### Public Document Pack southend-on-sea Borough council

### **Development Control Committee**

#### Date: Wednesday, 4th April, 2018 Time: 2.00 pm Place: Jubilee Room, Civic Centre, Victoria Avenue

#### Contact: Tim Row - Principal Democratic Services Officer Email: committeesection@southend.gov.uk

## AGENDA

- 1 Apologies for Absence
- 2 Declarations of Interest
- 3 Supplementary Report
- \*\*\*\* Introduction
- \*\*\*\* Reports on Applications following Pre-Meeting Site Visits
- 4 17/02179/FULM Crowstone Preparatory School, 121-123 Crowstone Road, Westcliff-on-Sea, Essex, SS0 8LH (Chalkwell Ward) (Pages 7 - 54)
- 5 18/00076/FUL 423-425 Sutton Road, Southend-on-Sea, Essex (Victoria Ward) (Pages 55 - 96)
- 6 17/02280/FUL Scout Hall 52 High Street, Leigh-on-Sea, Essex SS9 2EP (Leigh Ward) (Pages 97 - 120)
- 7 1. 17/02074/FUL and 2. 17/02075/LBC 138 140 Hamlet Court Road, Westcliffon-Sea, Essex SS0 7LN (Milton) (Pages 121 - 182)
- 8 18/00084/FUL 76A Herschell Road, Leigh-on-Sea, Essex, SS9 2PU (West Leigh Ward) (Pages 183 - 220)
- \*\*\*\* Main Plans List
- 9 17/01115/FULM Prospects House, 10 Fairfax Drive, Westcliff-on-Sea, Essex, SS0 9AG (Prittlewell Ward) (Pages 221 322)
- 10 18/00045/ADV Unit 4, Greyhound Trading Park, Greyhound Way, Southend-on-Sea, Essex, SS2 5PY (Victoria Ward) (Pages 323 - 344)
- 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 10.30 a.m.

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## AGENDA: 4<sup>th</sup> April 2018

WARD	APP/REF NO.	ADDRESS		
Pre Site Plans Report				
Chalkwell	17/02179/FULM	Crowstone Preparatory School 121 – 123 Crowstone Road		
Victoria	18/00076/FUL	423 – 425 Sutton Road		
Leigh	17/02280/FUL	Scout Hall 52 High Street		
Milton	17/02074/FUL	138 - 140 Hamlet Court Road		
West Leigh	18/00084/FUL 17/02075/LBC	76A Herschell Road		

Main Plans Report			
Prittlewell	17/01115/FULM	Prospects House 10 Fairfax Drive	
Victoria	18/00045/ADV	Unit 4 Greyhound Trading Park	

#### 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 DAS	-	Borough Local Plan 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.

#### <u>Use Classes</u>

Class A1 Class A2 Class A3 Class A4 Class A5	- - -	Shops Financial & Professional Services Restaurants & Cafes Drinking Establishments Hot Food Take-away
Class B1 Class B2 Class B8	-	Business General Industrial Storage or Distribution
Class C1 Class C2 Class C3 Class C4	-	Hotels Residential Institutions Dwellinghouses Small House in Multiple Occupation
Class D1 Class D2 Sui Generis	-	Non-Residential Institutions Assembly and Leisure A use on its own, for which any change of use will require planning permission

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#### 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:	17/02179/FULM	Λ		
Ward:	Chalkwell	4		
Proposal:	Demolish existing buildings, including 6 Crosby Road, erect three storey building comprising 20 self-contained flats, 6 no dwelling houses, layout parking, hard and soft landscaping and extend existing vehicular access on to Crosby Road.			
Address:	Crowstone Preparatory School, 121-123 Crowstone Road, Westcliff-on-Sea, Essex, SS0 8LH			
Applicant:	bplicant: BESB Contracts Ltd			
Agent:	Phase 2 Planning			
Consultation Expiry:	Consultation Expiry: 06.02.2018			
Expiry Date:	06.04.2018			
Case Officer:	Charlotte White			
Plan Nos:	773.001.01, 773.200.02, 773.201 773.203.02, 773.204.03, 773.205.01, 773			
Recommendation:	REFUSE PLANNING PERMISSION			



#### 1 The Proposal

- 1.1 Planning permission is sought to demolish the existing buildings on the site (already significantly demolished) as well as No.6 Crosby Road and construct an 'L' shaped, part 2-storey, part 3-storey block of 20 flats facing Crowstone Road and Crosby Road and 6 terraced houses to the rear of the site. The block of 20 flats, includes 18 flats within the main 'L' shaped building, with a smaller block of 2 flats to the western side of the site. Vehicle access will be provided from Crosby Road with parking provided to the rear of the block of flats and on-site for the dwellings with each dwelling having a garage and parking space. An internal road will be provided within the site connecting the eastern part of the site to the more western part of the site. In terms of amenity space the 6x 4-bedroom dwellings would each be provided with a private rear garden area with private balconies provided to six of the first floor flats.
- 1.2 The details of the scheme are summarised as follows:

Units	6x 4-bedroom houses (7 and 8 person units, sizes ranging from 123sqm – 130sqm) 16x 2-bedroom flats (3 person and 4 person units with sizes ranging from 61sqm to 76sqm ) 4x 1-bedroom flats (2 person units measuring 50 to 51sqm)
Parking	24 parking spaces to serve the flats; 3 of which are labelled 'visitor spaces' and 2 of which are shown as accessible spaces. Each dwelling provided with a garage and a parking space. Cycle parking will be provided at 1 space per unit.
Amenity space	No communal amenity space is proposed for the flats (although the information contained within the planning statement indicates there will be shared amenity space). 6 of the flats will be provided with private amenity balconies measuring approximately 2sqm to 6sqm. The 4-bedroom houses will each be provided with private garden areas measuring some 100sqm to some 173sqm.
Height (max)	Flatted blocks max height: 12.5m Houses max height: 9.5m
Width (max)	Main flat block: 38.7m Terraced row of 3 houses: 27.2m
Depth (max)	Main flat block: 24.5m

- 1.3 In relation to the flats, the floors will include:
  - Ground floor 1x 1-bedroom flat and 6x 2-bedroom flats.
  - First floor 3x 1-bedroom flats and 5x 2-bedroom flats
  - Second floor 5x 2-bedroom flats

Max depth of houses: 11.15m

- 1.4 At the time of the officer site visit, the former school buildings were being demolished. The existing dwelling at No.6 Crosby Road appears to be occupied currently.
- 1.5 The application is accompanied by a sustainability and energy report, transport statement, draft heads of terms, sustainable urban drainage (SUDS) and surface water drainage statement, arboricultural impact assessment report, ecological assessment, design and access statement, planning statement, viability assessment, bat survey and environmental noise impact assessment.

#### 2 Site and Surroundings

- 2.1 The site constitutes an irregular shaped site which could be described as two connected rectangles. The northernmost part of the site has a frontage to Crosby Road and Crowstone Road with the southern rectangular section of the site having a frontage onto Victory Path. The northern part of the site is the proposed location for the flats. This part of the site included the previous main school buildings, and includes the dwellinghouse at No.6 Crosby Road. The southern part of the site constitutes the previous school playing field connected to the school and is the location of the 6 dwellinghouses proposed. The site backs onto a number of dwellings in Crosby Road and Crowstone Road.
- 2.2 The area is largely residential in nature and is mainly characterised by large detached houses, although there are some examples of flats within the vicinity of the site. The scale of the surrounding development is mainly 2-2.5 storeys in nature, although the anomaly blocks of flats in the vicinity are up to 4 storey in scale. The southern part of the site adjoins a number of tennis courts. Beyond Victory Path is the C2C railway line.
- 2.3 The information submitted with the application indicates that the Independent Preparatory School closed in July 2016. The school buildings have already been significantly demolished under prior approval (ref. 17/00938/DEM).
- 2.4 The front part of the site has no specific allocation within the Development Management Document proposals map, however, the rear part of the site which constitutes the previous playing fields for the school is designated as protected green space under Policy CP7 of the Core Strategy and as specified on the Borough's Proposals Map.

#### 3 Planning Considerations

3.1 The main considerations in relation to this application include the principle of development, including the loss of the playing fields, 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 (NPPF); Core Strategy (2007) policies KP1, KP2, KP3, CP3, CP4, CP6, CP7 and CP8; Development Management Document (2015) Policies DM1, DM3, DM7, DM8 and DM15 and the Design and Townscape Guide (2009)

Loss of a School and the principle of residential development:

- 4.1 The Core Planning Principles as set out within Paragraph 17 of the NPPF include that planning should 'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth...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...'
- 4.2 The site is located within a residential area and in part constitutes previously developed land. 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.
- 4.3 Policy KP1 of the Core Strategy identified a need to deliver 6,500 net additional dwellings in the period 2001-2021 within Southend. Policy KP2 of the Core Strategy requires all new development to *make the best use of previously developed land; to ensure sites and buildings are put to best use.* Policy CP8 of the Core Strategy requires the 'provision of not less than 80% of residential development on previously development land (brownfield sites).
- 4.4 Paragraph 72 of the NPPF states that 'The Government attached great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities'.
- 4.5 Policy CP6 of the Core Strategy states that developments should support *improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies...*[and] *safeguarding existing and providing for new leisure, cultural, recreation and community facilities...*'
- 4.6 With regard to the loss of the school, it is noted that the school has been closed since July 2016. The application has been submitted with a letter from Ayers and Cruiks (a Local Estate Agents) which indicates that the private school closed due to it being financially unviable. The letter indicates that there has been a succession of small private schools closing in Essex, including the Former St Hildas School in Westcliff-on-Sea which closed in July 2014.
- 4.7 In this respect the constraints of the site are noted; it is a small site for a school and surrounded by residential development. The school has been closed for a fairly substantial amount of time now and the school constituted a private, preparatory school and as such would have served only a very limited part of the community. It is also noted that prior approval has already been granted for the demolition of the buildings and that the school buildings are presently largely demolished, quite lawfully. No objection is therefore raised to the principle of the

loss of the school use and its redevelopment for housing. Whilst the proposal will result in the loss of a family dwelling (No.6 Crosby Road) given that the development will provide 6 new family dwellinghouses no objection is raised on this basis in principle.

Loss of protected green space:

- 4.8 Paragraph 73 of the NPPF states 'access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities'.
- 4.9 The National Planning Practice Guide (NPPG) provides further guidance on open space, commenting: "Open space should be taken into account in...considering proposals that may affect existing open space...open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure...as well as being an important part of the landscape and setting of building development, intere is no lower size limit for a Local Green Space...land could be considered for designation even if there is no public access..." (Paragraphs 001-016).
- 4.10 Paragraph 74 of the NPPF states: 'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
  - an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 4.11 Policy CP7 of the Core Strategy states:

'All existing and proposed sport, recreation and green space facilities (including the Southend foreshore and small areas of important local amenity, community resource or biodiversity value) will be safeguarded from loss or displacement to other uses, except where it can clearly be demonstrated that alternative facilities of a higher standard are being provided in at least an equally convenient and accessible location to serve the same local community, and there would be no loss of amenity or environmental quality to that community.

Any alternative facilities provided in accordance with the above considerations will be required to be provided and available for use before existing facilities are lost. The displacement of existing and proposed facilities from within the built-up area into the adjacent countryside, so as to provide further land for urban development, will not be permitted.'

4.12 With regard to the loss of the school playing fields, it is noted that this part of the site constitutes protected green space. In this respect the Planning Statement submitted states 'The grassland area of the site comprises private land that is not publically accessible. Its use as a playing field in connection with the school has

ceased and it no longer serves a function and is overgrown...There remains tennis courts adjoining and other publically accessible high quality areas of green space and recreation within walking distance of the site...There is no shortfall or loss of recreation since the closure of this site since July 2016 because it has only ever served a small number of children as play space associated with the school and has served no wider public purpose.

4.13 Whilst it is noted that the rear part of the site formed part of the school playing fields and was not publically accessible open space, paragraph 74 of the NPPF would still apply as this proposal will result in the loss of an area of existing playing field. Likewise, Policy CP7 of the Core Strategy seeks to safeguard all sport, recreation and green space facilities unless it can be demonstrated that alternative facilities are being provided. In this respect, the applicant has failed to clearly demonstrate that the open space is surplus to requirements or that it will be replaced and the development does not provide an alternative sport or recreation facility. As such, an objection is raised to the principle of the development on this basis.

#### Dwelling Mix

4.14 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	1-bed	2-bed	3-bed	4-bed
bedrooms				
Policy Position	9%	22%	49%	20%
(Market Housing)				
Proposed	15%	62%	0%	23%

- 4.15 This development provides mainly 2-bedroom flats. However, the greatest need within the Borough is for 3-bedroom units of which this proposal fails to provide any. The submitted planning statement seeks to justify the mix proposed in terms of site constraints, local market needs and viability considerations and the small size of the scheme. On balance this is considered to be an acceptable approach but the mix proposed is not a positive element of the scheme.
- 4.16 In conclusion, the principle of the development is considered unacceptable as the application results in the loss of protected green space.

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

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

- 4.17 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.
- 4.18 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."
- 4.19 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.
- 4.20 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 overintensification." 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".
- 4.21 The surrounding area is mainly characterised by fairly large detached houses, generally of individual styles, but similar characters, that are 2 to 2.5 storeys in scale, the majority of which have hipped roofs, providing a spacious character to the area. There are two buildings in the area which stand out from this established character; Sunningdale Court which is a 4 storey block of flats to the north of the site and Britannia Lodge to the south-east of the site which is a three storey block of flats.
- 4.22 In terms of scale, the main block of flats proposed is 'L' shaped and wraps around Crosby Road and Crowstone Road, it is mainly 3 storey in scale, with some 2.5 storey elements with a large pitched roof covering much of the building. The block of flats has been partially set into the ground creating a lower level in part, and has been reduced in scale away from the corner of the site, however, the scale, size and mass of the building is still significant and has a much greater scale and mass than the surrounding development. It is considered that this part of the development would dominate the streetscene and would be out of character with the existing well-spaced detached family housing. The mass and bulk of the development would be accentuated by virtue of the forward projection of the large block of flats in front of the established building line on both frontages. The presence of the existing blocks of flats in the vicinity do not provide any justification for the scale, size and mass of the proposed block of flats, particularly given the lack of setting the scheme would provide to mitigate its bulk and mass.

- 4.23 However, the scale of the separate building providing 2 flats fronting Crosby Road and the scale of the 2.5 storey rows of terraced dwellings to the rear part of the site are acceptable and would not be out of keeping with the surrounding area, although concern is raised with regard to the forward position of the separate building to provide 2 flats which would be out of character with the established building line and character of the area.
- 4.24 The main block of flats is of an unacceptable design and appearance, including poor design elements, with an unacceptable relationship with the street by virtue of the block being partially sunken into the ground, rather than 'stepping up' with the changes in the land levels. This results in the lower most articulated storey being submerged for a significant part of the frontage, creating an unsightly feature which is out of keeping with the surrounding area and fails to provide an active frontage to the streetscene; with the main entrance door located within the lower level and therefore fails to provide a focal point. The flats proposed fail to respect the established building line in the area, increasing the prominence of the development and resulting in a development that is at odds with the surrounding area. Whilst concern is raised in respect of the use of the grey tiled roof that is proposed, a condition can be imposed on any grant of consent requiring material samples to be submitted.
- 4.25 The terraced houses to the rear of the site provide a return frontage to Victory Path which is positive, providing natural surveillance to the path which is positive for crime prevention. However, this part of the proposal also includes some poor design detailing, including that of the fenestration and expanses of blank windows and grey roof tiles/slates, although the materials can be controlled via condition. These are not positive elements of the proposal.
- 4.26 In terms of hard and soft landscaping, whilst it is positive that the parking is provided to the rear of the site, preventing the streetscene being dominated by hardsurfacing and parked vehicles, this has resulted in the development being located forward of the established building line and there is no rear amenity space.
- 4.27 Taking all these factors into account, it is considered that the proposed development is contrived and constitutes overdevelopment of the site, with the proposed main 'L' shaped block of flats being of an unacceptable size, scale, mass and bulk that would be out of keeping with the mainly 2-storey scale of the adjoining dwellings. The flats are located forward of the established building line, creating a prominent and incongruous development and the development includes unacceptable design detailing. 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, contrary to the National Planning Policy Framework (NPPF), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 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 (NPPF), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (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 In terms of overlooking, the windows, openings and balconies facing Crosby Road and Crowstone Road would overlook the public realm and are sufficiently removed from the adjacent dwellings and would not therefore result in any material overlooking or loss of privacy. The rear windows proposed in the main block of flats would be located a minimum of some 14m from the boundary with No.125 Crowstone Road and as such would not result in any material overlooking or loss of privacy to these residents. The rear windows within the proposed houses (excluding the blank windows) would be located a minimum of some 10m from the rear boundaries of the dwellings in Crowstone Road. Given this degree of separation and the length of the existing gardens in Crowstone Road, it is considered that the proposal would not result in any material overlooking or loss of privacy to the occupiers of the adjoining residents in this respect. No first floor northern flank windows are proposed within the houses to the rear of the site and no first floor flank windows are proposed to the detached block of 2 flats and as such the proposal would not result in any material overlooking or loss of privacy to the adjoining residents in Crosby Road. The proposal is therefore policy compliant in this respect and the development would not result in any material overlooking or loss of privacy to the adjoining residents.
- 4.32 In terms of dominance, an overbearing impact and loss of light and outlook, the proposed main block of flats has been designed to ensure the development nearest to No.125 Crosby Road does not extend beyond the rear elevation of this dwelling. The smaller, detached block of 2 flats has similarly been designed to not extend beyond the rear of No.8 Crosby Road. The rows of terraced houses to the rear part of the site are sufficiently removed from the adjoining dwellings. As such it is considered that the proposal 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. The proposal is policy compliant in this respect.
- 4.33 In terms of noise and disturbance, the site is located within a residential area and the proposal to develop the site for residential purposes would not result in any material harm to the adjoining residents in principle. However, it is noted that this

proposal seeks to provide large areas of car parking and an access road immediately adjacent to the private, residential amenity areas of neighbouring residents of 125 Crowstone Road. Whilst an environmental noise assessment has been submitted with the application, this does not consider the impact of the proposal on the adjoining residents. Given the number of parking spaces proposed and the extent of the access road and the locations of the parking and vehicle access adjacent to the private rear garden areas of the adjoining sites it is considered that the proposal would result in material harm to the residential amenity of the adjoining residents in terms of noise and disturbance. It is not at all clear that this issue could be adequately mitigated by the use of conditions in this circumstance. The proposal is therefore contrary to National and Local Planning Policy and is therefore recommended for refusal on this basis.

#### Standard of Accommodation:

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

- 4.34 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 (3 bed spaces) 61sqm
    - 2 bedroom (4 bed spaces) 70 sqm
    - 4 bedroom (7 bed spaces) (over 3 storeys) 121sqm
    - 4 bedroom (8 bed spaces) (over 3 storeys) 130 sqm
  - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5sqm for a single bedroom with a minimum width of 2.15m; and 11.5sqm 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.
- 4.35 The following is also prescribed:
  - Provision of a storage cupboard with a minimum floor area of 1.25m<sup>2</sup> should be provided for 1-2 person dwellings. A minimum of 0.5m<sup>2</sup> 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.
- 4.36 The Planning Statement submitted states the development, in the majority, meets these standards described in the Nationally Prescribed Space Standards. The planning statement indicates that the 1-bed 2-person apartments will measure 50-51sqm, the 2-bed 3-person units will measure 61-70sqmm the 2-bed 4-person units will measure 63-76sqm and the 4-bed 7/8-person houses will measure 123-130sqm. As such, some of the 2-bedroom, 4 person flats will be below the minimum sizes required by the technical housing standards. The proposal is therefore contrary to planning policy in this respect.
- 4.37 In terms of bedroom sizes, it is also noted that some of the bedrooms proposed are of an inadequate size. For example the bedroom serving the 1 bedroom 2-person flat at unit 7 measures only approximately 9.6sqm. The proposal is therefore contrary to planning policy in this respect.
- 4.38 In terms of light, ventilation and outlook, whilst all habitable rooms are provided with windows, concern is raised with regard to the amount of light and outlook some of these rooms within the main block of flats will benefit from. For example, the ground floor south facing windows will be located directly adjacent to a number of parking spaces which in part constitute undercroft parking. Whilst south facing, given that these windows are adjacent the undercroft spaces, it is considered that these habitable rooms would benefit from limited light and outlook. It is also noted that due to the sunken nature of part of the site, some of the northern and eastern habitable windows would receive only limited light and outlook, to the material detriment of the living conditions of the future occupiers of the site.
- 4.39 With regard to the external amenity space, all of the 4-bedroom dwellinghouses proposed will be provided private rear garden areas of a usable size and shape. However, in terms of the flats, no meaningful communal amenity area will be provided, with only 6 of the first floor flats provided with small balcony areas; some of which are extremely small and not particularly useful. The communal outside space proposed is in the form of limited landscaping to the front of the site, rather than usable amenity space. It is therefore considered that the proposal would provide substandard living conditions for the future occupiers of the flats. Whilst the applicant refers to the proximity of the site to Chalkwell Seafront and Chalkwell

Park, in this instance given the lack of amenity space hereby proposed an objection is raised on this basis and the nearby amenities do not justify this harm identified.

- 4.40 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.
- 4.41 In this respect the Planning Statement submitted indicates two ground floor apartments have been designed to accommodate M4(3), both of which have a disabled parking space. The remaining apartments will meet M4(2). However, it is not clear from the plans submitted that all of the units provided would meet these standards. For example the first floor flat within the smaller flatted building fronting Crosby Road does not contain a lift and therefore fails to provide step free access to the flat. An objection is therefore raised on this basis.
- 4.42 The southern part of the site in particular is located in close proximity to a main line railway track. As such, the proposed dwellings may be subject to noise and disturbance from this existing noise source. In this respect, an environmental noise assessment has been submitted with the application which considers the impact of the nearby train line on the occupiers of the development. This document concludes that given the location of the apartments, there would be no significant noise sources affecting the proposed residential apartments. However, with regard to the impact upon the houses to the rear of the site, a number of recommendations are made in relation to glazing and ventilation, which would ensure that internal noise levels in the new dwellings would be acceptable. With regard to the private amenity spaces proposed to the dwellings, the report indicates that the private garden areas will be affected by noise from passing trains, but comments that the close-boarded fences proposed will provide some attenuation, which will result in predicted noise levels being within the maximum recommended levels. The report therefore concludes that the outside amenity spaces proposed for this development would receive acceptable noise levels.
- 4.43 Subject to a condition requiring the development to be undertaken in accordance with the recommendations and conclusions of the environmental noise impact assessment submitted, it is therefore considered that the proposal would provide adequate living conditions for the future occupiers of the site in this respect and no objection is therefore raised on this basis.
- 4.44 No contaminated land assessment has been submitted with this application, however, a condition can be imposed on any grant of consent in this respect.

#### Highways 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).

- 4.45 Policy DM15 of the Development Management Document seeks a minimum of 1 car parking space per 1 and 2 bedroom flat and a minimum of 2 parking spaces per 2+ bedroom dwelling. As such there is a requirement for 20 parking spaces to serve the flats and 12 parking spaces to serve the dwellinghouses proposed.
- 4.46 The parking court proposed to the rear of the flats seeks to provide 22 parking spaces. An additional two parking spaces are proposed within the southern part of the site, to the north of the dwellinghouses and are labelled 'visitor spaces'. The proposed dwellings are each provided with a garage with parking space in front. The garages are of adequate sizes to be classified as parking spaces and as such the parking provisions proposed are acceptable and policy compliant in this regard.
- 4.47 With regard to cycle parking, the plans submitted indicate that the cycle storage will be provided at a ratio of 1 space per flat, with the plans indicating 2 cycle parking spaces will be provided within the garage of each dwelling. The plans submitted indicate that the cycle parking will be secure and covered in accordance with the adopted policy. No objection is therefore raised on this basis.
- 4.48 The Highway Officer has raised no objection to the proposed development, emergency access has been provided with refuse access also considered. Having considered the previous use of the site and comparing the previous trip generation for the previous use to the proposed trip generations as a result of this development, the Highway Officer concludes that the proposal will not have a significant or detrimental impact upon the public highway. However, the Highway Officer has recommended that the applicant provides Travel Packs for the new dwellings to encourage sustainable development.
- 4.49 As such, given the level of parking proposed, and given the positive comments received from the Highway Officer, subject to the requirement to provide Travel Packs the proposal is considered policy compliant in this respect and no objection is therefore raised on this basis.
- 4.50 In terms of refuse facilities, within the ground floor of the block of flats proposed, a secure and covered refuse store will be provided. A size 3 turning head has been provided within the site to enable refuse vehicles to access and turn within the site. Subject to a condition requiring full details of the refuse storage facilities proposed, including the sizes of the containers no objection is therefore raised on this basis.

#### Trees, Landscaping and Ecology

# National Planning Policy Framework (NPPF) and Core Strategy (2007) Policies KP1, KP2 and CP4

4.51 There are no tree preservation orders (TPOs) on the site. The application has been submitted with an Arboricultural Impact Assessment which concludes that the development would result in the removal of 9 trees and 1 low-quality group which are all categorised as low quality with the exception of a magnolia tree which is of moderate quality. The report concludes that the visual impact of the removal of these trees is low as the trees are largely less than 7m high and mostly located within the site. The report confirms that the boundary trees will be protected during works by tree protection fencing or ground protection. Given the findings of this report and subject to a condition requiring the development to be undertaken in

accordance with the recommendations and conclusions of this report no objection is raised to the proposal on this basis subject to a conditions requiring a landscaping scheme to ensure adequate, replacements are provided.

- 4.52 The Planning Statement submitted indicates that additional soft landscaping will be provided, details of which can be secure via condition. Subject to a landscaping condition attached to any grant of consent no objection is therefore raised on this basis.
- 4.53 In terms of ecology the application has been submitted with an ecological assessment and a bat survey.
- 4.54 The ecological survey submitted concludes that there was no evidence of badger setts or foraging activity by badgers on the site; however, the report recommends a number of precautionary measures in relation to badgers, such as covering trenches at night. Recommendations are also made in relation to hedgehogs which could be present at the site, but comments that the site has negligible potential for great crested newts and low potential for reptiles. The report also makes recommendations in relation to breeding birds; it is recommended that the areas of scrub and trees are cleared outside the bird-nesting season (March to August inclusive).
- 4.55 The bat survey found no evidence of the presence of bats within the site and concludes that the proposal would not have a detrimental effect on the local bat population.
- 4.56 In this respect, the Council's Environmental and Greenspace Project Officer has commented that the bat survey and ecological survey are both satisfactory in that they are detailed and methodical in their approach and survey techniques and were undertaken by individuals with an appropriate level of experience. However, the Officer makes a number of recommendations in relation to further enhancements for garden birds, bats and hedgehogs and suggests a landscape plan to include a mixed, native-rich hedgerow. Subject to conditions in this respect, no objection is therefore raised on this basis.

