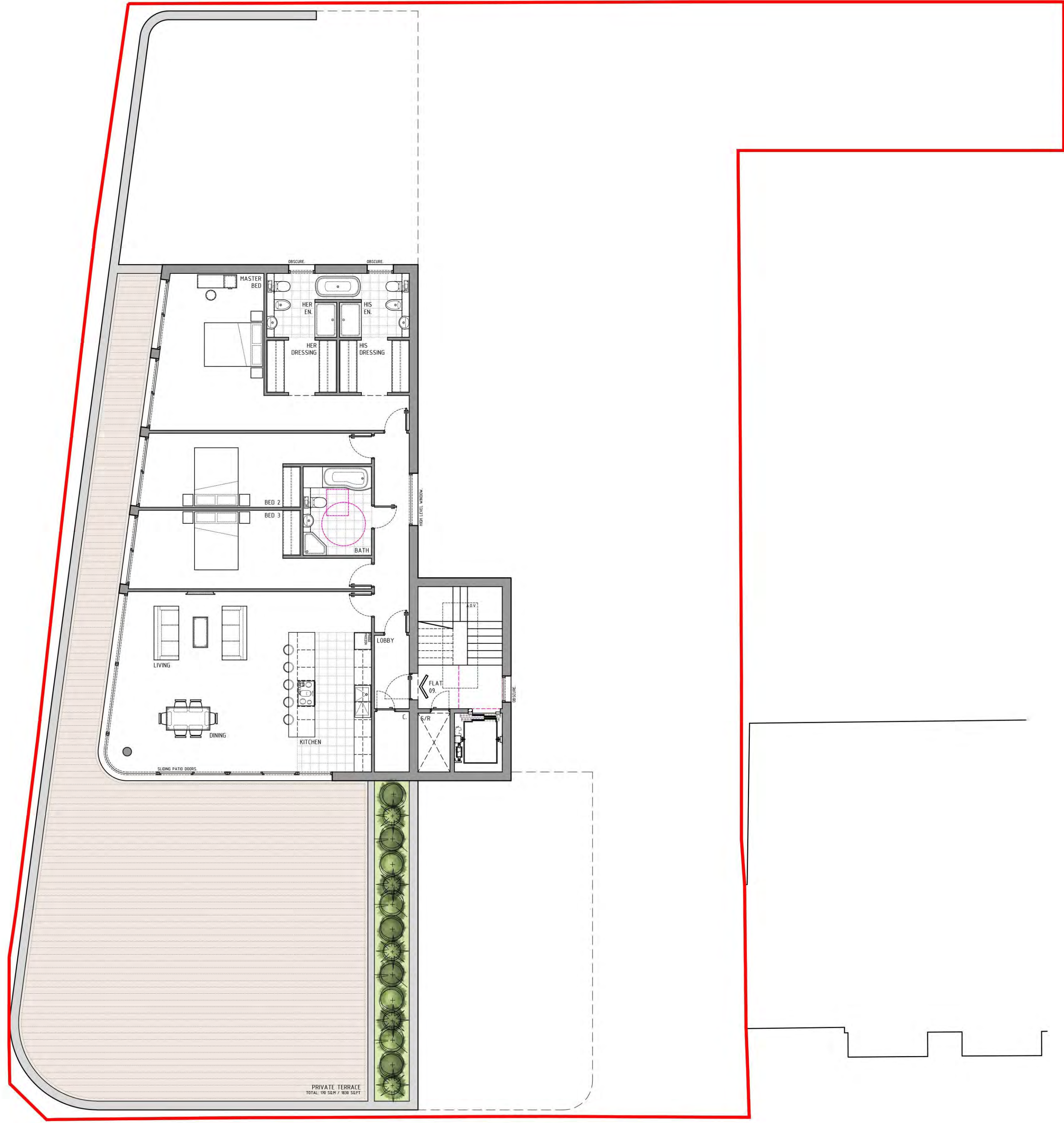
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114-120 BROADWAY, LEIGH-ON-SEA.