#### Sustainability

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

- 4.57 The application has been submitted with a Sustainability and Energy Report.
- 4.58 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

- 4.59 The Sustainability and Energy Report submitted indicates that PV panels will be mounted on the roof which will produce at least 10% of the development's energy demands. Subject to a condition in this respect no objection is raised on this basis.
- 4.60 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.
- 4.61 The application has been submitted with a SuDS/surface water drainage statement which confirms that the site is located within flood zone 1 and that the development would seek to reduce the surface water discharge rate by around 50% to ensure there is no increased risk of flooding elsewhere as a result of the development. Detailed hydraulic modelling has been carried out which demonstrates that the surface water drainage system can withstand the impact of a 1:100 year rainfall event (including an additional 40% as an allowance for climate change). The report concludes the redevelopment scheme and its occupants will not be at an increased risk of flooding, the redevelopment scheme will not increase the risk of flooding elsewhere and a sustainable drainage scheme can be implemented. The sustainability and energy report submitted indicates that the SuDS strategy includes permeable paving and attenuation tanks to withhold additional surface water caused by a 1:100 year plus 40% climate change rainfall event.
- 4.62 In this respect, the Council's Engineer has commented that the majority of the site is at very low risk of surface water flooding although there is a flow path at high risk of surface water flooding along the southern site boundary. The site is located within a medium groundwater flooding susceptibility zone. However, the Council's Engineer concludes that additional information is required (see Council Engineer's comments below). In this respect it is considered that this additional information could be controlled via condition and as such it is considered that the proposal is acceptable in this respect.
- 4.63 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. In this respect the sustainability and energy report submitted demonstrates that a minimum water use of 105 litres per person per day (excluding external water use) is achievable. Subject to a condition in this respect no objection is raised on this basis.

#### **Other Matters**

4.64 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

4.65 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)

4.66 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."

- 4.67 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).
- 4.68 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.

4.69 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.

- 4.70 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).
- 4.71 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.

- 4.72 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"
- 4.73 In this respect the application was submitted with a viability assessment which sought to demonstrate that the proposed scheme could not provide any affordable housing on the site and sought to provide a financial contribution to affordable housing of £158,553.
- 4.74 However, information received from some Registered providers indicates that there is interest in taking affordable units on this site.
- 4.75 The Council has also had the viability assessment submitted with the application independently reviewed. This independent review concludes that the payment in lieu of on-site affordable housing required for the scheme is £521,212. In this respect, the independent review concludes that the proposed development can viably contribute towards an affordable housing payment of £521, 212 in lieu.
- 4.76 No S106 legal agreement has been completed to secure such a payment and it has not been shown that on site affordable housing cannot be provided. Therefore the proposal would fail to meet the Council's policies for provision of affordable housing contributions and is unacceptable in this respect and is contrary to the Development Plan in this respect.

- 4.77 In terms of the secondary Education requirements, the Education Officer has confirmed that all secondary schools within acceptable travel distance are oversubscribed. A contribution of £9,042.42 is required to mitigate against the increased demand this development will result in, in this respect.
- 4.78 The proposal is therefore unacceptable and contrary to the Development Plan in this respect as the development would not provide adequate affordable housing contributions and does not provide a contribution towards secondary education to meet the needs generated by the development.

#### 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 proposed development results in the unjustified loss of protected green space, is of a contrived and unacceptable design that would result in material harm to the character and appearance of the area and would result in material unacceptable harm to the residential amenity of the adjoining residents. The development fails to provide adequate living conditions for the future occupiers of the site, has failed to demonstrate compliance with M4(2) 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.

#### 6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2012)
- 6.2 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 CP7 (Sports, Recreation and Green Space) and CP8 (Dwelling Provision)
- 6.3 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), 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)
- 6.7 National Technical Housing Standards (2015)

6.8 National Planning Practice Guide (2016)

#### 7 Representation Summary

#### Sport England

7.1 The proposed development does not fall within either our statutory remit, or nonstatutory remit, therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice:

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets paragraph 74 of National Planning Policy Framework, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

#### London Southend Airport

7.2 Given position and height, the proposal will have no effect upon our operations. We therefore have no safeguarding objections.

Please not that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependent on location may be restricted in height and may also require full coordination with the Airport Authority.

#### Essex and Suffolk Water

7.3 Our records show that we do not 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.

#### **Council Engineer**

7.4 According to the Risk of Flooding from Surface Water mapping, available on the gov.uk website, the majority of the site is at very low risk (<0.1% Annual Exceedance Probability (AEP)) of surface water flooding. There is a flow path at high risk (>3.3% AEP) of surface water flooding along the southern site boundary. The British Geological Survey (BGS) susceptibility to groundwater flooding dataset indicates the site is located within a medium groundwater flooding susceptibility zone. The site is situated within Flood Zone 1 according to the Environment Agency's Flood Risk from Rivers and Seas mapping. The closest waterbody to the site is the tidal estuary of the River Thames approximately 400 metres to the south of the site.

The report references a topographical survey, however this only provides information for the northern section of the development. Furthermore, the applicant needs to demonstrate graphically how surface water flows across the exiting site. By providing an indication of proposed site levels this could also demonstrate overland flows of the proposed development and how properties will be safeguarded in the event of exceedance.

The proposed drainage system consists of permeable paving, geo-cellular attenuation systems and the flow is restricted using a flow control devices. Total storage provide assuming 95% porosity for the geo-cellular tank and 30% for the permeable paving is 128m<sup>3</sup> with an overall proposed discharge rate of 6.9l/s. Applicant to demonstrate that drainage strategy aims to discharge at greenfield runoff rate.

Consent to discharge surface water to the existing Anglian Water surface water sewerage system has not been provided. Applicant to provide evidence of consent from Anglian Water to discharge at proposed discharge rate and location.

The report has stated that external drainage systems will be placed under a formal agreement with an independent Maintenance Company to carry out inspections and maintenance works to safeguard the development for the ongoing and future maintenance. The applicant is required to provide further details of the management and maintenance for all SuDS and how they will be secured for the lifetime of the development (maintenance plan with actions, schedule and access).

Foul drainage proposals have not been provided within this report, however it is stated that this report refers to flood risk and drainage matters.

It is considered that additional information is required to satisfy planning requirements. Details of the information required include:

- Applicant to provide topographical survey with contours (for the Southern Section of the development), including a demonstrated understanding of how surface water would flow across the site, both pre and post development (for entire development);
- Applicant to demonstrate that the drainage strategy aims to discharge at greenfield runoff rate. It should be noted that recent industry reports indicates, discharge rates of lower than 5 l/s can be achieved using flow control structures. A robust justification to be provided should this be deemed inappropriate for this development;
- Applicant to provide a drawing to indicate how the exceedance flows will be managed and mitigated in the event of a drainage system failure or an event exceeding the 1 in 100 year plus 40% allowance for climate change storm event, for safeguarding properties from flooding;
- Applicant to provide a statement addressing the process for information delivery and community engagement to relevant stakeholders;
- Applicant to provide information with regards to the process for information delivery and community engagement and the system valuation and long term economic viability;
- Applicant to provide evidence of consent from Anglian Water to discharge runoff to the existing surface water sewer system at the proposed discharge rate and location; and
- Applicant to include a foul water drainage strategy. This may have been addressed separately, but this needs to be clarified.

Once these issues have been addressed, appropriately worded conditions can be placed on the permission for the consideration of the surface water drainage strategy during detailed design. These conditions will include provision of further details on the following, prior to construction, based on our assessment of the current drainage proposals. These are subject to amendment following submission of further information as outlined above;

- Applicant to provide method statement regarding the management of surface water runoff during the construction phase of the project.
- Applicant to provide details of the management and maintenance for all SuDS and how they will be secured for the lifetime of the development (maintenance plan).

#### Traffic and Transportation

7.5 36 off street car parking spaces have been provided for the proposal which includes 2 disabled spaces and 4 visitors spaces. 1:1 secure cycle spaces have also been provided.

Access will be taken via a new access in Crosby Road. This access will require a section 278 agreement any relocated street furniture or highway reinstatement will be at the applicant expense.

Emergency access has been provided with refuse access also considered.

Consideration has been given to the previous use of the site when comparing trip generation for the new proposal. The proposal will not have a significant or detrimental impact upon the public highway.

It is recommended that the applicant provides Travel Packs for the new dwelling which should provide accurate travel information and provide incentives to encourage sustainable travel options.

The applicant has provided a comprehensive design and access statement and transport statement which are considered to be robust.

Therefore no highway objections are raised.

#### Housing

7.6 The development is required to provide a minimum of 20% affordable housing which equates to 6 (5.2) units. This can be provided as 6 units of affordable housing or as 5 units and a financial contribution for 0.2 units in accordable with Southend Borough Council's interim affordable housing policy.

The Strategic Housing Team recommends that the affordable housing contribution dwelling mix is as follows: 3 x 1 bedroom flat 3 x 2 bedroom flat

The affordable housing tenure requirement is as follows: 4 x Affordable Rent 2 x Shared Ownership

The submitted viability report has indicated the applicant has failed to garner

interest in the affordable units. However, the Strategic Housing Team has made contact with locally active RP's and determined there are at least 2 providers who are interested in discussing the opportunity (who we have now put in contact with the applicant).

At the time of writing, and taking the aforementioned in mind, it is the Strategic Housing Team's recommendation that affordable housing should be provided on site. However in the event it is evidenced that Registered Providers are not interested in the scheme, we will accept a payment in lieu of affordable housing in line with the Council's Interim Housing Policy, and noting that the assessment of the submitted viability states that the scheme is viable with a full contribution.

#### Education

7.7 This application falls within the 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 development within the area, even flats, will add to this oversubscription. A contribution towards the Secondary expansion of Chase High School of £9.042.42 is therefore requested.

#### **Design Officer**

7.8 The site is located at the junction of Crowstone Road and Crosby Road. It comprises the plot of the former Crowstone Prep School (originally two detached houses now demolished) the linked playing field and number 6 Crosby Road a detached house.

This area is characterised by large detached family houses and chalets of up to 2 storeys. A few of the houses have roof accommodation but dormers are generally confined to the rear. The buildings are mixed in design but generally traditional in appearance with mainly hips opening up views of the sky between properties. Crowstone Road slopes north to south down to the estuary. Crosby Road has a shallower incline from east to west from the junction. The buildings step down the hillside with regular spacing on a consistent building line. The properties are well detailed and cohesion comes from the consistent scale and placement of development and the use of and materials including red brick and white render and red tile roofs with prominent chimneys. Projecting gables and bays add articulation to the buildings and are typical of the area often decorated with timber boarding or hanging tile. The properties are almost all detached and are well spaced with generous frontages which are typically used for parking but also contain significant soft landscaping. The planted verges to the street are a defining feature of this area and, together with the landscaped frontages and open grain of the development, give the area a spacious and Arcadian character.

Whilst there is variation in design and form, the area has a fairly consistent character except for two buildings. On the opposite corner to the north is Sunningdale Court, an attractive Edwardian purpose built flatted block which is richly detailed and which makes a positive contribution to the streetscene but which is rather an anomaly in the area. The other is Britannia Lodge, the 1970s style flatted block to the south of the site at the junction with Britannia Road. This is

a poor quality flat roofed design that has a negative impact in the streetscene. Neither of these buildings should be seen as providing reference for future development in this area. There are some very large more traditional 'houses' opposite the site to the east. These have generally been converted into flats and these are more typical of the larger forms in the area. These buildings have tall storeys with deep planforms. Their scale in the streetscene is offset by their relatively narrow frontages, the separation between the buildings and their deep front gardens.

The proposal seeks to erect 20 flats around the junction and 6 houses on the site of the of the playing fields to the rear. 18 of the flats are within one large 'L' shaped block which wraps around the junction. 2 additional flats are provided within a separate block adjacent to 8 Crosby Road and which takes the form of a detached house. 6 linked detached houses are provided to the rear of the site with a frontage onto Victory footpath.

The main flatted block is mostly 3 storeys in height stepping down to 2.5 storeys at the edges of the development. It has a pitched roof with a flat top in places. It is set at a consistent floor level across the site which means that the block is dug into the ground at the junction by more than ½ a storey in height (see streetscene plan and sections). This has a significant impact on its relationship with the street at this point as it creates a 'well or void' at the back edge of the footpath meaning that the lower most articulated storey is submerged for a significant part of the frontage. In addition to the 'well' being unsightly and creating a poor and dark outlook for the ground floor residents, this approach is out of character with the streetscene where the houses are all set at ground level and the floor levels step from property to property down the hillside. This element of the proposal is therefore unacceptable in design terms. Any development on this site needs to better respect the land levels and this stepping of development. A range of floor levels following the slope of the land would seem to be the most appropriate option.

In order to offset the overall scale and mass of the flatted block, in addition to digging the building into the ground, the architects have stepped the building down 1/2 a storey towards the ends of the block and introduce a rhythm of gables to the frontage. Whilst this has helped to articulate the frontage, there is a concern that the scale and massing of this block will still read as significantly greater than the surrounding development and it will appear to dominate the streetscene which is generally characterised by well-spaced detached family housing. The bulk and massing of the main flatted block is therefore considered to be unacceptable.

The scale and massing of the building will be further accentuated by the forward building line of the proposal. As noted above the area is characterised by deep planted frontages and the houses are all set on a relatively consistent building line. The proposal in contrast, steps forward of this considerably on both frontages. This aspect of the proposal is therefore also out of character with the area and will accentuate the already significant mass and bulk of the proposal in the streetscene. This aspect of the proposal is also unacceptable.

The scheme has adopted a traditional character and sought to reference key features in the streetscene such as the tiled and boarded gables and casement windows and this is considered to be a valid approach to take but, however well the facades may be detailed, this will not offset the concerns raised above in relation to scale, massing, siting and response to existing ground levels. With

regard to the proposed materials, the facing materials including red/brown brick, white render and the tile hanging draw reference to the area and are considered acceptable, but the substantial grey tile roof is at odds with local character and will again draw attention to the development in the streetscene as being out of place.

It is noted that there is a main entrance facing the street and this is welcomed in principle, however this is set within the well so will not be easily accessed or provide a visible active frontage for the development. The entrance will not therefore provide a focal point for the development in the streetscene.

In terms of layout, as noted above there are concerns that the ground floor flats on the north side will face into the north facing 'well' but on their south side they will face out directly onto parking and under an overhang. It is considered that this will not give rise to a good outlook for future occupiers of these units. It is also noted that there is no amenity provision for the flatted block aside from some very small balconies to a few of the upper floor units and this is again out of character with the area where large gardens are the norm. The lack of amenity provision for the flatted units is therefore also unacceptable.

Access to the some of the first floor units is via deck access which can give rise to concerns relating to useability and privacy between residents. It is also noted that a number of the top floor units are north facing only which will mean that they get no sunlight to habitable rooms.

The car parking is located to the rear where it will be hidden from the street but there is no space for landscaping to soften the outlook for residents and this will be a very unattractive environment.

Overall all these concerns suggest that too many units are sought in this part of the site. As proposed this element of the development would have a detrimental impact on local character and on the quality of environment for future occupiers. In relation to the other parts of the development, the proposal for the 2 flats in a separate block better relates to the area in terms of scale and form but its forward positioning and lack of amenity is out of character and this needs to be addressed. The houses to the rear appear to more appropriate in terms of their scale and positioning. The frontage to Victory Path will provide an active frontage to this pedestrian route and is seen as a positive aspect of the proposal. The designs here are traditional and conservative which is an option for this site, but the fenestration designs in particular seem weak. The windows on the public faces at least, should be taller to better relate to the proportions of the dwellings and to local character and the blank windows would be better replaced with actual windows. As noted above the use of grey roofing materials would also seem to be out of character.

The proposal will be required to provide 10% of energy needs from renewables and the roof plan shows a small area of pvs on the main flatted block. This is welcomed in principle but seems small in relation to the scale of development proposed. However, it is noted that there is an extensive south facing roof slope so it is considered that additional PVs could be accommodated without having a detrimental impact on the townscape.

#### Environmental and Greenspace Project Officer

- 7.9 I have considered the Bat Survey and the Phase 1 Ecological survey and have the following comments:
  - 1) Both reports are satisfactory in that they are detailed and methodical in their approach and survey techniques and were undertaken by individuals with an appropriate level of experience.
  - 2) The recommendation in the Eco report for swift boxes to be integrated into the fabric of the building is inappropriate for the site. Either an additional sparrow terrace or a starling box would be appropriate alternatives and should be incorporated into the fabric of the buildings.
  - 3) The ecological report does not clarify the number of integrated bird boxes to be used. In order to mitigate the loss of bird nesting habitat, the ecologist must state a number of boxes to be used and their location and orientation within the building designs. Based on the report, I would recommend that the proposals include 3 house sparrow terraces and 3 starling boxes in total, spread across the development site and incorporated within the fabric of the structures to be built. These should be located away from each other and should be in an area with immediate access to the hedgerow corridors in order to encourage uptake. The boxes should be on walls not facing the prevailing wind (e.g. not on a south-westerly facing). The ecologist should provide further details on placement and numbers based on their site visit and the results of the desk study.
  - 4) A re-assessment of the site for garden birds, or an additional chapter of the report addressing Garden Birds, might affect the ecological recommendations for mitigation and enhancement.
  - 5) Further enhancements addressing bats and hedgehogs should be incorporated, such as the installation of bat bricks within the fabric of the buildings or the provision of at least one hedgehog habitat box. The habitats on the site are of value to hedgehogs and bats, so a hedgehog habitat box placed within the hedgerow would be an appropriate enhancement, as would bat roosting features. More information should be supplied by the ecologists regarding number of recommended boxes and their locations within the proposals.
  - 6) The ecologist has not stated the planting mix of the hedgerow. The planted hedgerows should be of at least a double-width and use a native species-rich mix (therefore, 5+ species in each hedgerow).
  - 7) A landscape plan needs to be submitted for approval.

#### 8 Public Consultation

- 8.1 A site notice was displayed, the application was advertised in the press and 42 neighbour letters were sent out.
- 8.2 46 letters of objection have been received which make the following summarised comments:
  - Concerns relating to the loss of the protected green space/open space/green belt/sports ground contrary to Local Plan Policies and impact health and well-being and sets precedent for adjoining tennis courts. The area is already deficient in open spaces and the open space is not being replaced.

# [Officer comment: The site constitutes protected green space, not Green Belt]

- Inadequate parking, inadequate visitor parking, causing increased on-street parking, already on-street parking stress and increase traffic in area. Area suffers from commuter, care home employees, tennis club members, church goers and seafront visitors parking. Loss of on-street parking.
- Concerns relating to access; close to junction and highway and pedestrian safety concerns. Concerns relating to refuse and emergency vehicles accessing the site. Concerns relating to access being from Crosby Road.
- Crosby Road is used as a through road/rat-run and already congested and busy. Concerned emergency vehicles and heavy vehicles can pass along the road.
- Design concerns, including concerns relating to scale, mass, size; width, length and height proposed and forward projection of flats beyond the building line. Out of character, dominant and imposing and out of keeping with the area. Previous school buildings were attractive buildings. Apartment block will dominate the locality. Flat roof and first floor access corridor are poor design. Lack of space between flats and neighbours/site boundaries. Houses at rear are not in-keeping with the layout of the area or the scale of the area. There are no other terraced houses in the area and the gardens proposed for the houses are not consistent with the existing grain. Too many flats in the area already.
- Demolition of 6 Crosby Road will disrupt the streetscene and character of the road. Loss of traditional housing stock. Garden to No.6 is not brownfield land. Is 'garden grabbing'.
- Impact amenities of neighbours; Overcrowding, overshadowing, overlooking and loss of privacy, harm enjoyment of my home and quality of life and loss of light and sunlight
- Overdevelopment.
- Flooding and drainage concerns. Field floods. Crosby Road floods. Basements, bungalows and conservatories have flooded. Surface water problems in the area and building on the grassland will increase the risk of flooding. Drainage systems cannot cope with current demand. Did not consult Anglian Water.
- Poor living conditions for future occupiers: Railway would have harmful impact on the living conditions of the future occupiers, lack of green space around the flats and lack of amenity space for the flats and poor outlook to occupiers of flats due to parking layout and some flats do not satisfy space standards.
- Density too high within a low density area and is town cramming.
- Inaccuracies in submission
- The Council does not have a lack of housing land supply.
- Increased noise levels from more people, families and cars.
- Concerns relating to new road located adjacent to dwellings with properties now surrounded by roads causing noise and emission and impact privacy and health.
- No daylight and sunlight report submitted
- Loss of views there are no three storey buildings on the south side of the east-west roads in the area.
- Is not sustainable.
- Lack of infrastructure including doctors and schools

- Impact on trees
- Concerns relating to loss of natural habitat and its impact on wildlife including badgers
- Lack of refuse storage.
- No connection between school and grassland area
- Concerned will impact on ability to use garages
- No right to cross the application site land.
- Would negatively impact air quality.
- Light pollution.
- Concerned ecological survey is inadequate
- Ground stability and subsidence concerns.
- Loss of quiet enjoyment of garden amenities contrary to Human Rights.
- No schools near the site
- Lack of community involvement from developer.
- No affordable housing or key workers housing.
- Concerned that 60% of development is on greenfield site contrary to Policy CP8. Rear site and garden of No.6 Crosby Road are not previously developed land.

# [Officer Comment: Policy CP8 seeks the provision of 80% residential development on brownfield land across the Borough, rather than bring a site specific target]

- Noise and disruption
- No bus stops in Crowstone Road/near the site a car is vital in this location.
- Lack of neighbour consultation and insufficient time to respond.
- School buildings already demolished which is an eyesore.
- Covenants restricting building line and number of dwellings on site and use of playing field.

# [Officer Comment: Covenants are not material planning considerations]

- Negative impact on peaceful neighbourhood. Adversely impact quiet peaceful walk on Victory path.
- Unlikely to be able to provide 10% of site's energy from renewables.
- Health and safety concerns.
- Existing buildings could have been converted.
- Contrary to National and Local Planning Policy
- Loss of property values.

A petition has also been submitted which includes 50 signatures for the following summarised comments:

- Overdevelopment
- Not consistent with the urban grain
- Rear of site is protected green space
- Detrimental to neighbouring properties and their amenity space.
- Impact on wildlife.
- Precedent for further development of protected green space.
- Flats are not consistent with existing streetscene.
- Parking concerns
- Lack of amenity
- Vehicular access/egress and highway safety concerns, including for emergency vehicles

8.3

- Further parking stress and harm highway safety by increasing on street parking.
- 3-storey scale is out of keeping
- Existing drainage and flooding issues, which this proposal will worsen.
- Out of character and harmful to the character and appearance of the area and the amenities of the surrounding occupiers.
- <sup>8.4</sup> This application was called in to the Development Control Committee by Cllr Burzotta, but also needed to be determined by the Development Control Committee due to the application constituting a major development.

#### 9 Relevant Planning History

9.1 17/00938/DEM – Demolish former prep school and associated buildings (application for prior approval for demolition) – prior approval is required and prior approval is granted.

#### 10 Recommendation

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

- 01 The south-western part of the application site constitutes designated protected green space which would be lost as a result of this development. The application has failed to clearly demonstrate that the open space is surplus to requirements or that it will be replaced and the development does not provide an alternative sport or recreation facility to replace the space lost. The development is therefore unacceptable and contrary to the National Planning Policy Framework and Policies KP2 and CP7 of the Core Strategy (2007).
- 02 The proposal would, by reason of its size, scale, bulk, mass, siting beyond the established building line and detailed design, constitute a cramped, contrived and incongruous development that would be harmful to the character and appearance of the site and the surrounding area. This is unacceptable and 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).
- By virtue of the design, layout and siting of the car parking and access road proposed within the site, the development would result in unacceptable levels of noise and disturbance to the detriment of the amenities of the occupiers of the neighbouring dwelling at No.125 Crowstone Road. 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).

- A number of the proposed flats would provide unacceptable levels of amenities for their future occupiers by virtue of their inadequate size in terms of internal floorspace and bedroom size, the insufficient outside amenity areas proposed and the poor levels of light and outlook provided to habitable rooms. 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 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. 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).
- 06 The submission does not clearly demonstrate that the proposal would provide a development that is appropriately accessible and adaptable for all members of the community in accordance with the requirements of the M4(2) 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).

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

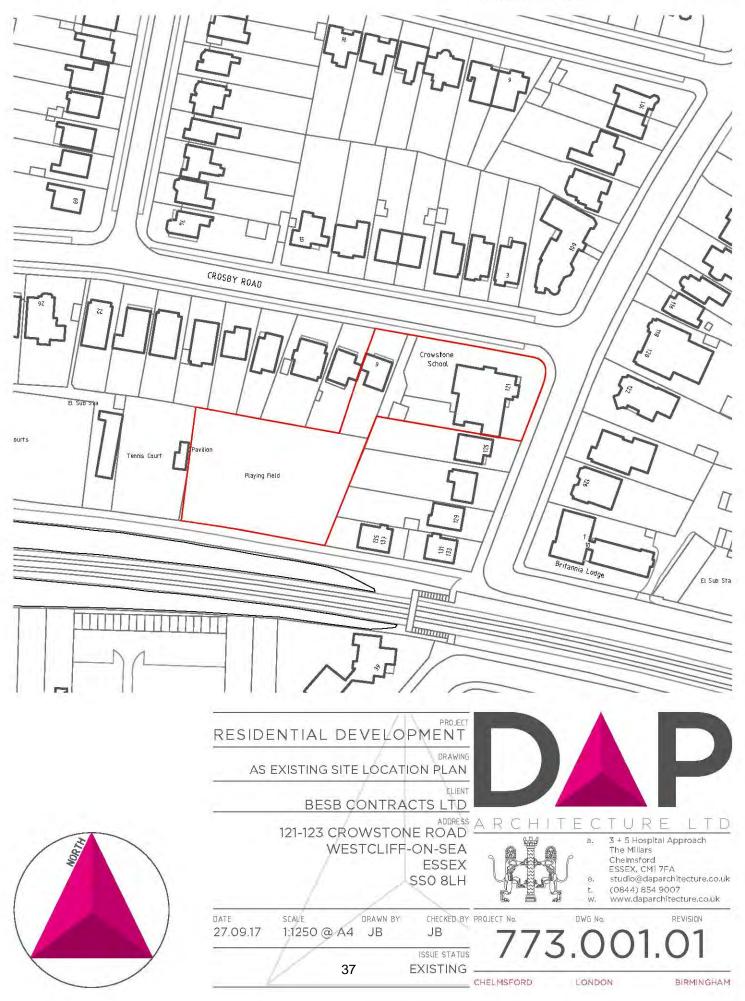
### Informatives

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.

## **CROWSTONE ROAD**

### GENERAL NOTES

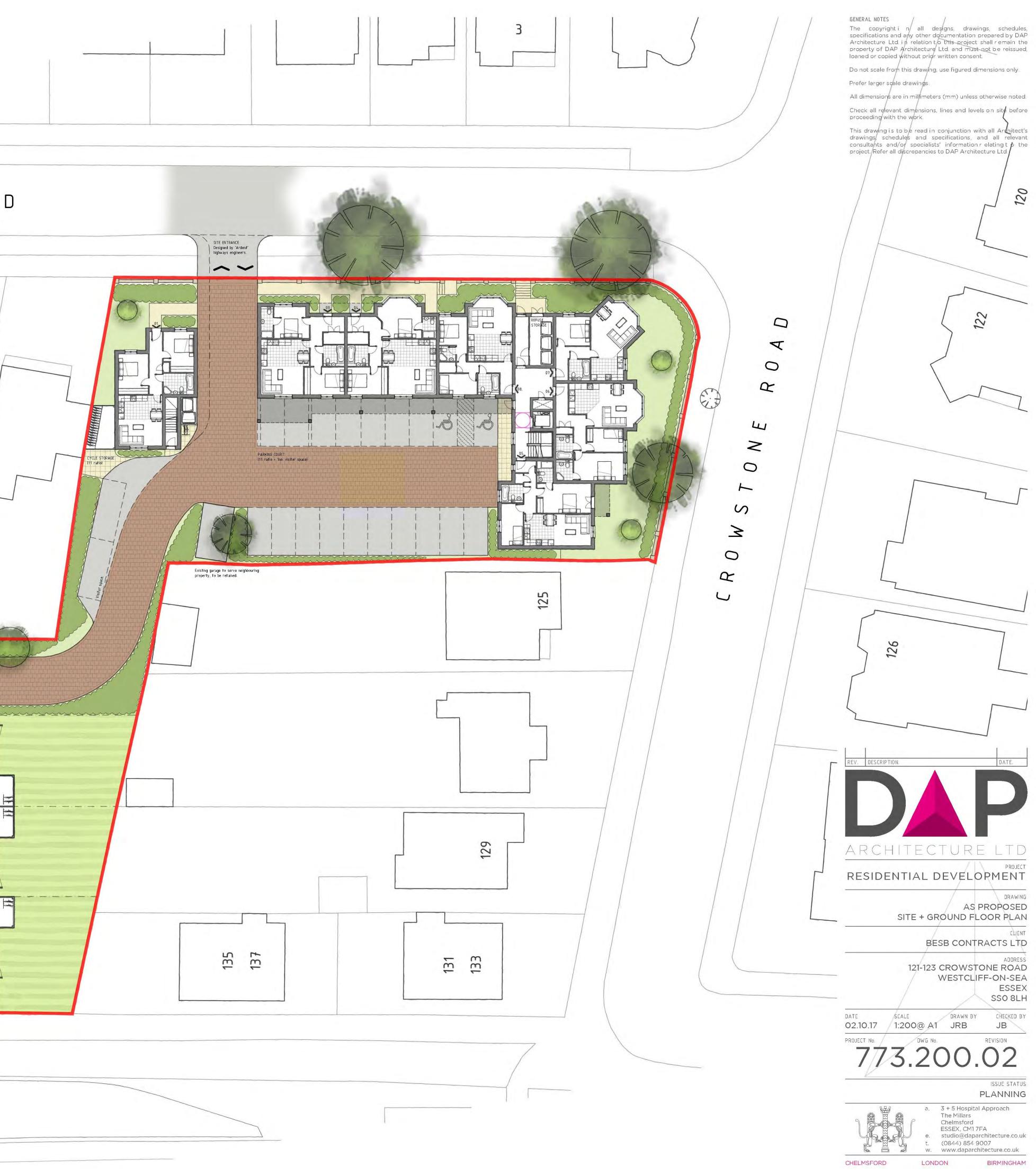
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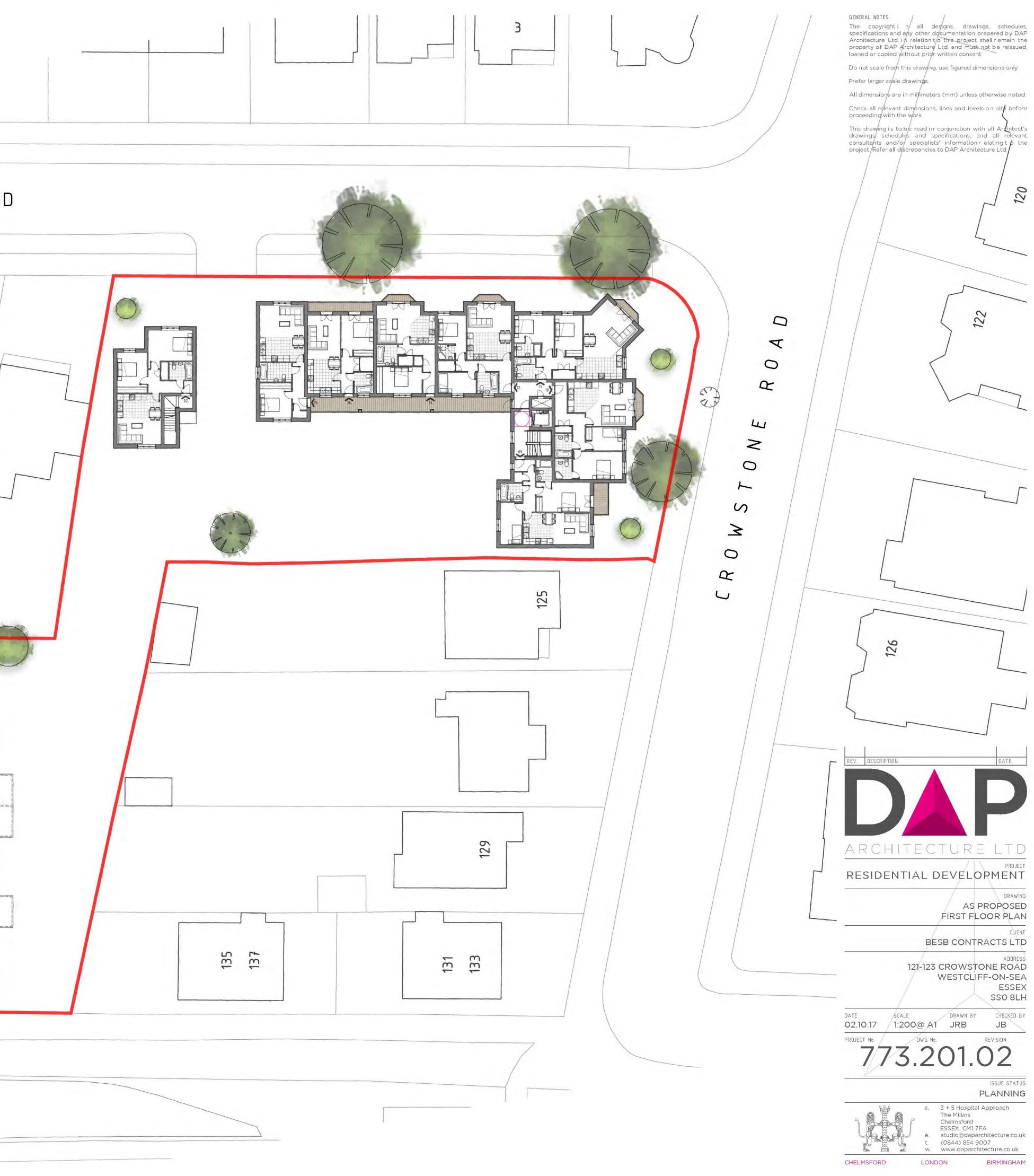








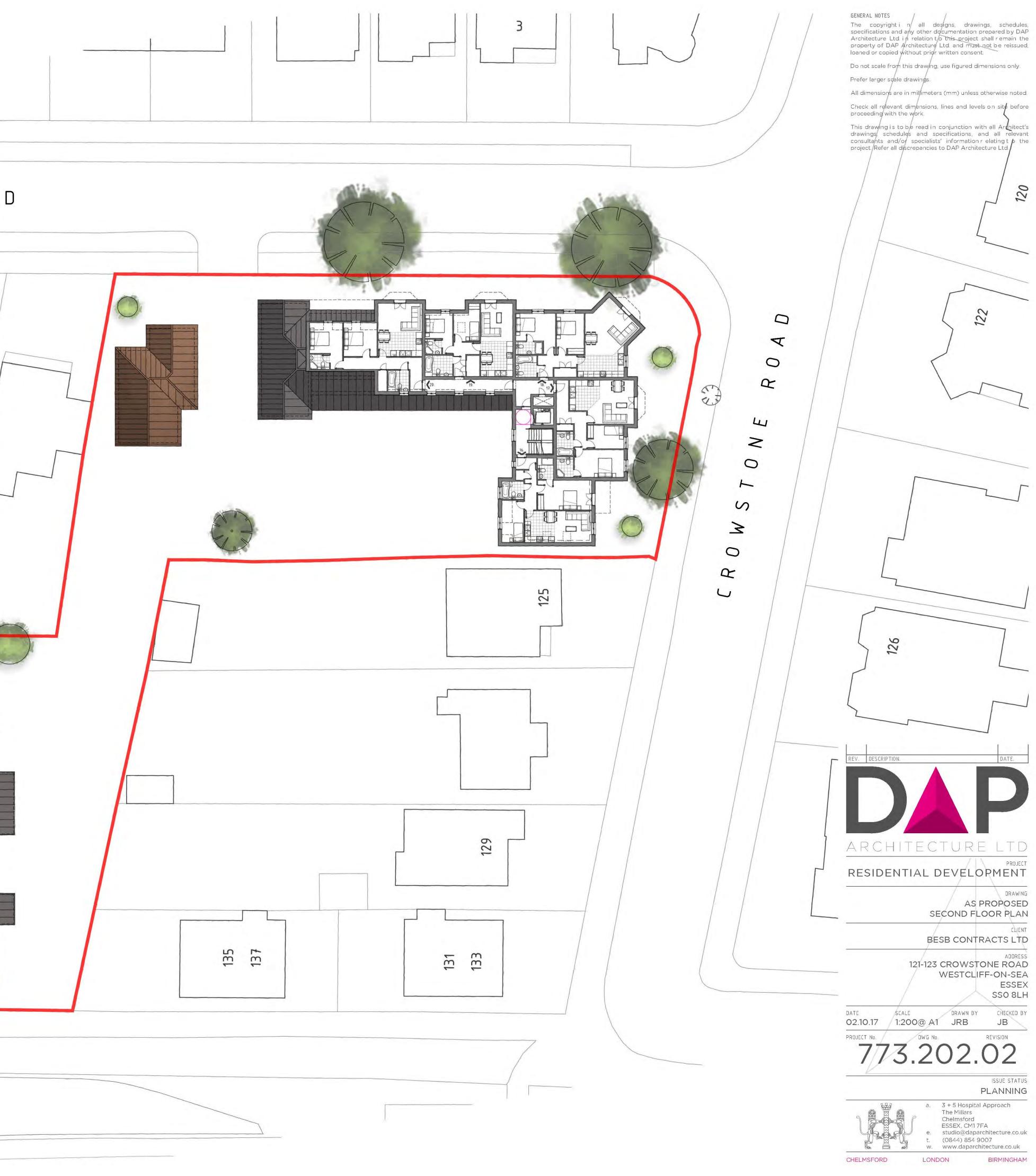


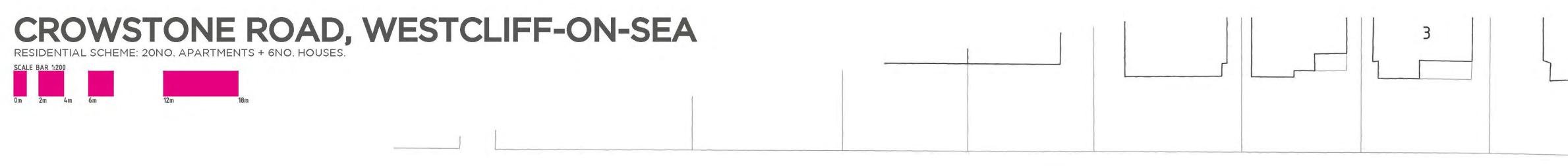
















# **CROWSTONE SCHOOL, LEIGH-ON-SEA.**

RESIDENTIAL SCHEME; 20NO APARTMENTS AND 6 HOUSES





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# **CROWSTONE SCHOOL, LEIGH-ON-SEA.**

RESIDENTIAL SCHEME; 20NO APARTMENTS AND 6 HOUSES





FRONT ELEVATION

49



SIDE ELEVATION



SIDE ELEVATION

REAR ELEVATION

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CROWSTONE ROAD, WESTCLIFF-ON-SEA. RESIDENTIAL SCHEME: 20NO. APARTMENTS + 6NO. HOUSES.





FRONT ELEVATION



REAR ELEVATION

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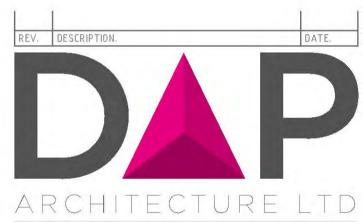
Prefer larger scale drawings.

All dimensions are in millimeters (mm) unless otherwise noted. Check all relevant dimensions, lines and levels on site before proceeding with the work.

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SIDE ELEVATION



PROJECT RESIDENTIAL DEVELOPMENT





SIDE ELEVATION









Reference:	18/00076/FUL	5
Ward:	Victoria	C
Proposal:	Demolish existing buildings and erect nine dwellings comprising of six terraced houses, two semi-detached houses and one detached house, layout 9 parking spaces, cycle store to rear, layout bin stores to front and install vehicular access on to Sutton Road (Amended Proposal)	
Address:	423-425 Sutton Road, Southend-On-Sea, Essex	
Applicant:	Trafalgar Traditional Homes	
Agent:	Knight Gratrix Architects	
Consultation Expiry:	01.03.2018	
Expiry Date:	05.04.2018	
Case Officer:	Janine Rowley	
Plan Nos:	020 Revision E; 021; 022 Revision E; 023 Revision F; 024 Revision D; 025 Revision B; 026 Revision B	
Recommendation:	GRANT PLANNING PERMISSION	



### 1 The Proposal

- 1.1 The application seeks planning permission for the demolition of the existing buildings at the site and the erection of a terrace of 6 houses, a pair of semidetached houses and a detached dwelling at the rear of the site, served by a parking court that would be accessed from Sutton Road.
- 1.2 The block of six terraced houses would be provided at the south part of the site, measuring a total of 33m wide, 12.2m deep and 8.9m high. A gap of 4.2 metres would be provided to the south of that terrace to provide the access into the site and to the south of that would be a pair of semi-detached houses with a total width of 11.1m, 12.2m deep and 8.9m high.
- 1.3 At the rear of the site would be a parking court that would feature 9 parking spaces and a secure cycle parking area. In the sites south west rear corner a detached dwelling would also be provided 5.8 metres wide and 11 metres deep with a pitched roof built to an eaves height of 4.3 metres and a maximum height of 7.2 metres.
- 1.4 The private rear amenity areas to serve the six house terraced block would range between 42sqm and 60sqm. The north two semi-detached dwellings would have rear gardens measuring between 40sqm to 50sqm and the detached dwelling to the rear of the site would have a 45sqm garden area.
- 1.5 The internal floorspace of each of the terrace and semi-detached dwellings fronting Sutton Road is some 150sqm set over three floors including three bedrooms (5 bed spaces). The detached dwelling to the rear has an internal floorspace of 120sqm set over two floors and two bedrooms (4 bed spaces).
- 1.6 The design of the dwellings is contemporary with simple gable roof forms, glazing and the use of render, brickwork and timber cladding for the external elevations. At the front of each dwelling would be a small front garden enclosed by a low wall and railings, with space shown for the storage of refuse. A canopy/pergola would be provided at the frontage of each dwelling.
- 1.7 This application has been submitted following the refusal of application 17/00163/FUL, to erect nine dwellings and layout vehicle access that was refused planning permission for the following reasons:
  - "The dwellings hereby proposed would not be served by external amenity space of adequate quality or quantity and would therefore result in a poor standard of accommodation for future occupiers. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2012), Southend-on-Sea Development Management Document (2015) Policies DM1, DM3 and DM8 and the advice contained within the Council's Design and Townscape Guidance (2009)".
  - 2. "The proposed access would be in close proximity to a traffic island within the public highway and it has not been demonstrated to the satisfaction of the Local Planning Authority that the access would be able to be safely used without impacting harmfully on pedestrian and highway safety. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2012), Southend-on-Sea Core Strategy (2007) policies KP2 and

CP3 and Southend-on-Sea Development Management Document (2015) policies DM1, DM3 and DM15".

- 3. "The proposed access would conflict with an existing street tree and would be likely to result in damage to or removal of the tree to the detriment of the streetscene and general character of the area. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2012), Southend-on-Sea Core Strategy (2007) policies KP2 and CP4, Southend-on-Sea Development Management Document (2015) policies DM1 and DM3 and the advice contained within the Council's Design and Townscape Guidance (2009)".
- 1.8 An appeal following refusal of the above application was dismissed (reference: 3178645) 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 size of the three bedroom properties suggests they would be occupied by families.
  - The outdoor amenity space serving the three bedroom properties is small and not useable.
  - The amenity space for the two bedroom house is sufficient given fewer occupants as it was only two bedrooms.
  - Prospective occupiers would not enjoy satisfactory living conditions, having particular regard to the suitability of the external spaces.
  - Proximity of the proposed access to the traffic island in the middle of the road would result in harm to highway safety.
  - The proposed access would be located close to the larger of the two street trees and this proximity could result in its loss or significant damage, such that it would harm the tree, resulting in an adverse effect on the character and appearance of the area.
  - The design of the development would reflect other contemporary forms of development in the surrounding area.
- 1.9 The main changes in the current proposal from the previously refused planning application and subsequent appeal include:
  - Siting of the vehicle access is moved to the north of the mature street tree and away from the traffic island;
  - Applicant has agreed to replace on a two for one basis the loss of the semimature street tree;
  - 12 parking spaces reduced to 9 parking spaces reducing the coverage of the site by using an echelon parking arrangement (angled arrangement rather than conventional linear layout);
  - A proposed row of six terraced properties to the south, a pair of semidetached houses to the north and a detached property to the rear compared to the previously refused scheme, which included a terrace block of three properties to the south and a terraced block of 5 units to the north and a detached dwelling to the rear.
  - Amenity space increased from 31sqm to 43sqm and from 40sqm to 60sqm for the terrace and semi-detached dwellings compared with the previous proposal. The detached dwelling amenity space has reduced from 55sqm to 45sqm.

1.10 The principle of demolishing the existing buildings, the design and scale of the dwellings and impact on the surrounding residential occupiers has been previously considered acceptable.

### 2 Site and Surroundings

- 2.1 The site is located to the west of Sutton Road. The site contains a part two storey, part single storey building with a Class B1 use that has a floorspace measuring 1214 square metres.
- 2.2 The site is not the subject of any site specific planning policy designations but is included within the Southend Central Area, defined by the Southend Central Area Action Plan.

### 3 Planning Considerations

3.1 The main considerations in the determination of this application are the principle of the development, design and impact on the streetscene, impact on residential amenity of neighbouring residents, the standard of accommodation for future occupiers, traffic and highways issues, sustainability and whether the proposal has overcome the reasons for refusal of previous application 17/00163/FUL and the subsequently dismissed appeal.

### 4 Appraisal

### Principle of the Development

National Planning Policy Framework (2012), Core Strategy (2007) Policies KP1, KP2, CP1, CP2, CP4 and CP8; Development Management Document (2015) Policies DM1, DM3, DM7, DM10 and DM11, Southend Central Area Action Plan (2018)

- 4.1 Policy CP8 identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough. Policy CP8 also expects 80% of residential development to be provided on previously developed land. From this basis, it is considered that the principle of undertaking residential development at this site should be supported, subject to the following detailed considerations. This is especially the case given that one of the 12 core principles of sustainable development that are identified within the National Planning Policy Framework is to *"promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas."*
- 4.2 Policy CP1, of the Core Strategy, states that permission will not be granted for proposals involving the loss of business uses unless this would bring clear benefits. These benefits could include the creation of jobs, the extinguishment of a use which is incompatible with the amenity of the area or when the premises are no longer suitable for industrial or warehouse use. It should also be noted that the NPPF outlines the commitment of the Government to the promotion of a strong stable and productive economy.

- 4.3 The proposal would result in the loss of land capable of supporting employment generating uses within the borough. There is a limited amount of employment land, and it is the policy of the Council to protect such uses unless evidence can be provided that the business use has been marketed and found to be no longer viable.
- 4.4 Policy CP1 also states that this will only be allowed when the proposal clearly demonstrates it will contribute to the objectives of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and contribution to the local area. Moreover, policy DM11 states at section 5:

Outside the Employment Areas (Policy Table 8), proposals for alternative uses on sites used (or last used) for employment purposes, including sites for suigeneris uses of an employment nature, will only be permitted where it can be demonstrated that:

*(i) it will no longer be effective or viable to accommodate the continued use of the site for employment purposes*<sup>\*\*\*</sup>; *or* 

(ii) 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.

The application site lies outside the defined Employment Areas.

- 4.5 The principle of the loss of employment use on this site has been previously accepted under application 17/00163/FUL which was not refused permission on these grounds and it is not considered that there have been any material changes in the site circumstances or policy which would warrant a different approach being taken on the current proposal.
- 4.6 The applicant has previously justified the loss of employment land and within application 17/00163/FUL this was balanced against the benefits of securing new housing. The subsequent appeal did not find any objection to that position. Therefore, on balance, this amended proposal is similarly found acceptable in principle in terms of the loss of the existing use and the introduction of a residential use and is considered to be policy compliant in that regard.

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

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), Southend Central Area Action Plan (2018)

4.7 The National Planning Policy Framework states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".

- 4.8 In the Council's Development Management Document, 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."
- 4.9 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.
- 4.10 The Design and Townscape Guide states that "The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant... the easiest option is to draw reference from the surrounding buildings."
- 4.11 Sutton Road features a variety of development and land uses ranging from two storey residential dwellings, blocks of flats of up to 5 storeys, large commercial units and small retail units and institutional buildings. Accordingly there is no fixed architectural styling to the area and any consistencies that may have existed in the past have been significantly eroded.
- 4.12 It is noted that the main part of the proposed development at the Sutton Road frontage would generally align with the staggered alignment of the approved development at 427 Sutton Road and the church buildings next door, albeit with the porches/canopies and gable ends projecting further forward. It is considered that the building line of the proposed development is acceptable. The provision of lightweight porches forward of the building line would not result in those features becoming unduly prominent.
- 4.13 The two storey height and scale of the proposed development satisfactorily relates to the streetscene and surrounding area. The design of the elevations fronting Sutton Road is suitably proportioned and detailed. Each dwelling would have a simple gable roof design which is well considered with good detailing and well scaled fenestration which creates a rhythm contributing positively to the appearance of the streetscene. The proposed detailing breaks up the overall form of development appropriately. Details of materials can be dealt with by condition.
- 4.14 The proposed dwelling at the rear of the site would have a backland setting that is not entirely in-keeping with the general grain of development within the surrounding area. However, it is considered that this dwelling would not appear cramped in its siting and would be masked from the public domain. It would have an appearance that replicates the character of the other dwellings proposed at the site and which has been previously accepted under application 17/00163/FUL. Whilst the scale would be reduced in comparison to the other dwellings of the area, it is considered that this would not result in the dwelling being harmfully underscaled and would not cause material harm to the character of the site or the surrounding area.

4.15 Unlike the previously refused application 17/00163/FUL, the development has been arranged to show the retention of the existing mature street tree at the frontage of the site and loss of the semi-mature tree for the new vehicle access to the rear of the site. When considering the appeal the Inspector at paragraph 12 stated:

"There are two trees within the pavement on Sutton Road outside the site. There are limited numbers of trees visible in the street scene, such that they make a significant contribution to the character and appearance of the area. The proposed access would be located close to the larger of these trees and this proximity could result in its loss or significant damage, such that it would harm the tree".

- 4.16 The current proposal would allow for retention of the main street tree but would result in the loss of a semi-mature tree. Following discussions between the applicant and the Council Aboricultural Officer, no objections are raised to this as the applicant has agreed to pay a commuted sum and replace the lost tree on a two for one basis. This could be controlled by condition as can further details of how the mature tree will be protected during construction.
- 4.17 The layout of this amended proposal has been altered to address the previous reasons for refusal. The changes have resulted in a reduction of parking spaces. The parking arrangement now uses echelon parking (angled arrangement) and the resiting of the vehicle crossover away from the traffic island and mature street tree and has overcome the previous reasons for refused application 17/00163/FUL.
- 4.18 The proposal is considered to be appropriately scaled for this location and adequately designed and detailed from an aesthetic perspective and is therefore considered to be acceptable and policy compliant in these respects.

### Traffic and Transport Issues

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)

- 4.19 As the site is located within the Southend Central Area, Policy DM15 states that each dwelling should be served by one parking space. The proposal complies with this requirement, providing adequate parking for all nine dwellings and is therefore in accordance with the development plan. A location for cycle parking is shown on the submitted plan which addresses the requirements of Policy DM15. This can be controlled by condition.
- 4.20 The site has good connections to local bus routes and a train station within walking distance and all other facilities required for day-to-day living within walking distance of the site. As such it is considered that the site is a sustainable location for residential development.
- 4.21 Previously under refused application 17/00163/FUL and the subsequent dismissed appeal an objection was raised on the grounds that the proposed access would be likely to impinge on the root protection zone of the street tree in front of the site and on the grounds that the traffic island within the highway that is used to aid pedestrians crossing the busy Sutton Road, would prevent safe egress from the site in its current location.

- 4.22 This amended application seeks a 4.2m wide vehicle crossover to the north of the existing mature tree and away from the traffic island to the south. Whilst the proposal will result in the loss of a semi-mature tree, which has amenity value, the applicant has agreed a two for one replacement and this has been conditioned. The Councils Highway Officer has raised no objection on this basis.
- 4.23 In light of the above, no objection is raised to the development on transport and highways grounds and the proposed development is considered acceptable and satisfies the policies detailed above in these respects.