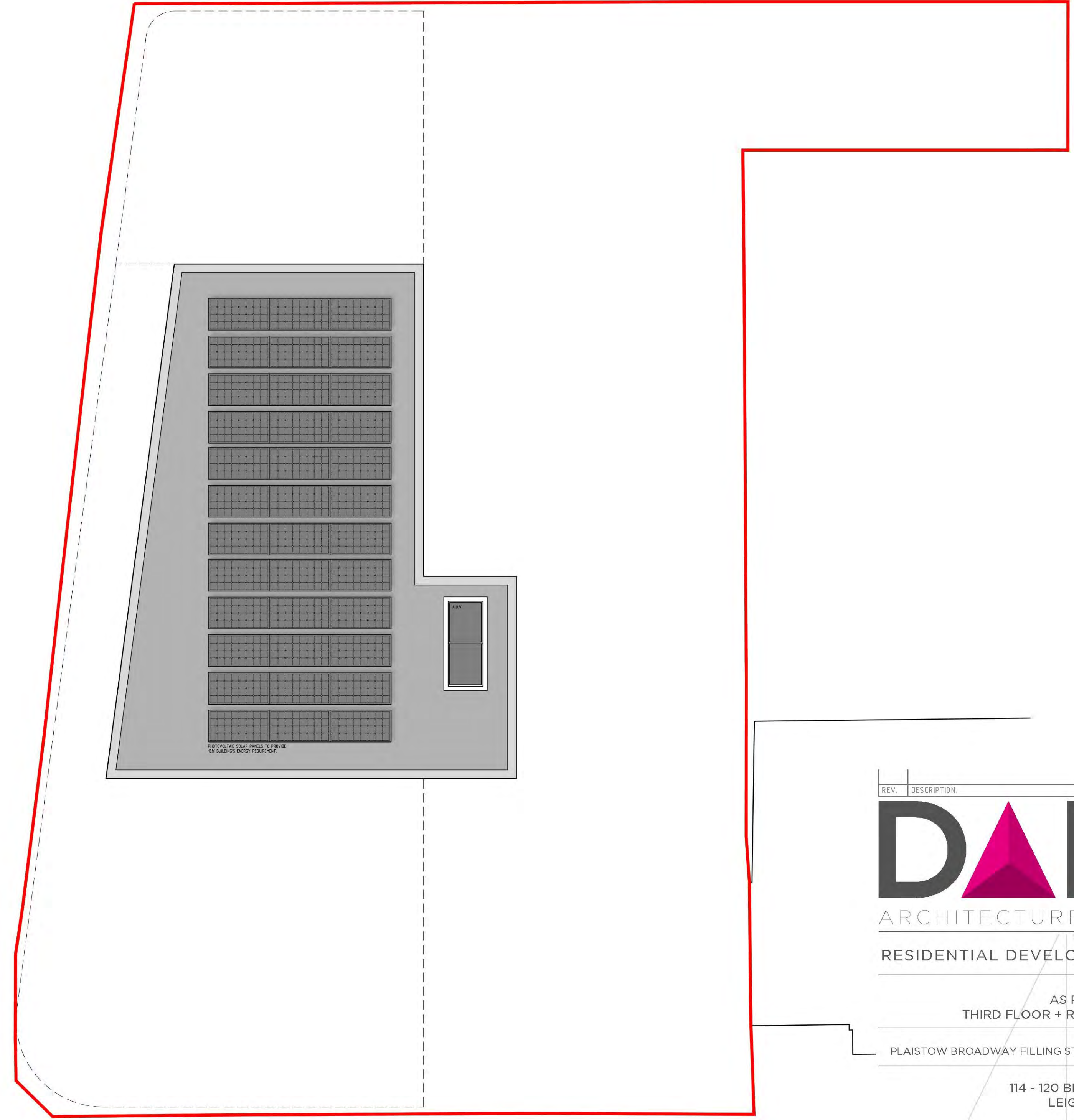
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337

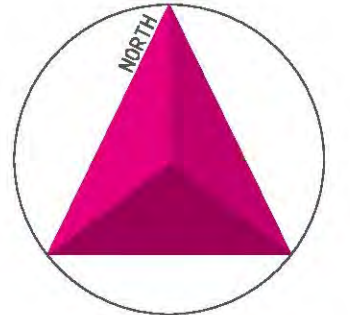


AS PROPOSED: THIRD FLOOR PLAN



AS PROPOSED: ROOF PLAN

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AS PROPOSED: THIRD FLOOR + ROOF PLAN

REV.	DESCRIPTION	DATE
ARCHITECTURE LTD PROJECT RESIDENTIAL DEVELOPMENT DRAWING AS PROPOSED THIRD FLOOR + ROOF PLAN CLIENT PLAISTOW BROADWAY FILLING STATIONS LTD ADDRESS 114 - 120 BROADWAY LEIGH-ON-SEA ESSEX SS9 1AA DATE 06.04.17 SCALE 1:100 @ A1 DRAWN BY JB CHECKED BY JB PROJECT No. DWG No. 769.202.01 REVISION ISSUE STATUS PLANNING a. 3 + 5 Hospital Approach The Millers Chelmsford ESSEX, CM1 7FA e. studio@daparchitecture.co.uk t. (0844) 854 9007 w. www.daparchitecture.co.uk CHELMSFORD LONDON BIRMINGHAM		

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