### Impact on Residential Amenity.

## 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)

- 4.24 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."
- 4.25 To the west of the application site are the rear gardens of dwellings in Glenhurst Road and Oakhurst Road. The proposed terraced dwellings would be 17 metres from the west boundary of the application site, leaving a gap of 40 metres between the ground floor of the dwellings at the frontage of the site and the rear of dwellings in Glenhurst Road and 23.4 metres between the detached dwelling and those dwellings. A gap of 23 metres would exist between the side elevation of the detached dwellings and 46 metres between the front elevation of the detached dwelling and the closest Oakhurst Road dwelling.
- 4.26 Due to the separation distances and the comparatively low height of the detached dwelling, it is considered that the proposed development would not cause an unacceptably harmful loss of light within the properties of Oakhurst Road and Glenhurst Road or have a harmful impact on outlook or sense of enclosure.
- 4.27 It is noted that redevelopment to form residential properties has been approved at the Crown Secretarial College site to the south of the application site and is currently under construction (16/01503/FULM). In that case, there is a separation distance of 35 metres between the proposed and existing residential properties. In the case of the current proposal a 45 metre gap would exist between the rear elevations of the upper floors of the proposed dwellings. It is considered that the impact on the privacy of neighbouring residents would be acceptable.
- 4.28 The proposed detached dwelling would be positioned 6.5 metres from the boundary shared with the Crown Secretarial College site. The approved plans for that development show that the access to the development would run adjacent to the shared boundary and the parking court would be provided under the building and at the rear of the site in the area adjacent to the boundary. Due to this and the orientation of the proposed detached dwelling at the rear of the site it is considered

that the proposed development would not cause material overlooking of residential properties within that neighbouring site.

- 4.29 The submitted plans acknowledge the planning permission (14/00029/FUL) that has been granted at 427 Sutton Road. It appears that the permission at that site has now expired. The previously approved development would have featured no windows in the south elevation except for two bathroom windows and should future development proposals be submitted it is considered that the design and impact could similarly be mitigated to address the site constraints. Due to the amended position of the detached dwelling at the rear of the site it is considered that element of the current proposal would have no significant prejudicial impact on the potential future development of 427 Sutton Road.
- 4.30 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 in this regard.

### Standard of Accommodation:

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

- 4.31 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"*.
- 4.32 The National Technical Housing Standards require minimum property sizes for residential units shall provide an internal floorspace of 79sqm for a 2 bedroom (4 persons) house over two floors and 99sqm for a 3 bedroom (5 person unit) over three floors. The submitted plans illustrate the floorspaces would equate to approximately 150sqm for the three bedroom (5 persons) units and 120sqm for the two bedroom (four person) unit. Officers have calculated the floorspaces scaled from drawing 026 B as 128sqm for the 3 bedroom (5 person) units fronting Sutton Road and 107sqm for the detached dwelling to the rear of the site both of which exceed the standard.
- 4.33 Bedrooms are shown to be of a size that comply with the abovementioned standards and cycle and refuse storage facilities are provided at the site. It is considered that the proposed development will provide convenient, useable and effective room layouts with satisfactory outlook and levels of natural light. The applicant has confirmed the new development will meet part M4 (2) in accordance with Building Regulations and this can be controlled by condition.
- 4.34 In paragraph 5 of the appeal decision, the previously refused application for 9 dwellings was not considered to have sufficient amenity space for the three bedroom properties. The Inspector stated:

"The size of the terraced houses with three bedrooms suggests that they are likely to be occupied by families. Usable outside amenity areas would be necessary to meet the needs of those occupants. The outside amenity areas proposed would be accessed and visible from the main living accommodation and mainly rectangular in shape, but would be small. I consider that the size of the space proposed would mean the space would not be usable, so would not adequately meet the needs of family occupiers of these dwellings".

- 4.35 The amended site layout now provides 42sqm to 60sqm for the row of six terraced properties to the south of the site, 40sqm to 50sqm for the pair of semi-detached properties to the north and 45sqm for the detached property to the rear of the site. This amount and layout of amenity space is considered sufficient and useable for future occupiers of the dwellinghouses proposed.
- 4.36 Given the positioning of the access to the neighbouring development currently under construction it would be in the interests of the future occupants of the proposed development for an acoustic fence to be provided at the south boundary of the application site. This can be secured through a condition.
- 4.37 It is found that the proposed development when considered in the round will provide an acceptable standard of accommodation and is therefore policy compliant in these regards.

### 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)

- 4.38 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. Policy DM2 of the Development Management Document requires new development to be energy and resource efficient.
- 4.39 No details of renewable energy have been submitted with the application; however this can be controlled by condition.
- 4.40 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 can be dealt with by condition.
- 4.41 Therefore, subject to appropriate conditions to ensure policy compliance the renewables and water consumption implications are acceptable.

### Other Issues

Landscaping

4.42 Applications for new buildings will be required to respect existing trees and planted areas. Any trees to be retained would require protection during construction. The removed street tree will be replaced on a two for one basis. These matters can be controlled by condition together with the requirement for full details of the planting for the rear of the site.

### Permitted Development Rights

4.43 Given the limited size of the plots created, any alterations/extension of the dwellings otherwise allowed by the General Permitted Development Order may result in unacceptable living conditions for future occupiers (i.e. should the rear amenity space be significantly reduced by a rear extension) or impact on the neighbouring properties (i.e. increased overlooking from additional dormer windows). For this reason it is considered reasonable that permitted development rights for the proposed dwellinghouses be removed. A condition securing this is attached.

### Community Infrastructure Levy

4.44 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The application site is located within Zone 1 therefore a CIL rate of £24.08 per sqm is required for the proposed development. The proposed development equates to 1270sqm of residential floorspace which may equate to a CIL charge of approximately £30,577.69 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the "in-use building " test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

## 5 Conclusion

5.1 Having taken all material planning considerations into account, it is found that subject to compliance with the proposed conditions the development would be acceptable and compliant with development plan policies and guidance. The proposed development by reason of its design and scale, would make a positive contribution to the streetscene maintaining the character and appearance of the locality while providing adequate amenities for future occupiers, respecting the amenities of neighbouring properties and not resulting in any unacceptable parking or highways impacts. The application is considered on balance to have overcome the reasons for refusing the previous application and is therefore recommended for approval.

## 6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2012)
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and CP8 (Dwelling Provision)

- 6.3 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), DM7 (Dwelling Mix), DM8 (Residential Standards), DM11 (Employment Promotion), DM15 (Sustainable Transport Management)
- 6.4 Community Infrastructure Levy Charging Schedule
- 6.5 Design & Townscape Guide (2009).
- 6.6 National Technical Housing Standards 2015
- 6.7 Southend Central Area Action Plan (SCAAP) (2018)

### **Representation Summary**

### **Design and Regeneration Team**

7.1 No objections.

### **Highway Authority**

7.2 Consideration has been given to the previous use and the transport movements associated with B1 use. The proposal will represent a reduction in vehicle movements within the local area. 100% parking has been provided for the 9 dwellings with 9 secure cycle spaces. The rear parking area provides sufficient spaces to enable vehicles to manoeuvre and exit in a forward gear. One tree will be removed and replaced with 2 trees. The position of the proposed access does not interfere with any existing street furniture and is considered acceptable.

Therefore no highway objections are raised.

### **Aboricultural Officer**

7.3 There are two Highway trees to the front of the existing property, but only one showing on the proposal plan, Drawing no. 020 rev. E.

Further details are required for the removal of the Council's tree to achieve this proposal, to mitigate the loss of the tree and how the applicant proposes to protect the remaining tree from any effects of the development. This information should include the presence of any service runs through the Root Protection Area of the tree. [Officer Comment: This can be controlled by condition and the applicant has agreed to replace the loss of the tree on a two for one basis]

Any existing trees and whether the trees can be retained during the construction of the development including new tree planting shall be submitted to the Council [Officer Comment: A tree survey and tree protection measures would be controlled by condition].

### **Environmental and Greenspace Officer**

- The tree to be retained currently present on the B1015 road outside the footprint of the development needs to be protected during the construction phase.
  - 2. The proposals will result in the loss of a tree along the main road, to the front of the property. A commuted sum of £1,000 per tree (£2,000 for 2 replacement trees) to replace the lost tree on a 2-for-1 basis at a location to be determined by our Arboricultural team.

## [Officer Comment: The applicant has confirmed agreement to replace the semi-mature existing tree on a two for one basis and this could be controlled by condition]

## Public Consultation

7.5 38 neighbouring properties were notified of the application and a notice was posted at the site on the 8<sup>th</sup> February 2018. Nine letters of representation have been received (6 support and 3 objections) commenting as follows:

Comments made in support:

- Houses in keeping with the surroundings
- Suitable parking provision
- New proposal takes into account Councils previous concerns
- Housing developments more favoured than more flats
- Family housing welcomed

Summary of objections;

- Overdevelopment in area with lack of investment into infrastructure
- Lack of parking, one space per household not sufficient and burden on surrounding roads
- Lack of useable amenity space
- Vehicle access would affect users of the highway and traffic island
- Parking restrictions in the area
- Building too high
- Loss of light
- Loss of privacy
- Overlooking
- Bats roosting in existing building
- The numbers of flats already within Sutton Road and in the surrounding area including Kenway, along Victoria Avenue, Station Road, Carnarvon Road Driving around Southend is a nightmare particularly during peak times and the Council should oppose this application until the roads can cope.

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.

This application is for single family dwellings rather than flats, sufficient parking is provided in accordance with planning policy and no objections have been raised by the Councils Highways Officer.

7.6 Councillor Borton has requested this application be dealt with by Development Control Committee.

### 8 Relevant Planning History

- 8.1 Demolish existing buildings and erect nine dwellings comprising of, eight terraced houses, one detached house, layout 12 parking spaces, cycle store to rear, layout bin stores to front and install vehicular access on to Sutton Road (Amended Proposal)- Refused (17/00163/FUL). Appeal dismissed (reference: 3178645).
- 8.2 Demolish existing buildings and erect nine dwellings comprising of, seven terraced houses, one detached house and one maisonette, layout 12 parking spaces and cycle store to rear and layout bin stores to front- Refused (16/01308/FUL)
- 8.3 Convert first floor of warehouse (Class B8) into one self-contained flat (Class C3)-Granted (00/00545/FUL)
- 8.4 Demolish part of building lay out additional parking and use warehouse as cash and carry wholesale warehouse (Class B8) (Relaxation of condition 01 on planning permission 83/0524 dated 21<sup>st</sup> June 1987 prohibiting cash and carry sales)-Granted (94/0378)
- 8.5 Demolish part of building lay out additional parking and use warehouse as cash and carry wholesale warehouse (Class B8) (Relaxation of condition 01 on planning permission 83/0524 dated 21<sup>st</sup> June 1987 prohibiting cash and carry sales)-Granted (94/0066)
- 9.1 Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:
- 01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.

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

02 The development shall be carried out in accordance with the approved plans: Location Plan; Site Location Plan; 020 Revision E; 021; 022 Revision E; 023 Revision F; 024 Revision D; 025 Revision B; 026 Revision B.

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, roof detail, windows, doors, balustrading, fascia, soffits, pergola canopy detail and forecourt area 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 any of the dwellings hereby approved are first 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 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 No site clearance, preparatory work or development of any kind shall take place until a scheme for the protection of the trees adjacent to the site in Sutton Road and an Arboricultural method statement for the protection of the trees in accordance with British Standard BS5837 - Trees in Relation to Construction - Recommendations has been submitted to and agreed in writing by the local planning authority.

The approved protection measures shall be fully installed before the commencement of works and maintained during construction. The development shall be implemented in full accordance with the approved statement, 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).

05 No development shall commence unless and until measures to secure the provision of two appropriate (in terms of size, species and location) new street trees have been submitted to the local planning authority and approved in writing. The dwellings hereby approved shall not be occupied until the two new street trees have been provided in accordance with the measures approved under this condition.

Reason: A pre commencement condition is need in the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

06 Notwithstanding the details shown on the plans submitted no development shall take place other than demolition ground and site preparation works until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification, the staking of trees and removal of the stakes once the trees are established; details of measures to enhance biodiversity within the site; details of the treatment of all hard and soft surfaces (including any earthworks to be carried out) and all means of enclosing and subdividing the site. Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

07 All planting in the approved landscaping scheme shall be carried out within the first available planting season following first occupation of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority. Hard landscaping and means of enclosure shall be implemented in full accordance with the approved scheme prior to occupation of any of the new dwellings.

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

08 The development shall not be occupied until 9 on site car parking spaces have been provided in full accordance with drawing 022 E, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter solely 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 Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

09 Prior to the first occupation of any of the dwellinghouses hereby approved, cycle and refuse and general storage shall be provided and made available for use in accordance with the details shown on plan 022 E and shall 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 (2015).

10 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 and implemented in full prior to the first occupation of any part of the development. This provision shall be maintained for the lifetime of the development and in accordance with the agreed details.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007) and the Design and Townscape Guide (2009).

11 Prior to first occupation of any 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 submitted to the local planning authority, approved in writing and installed in accordance with the approved details. The approved measures shall 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).

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any order revoking or re-enacting that Order with or without modification, no development shall be carried out on the new dwellinghouses hereby approved within Schedule 2, Part 1, Classes A, B, D or E to those Orders.

Reason: To safeguard the design and appearance of the proposed development in the interest of visual amenities of the locality in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

13 The development hereby approved shall be carried out in a manner to ensure compliance with Building Regulation part M4 (2) 'accessible and adaptable dwellings', before it is brought in to use or occupied.

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).

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

15 The rear flat roof projections of the dwellings hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other similar purpose. 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, 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).

16 Prior to occupation of any part of the development, details of an acoustic fence, to be erected along the southern boundary of the site, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried only in accordance with the agreed details prior to occupation of the dwellings and shall be permanently maintained as such thereafter.

Reason: To protect the environment of future occupiers, in accordance with the National Planning Policy Framework (2012), 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 Southend-on-Sea Design and Townscape Guide (2009).

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

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

If, during the course of development, any contamination is found which has not been identified in the site investigation, development shall stop and 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) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

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 <u>www.southend</u>

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

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.



### **Appeal Decision**

Site visit made on 7 November 2017

### by AJ Steen BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government Decision date: 16 November 2017

### Appeal Ref: APP/D1590/W/17/3178645 423-425 Sutton Road, Southend-on-Sea SS2 5PQ

- 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 Trafalgar Traditional Homes against the decision of Southend-on-Sea Borough Council.
- The application Ref 17/00163/FUL, dated 1 February 2017, was refused by notice dated 29 March 2017.
- The development proposed is demolish existing properties at 423-425 Sutton Road and construct 8 no. 3 bedroom terrace houses, 1 no. 2 bedroom detached house. Proposal to include 12 no. car parking spaces, bicycle storage and private external amenity space to each unit.

### Decision

1. The appeal is dismissed.

### **Preliminary Matter**

2. Amended plans were submitted with the appeal that would make substantial alterations to the scheme, including an alternative location for the proposed access resulting in changes to the siting of dwellings and parking, landscaping, design and appearance. Given the limited consultation on those drawings, I consider that other parties would be prejudiced should I take them into account. Advice contained within the Procedural Guide – Planning Appeals – England at M.2.1 states that the appeal process should not be used to evolve a scheme and it is important that what is considered is essentially what was considered by the local planning authority. As the proposed amendments to the scheme are substantial, I have not taken the amended plans into account in coming to my decision.

### **Main Issues**

- 3. The main issues are:
  - whether prospective occupiers would enjoy satisfactory living conditions, having particular regard to the suitability of the external spaces;
  - the effect of the proposed development on highway safety with regard to the location of the access; and
  - the effect of the access to the proposed development on trees.

### Reasons

### Living conditions

- 4. The proposed development comprises eight dwellings in two terraces, along with a detached dwelling to the rear. The terraced houses would front the highway with an access formed between the two terraces and parking to the rear. The location of this parking limits the amount of space to provide outside amenity areas for the dwellings.
- 5. The size of the terraced houses with three bedrooms suggests that they are likely to be occupied by families. Usable outside amenity areas would be necessary to meet the needs of those occupants. The outside amenity areas proposed would be accessed and visible from the main living accommodation and mainly rectangular in shape, but would be small. I consider that the size of the space proposed would mean the space would not be usable, so would not adequately meet the needs of family occupiers of these dwellings.
- 6. The two bedroom detached dwelling would be set on a slightly larger plot, with a larger outside amenity area. Given this dwelling is smaller, it is likely to have less occupants and the size of outside amenity area need not be as large as for the terraced dwellings. As a result, the space provided for this dwelling would be satisfactory.
- 7. I note that there is no standard for the size of outside amenity space set by Southend-on-Sea Borough Council. Reference has been made to other dwellings with small gardens in the area, although I have limited information on the circumstances of those cases. As a result, I need to consider this case on its individual merits.
- 8. For these reasons, I conclude that prospective occupiers would not enjoy satisfactory living conditions, having particular regard to the suitability of the external spaces. As such, the proposal would be contrary to Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (DMD) and the National Planning Policy Framework (the Framework) that seek good quality and well designed development that provides adequate living conditions for future residents, including making provision for usable private outdoor amenity space.

### Highway safety

- 9. Access is proposed to be taken between the two proposed terraces of houses, which is located in close proximity to the traffic island that provides a pedestrian refuge in the middle of the highway. The existing access is located to the side of the site on the other side of the traffic island.
- 10. The location of the proposed access in such close proximity to that traffic island would result in a complicated manoeuvre out of the site to head south on Sutton Road. This would affect the safety of users of the highway, including pedestrians using the traffic island.
- 11. For these reasons, I conclude that proximity of the proposed access to the traffic island in the middle of the road would result in harm to highway safety. As such, the proposed development would be contrary to Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (CS), Policies DM1, DM3 and DM15 of

the DMD and the Framework that seek to ensure access to development would not harm highway safety, taking account of all users of the highway.

### Trees

- 12. There are two trees within the pavement on Sutton Road outside the site. There are limited numbers of trees visible in the street scene, such that they make a significant contribution to the character and appearance of the area. The proposed access would be located close to the larger of these trees and this proximity could result in its loss or significant damage, such that it would harm the tree.
- 13. For this reason, I conclude that the proposed development would harm the street tree, resulting in an adverse effect on the character and appearance of the area. As such, the proposed development would be contrary to Policies KP2 and CP4 of the CS, DM1 and DM3 of the DMD and the Framework that seek a high quality urban environment, including protecting the character of the context of the site and resisting the loss of significant trees.

### Other matters

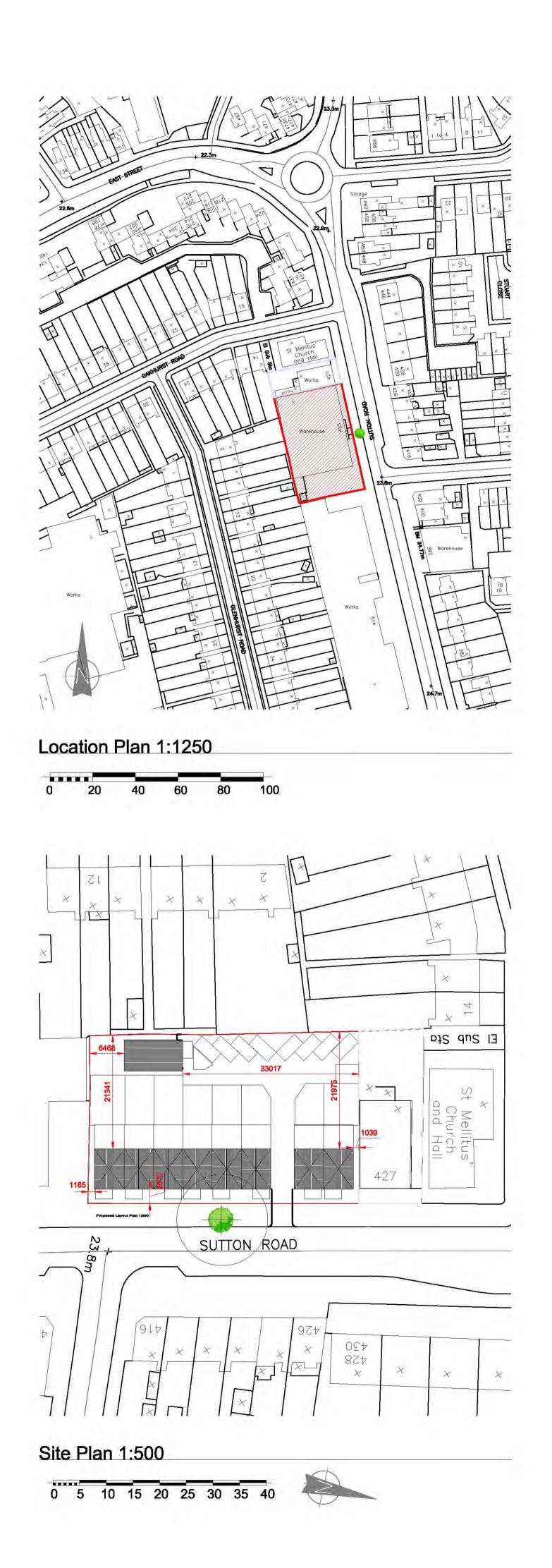
14. The appearance of the proposed development would reflect other contemporary forms of development in the surrounding area, such that, other than in relation to the impact on the tree, it would not harm the character or appearance of the area. Some neighbouring occupiers support development of this site with houses and the proposed dwellings would not adversely affect the living conditions of occupiers of surrounding dwellings. However, none of these matters would outweigh my conclusions on the main issues.

### Conclusion

15. For the reasons set out above, I conclude that the proposed development would not accord with the development plan. Thus, having had regard to all other matters raised, the appeal should be dismissed.

### AJ Steen

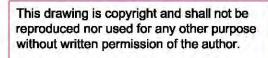
INSPECTOR



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Revision	1	Date
A	Amendments & planning information added	11.07.16
в	Amended scheme	22.11.16
С	Minor amendments	25.01.17
D	Amended scheme	12.05.17
E	Dims added	02.02.18



# knight gratrix architects upper studio 98 broadway leigh on sea essex **ss9 1ab**

t 01702 715517 f 01702 480492

Client

Description

e mail@knightgratrix.com w www.knightgratrix.com

Trafalgar Traditional Homes

423-5 Sutton Road

Proposed site redevelopment OS & Site Plans

### Status Planning Jul '16 Scale Drawn 1:1250/200/500 tk/pde Revision Job number Drawing no. 822 020 E



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в	Amended scheme	22.11.16
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D	Minor amendments	25.01.17
E	Amended scheme	12.05.17



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upper studio 98 broadway leigh on sea essex **ss9 1ab** 

t 01702 715517 f 01702 480492

e mail@knightgratrix.com w www.knightgratrix.com

Trafalgar Traditional Homes

423-5 Sutton Road

Proposed site redevelopment Proposed Ground Plan

Status		
Planning		
Scale 1:100	tk/pde	Jul '16
Job number	Drawing no.	Revision
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Revision

Date



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t 01702 715517 f 01702 480492

e mail@knightgratrix.com w www.knightgratrix.com

Trafalgar Traditional Homes

423-5 Sutton Road

Proposed site redevelopment Existing plans & Elevations

### Status Planning Scale 1:100 Job number

Inscription

822

tk/pde Drawing no. 021

Jul '16 Revision

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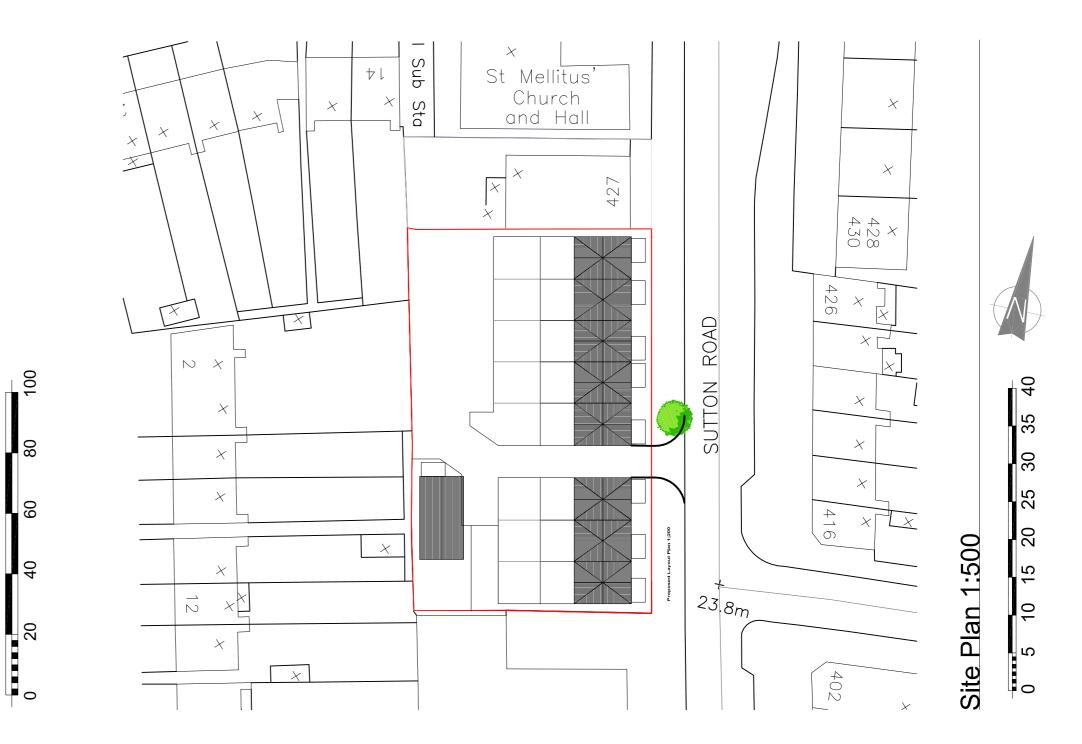


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Date **Jul '16** Revision **C** 



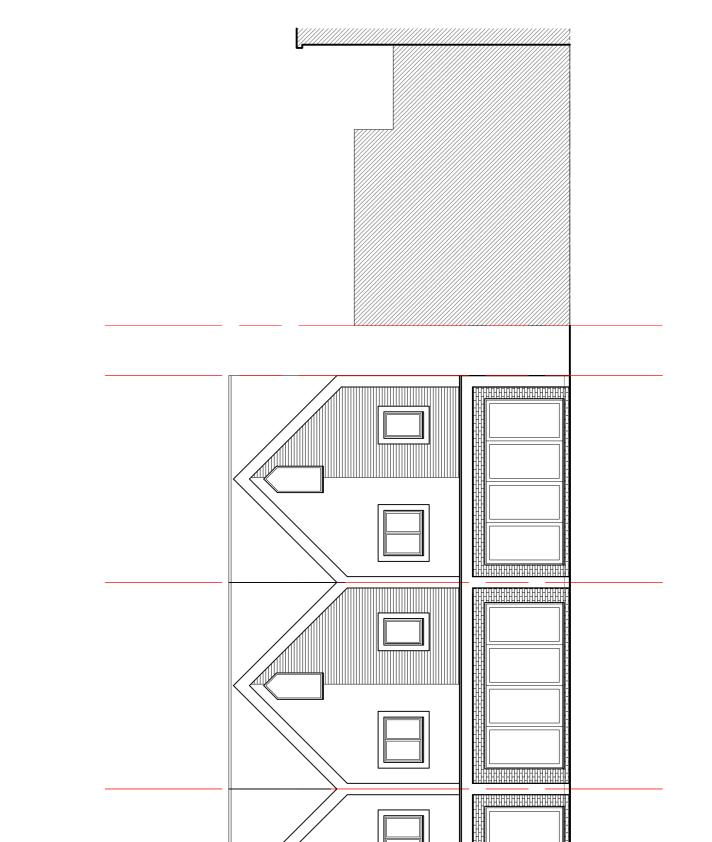




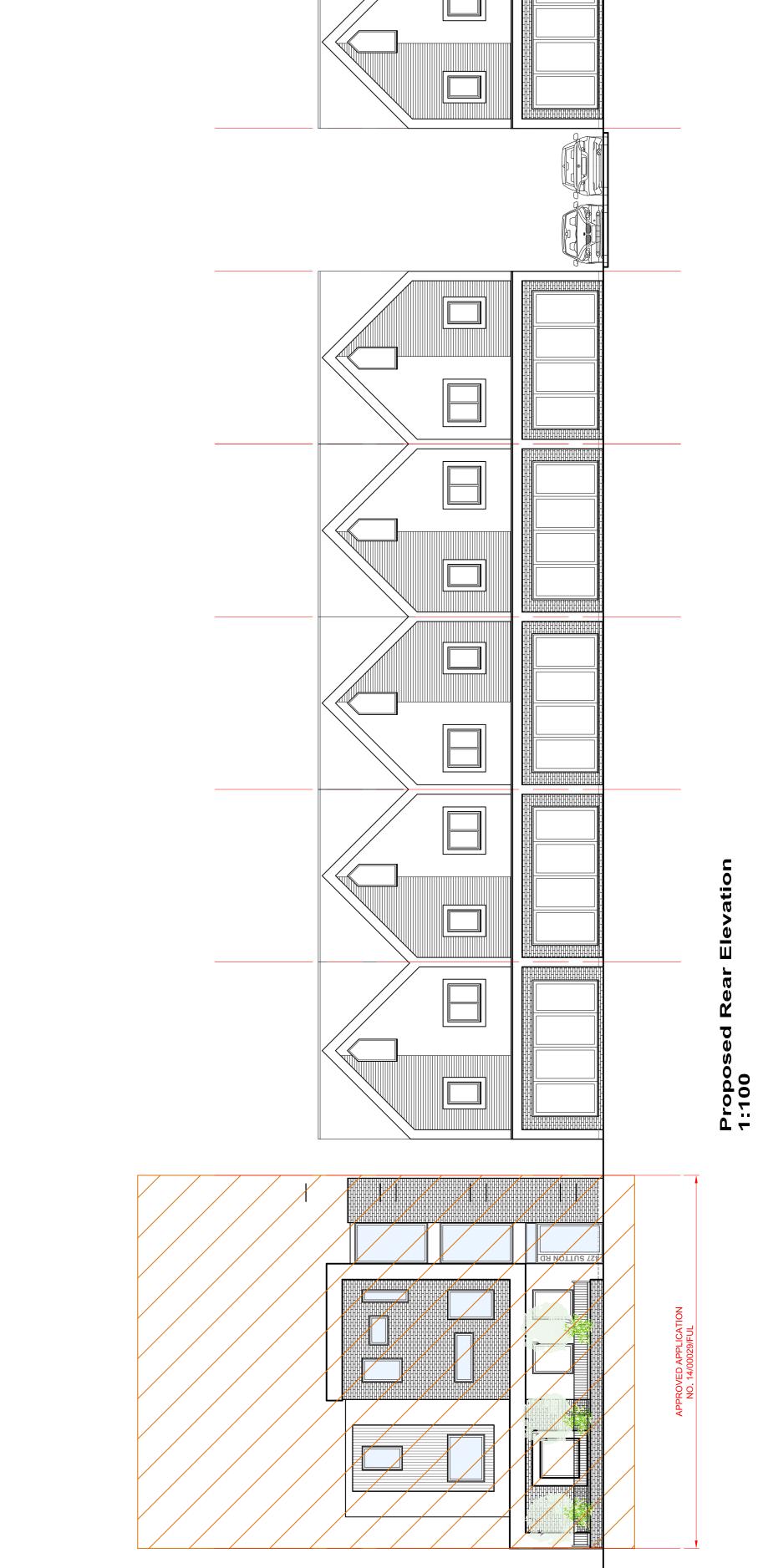
Location Plan 1:1250

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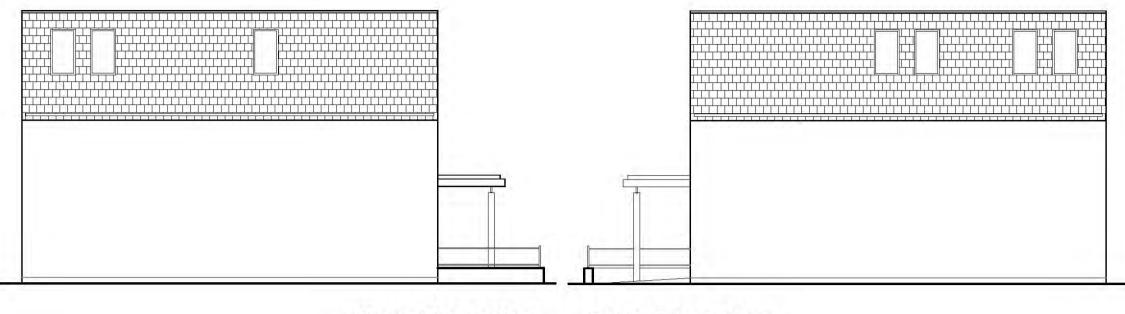






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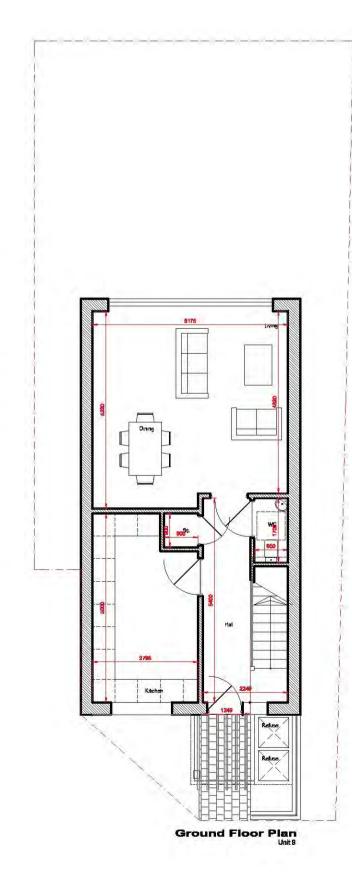
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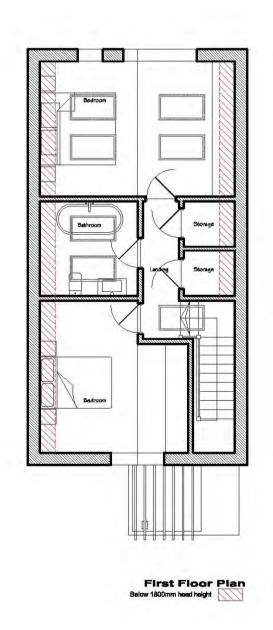


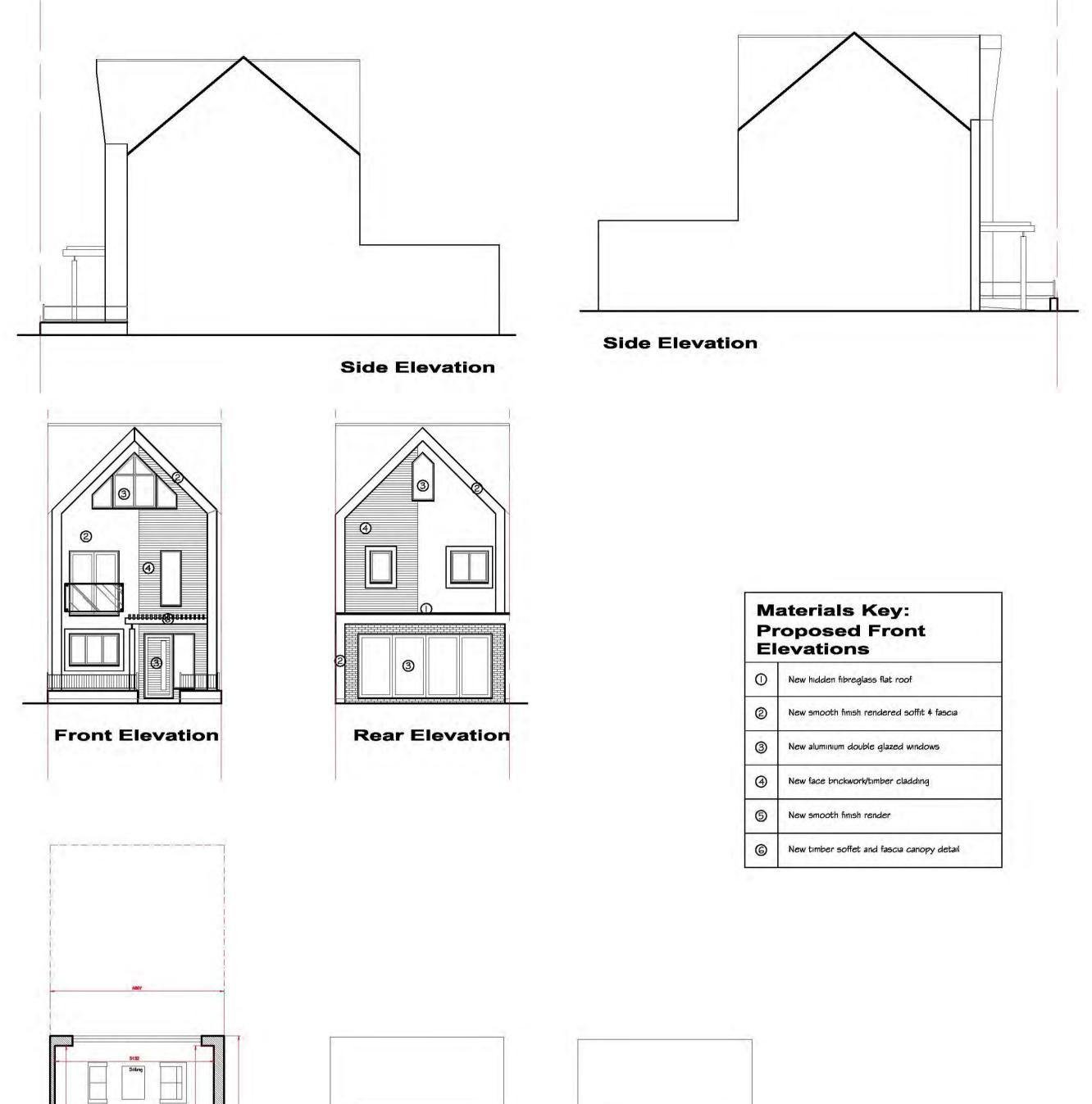
Side Elevation

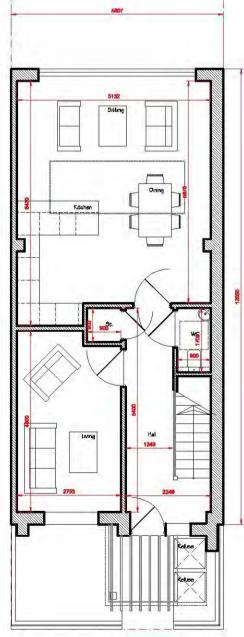
Side Elevation



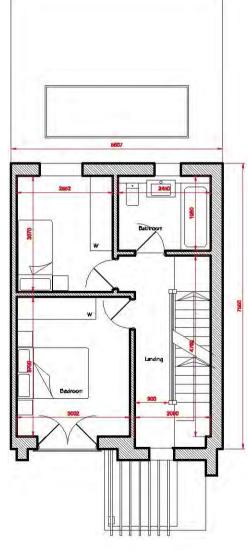




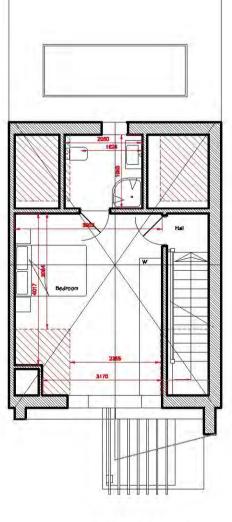




Ground Floor Plan Unit 1,2,46 Handed & 3,5,7,8



First Floor Plan



Second Floor Plan



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Revisio	ei	Date
A	Amendments & planning information added	11.07.16
в	Amended scheme	22.11.16
С	Minor amendments	25.01.17
D	Additional information	07.02.17
E	Amended scheme	12.05.17
F	Amended unit 9 orientation	01.02.18

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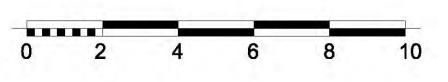
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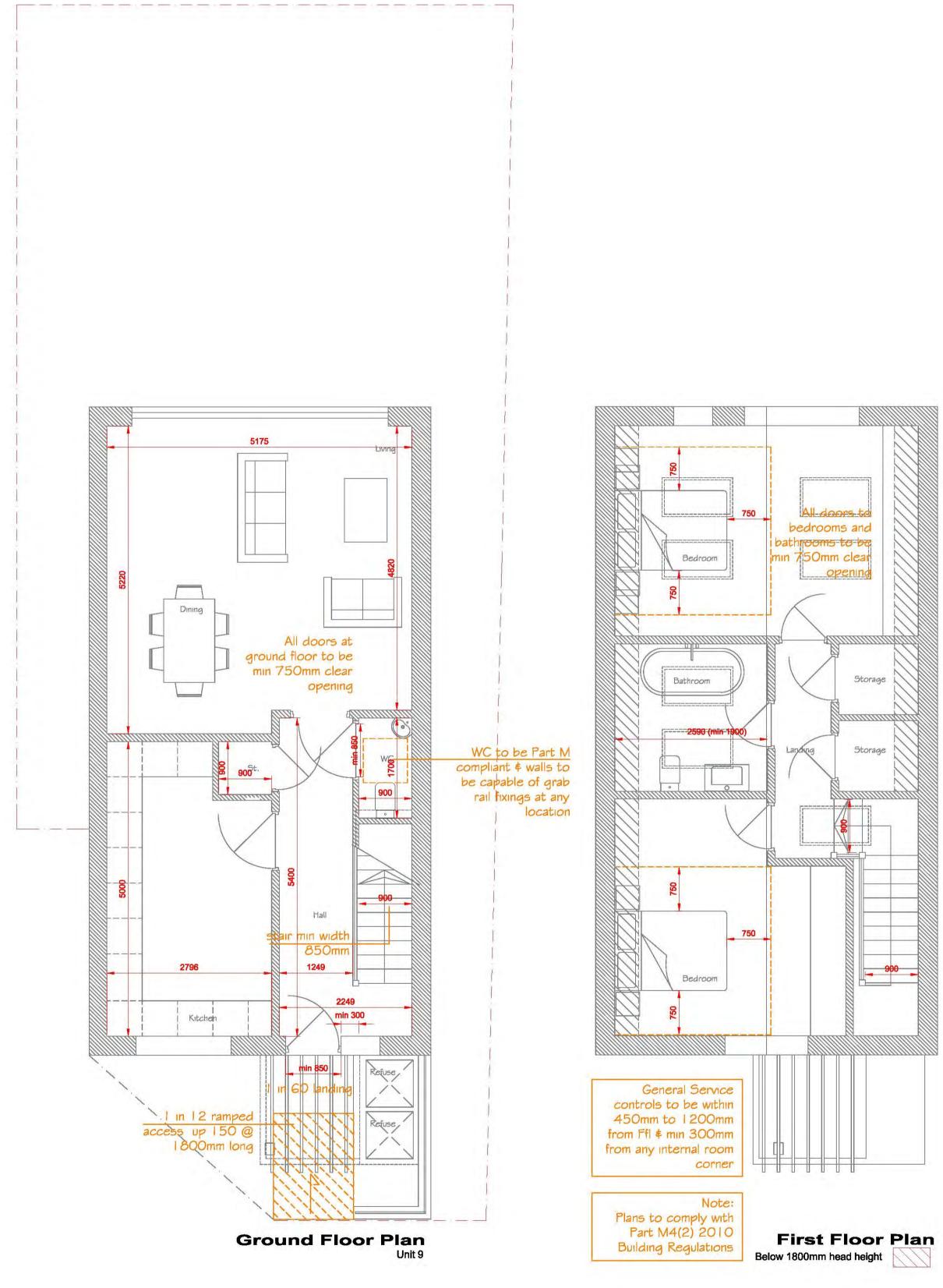
Trafalgar Traditional Homes

423-5 Sutton Road

Description Proposed site redevelopment Proposed Ground First & Second floor Plan

Status		
Planning		
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Job numitier	Drawing no.	Revision
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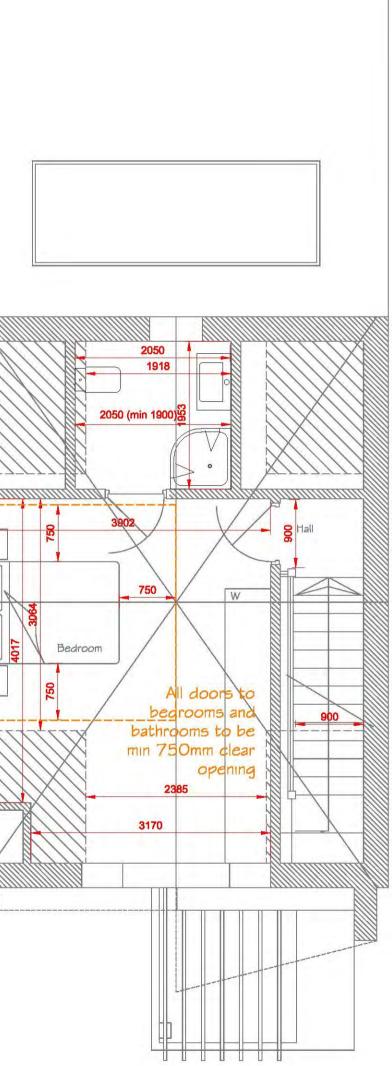
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 Revision

 A
 Minor amendments

 B
 Amended scheme

Date 25.01.17 12.05.17



Second Floor Plan



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Trafalgar Traditional Homes

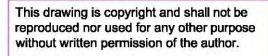
423-5 Sutton Road

Proposed site redevelopment Proposed Plans Part M Compliant

# Status Planning Scale Drawn 1:50 pde Nov '16 Job number Drawing no. 822 026



Proposed Rear Elevation 1:100



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Revision		Date
A	Amendments & planning information added	11.07.16
В	Amended scheme	22.11.16
С	Minor amendments	25.01.17
D	Amended scheme	12.05.17



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### Trafalgar Traditional Homes

423-5 Sutton Road

Proposed site redevelopment Proposed Elevations

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### Status Planning Scale 1:100 Job number 822

Drawing no.

Date Jul '16 Revision D



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Revision A Minor amendments B Minor amendments Date 25.01.17 20.12.17



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Client Trafalgar Traditional Homes

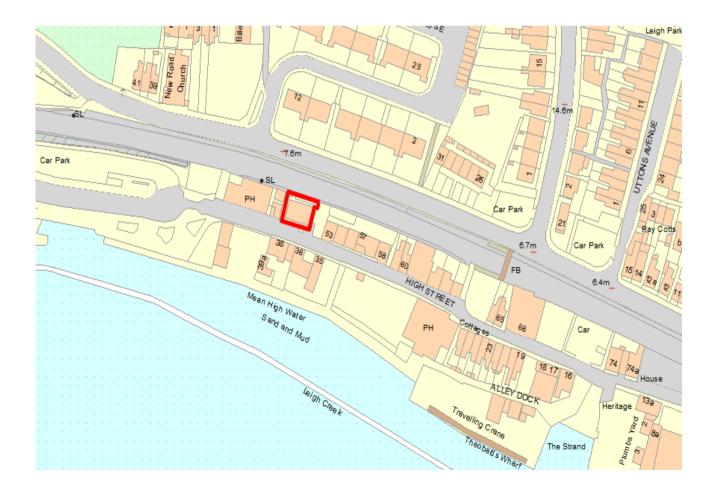
423-5 Sutton Road

Project

Description Proposed site redevelopment Proposed 3D visuals

### Status Planning scale not scaled Date Nov '16 pde Revision Job number Drawing no. 822 025 В

Reference:	17/02280/FUL				
Ward:	Leigh	6			
Proposal:	Change of use from scout hall/gym (class D2) to restaurant (class A3), install extract flue to rear, refuse area to west side and alter front elevation				
Address:	Scout Hall 52 High Street, Leigh-on-Sea, E	ssex SS9 2EP			
Applicant:	Paul Alston				
Agent:	WJS-Survey & Design				
Consultation Expiry:	19 <sup>th</sup> March 2018				
Expiry Date:	9 <sup>th</sup> April 2018				
Case Officer:	Abbie Greenwood				
Plan Nos:	17-Clarendon-01B, 17-Clarendon-02A, 17-Clarendon-03B, 17-Clarendon – 04A				
Recommendation:	GRANT PLANNING PERMISSION				



### 1 The Proposal

- 1.1 Planning permission is sought to change the use of the existing building from a Scout / community hall (class D2) to a restaurant (class A3). The proposal includes a number of external alterations to the building which can be summarised as:
  - Installation of a new balustrade to the terrace area to replicate original design
  - Install traditional timber famed windows to the blank dormers to replicate original design
  - Replace existing felt roof with natural slate
  - Installation of new timber doors to match existing
  - Install extract duct and flue to rear elevation
  - Install external staircase from side terrace to proposed refuse area
- 1.2 The application form confirms that the proposal would support 4 full time and 6 part time jobs. The drawings show the number of covers to be 48. The proposed opening hours are 9am to 12 midnight Monday to Sunday including bank holidays from May to September and 12 noon to 12 midnight Monday to Sunday from October to April. The supporting documents submitted with this application include a Design and Access Statement including a flood risk assessment and information to support the proposed change of use.

### 2 Site and Surroundings

- 2.1 The existing building dates from the early twentieth century and was originally built as the Fisherman's Chapel but is now owned by Southend West Scouts. It is understood that the building has not been used by the scouts from some time although it was, until recently, used by a local keep fit class. The building is currently vacant.
- 2.2 The building is sited on a raised concrete plinth which affords it additional presence in the streetscene. It is a simple gabled form, clad with feather edged weather boarding which was originally stained black, but this has since worn off to give a more natural wood finish. The building has tall, delicate, sash windows to the front which originally extended into the roof. The original sashes in the lower section of the windows still remain. The top sections, which still extend into the roof have been over clad with weatherboarding. The roof is modern felt which is considered to have a negative impact on the historic character of the building, particularly when viewed from Leigh Conservation Area to the north where it is very prominent. The original wrought iron railings to the raised terrace have also been lost. Nevertheless the building is still very distinctive and makes a positive contribution to the character of the conservation area. There is, however, potential for enhancement through the reinstatement of the lost features and materials.
- 2.3 The site is located at the western end of Leigh Old Town Conservation Area adjacent to the Crooked Billet Public House. The pub is grade II listed and one of the oldest buildings in the conservation area. The Billet marks the entrance to the Old Town from the west. The rest of the conservation area to the east contains some traditional and modern housing of modest scale, three other pubs and a few retail outlets.

2.4 In addition to the heritage designations, the Old Town is located within Development Management Document Policy DM6 Seafront Character Zone 2 and Floodzone 2. The mudflats to the south are covered by local, national and international nature designations.

### 3 Planning Considerations

3.1 The main considerations in relation to this application are the principle of development, design and impact on the character and significance of the historic building and the wider Leigh Old Town Conservation Area, any highways implications and any impact on residential amenity. The contribution that the proposal makes to the enhancement of tourism facilities on the seafront is also a consideration.

### 4 Appraisal

### Principle of Development

National Planning Policy Framework (NPPF) (2012); Core Strategy (2007) policies KP1, KP2, CP2, CP3, CP4, CP6 and CP7, Development Management Document (2015) Policies DM1, DM3, DM5, DM6 and DM15 and the Southend Design and Townscape Guide (2009).

- 4.1 The main issue of principle in relation to this application is the proposed change of use from a community facility to a restaurant. The loss of the community facility needs to be weighed against the benefits of the proposal in relation to the provision of additional tourist and leisure facilities and any benefits for the conservation area.
- 4.2 The overriding aim of the NPPF is to promote sustainable development and in relation to this issue it states that: 'to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.'
- 4.3 In relation to the loss of community facilities policy CP6 of the Core Strategy states that 'New development should demonstrate that it will not jeopardise the Borough's ability to improve the education attainment, health and wellbeing of local residents and visitors to Southend. This will be achieved by ...safeguarding existing and providing for new leisure, cultural, recreation and community facilities'
- 4.4 In relation to development affecting recreational facilities Policy CP7 states:

'All existing and proposed sport, recreation and green space facilities (including the Southend foreshore and small areas of important local amenity, community resource or biodiversity value) will be safeguarded from loss or displacement to other uses, except where it can clearly be demonstrated that alternative facilities of a higher standard are being provided in at least an equally convenient and accessible location to serve the same local community, and there would be no loss of amenity or environmental quality to that community.

4.5 Furthermore, the Core Strategy commentary relating to policy CP7 comments that:

'Existing facilities should not be built on unless they have clearly been shown to be surplus to requirements. Facilities of high quality or particular value should be given protection.'

4.6 Policy DM6 of the Development Management Document relates to development on the seafront. In relation to development on the seafront it states that:

'3. 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 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.

'5. The provision of new and improved facilities for water recreation and other leisure and tourism facilities will generally be supported in appropriate locations along the Seafront' and

6. All development within the Seafront Area must accord with the development principles set out in Policy Table 1.'

4.7 Policy Table 1 sets out the key principles for development in each of the seafront character zones. The development principles for Leigh Port and Old Town (Character Zone 2) include:

*(i)* To maintain a thriving fisheries and working port by resisting the loss of existing marine industrial activities.

(ii) To enhance the leisure and tourism offer, but in a manner that does not compromise the marine industrial activities and character of Leigh Old Town.

(iii) To preserve and enhance the special character of Leigh Old Town Conservation Area.

(iv) Measures that maintain an appropriate balance between the working port and leisure and tourism activities, when considered in conjunction with points 2(i), 2(ii) and 2(iii) will be supported.'

4.8 The building is currently owned by Southend West Scouts, however, they have confirmed in writing to the applicant, which has been shared with the Council that the building is surplus to their requirements and is no longer used by the scouts. Their letter states that:

'the previous Scout usage [of the building] has displaced elsewhere in the District and the building was being used only on an ad hoc basis by various external users who paid very little towards the overall running expenses of the building. As an Executive Committee with Trustee responsibility for ensuring that the assets of the District (including available funds) are used to benefit our membership, we concluded that the essential subsidising of external organisations did not fit within that legal requirement. Following lengthy discussions and consultation with our membership (via the District Scout Council), we have established that the leasing of the premises will provide a steady and constant income which can be used for the direct benefit of the young people. At the same time, we would retain the freehold of the building and thus the opportunity for future income from an appreciating asset.'

- 4.9 Indeed their website confirms that this Scout Group operates from 11 other venues, mainly church halls, in the Leigh area.
- 4.10 The building has more recently been used by Rebel Fitness which operates 14 fitness classes a week. The Scouts letting agent has also confirmed to the applicant that the Rebel Fitness classes have relocated to the Coal Hole, 35-36 High Street, Leigh opposite the site, which is the other premises owned by Southend West Scouts in this area. The agent has also confirmed that the climbing wall within the existing building has also been replaced within an alternative scout venue nearby.
- 4.11 It is evident that the existing building is under used. It is also in need of renovation. As part of the conversion it is proposed to reinstate of a number of historic features which have been lost including the roof materials, dormer windows and railings. This would be of significant benefit to the conservation area and the details of these reinstatement works and other alterations are discussed in more detail below. It is also noted that these works will also help secure the future of the building.
- 4.12 The site is located in floodzone 2, however, no extensions are proposed and the building is situated above ground level on a substantial raised plinth. The proposed commercial use is classed as a less vulnerable use and as such the restaurant use is considered acceptable in flood risk terms in this location.
- 4.13 On balance it is considered that, in this instance, given the uncertain future of the building and its current state of repair, the opportunity to secure significant enhancements for the historic building and for the wider Leigh Old Town Conservation Area, the fact that the building is currently underused and that the previous users have relocated in the vicinity, the enhanced tourist offer for the Old Town and the fact that that the increased rent from the building will support the continued operation of the Scouts and their facilities in the local area, the change of use away from the existing community facility can be justified as compliant with the objectives of development plan policies.
- 4.14 The principle of the proposed change of use is therefore acceptable subject to other material considerations which are discussed below.

### Design and impact on the character of the Historic Building and wider Leigh Old Town Conservation Area

National Planning Policy Framework (2012); Core Strategy (2007) policies KP1, KP2, and CP4, Development Management Document (2015) Policies DM1, DM3, DM5, DM6 and DM15 and the Southend Design and Townscape Guide (2009).

4.15 Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990 defines conservation areas as 'areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'.

4.16 The National Planning Policy Framework (NPPF) states that in determining

planning applications, local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets (paragraph 131). As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (paragraph 132). Planning authorities should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that best preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favorably (paragraph 139).

- 4.17 Policy KP2 of the Core Strategy advocates the need for all new development to respect the character of the existing neighbourhood where appropriate and secure urban improvements through quality design. 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 by maintaining and enhancing the amenities and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.
- 4.18 Policy DM1 of the Development Management Document advocates the need for the Council to support proposals that add to the overall quality of an area, respect the character of the site, its local context and surroundings giving appropriate weight to the protection of heritage assets.
- 4.19 Policy DM5 of the Development Management Document seeks to protect the special character of the Boroughs Conservation Areas. In relation to this the pre ample to Policy DM5 of the Development Management Document states that:

'To conserve and enhance the character and quality of the Conservation Areas, development proposals, both traditional and modern, will have to be carefully considered and demonstrate a high quality design that not only integrates with the surroundings but also conserves and enhances its intrinsic character and distinctiveness.'

- 4.20 As noted above Policy DM6 of the Development Management Document also seeks to protect the unique character of the seafront including Leigh Old Town.
- 4.21 The problems and pressures facing the conservation area are identified in the Leigh Old Town Conservation Area Appraisal which states that:

'6.1.1 The primary pressure on the Conservation Area is the need for the businesses to operate in a modern and profitable manner. This is resulting in loss of character owing to increasingly inappropriate advertising and signage, cheap and ugly additions to buildings and inappropriate boundary treatments among other problems.

6.6.6 The number of tourists visiting in fine weather puts pressure on the town in the same way as it does in most resorts. This has an impact on car parking and traffic levels as well as pubs and cafes which must stretch to accommodate these.'

4.22 The policies above therefore support improvements to the leisure offer in the Old

Town provided these are not at the expense of its heritage assets including the special character of historic buildings in the conservation area.

4.23 The proposal includes a variety of alterations to the building, the merits of which are discussed below:

Installation of a new balustrade to the terrace area to replicate original design

4.24 Historic photos show that the building originally had vertical cast iron railings. The current terrace has modern metal post with a timber rail which appears rather at odds with the building and which appear unsafe. The proposal is to reinstate the original design and materials of the balustrade. This will enhance the character of the building and the wider conservation area and is welcomed.

Install traditional timber framed windows to the blank dormers to replicate original design

- 4.25 The historic photos also confirm that the dormer sections to the roof were originally glazed with matching windows that had a pivot opening mechanism. The application seeks to remove the cladding which has been installed here and replicate this lost feature. This is also considered to be an enhancement to the historic character of the building and wider conservation area.
- 4.26 With regard to the existing windows the applicant has confirmed that it is his intention to restore the existing windows and install secondary glazing behind to help mitigate noise escaping from the premises. This is considered an acceptable design solution.

Replace existing felt roof with natural slate

4.27 It is proposed to replace the existing felt roof with natural slate. This will be a significant enhancement for the property and the wider conservation area and is again welcomed.

Installation of new timber doors to match existing

4.28 The proposal seeks to replicate the existing doors in timber. This is considered to be acceptable.

Install extract flue and duct to rear elevation

4.29 As a restaurant the proposal will require a commercial kitchen and associated extraction plant. This was initially proposed as a conventional stainless steel flue on the west gable rising from ceiling height to ridge level but the visual impact of this was considered to be incompatible with the historic character of the conservation area. The Council's Environmental Health Officer has advised that the discharge needs to be above eaves level and off the slope of the roof for the discharged air to disperse and it has been suggested that this could be achieved within a small false chimney stack to the rear roofslope and the plans have been amended to reflect this. This could be detailed with brick slips so that it did not appear out of place. It is therefore considered that the flue can be accommodated in an acceptable manner and the final details of this extract could be agreed by

condition. The applicant has also confirmed that the fresh air intake to the rear elevation would be a grille which is powder coated to match the existing building. This is acceptable on design and heritage grounds.

### Install external staircase from side terrace to proposed bin area

- 4.30 Finally, it is proposed to construct a small external staircase to and from the terrace on the west side of the building to the area of land on between the application building and the Crooked Billet, which is the intended location for the waste storage. This area is set at ground level with a tall timber gate to the street which will screen the bins from view. The waste storage was relocated to this area from its original position to the rear of the building following concerns raised regarding access (the original location could only be serviced over land belonging to the neighbouring flats). The amended location is more accessible and suitable for waste storage and public views of the bins will be screened by the existing gate. There is therefore no objection to a new access staircase to this area.
- 4.31 Overall the scheme proposes the reinstatement of a number of key historic features including the roof materials, lost windows to the dormers and railings which have been lost over the years these elements of the proposal are particularly beneficial to the conservation area. The rest of the building will remain relatively unchanged. The proposal is therefore considered to enhance the historic character of the building and that of the wider conservation area. The design of the proposal is therefore acceptable and policy compliant subject to the agreements of detailing which can be achieved via conditions.
- 4.32 With regard to the impact of the change of use on the character of the conservation area it is considered that the proposed restaurant use is compatible with the existing character of the area which includes a number of other similar uses nearby.

### Traffic and Transportation

National Planning Policy Framework (2012); Core Strategy (2007) policies KP2, CP3 and CP4; Development Management Document (2015) policy DM15, and the Design and Townscape Guide (2009).

- 4.33 The proposal does not involve any extensions to the building itself but will be changing its use from class D2 to Class A3. There is no existing or proposed parking for the site, however, there are a variety of public car parks nearby as well as access to public transport and visitor cycle parking. Furthermore this is a sustainable location and users are likely to make linked trips to the area. Given the existing use and sustainable location, it is not considered that the lack of parking is an impact which would justify the refusal of planning permission. The Council's Highways Officer has not raised any objection to the absence of parking.
- 4.34 Whilst there are some visitor cycle parking stands in the vicinity of the site, no staff cycle parking has been proposed as part of the application. It is however noted, that there is space for cycle parking to be accommodated to the side or rear of the building and this could be secured via a planning condition.
- 4.35 As noted above the refuse area is proposed to the west of the building behind the

existing gates. No objections are raised with regard to this location which seems to be of a reasonable size and accessible location. No details have been provided on the exact provision of waste and recycling storage but it is considered that the details of the waste storage facilities could be agreed by condition. The Councils Highways Officer has commented that this needs to take account of the Council's Waste Management Guidelines.

### Impact on Neighbour Amenity

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

- 4.36 Policy DM1 of the Development Management DPD states that development should, "protect the amenity of the site, immediate neighbours and surrounding area, having regard for privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution and daylight and sunlight."
- 4.37 The proposal is seeking a change of use from D2 (leisure and community use) to A3 (restaurant). The proposed hours of operation are 9am - 12 midnight Monday to Sunday including bank holidays from May to September, reducing to 12 noon to 12 midnight Monday to Sunday including bank holidays from October to April. The existing use has no restriction on its opening hours. The terrace to the front of the property is proposed for use as outside dining. It is noted that the proposed opening hours are consistent with those of the Peter Boat and the Crooked Billet.
- 4.38 There are a number of residential properties surrounding the site. The modern flats to the east are 6m from the building; the dwellings opposite are 9m from the building and the managers flat at the Crooked Billet is 9m from the building. In addition to residential properties there are two busy public houses close to the site, a railway and a busy road. It is likely that, in the summer particularly, the background noise levels are already quite significant.
- 4.39 The applicant has been made aware of Environmental Health requirements in terms of noise and disturbance and odours mitigation measures. The applicant has indicated that these measures will include items such as the installation of secondary glazing to the windows and acoustic wall insulation and designing the extract to meet noise restrictions.
- 4.40 Several objections have been received raising concerns about the potential for noise and disturbance resulting from the proposed change of use including the plant equipment and use of the terrace for outside dining.
- 4.41 It is considered that mitigation measures can be undertaken to reduce noise nuisance from the plant, the dining area and more generally and that these could be controlled by suitable planning conditions. This is also the case for odour impact. It is also considered that a condition could be imposed to restrict the use of the front terrace for outside dining later in the evenings to prevent noise nuisance from this element of the proposal.
- 4.42 Environmental Health have commented that, in order for the fumes to dissipate

properly, the flue to the rear needs to be raised above eaves and suggest that this could be achieved within a false chimney. The plans have been amended to reflect this. It is considered that, subject to using appropriate materials and detailing, this can be achieved in a manner which is compatible with the building. This arrangement is therefore acceptable in principle and the detailed design can be agreed by condition.

4.43 The proposal has also been assessed in relation to other amenity issues including light, outlook, visual impact, sense of enclosure, overlooking and privacy and is considered to be acceptable and policy compliant in these regards. Overall therefore, it is considered that, subject to the imposition of planning conditions relating to noise mitigation and odour control from the building and the terrace area, design details of the flue and hours of opening for the building itself and the terrace, the impact on neighbours can be satisfactory controlled.

### Flood Risk

4.44 As noted in paragraph 4.11 above it is not considered that the proposal would be vulnerable to flooding or give rise to any increased risk in the area.

### CIL

4.45 The proposed development is for a commercial to commercial change of use with no increase in floorspace. The proposal is therefore not CIL liable as it benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

### Conclusion

4.46 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposed use would enhance existing tourist facilities and would provide significant enhancement of the conservation area and this, on balance, would mitigate for the loss of an underused community facility and is therefore acceptable in principle. It is also considered that subject to appropriate planning conditions the proposal would have an acceptable impact on the amenities of neighbouring occupiers. The highways impacts of the proposal are acceptable. This application is therefore recommended for approval subject to conditions.

### 5 Planning Policy Summary

- 5.1 National Planning Policy Framework (2012)
- 5.2 Core Strategy Policies KP1(Spatial Strategy), KP2 (Development Principles), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility) CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP7 (Sport, Recreation and Green Space)
- 5.3 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 (Southend-on-Sea's Historic Environment), DM6 (The Seafront) and DM15 (Sustainable Transport Management)

- 5.4 Leigh Old Town Conservation Area Appraisal (2010)
- 5.5 Southend Design & Townscape Guide (2009)
- 5.6 Community Infrastructure Levy

#### 6 Representation Summary

#### **Environmental Health**

6.1 The applicant is proposing to change of use from a Scout Hut/ gym to a restaurant.

The revised plan for the planning application proposed to install an air intake vent grill on North facing rear extension external wall and kitchen extract ducting will exit via a fake chimney on the rear section of the roof. The revised position of the extract discharge point would be more suitable than the previously proposed low level discharge. The applicant did not indicate the level of cooking or cooking processes at 52 High Street, Old Leigh, Leigh-on-Sea and also there is no detail on any de-odourising system to the kitchen extract. Therefore, it is not possible to provide more constructive comments on this matter. Controls must be in place to prevent nuisance from cooking smell/ particulates/ vapour from the activities within the premises.

According to the Warren Sharp's email dated 11<sup>th</sup> March 2018, the applicant proposed to retain most of the single glazed sash windows at 52 High Street, Old Leigh, Leigh-on-Sea and the very top ones will also be single glazed. There is no indication that these single glazed windows are acoustic windows. Controls must be in place to prevent noise escapes from the activities within the premises through these single glazed windows and the timber structure.

[Officer Comment: It is considered that the details of the final flue design can be agreed by condition to ensure that it does not appear out of place on this historic building. A noise report will be conditioned to ensure satisfactory mitigating measures to prevent noise escaping from the building including via the windows. It is understood that secondary glazing is being considered in this case to preserve the character of the conservation area. Full details of the odour control plant can also be conditioned to ensure that this will not cause a nuisance to neighbours.]

Conditions and informatives should be sought in relation to the following:

#### Conditions

- Extractor Ventilation System/ Plant including odour control
- Noise report to ensure that the proposal does not give rise to noise nuisance from the plant and from the use and terrace.
- Control of delivery times

#### Informatives

Development Control Report

- Removal of asbestos
- Compliance with Environmental Protection Act 1990 (as amended)
- compliance with the Food Safety and Hygiene (England) Regulations 2014

#### Highways

6.2 The applicant will need to ensure that the waste policy provision at the site and the collection arrangements are compliant with the Councils Waste Management Guide. It is not considered that the proposal will have a detrimental impact upon the public highway. Council operated car parks are in close proximity. There are therefore no highway objections.

#### Parks

6.3 No comments received.

#### Network Rail

6.4 No comments received.

#### Leigh Town Council

6.5 No objection to amended plans.

#### Leigh Society

6.6 No comments received.

#### Public Consultation

- 6.7 A site notice was displayed, a press notice published and 7 neighbours were notified of the proposal. 11 responses were received raising the following issues:
  - Noise and disturbance from the restaurant and terrace
  - Odour from flue extract and waste storage
  - Loss of leisure/ community use
  - Traffic and taxi noise
  - There are enough eateries in this area
  - Lack of parking and obstruction of residents driveways
  - Opening until 12 midnight is too late
  - Construction related impacts
  - Harm to neighbour amenity

[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. It should be noted that since these comments have been received, the Council has been informed that the fitness classes have relocated to the building opposite.] 6.8 This application was called to committee by Cllr Mulroney.

#### 7 Relevant Planning History

- 7.1 There is no planning history for this site.
- 8 Recommendation

**GRANT PLANNING PERMISSION subject to the following reasons:** 

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 17-Clarendon-01B, 17-Clarendon-02A, 17-Clarendon-03B, 17-Clarendon – 04A

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

03 No development shall take place until details of the materials to the used on the external elevations including a sample of the natural state, details of the materials for the dormer cheeks and any new guttering, product details for the staining of the existing weatherboarding, materials including glazing for the new dormer windows and doors, materials for the balustrading and any new flooring to the terrace and any other new external materials including boundary materials have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: To safeguard character and appearance of the historic building and the surrounding Leigh Old Town Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

04 Prior to the commencement of development, detailed design drawings of the new doors, new dormer windows and terrace balustrades/railings at scales of 1:20, 1:10 or 1:1 as appropriate shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out and in accordance with the approved details before it is brought into use.

Reason: A pre commencement condition is needed to safeguard character and appearance of the historic building and the surrounding Leigh Old Town Conservation Area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

05 Prior to the first occupation of the building for A3 purposes details of the

proposed waste storage and an associated waste management plan shall be submitted to and approved by the local planning authority. The development shall only be implemented in accordance with the approved details from first occupation for the proposed use and be maintained as such in perpetuity.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding conservation area, in accordance with Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM5 and DM15 of the Development Management Document (2015).

06 Prior to the first occupation of the building for A3 purposes details of the staff cycle storage shall be submitted to and approved by the local planning authority. The development shall be implemented in accordance with the approved details before it is first occupied for the approved use.

Reason: To ensure the provision of adequate cycle parking in accordance with policies DM8 and DM15 of The Development Management Document (2015).

07 Prior to the commencement of the development the design details and materials of the proposed extraction flue chimney and fresh air grille at scales of 1:20, 1:10 or 1:1 as appropriate shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into use.

Reason: A pre commencement condition is needed in order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the conservation area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM5 and DM6 of the Development Management Document 2015.

80 Prior to commencement of the proposed use details of the proposed extraction and ventilation equipment together with a report detailing any mitigation measures proposed in respect of noise and odour impacts shall be submitted to, and approved by, the Local Planning Authority. The installation of extraction equipment shall be carried out in full accordance with the approved details and any noise and odour mitigation measures undertaken in association with the agreed details before the use hereby approved is commenced. With reference to BS4142 the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dbB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character. The rating level of noise for all activities (including amplified and unamplified music and human voices) shall be at least 10dB(A) below the background noise (with no tonal elements) to ensure inaudibility in noise sensitive premises.

Reason: In order to protect the amenities of the surrounding occupiers inDevelopment Control ReportPage 14 of 16

accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

09 The class A3 (restaurant) use hereby permitted shall not be open to customers outside the following times: 09:00 until 24:00 hours on Monday to Sundays including Bank Holidays from May through to and including September and 12:00 until 24:00 hours Mondays to Sundays including bank holidays from October through to and including April.

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

10 The entire raised terrace area shall not be use by customers for the consumption of food or drink or for smoking from 22:00 hours until the close of business on all days.

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

11 No deliveries or refuse collection shall be taken at or despatched from the A3 use hereby permitted outside the hours of 07:00 to 18:00hours Mondays to Fridays and 08:00 to 13:00hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

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

12 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 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).

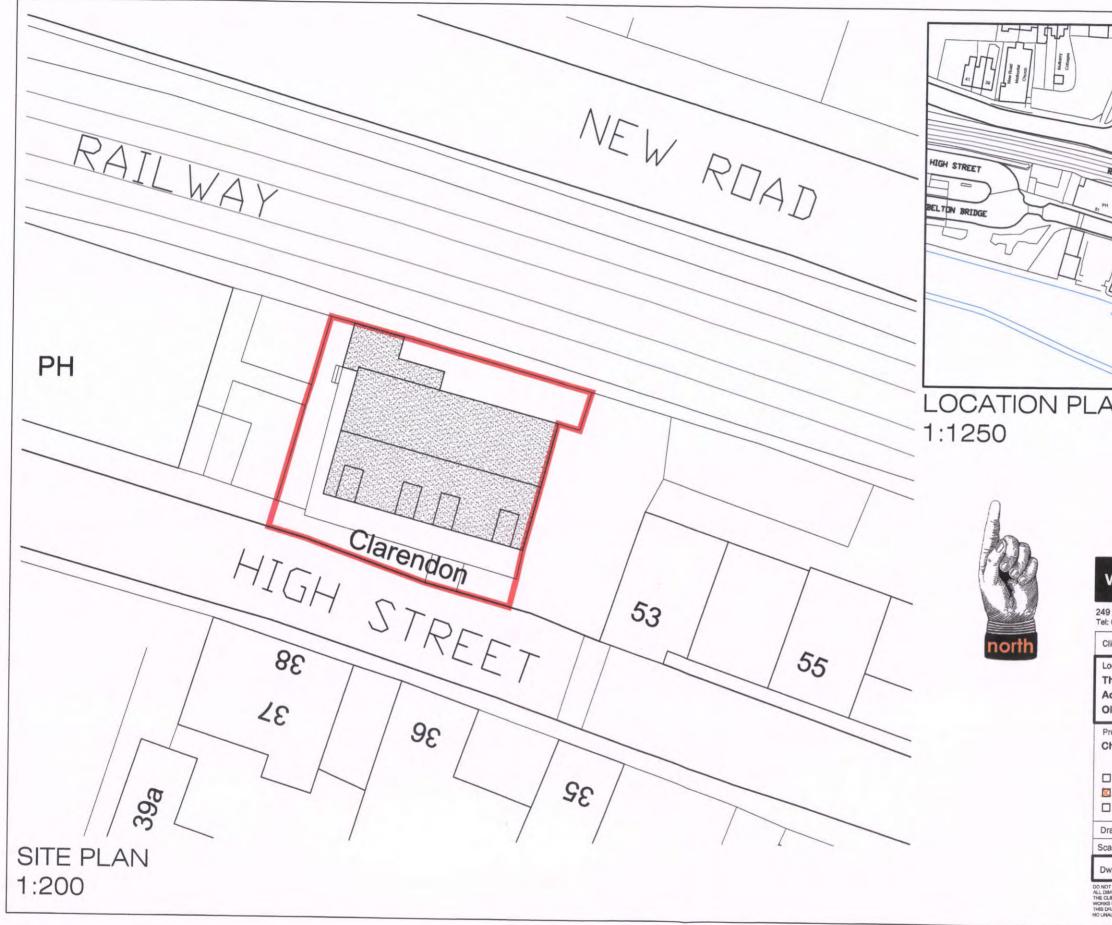
#### Informatives

- 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 The applicant is advised that if noise modelling software is used to calculate

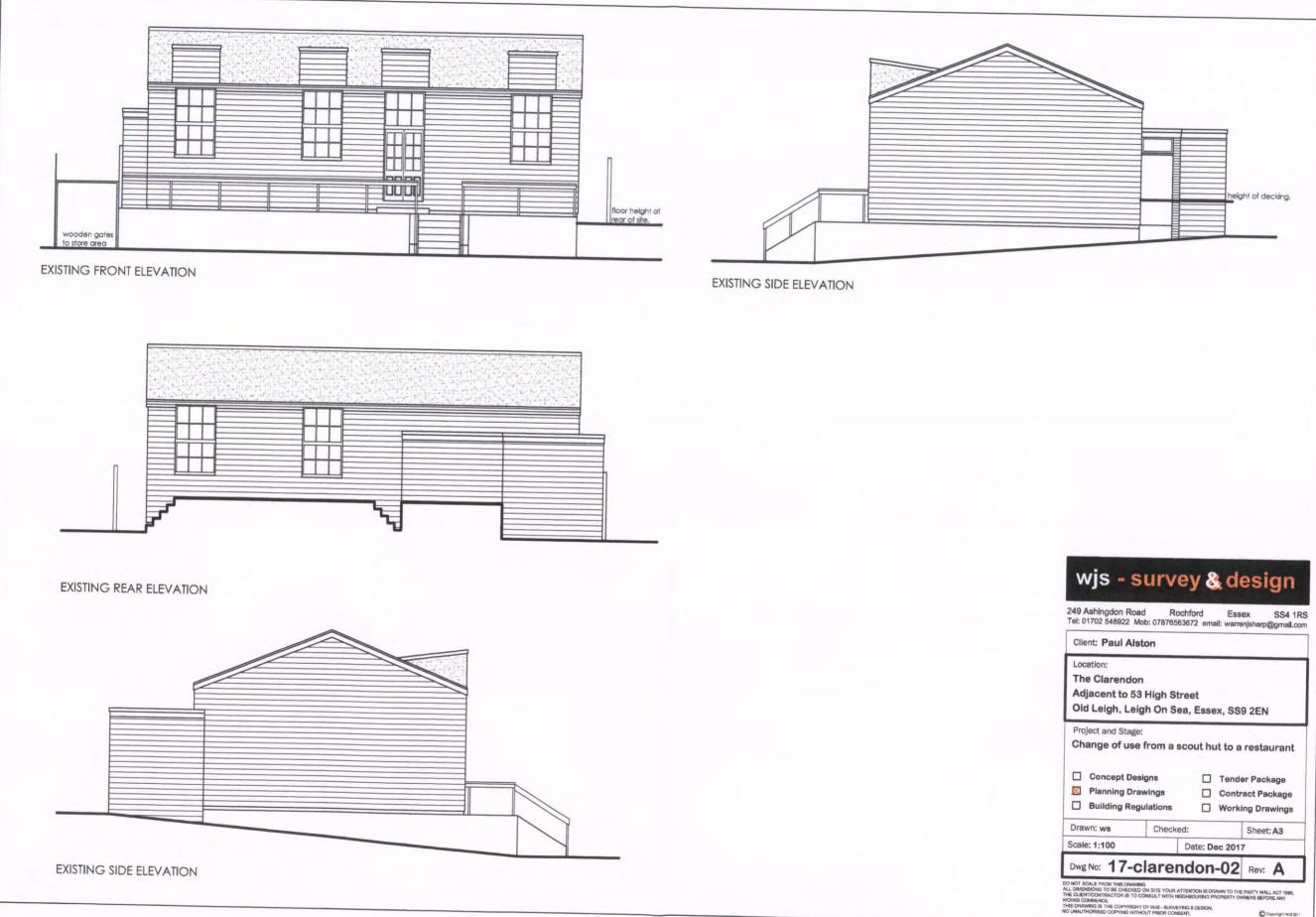
the likely levels or impact of the noise then any actual measurement taken such as LA90 must be taken in accordance with BS7445. The assessment should be carried out by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics. For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to – Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from <u>www.DEFRA.Gov.UK</u>

- 03 The applicant is advised that according to this Department's record, asbestos containing materials may be present within the structure of walls at 52 High Street, Leigh-on-Sea, Essex. An asbestos survey at this address should therefore be carried out by a suitably qualitied person before any structural work being carried out at the premises. Any asbestos containing material (ACM) must be removed and disposed off site to a facility licenced by the Environment Agency. A waste transfer certificate should be made available for inspection by authorised officer from this Authority on request.
- 04 The applicant is advised that 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
- 05 The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2014 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services Department, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ZG The applicant is advised that any waste food collection must be undertaken by a licenced operator

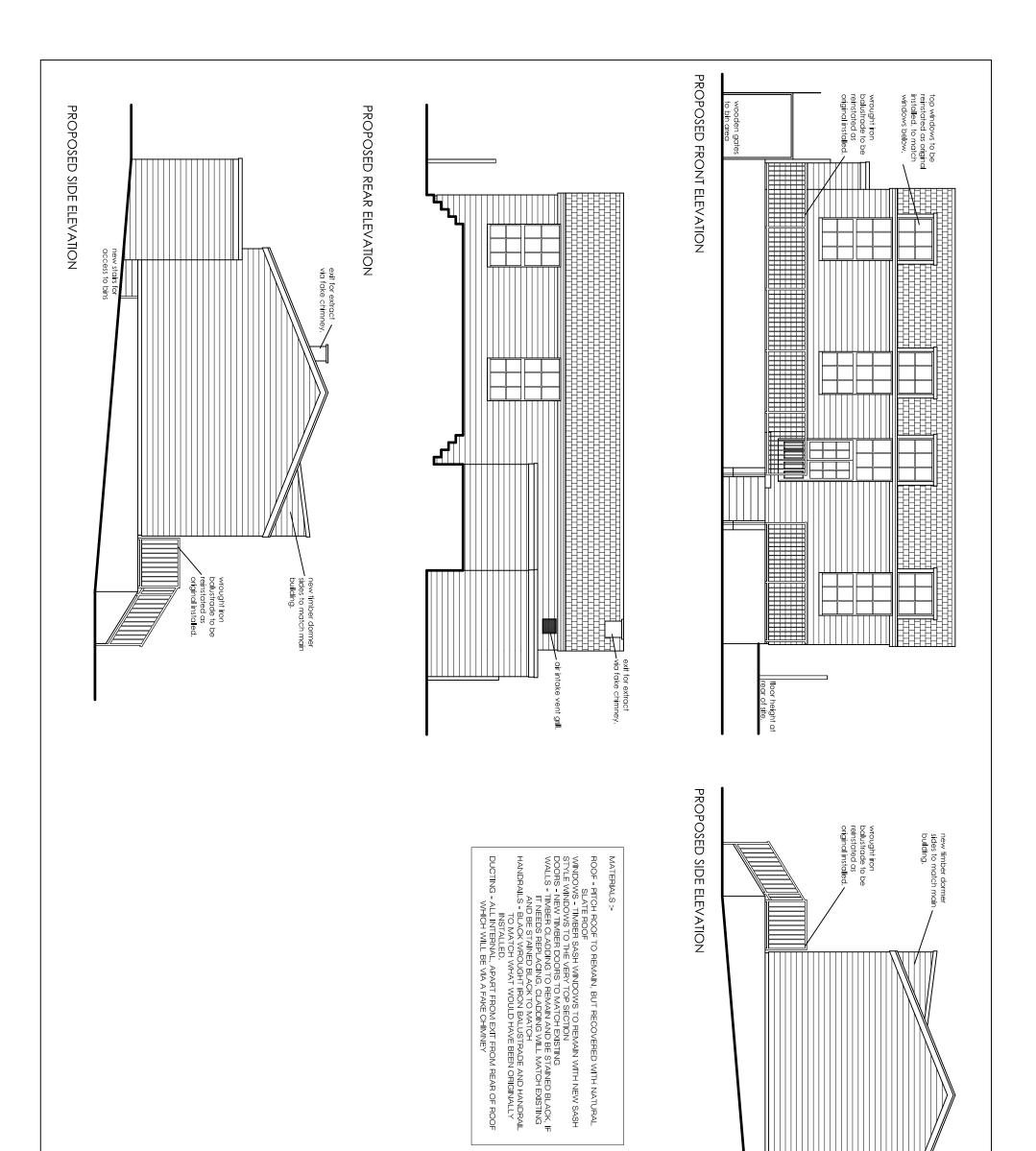
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider 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.



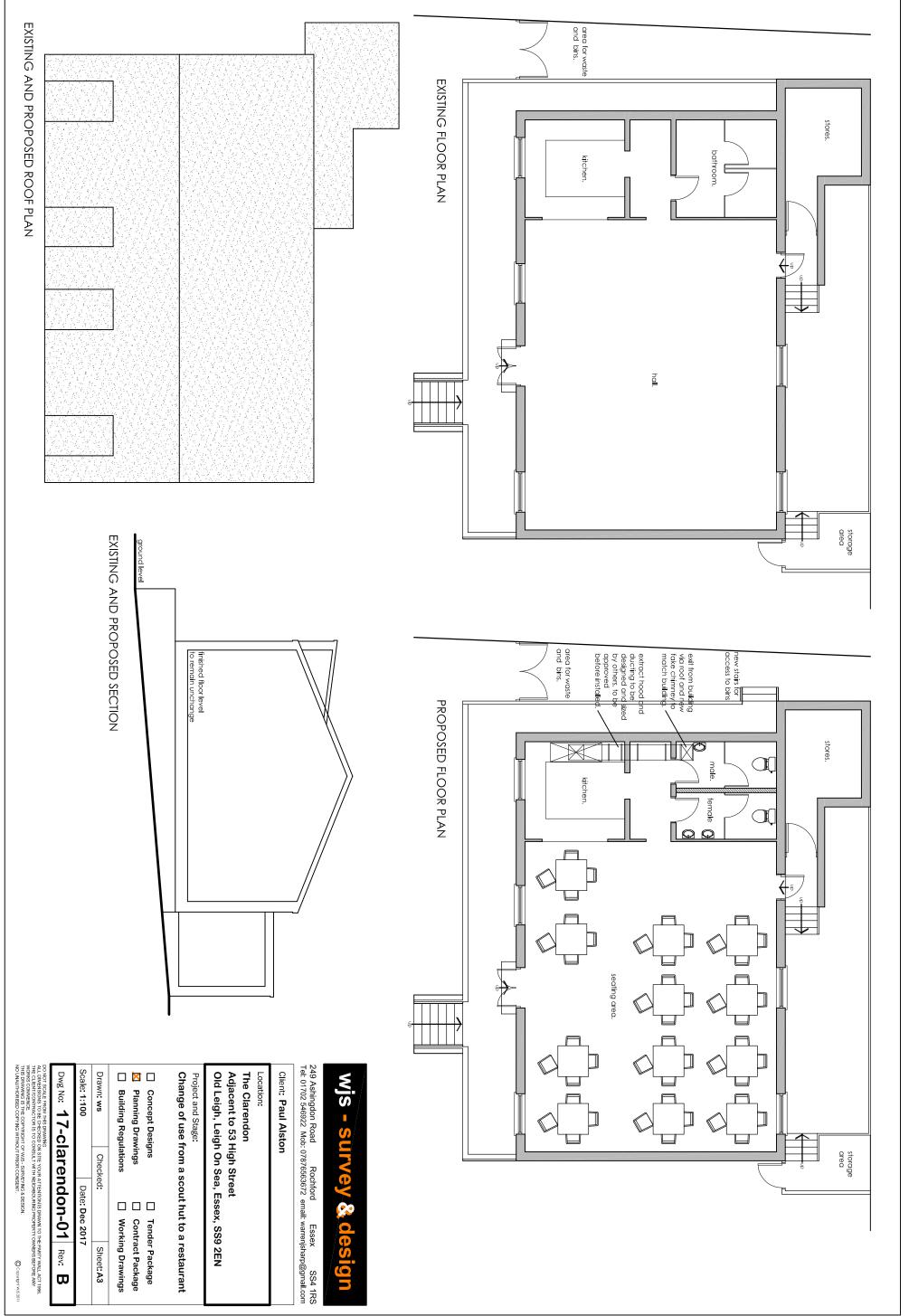
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Client: Paul Alston
ocation:
The Clarendon
Adjacent to 53 High Street
Old Leigh, Leigh On Sea, Essex, SS9 2EN
Project and Stage:
Change of use from a scout hut to a restaurant
Concept Designs
Planning Drawings  Contract Package
Building Regulations Uvorking Drawings
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Reference:	1. 17/02074/FUL 2. 17/02075/LBC					
Ward:	Milton					
Proposal:	<ol> <li>Change of use of ground floor shop (Class A1) to community hub for age concern (Class D1), change of use of first floor from shop (Class A1) to Assembly and Leisure use (Class D2) and replace external staircase to rear, infill window to rear, install 2 rooflights and 2 roof lanterns to single storey flat roof to rear.</li> <li>Various internal changes to ground, first and second floor, reinstate two letters to the signage on the front elevation, replace external staircase to rear, infill window to rear and install 2 rooflights and 2 roof lanterns to single storey flat roof to rear (Listed</li> </ol>					
	Building Consent) 138 - 140 Hamlet Court Road					
Address:	Westcliff-On-Sea Essex SS0 7LN					
Applicant:	Age Concern Southend CIO					
Agent:	Metson Architects Ltd					
Consultation Expiry:	20 <sup>th</sup> March 2018					
Expiry Date:	9 <sup>th</sup> April 2018					
Case Officer:	Abbie Greenwood					
Plan Nos:	<ol> <li>TP-X01B, TP-X02, TP-01B, TP-02, TP-03</li> <li>TP-X01B, TP-X02, TP-01B, TP-02, TP-03, TP-04, TP-05D, TP-07, TP-08, TP-09, TP-10, TP-11A, TP-12A, TP-13, TP-14, TP-15A</li> </ol>					
Recommendation:	1. GRANT PLANNING PERMISSION 2. GRANT LISTED BUILDING CONSENT					



#### 1 The Proposal

- 1.1 Planning permission is sought to change the use of the ground and first floors of the former Havens Store in Hamlet Court Road from a retail shop to a community use. The ground floor will change from class A1 to class D1 of the Town and Country Planning (Use Classes Order) and will house Age Concern which will relocate from a nearby premises in Hamlet Court Road. The facilities associated with this use include support services for the over 50s such as bereavement counselling, public health facilities and advocacy, the provision of hairdressing and chiropody services, meeting spaces, craft / hobby area and a public café. The first floor will change from class A1 to class D2 and will house Club 50+ which will relocate from Queens Road in Southend. This area will be used for more leisure based activities for over 50's including a keep fit area, carpet bowls, snooker, table tennis, darts and computer area. The Havens online retail function will remain in the 2nd floor offices. These uses would work together using shared services, staircases and the lift and represent a sui generis use for the site.
- <sup>1.2</sup> The proposal will require a number of physical changes to the building. These are the subject of an application for planning permission and listed building consent and are summarised below:

#### External

- reinstatement of the damaged sign to front
- replacement of the rear escape stair
- installation of 2 conservation rooflights and 2 roof lanterns to the existing single storey addition to the rear
- infill window to rear

#### Ground Floor

- Alteration of the main display windows to remove backing enabling views into the premises
- Removal of 1980s style shop fittings including wall cabinets within the front area and restoration of panelling behind
- Installation of fitted reception counter
- Installation of café servery counter
- Installation of reversible partitions within the central area to create meeting rooms, counselling rooms and other facilities such as hairdressing and chiropody
- Subdivision of the single storey rear section of the ground floor area to create a commercial kitchen, craft workshop and toilet facilities

First Floor

- Erection of glazed fire proof lobby around staircase
- Removal of 1980s wall cabinets and restore original timber panelling behind
- Installation of tea servery

- Part demolition of wall to storage cupboards on northern side of building to enable an area for the provision of carpet bowls
- Removal of a partition in the office and kitchen area

Second floor

• Installation of fire proof lobby around the staircase

#### 2 Site and Surroundings

- 2.1 The building was constructed in 1935 as a purpose built retail store for the shopping centre of Westcliff which was a fashionable shopping destination at this time. It is one of the largest and most important long-served stores in Hamlet Court Road. The building has an attractive faience (ceramic) façade and large distinctive steel framed display windows facing the street. Internally the building retains many of its original features including decorative rooflights, parquet flooring, a pair of grand staircases, the original concertina shuttered lift and some historic shop floor fittings. It is understood that the original timber panelling hides behind the later 1970/1980s wall display units. The building is mainly open plan to the first and second floors. A single storey extension was added in the 1950s to provide an additional sales area to the ground floor.
- 2.2 There have been a number of changes to the building over the years including the replacement of the ground floor shop display windows in the 1970s and the removal of the internal viewing gallery at first floor which once enabled views from the ground floor up to the decorative lantern above. An extension to the rear to infill the area between the store and the rear warehouse was also added. These changes can clearly be seen but overall the building has retained much of its original structure and historic character. The premises were grade II listed in 2016 and the building also sits within a Frontage of Townscape Merit.
- 2.3 The shop is located within the district centre of Hamlet Court Road and is a landmark for the shopping centre. The wider streetscene is characterised by a variety of buildings, many of which are historic and were constructed before Havens, some of which have extensive decoration. The past grandeur of the street is evident but many of the buildings are in a poor state of repair or have been poorly altered and this has had an impact on their historic character. The street has a mix of uses, principally retail to ground floor with residential above. Much of the road including the site is designated as primary shopping frontage.

#### **Planning Considerations**

3.1 The main considerations in relation to the planning application are, impact of the change of use on the primary shopping frontage and district centre, the design and impact on the character and appearance of the site and wider area, impact on the heritage assets, the impact on neighbours amenities and any transport, highway and access issues. The only consideration in relation to the application for listed building consent is the impact on the architectural and historic character and significance of the listed building as a heritage asset.

#### 4 Appraisal

#### **Principle of the Development**

## National Planning Policy Framework (NPPF) (2012) Core Strategy (2007) policies KP1, KP2, CP1, CP3, CP4, CP6 and CP7; Development Management Document (2015) Policies DM1, DM3 and DM5, DM13, DM15

- 4.1 The National Planning Policy Framework (NPPF) and local planning policies noted above promote sustainable development including the adaptation of listed buildings provided that the proposal has due regard for the impact of the works on the special historic character and significance of the listed building. This is discussed in detail below, along with the impact on neighbours amenity, wider design and character points, transport and highways and accessibility issues. The main issue for the principle of the change of use of the building is the impact this may have on the vitality and viability of the primary shopping frontage and wider district centre.
- 4.2 The key policy in relation to this is DM13 which seeks to protect the vitality of primary shopping frontages. Policy DM13 states that:

1. Primary and secondary shopping frontages within Southend will be managed to reinforce their attractiveness, vitality and viability within the daytime and night-time economies. The character and function of both types of frontage will be protected and enhanced.

2.....Within each of the identified primary shopping frontage areas, proposals for Class A1 retail use will be supported and its loss will be resisted. The change of use of ground floor Class A1 units to other uses of the Use Classes Order 1987 (as amended) or 'sui generis' uses of a retail nature will only be considered if:

- i. The proposed use will not result in the proportion of frontage (measured in terms of length of frontage) remaining in retail use (class A1) falling below 60% within each centre as a whole. Where retail use (class A1) already falls below 60% of the primary shopping frontage length, no further loss of Class A1 will be allowed unless it can be demonstrated to the satisfaction of the Council that the A1 use is no longer viable through an effective 2 year marketing exercise where the vacant property has been offered for sale or letting on the open market at a realistic price and no reasonable offers have been refused\*; and
- *ii.* It can be demonstrated that the proposed change of use would enhance the vitality and viability of the centre and would not lead to the isolation of A1 retail uses; and
- iii. An active frontage is retained or provided 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 most recent survey data for this area showed that 58% of the Hamlet Court Road Primary Shopping Frontage was in A1 (retail) use, however, it is noted that within the block that contains the application site, the percentage of A1 uses was in fact much higher at 75%. The impact of the proposal would be to reduce these figures to 56% and 60% respectively.

- 4.4 The applicant has not provided a 2 year marketing assessment but the Havens owner has provided an assessment of his business during its 80 year history and an evaluation of the trends of retail stores of a similar nature across the country. This comments on how the retail business has adapted in light of the changing nature of shopping including the switch to online retailing. This report states that over the past 20 years the footfall in Hamlet Court Road has been in decline and the centre as a whole is losing custom to the modern shopping centres such as Lakeside and Bluewater and more recently the internet. In relation to the Havens business itself it comments that in 2005/6 only around 20% of Havens business was via the internet. This figure is now nearer to 70% and the business has been forced to diversify and move online to survive. The report also comments that of a group of 30 independent retailers of a similar size and nature across the country. Havens has survived the longest. It is the opinion of the owner that the building is no longer viable as an independent retail unit due to its scale and arrangement over 2 floors.
- 4.5 The application currently proposed seeks to retain the online Havens business in the space on the 2<sup>nd</sup> floor. No change to this use is proposed under the current application. This business will have close links to the other users in the building in particular links with the window displays and reception counter. As such, a presence of a town centre nature will be maintained in the building and contribute to the activity at the site. It is also noted that the application proposes to remove the backs of the ground floor display windows so that the café behind can be seen from the street. This will ensure that an active and attractive frontage is maintained to the street. The café will be open to the public as well as the centre's users.
- 4.6 Whilst the figures show that the level of A1 is already below the 60% threshold, it is important to note that the objective of this policy is to protect the vitality and viability of the retail centre. By opening up views into the building of a retail function and continuing window displays the building will be able to maintain an active frontage to the street. It is therefore considered that the proposal is consistent with the essence of this policy and will not appear out of character within the parade as a whole. It is also considered that the proposed new use as a community hub will bring substantial footfall to the street as well as providing a valuable service to the older population of the Borough who would be expected to make linked trips to other parts of the centre. It is considered that, in this instance, the proposal to change from A1 to the D1 use proposed is consistent with the objectives of policy DM13 and that the development will not harm the vitality of the district centre. In fact it is considered that it would be likely to enhance the vitality and viability of this stretch of the district centre. The proposed use also has many other public benefits including social, health and wellbeing and economic benefits which help to justify an exception to the letter of this policy as well as securing, in principle, a future use which can integrate satisfactorily with the building's listed status (assessed in detail below). The principle of the development is therefore considered to be acceptable subject to the detailed considerations discussed below including assessing the impact on the significance of the historic asset.

#### Design and Impact on the Listed Building and Frontage of Townscape Merit

## National Planning Policy Framework (2012) Core Strategy (2007) policies KP2 and CP4; Development Management Document (2015) Policies DM1, DM3 and DM5

**Development Control Report** 

4.7 In relation to proposals affecting listed buildings, paragraph128-134 of the NPPF states that:

129 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimize conflict between the heritage asset's conservation and any aspect of the proposal.'

131. 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.

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.8 Policy KP2 of the Core Strategy requires that *"all new development contributes to economic, social, physical and environmental regeneration in a sustainable way".* 

And that development should:

"conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations". 4.9 Policy CP4 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. This will be achieved by:

7. safeguarding and enhancing the historic environment, heritage and archaeological assets, including Listed Buildings, Conservation Areas and Ancient Monuments

- 4.10 Policy DM1 states:
  - 'In order to reinforce local distinctiveness all development should:
    - (i) 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 giving appropriate weight to the preservation of a heritage asset based on its significance in accordance with Policy DM5 where applicable;
- 4.11 In relation to development affecting a listed building and Frontage of Townscape Merit 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.'

'4. Development proposals, including replacement shopfronts, that impact upon the 'Frontages of Townscape Merit' will be required to pay regard to the preservation and restoration of features which contribute to the special character of their frontage, including form and function.'

4.12 The proposed changes to the listed building are noted in Section 1 above. The alterations are discussed in detail below.

#### Proposed External Alterations

4.13 In relation to the external elevations the proposal seeks to repair the distinctive signage to the front including reinstating one letter which has fallen off and replicating another which has been lost. It is also proposed to infill one window to the rear with matching brickwork, replace the metal fire escape stair with one of the same design and install 2 conservation style rooflights and two pyramid style aluminium framed roof lanterns to the roof of the existing single storey extension.

- 4.14 It is pleasing to see that the Havens branding, which is so much a part of the character of the frontage, is to be maintained. This is specifically mentioned in the list description for the building and therefore the proposal to repair the letter signage to the front is welcomed. The applicant has confirmed that it is their intention for discrete signage within the window displays in relation to the change of use and this is considered appropriate and is welcomed. This will be considered under a separate application. The works to the frontage will help to preserve the frontage for the future and this accords with Policy DM5 in relation to Frontages of Townscape Merit.
- 4.15 The other external changes are confined to the roof of the single storey section to the rear which has no public impact. It should be noted that this part of the building has no historic merit and has been specifically excluded from the list description. The alterations here are minor and will not impact on the significance of the listed building. Crucially, therefore, the building will retain its existing character and former branding to the street and the proposed external alterations are considered to be acceptable and former branding.

#### Internal Alterations

#### Ground Floor

- 4.16 The ground floor of the building will be used by Age Concern to provide a variety of services for older people and members of the public including counselling and bereavement services, plus other small scale public health services such as flu jabs and blood tests as required as well as meeting rooms, a hobby room and public café. New shared toilet facilities for all uses will also be located at ground floor.
- 4.17 At the front of the building it is proposed to open up views into the building by removing the backs of the display windows. A reception counter, public café and a small servery will be located in this area. The modern 1980s fitted wall cabinet will also be removed and the panelling behind restored. The enclosure of the staircase at this level, which was initially proposed, has now been omitted from the scheme following a review of fire safety requirements.
- 4.18 There is no objection in principle to the removal of the backs of the display windows as these were added in a more recent refurbishment of the building so are not part of the historic fabric. Their removal will allow views into the building from the street helping to maintain an active frontage and contribute to the vitality of the shopping parade. Similarly the removal of the 1980s fitted wall cabinets will reveal the original wall panelling and this is seen to be a positive aspect of the proposal. These elements are therefore considered to be acceptable.
- 4.19 There is a need to provide a reception for Age Concern at the front of the building. The initial proposal submitted was for a full partition of the frontage to create a separate room with a counter but concerns were raised in respect of the sub division of this area and the impact this would have on the historic layout and the overall character of the building. This element of the proposal has been amended to be a more open plan arrangement. Reception facilities are now proposed to be provided at a custom designed low level counter which will be detailed to reference the historic character of the building by using the same materials and style as the historic shop fittings. This will enable the front section of the building, which is the most visible from the street, to be maintained as one open space. The use of

matching materials and retail counter style design will help this element of the proposal fit in with the overall character of the building. This is a significant improvement over the initial proposal. The same design ethos will be applied to the proposed tea servery in this area which will provide a counter for the public café that is to be located at the front of the building. The amended proposal here is considered to be acceptable subject to the agreement of the design details and materials for the counters, which can be controlled by condition.

- 4.20 It is proposed to introduce some sub division in the central area of the ground floor to provide meeting rooms and local services provided by Age Concern and associated agencies. The nature of these services, which include bereavement counselling, public health and advocacy, means that there is often a need for privacy both visually and audibly and this has necessitated the installation of floor to ceiling partitions in this area. In order to mitigate the impact on the historic fabric, these are designed as reversible partitions (i.e. they can easily be removed at a later date without materially affecting the building fabric) and will be set back from the historic shelving units. Ventilation will be incorporated into the partitions dividing the rooms and will feed into ducts within the existing false ceiling and link to the existing air conditioning units on the roof of the single storey rear addition.
- 4.21 The central area is currently an open retail space although it is understood that there was originally a partition on the northern side of the area which provided access to the rear service yard. This has long since been removed and the area is now characterised by the fitted shelving units which link with the structural iron columns in this part of the building. These units have distinctive curved ends, oak trims and soffit lighting.
- 4.22 It is recognised that the open retail space is significant to the shop and its original function as a department store. This scale of open plan space was only possible due to the construction methods used here, which revolutionised the shopping experience, changing it from the narrow shops seen in the older retail units nearby, to the large open sales areas as shown in Havens. This structure is recognised as being important to the significance of the building as a heritage asset and is evident in the structural columns in this area and the exposed steel beams at first floor. Similar beams are hidden by the false ceiling which has been installed at ground floor.
- 4.23 While it would be preferable ideally to not have this subdivision it is noted that without the ability to provide private meeting rooms the proposed community use cannot function. The proposal therefore includes the subdivision of this area with lightweight reversible partitions. The design of these have been amended to ensure that they are fit for purpose but also that they are subservient to the historic shelving units enabling them to be maintained as a feature in the remaining central open plan area. The retention of a large open space in the centre of the ground floor will help to maintain a sense of openness for this area which will be apparent from the street and from within the front café area.
- 4.24 The detailing of the partitions has been altered to increase the amount of glazing and to ensure that a symmetrical layout, which is a key characteristic of the existing store in this area, is maintained. The glazing for the screens will be set in timber frames which have been designed to reference the detailing of the adjacent historic shelving. All these changes have significantly improved the proposal in relation to

the initial submission which was for basic partitions on the south side and a large kitchen on the north side in this area.

- 4.25 It should be noted that if the building were, as an alternative to the current proposal, converted to another use it is likely that there would also be an element of subdivision within the building which may be more extensive than that currently proposed.
- 4.26 On balance it is considered that, in this particular instance, given the design of the partitions and their reversibility and improved detailing, the alterations in this area can be considered acceptable in terms of their impact on the significance of the heritage asset.
- 4.27 The kitchen has now been relocated to the rear section of the building along with the new toilet facilities and craft workshop. This section of the building was a later addition and, as noted above, has no historic merit. It is therefore appropriate that the more intrusive 'messy' uses are located in this area where there is an opportunity for a more flexible layout and the installation of associated plant and services. There is therefore no objection to the proposed alterations in this area subject to the agreement of the details of the kitchen plant and any associated housing. The wider implications of the plant will be discussed in more detail below.

#### First Floor

- 4.28 The first floor of the building will be used by Club 50+ and will run in conjunction with the services provided by Age Concern at ground floor enabling the building to act as a community hub for older persons. The club will provide a variety of social activities for older people including a small tea servery, keep fit area, carpet bowls, table tennis, snooker and darts. This will require some alterations to the historic fabric including the installation of a fire proof lobby to the staircase, the demolition of part of an internal wall on the northern side to the rear to make the space more useable and some alterations to the rear back of house rooms and fire access area.
- 4.29 The fire proof lobby is required to ensure that users of the building are safe. The building has not been altered for many years and is currently considered to be substandard in terms of fire protection.
- 4.30 The heritage report submitted with the application confirms that a number of options were considered to address this issue including sprinklers and a drop down fire curtain but these were considered to be too intrusive on the historic fabric. The proposal has opted therefore for a 'light touch' glazed screen which will be constructed in fire proof frameless glass. This will enable the staircase to be fully visible from the first floor area and still be a key feature of this space. Fire safety matters would be fully addressed under a subsequent application for the relevant building regulations consent.
- 4.31 It is worth noting that any conversion of the building will require alterations to address this issue and other uses, such as a bar, may require a higher level of protection as the perceived risks are greater.

- 4.32 On balance it is considered that whilst the installation of a lobby will impact on the open plan layout of the staircase to a degree, the need for some form of fire protection has been justified and this 'light touch' honest approach is acceptable on heritage impact grounds in this instance.
- 4.33 The other main alteration at first floor is the demolition of part of an internal wall to the north store room. This is required to make space for carpet bowls to be played in this area.
- 4.34 The layout of the first floor has store rooms on each side towards the rear which are arranged in an octagonal plan around the feature roof light. There is a clear distinction between the high quality finishes in the shop floor area and those within the store rooms where a more basic approach has been taken to the walls, ceiling and floor, ironmongery. The store rooms also include some rustic slatted timber shelving for the storage of china and glassware and the northern store room has a section of glass block flooring. There is also a smaller original decorative roof lantern to the back of house area to the south side of the building.
- 4.35 It is considered that the arrangement of the rooms forming a central octagonal space is an important aspect of the historic layout of the building and that the change of detailing and features in the back of house area showcases the operational side of the retail store. The proposal includes the demolition of the dividing wall to the northern storeroom but this element has been amended to the lower section of the wall only, leaving the upper section of wall in place to enable the original layout to be identified. The agent has also confirmed that the finishes in this location will remain as their original simplistic and honest forms. It is noted that the slatted timber shelving will be removed from the northern area but the applicant has agreed to retain an element of this shelving in the southern rooms which are proposed as an office and computer area. Overall this is seen as a acceptable approach and will meet the needs of the club whilst still enabling the original legacy of the layout and historic uses of this area to be appreciated as a heritage asset.
- 4.36 As with the ground floor a small tea servery counter is proposed at first floor which will be detailed in a similar fashion.

#### Third Floor

4.37 The only alteration to the third floor is the installation of a fire lobby around the staircase. This area is noted in the list description as being of little historic importance so the proposal here is a more basic design. There is no objection to this element of the proposal on design and heritage grounds.

#### Conclusion

4.38 As with any scheme affecting a listed building, a careful balance needs to be achieved between the preservation of its historic significance and ensuring that the building has a use which secures its future. As noted above the proposed scheme will have some impact on the historic fabric inside the building, most notably some changes to the historic layout, but the original character will still be evident in the changes and these aspects of the proposal could be reversed at a later date. The relevant details of the key alterations have been submitted with this application and

this shows that the alterations have been carefully considered and can be achieved in a way which is sensitive to and compatible with the historic character of the building and the wider area. Without these details the scheme would not be considered acceptable.

4.39 It is also important to consider that whilst the proposed use does require a change in the function of the building, it is unlikely that the building has a future as a department store and alternative uses may require an even greater level of alteration including greater compartmentalisation of the spaces and more stringent fire standards as well as the proposed branding of the new venture competing for prominence against feature such as Haven's historic signage. On balance, it is considered that the alterations proposed will have a less than substantial impact on the heritage asset and are justified in this instance by the public benefits of the scheme. This proposal is found to be acceptable and compliant with the objectives of development plan policies as they relate to design, character and heritage matters.

#### Impact on Residential Amenity

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

- 4.40 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."*
- 4.41 No extensions are proposed however the scheme will include a new commercial kitchen which will require roof top plant. This is to be sited on the flat roof of the existing single storey addition to the rear of the store. This section of the building backs onto the rear gardens in properties in St Helen's Road and St John's Road. There would be approximately 15-20m between the proposed plant and the nearest residential property to the east and approximately 5m to the end of their rear gardens. It is also noted that there are some flats above shops adjacent to the site on Hamlet Court Road. These will be screened from the proposed plant area by the main part of the Havens building.
- 4.42 No details have been provided for the plant that will be required in this area but it is noted that the area of flat roof here is substantial and, given the distances involved, it is considered that the details of the plant, including ensuring acceptable noise levels, could in this case be agreed by condition. This is consistent with advice provided by Environmental Health.

#### Traffic and Transportation

National Planning Policy Framework (2012); Core Strategy (2007) policies KP2, CP3 and CP4; Development Management Document (2015) policy DM15, and the Design and Townscape Guide (2009).

- 4.43 The site has no off street parking associated with the exiting retail use and none is proposed as part of the development. This is typical for all the commercial premises in Hamlet Court Road.
- 4.44 The site is in a very sustainable location close to a variety of forms of public transport, including a bus layby directly outside the building which can be used for drop offs, and is near to public car parks. Given the sustainability of the site, the Council's Highways Officer has not raised any objections to the lack of parking.

Servicing and Waste Management

- 4.45 The site has a right of way to the rear across the back of neighbouring properties to St Helens Road. This is currently used for deliveries and refuse collection and it is proposed that this will continue in the proposed development.
- 4.46 The plans show that the waste and recycling facilities are located in this area. Four 110 litre euro bins are proposed. These are tucked away in a small section of open land behind the rear of 15 St Helens Road. This is the same location as the refuse storage for the existing store. The location is 27m from St Helens Road. It is considered that a management plan in relation to the servicing of these refuse facilities could be agreed by condition.

#### Accessibility for Users

National Planning Policy Framework (2012); Core Strategy (2007) policies KP2 and CP4; Development Management Document (2015) policies DM1, DM3, DM13 and DM15, and the Design and Townscape Guide (2009).

- 4.47 It is recognised that the conversion of listed buildings can place restrictions on the ability of the building to be made adaptable for all users including the less mobile and those in wheelchairs.
- 4.48 As the proposal is for a conversion of a historic building with statutory listing not a new build, the Building Regulation requirements in this regard can apply a level of flexibility, however, the proposal should look to make the scheme as accessible as possible for users and staff within the constraints of the historic building from planning and building regulation perspectives.
- 4.49 Age Concern and Club 50+ have confirmed that they are committed to ensuring that their services are available to all older people living within the Borough of Southend and the surrounding area. In relation to the adaptation of the building, the proposal will ensure that all new internal doors go beyond the minimum requirements of Part M of the Building Regulations, that the building has fully accessible corridors and toilets including disabled facilities at ground floor and that all new sockets and services and the reception counter will be at an appropriate height for all.
- 4.50 The constraints of the existing building relate to the existing main entrance doors, lift and staircase which are all considered to be historic features which are important to the character of the building.
- 4.51 The existing entrance doors are double width with a level threshold and are located

directly adjacent to the proposed reception desk. The agent has commented that it will be difficult to adapt these for automated opening, however, he has confirmed that staff at the adjacent reception counter will adopt a management plan for assistance with these doors where it is required.

- 4.52 The building has an old historic lift which is an important feature of the building and cannot be adapted, however, the agent has confirmed that the size of the lift is virtually compliant with the regulations already. As with the doors, assistance will be ensured through a management plan where required. The configuration of the building is such that it would not be possible to install another lift core without causing significant harm to the historic fabric and character of the building and this has not been proposed.
- 4.53 Similarly the existing staircases are important historic features but these already have handrails and anti-slip flooring. The new enclosure to the staircase at first floor will be glazed but will have manifestations (stickers) for visibility on the glass as appropriate.
- 4.54 In regard to this issue it is also noted that Club 50+, in their submission, comment that their existing premises in Queen Road Southend are located at first floor and so users are used to accessing the club via lift or stairs. It is also noted that this facility is at capacity and they are not able to take any new members at present.
- 4.55 In relation to the adaptation of historic buildings Part M of the Building Regulations states:

'The need to conserve the special characteristics of historic buildings must be recognised. They are a finite resource with cultural importance. In such work the aim should be to improve accessibility where possible, always provided that the work does not prejudice the character of the historic building or increase the risk of long term deterioration to the building fabric or fittings.'

4.56 Overall it is considered that the applicant has demonstrated that the building will be made as reasonably and practicably accessible as possible within the constraints of the historic fabric and that it will be appropriately useable for the intended purpose. It is therefore compliant with the objectives of development plan policies in this regard with the recommended conditions. However, this issue will also be considered fully and separately under the building regulations application.

#### Sustainability

National Planning Policy Framework (2012); Core Strategy (2007) policies KP2 and CP4; Development Management Document (2015) policies DM1, DM2 and DM3 and the Design and Townscape Guide (2009).

4.57 The overarching theme of the NPPF is to achieve sustainable development and this is supported in the policies noted above. Therefore all proposals should seek to embrace the principles of sustainable development. The current scheme relates to the conversion of a listed building with no extensions so there is limited scope to include sustainable measures in the proposal, however, it is considered that that the new kitchen and wc facilities to the ground floor rear should include water efficiency measures which can be secured by condition.

#### Community Infrastructure Levy (CIL)

4.58 As this application does not include the conversion to residential use or any new floorspace, the proposal is not CIL liable.

#### Conclusion

- The retail experience has changed over recent years, with the internet having a 4 59 substantial impact on our shopping habits and behaviours. This has resulted in many high streets and main shopping areas suffering from empty shops or conversion into domestic uses or office space. The proposed scheme is deemed to have a limited impact on the significance of the listed building due to the change in the layouts at ground and first floor and does result in the change of use, however, the building remains open to for the public to enjoy and use and the significant majority of historic features are retained. The proposed works are considered reversible where appropriate, with only a limited amount of loss of historic fabric. It is also recognised that the proposal would also give the building a medium to long term viable use for the future and in providing a number of public and community benefits is a worthy addition to the area. The proposed use and associated public benefits are therefore deemed to outweigh the limited loss of historic fabric and impact on the significance to this Grade II listed building and the frontage of townscape merit.
- 4.60 In relation to the other issues the principle of the change of use in this particular case is found to support the vitality and viability of the primary shopping frontage including having regard to the scale and nature of the potential footfall. It is considered that the proposal would have an acceptable impact on the amenities of neighbouring occupiers subject to the use of appropriate conditions and that the proposal would meet the objectives of development plan policies on accessibility. The highways impacts of the proposal are also acceptable.
- 4.61 Having taken all material planning considerations and other relevant matters into account, it is found that subject to compliance with the attached conditions, the proposals would, on balance, be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The applications for planning and listed building consent are therefore recommended for approval subject to conditions.

#### 5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (2012)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles) CP1(Employment Generating Development), CP2(Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP7 (Sport, Recreation and Green Space)

- 5.3 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) and DM5 (Southend-on-Sea's Historic Environment), DM15 (Sustainable Transport Management)
- 5.4 The Southend Design and Townscape Guide (2009)

#### 6 **Representation Summary**

#### **Historic England**

6.1 On the basis of information available to date, Historic England do not wish to offer any comments. We would therefore suggest that you seek the views of your specialist conservation advisor and other consultees.

#### Environmental Health

6.2 The application is proposing to change the use of the premises, with the ground floor making reference to a cafe serving hot and cold food/drink and a workshop providing a space to carry out woodwork and metal work. The first floor is to accommodate an area providing dance/keep fit sessions also. The premises is located within a shopping parade but also has residential property located within the surrounding vicinity.

Details of mechanical extract system to the cafe for the proposed hot food business and the work shop providing metal/wood work were not provided. These could have the potential to cause odour and noise nuisance. Therefore a suitable mechanical extract ventilation system would be necessary to prevent this. There is also no reference to any air condition/handling plant or acoustic attenuation for the first floor.

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

Conditions are suggested in relation to the following

- 1. Details of proposed plant
- 2. Noise restrictions in relation to plant and exhaust systems
- 3. Noise in relation to construction

#### Highways

6.3 There are no highway objections to this proposal the site benefits from being in a sustainable location with regard to public transport with bus and rail services in close proximity. Public car parks are also available within the local area.

It is not considered that the proposal will have a detrimental impact upon the public highway.

#### **Twentieth Century Society**

6.4 Havens is a striking example of the department store architecture of the interwar period, and an unusually intact survivor, retaining both shop fronts and internal features. Havens was listed at Grade II in 2016 for the architectural interest of its façade, intactness of its internal shopfloor furnishings and as a historic record of interwar shopping habits.

The Twentieth Century Society notes the proposed change of use of this department store and supports any use for this building that is compatible with its special interest and allows the building to be available to the public and appreciated. We note that no alterations are to be made to the exterior of the shop and welcome the restoration of the vertical signage. However, the Society considers it regrettable that, although retained to a great extent, the highly significant original and unaltered internal shop fittings will no longer be visible and the open interior of the ground floor compromised. Historic England highlight the significance of these elements in their list description and reasons for listing stating 'internally Havens retains distinctive elements of its mid-1930s design, not least its many original shopfloor furnishings, the pair of grand staircases...'.

The Society objects to the boxing in of the swept wooden staircase which is a key feature of the listed building. The Society urges that an alternative solution be found to the boxing in of the staircase. As the Council will be aware, listed buildings are subject to special considerations under the Building Regulations in order to preserve their special interest and there is no general requirement to upgrade a building to a level which is any more satisfactory than compliance before the alteration works were undertaken. We would request that the local authority advise the applicants to explore the feasibility of a fire engineered solution here, which would avoid significantly harming the special character of the building and the damaging alterations to the staircase.

[Officer Comment: These comments relate to the original submitted proposals which have now been substantially amended and reconsulted upon. The key changes include the removal of the lobby to the ground floor staircase and the revision of the ground floor layout including changes to the partitioning to better respect the existing layout and historic features. Full details of these aspects of the proposal have now been submitted and are discussed in Section 4 above. The Consultees of this application have been re-consulted on the amended proposals. Any revised comment will be reported in the Supplemental Committee Report.]

#### Hamlet Court Conservation Forum

6.5 We wish to register our strong objection to these applications. We combine our comments on both applications as appropriate.

Application 17/02074/FUL appears to be incomplete in its description as it does not reflect the proposed change in use to the second floor. At present and historically we believe that this planning use is storage in conjunction with the existing retail use. As the retail use is proposed to be replaced with D1 & D2 uses the second floor can no longer be storage in conjunction with that expunged use. We believe that the proposed use class B8 should apply to the second floor.

#### [Officer Comment: The second floor is currently used as offices in relation to the existing retail business including online sales. This will remain unchanged in the proposal. No change of use is proposed for the second floor under this application.]

Let us say at the outset that we are very supportive of Age Concern and the good works that they undoubtedly do across the country. We are also supportive of good new uses to historic buildings providing these uses cause no harm. We have no objection to the proposed use in principle but, as we shall describe, the scale of the proposed use brings with it many spatial and technical problems that would cause substantial harm to the listed building.

We must also say that we are very sympathetic towards Havens and the challenges they are faced with in a changing retail landscape. We have made this clear to them. However, although a readily interested potential leaseholder may well be attractive to Havens, this cannot justify consent. The material circumstances of a landlord are not a material planning consideration.

We note that the applications have not received any planning nor Heritage preapplication advice, which is very apparent.

The applicant draws comparison with 'a similar model' operating in Eastbourne and describes the support of all concerned in the application. Unfortunately, this is a misleading comparison with fundamental differences. Firstly, and most importantly, the Havens site is a nationally Listed Building in a street of historic significance and the Eastbourne building is a modest, non-historically significant building in a non-historically part of Eastbourne. Havens was Listed as recently as 2016 and the Listing was supported by the 20<sup>th</sup> Century Society. It was also supported on Twitter by Kathryn Morrison of Historic England, author of 'English Shops & Shopping'. Its historic interest is described by Historic England as:

'a fine example of an inter-war department store built in an outer-urban location drawing upon the major metropolitan designs of the period; this demonstrating the growing popularity of the department store in smaller towns across the country during a period of great change to the nation's shopping habits'

This is very significant for Southend-on-Sea and Havens is one of only two local, nationally Listed retail stores. The building unquestionably referenced the London metropolis and this is particularly evident in the Grade II\* Listed 'Heals' store. It is a building type that is very rare in the regions and is therefore very significant for the south east of England. The building has architectural interest described by Historic England in the Art Deco style which is very significant in the Westcliff-on-Sea area, elsewhere in Hamlet Court Road and notably at nearby Sunray House and Argyle House. The building is an early regional example of an open spaced, steel framed, retail store and most of the original features, including internal features, are intact. Historic England cite the 'level of survival' as a reason for Listing.

Familiarity must not allow relaxation of this significance and Southend must see this as amongst our most important historical and architectural assets, to be protected and cherished.

As a local action group we recognise this and are actively pursuing conservation area designation for the local area and this is before the Council at this time. We urge that this application is seen in the context of its historical setting whereby Hamlet Court Road was formerly and affectionately known as the Bond Street of the east.

There is a further reason that the applicant comparison with Eastbourne is misleading. Havens is a store with a deep, land locked plan, where no almost no natural light and ventilation penetrates, except at the front of the first floor. The Eastbourne example has a wide external frontage, opens on three sides and therefore able to take in light and natural ventilation. It is suited to an uncomplicated and moderately scaled community use but Havens is not. The proposal subdivides the open spaces, directly contradicting the original design and creating spaces that have to rely upon heavy servicing with artificial lighting and ventilation. It would actually be quite an unpleasant place and this can be seen in the contrived spatial planning. This is not suitable for the elderly and in planning terms alone highly questionable.

Most notably the applicant does not describe any details for partitioning, ceilings and particularly ventilation. This is a fundamental omission from the application. Listed buildings require very careful intervention design in considerable detail showing, for example, how historic wall panelling and ceilings will be protected. The proposed internal kitchen, tea servery, chiropody room, multiple toilets and room after room of artificially illuminated, cell like spaces all need ventilation – a lot of ventilation. The deep plan will exacerbate this with accumulated air volumes and duct sizes. But there is no proposal for this crucial servicing. This would result in substantial harm to the Listed building interior and therefore would not satisfy the requirements of Council policy DM5 nor the National Planning Policy Framework (NPPF), particularly paragraph 133. On these grounds alone the application should be rejected.

[Officer Comment: Details of the partitions have been revised and full amended details have now been submitted which include ventilation and glazing and details of how the partitions will relate to the existing historic features. Full details of services and lighting to these areas will be conditioned. The partitioning of the front section of the ground floor has now been omitted from the scheme.]

Then there is the stair and lift and the whole question or separation of uses. The applicant describes the second floor as retained for Havens commercial, internet based, retail use. The lift serves this floor and we assume is essential for goods movements. But the lift also necessarily serves the proposed Age Concern occupied ground and first floors. Apart from the issue of no fire separation this just appears to be the very worst of planning clashes, simply not thought through. The stair and the lift both land in cafe area of the ground floor, again producing a fire separation and use conflict.

[Officer Comment: Fire separation has been carefully considered in the proposal. However, this is ultimately a matter for the building regulations. The applicant has explained that there will be full integration of uses within the building and each party is fully committed to this relationship.]

However, the enclosure of the stair with basic partitioning is a most upsetting corruption of the historic building's interior. This swept stair was always intended to be prominent in the space, inviting access to the first floor, part of the ease of connectivity between the levels and the planning of great retail stores. Elsewhere, throughout the proposal, the partitioning is doing the same thing, subdividing the open historic spaces – a fundamental part of the special interest of this building. This destruction of the space, driven by the needs of the proposed use, is certain to cause substantial harm. In other words, the proposed use, at this scale in a deep plan building is wholly inappropriate.

# [Officer Comment: The ground floor stair lobby has been omitted from the scheme. Full details of the first floor stair lobby have since been provided and show this to be a 'light touch' glazed screen which will enable views of the staircase to be maintained. The layout and partitioning of the ground floor has also been substantially revised since these comments were submitted.]

Section 130 of the NPPF requires an applicant to describe the significance of an historic asset. The applicants Heritage Statement is, in the first place, vague, stating in various places 'Refer to Survey', 'To be expended' [sic],'To be Confirmed', and 'To be Completed'. The statement lists the building's significance as a few bullet points without any detail that demonstrates an understanding of the special interest or significance of this wonderfully intact building. We have referred to this significance above and Historic England have laid this out clearly in the Listing. We request that the significance of this building is thoroughly understood in determining this application.

#### [Officer Comment: The Heritage Statement has been revised and expanded and it is considered that sufficient information is available to assess the proposal.]

Section 131 of the NPPF states that 'In determining planning applications, local planning authorities should take account of...the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality'. There is little doubt that Havens, as a focal, iconic building in Hamlet Court Road plays a vital role in the street and the wider area so can play a vital focal role in helping to sustain the community. But this cannot be looked at without also considering the potential for good and viable future use. Section 133 is quite clear when it states that where development would lead to substantial harm. as self-evidently it would here, planning authorities should refuse consent where 'no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation'. Havens has remained trading since its announced closure only a few months ago so by any measure it patently fails this 'medium term' marketing test. The building has not been marketed for long enough to seek a good alternative use whereby the open interior might be largely protected. Such uses might include another retailer, multiple retail concessions, mixed experiential retailing including cafe culture or even, perhaps, a large, well designed restaurant use – or a mix of these uses. Other, open plan community uses might be possible with limited service rooms at the rear. None of this has been afforded the time for potential realisation and we can say that we would be willing to assist this marketing process to achieve an outcome that protects the building, as best we can.

[Officer Comment: Havens have provided a detailed appraisal of the business itself but also of the sector including the challenges facing this scale of department store. This is discussed in more detail in Section 4 above.]

Elsewhere, but particularly in sections 132 & 133 of the NPPF the obligation to protect heritage assets from harm is clear.

In simple planning terms the proposal for 2<sup>nd</sup> floor distribution is not really credible. Yes, this use appears to work now, in conjunction with the existing ground and first floor retail uses. But with the retail use removed and replaced with 'community' uses this does not work and this can be seen in the poor use and fire separation but moreover in the difficulty in servicing daily distribution and goods deliveries from second floor level.

[Officer Comment: The credibility of the business is not a planning concern, however, it is noted that the online business has operated from the 2<sup>nd</sup> floor offices since 1999 and has been viable since this time. It is understood that there is also an off-site storage facility for the goods themselves that works in association with this space.]

We are also aware of comments in the press whereby the property owner's belief that the proposal would 'lead to the revitalisation of Hamlet Court Road' is reported. We contend that this is very unrealistic and there is no evidence that a community use of this type has the ability to revitalise a former retail street into new mixed uses. Regeneration of Hamlet Court Road is a key part of our work and this will only work with the comprehensive support of numerous agencies and ultimately the wider public across a multiplicity of uses. The heritage of the street is vitally important in achieving revitalisation as has been shown by Historic England through their Heritage Action Zone programme and recently by the DCMS in their 'The role of culture, sport and heritage in place shaping' document published in August 2017. Heritage can assist economic regeneration and must be supported not harmed.

## [Officer Comment: It is the Councils view that it is not an unreasonable conclusion that the use of this building as a community hub for older persons will bring additional footfall in the wider Hamlet Court Road district centre and that this will contribute to the vitality and viability of the area.]

On so many levels this is a badly presented application that would clearly do great harm to the historic building. We are very thankful that the building was recently Listed as without it the town could be facing a great loss. We have seen recently the great losses of the Britannia Public House and The Grand Public House as we have known it. As a town we have to consider our few and diminished historic assets of great importance and value to society. Loss of an historically significant interior that would substantially harm a rare and historically important 1930's Art Deco retail store, a building whose heritage has the ability to support regeneration in Hamlet Court Road, must not be allowed.

We sincerely hope that Age Concern can find a viable building for their valuable work but Havens is demonstrably not right for this purpose so we respectfully ask for refusal of both planning and Listed Building consent.

[Officer Comment: These comments relate to the original submission. The content and quality of detail submitted in support of the application has been significantly amended since these comments were received. The current proposals are assessed in the above report.]

#### Further comments received following revised plans

Further to our submitted comments of 3/1/18 we wish to add further comments following the submission of further information by the applicant. As before our comments relate to both applications as appropriate.

We still consider this a very poor quality, misplaced application. When a considerable volume of information is supplied during a delayed application process, as here, it is evident that the original application had weaknesses, great weaknesses in this case. Rushed and sketchy as it is we don't think the additional information changes this. And we reiterate that reference to a similar scheme in Eastbourne is irrelevant as that particular facility does not concern an historic building, let alone a Listed Building. The fact that the applicant makes reference to this building and submits late and partial details of the intervention, demonstrates the applicant's lack of understanding of Listed Buildings and harm.

We would also say up front that the community does care for this building – the Listing came from a community application. The retail and restaurant communities in the road are likely to regret the potential loss of a key retailer, as are the local residential community. So there is certainly more just the application's stated community interest to be considered here.

We strongly reiterate that we are fully supportive and respectful of Age Concern, their good works and general provision of community facilities but we shall describe why this is very wrong and harmful at this particular building - at Havens.

We also reiterate that we are very supportive of adaptive change in protecting both the fabric and the viable future of historically significant buildings, but this does not mean that any change, or the first potential change that comes along, is necessarily right. Change has to be very carefully considered, especially with Listed buildings, where the protection of the historical asset is foremost, as directed by the NPPF.

We respectfully ask that this building is truly recognised for its historical and architectural significance in Southend-on Sea and the East of England region and the application is refused planning and Listed Building consents.

Reasons for refusal and summary of our further response

- 1. The application fails to recognise the buildings historical and architectural significance
- 2. Great harm would result to the Listed Building
- 3. The poor quality of the proposed planning
- 4. Havens view of context and alternative use is misplaced and backward looking
- 5. The application's claimed public benefit is misplaced

#### Conclusion

Havens is a building with the same Listing classification as the Palace Theatre, not the same the as the recently lost, unlisted Britannia Hotel nor the Grand Hotel with its approved change of use. Familiarity and recent Listing must not breed complacency and this special significance is of great value in our town. The building must be protected. We would respectfully urge Age Concern to recognise the shortcomings of their plans that require a more suitable site and Havens to reconsider a retail based solution (perhaps adopting the mixed methodology succeeding elsewhere - see context section below).

Turning to our detail response we have broken this down into the above listed sections, as follows.

1. The application fails to recognise the buildings historical and architectural significance

The applicant now charts the significance of the building with assessment classifications of 'Considerable' significance against the building's 'Social/Historical', 'Architectural', 'Historical', 'Aesthetic' and 'Historic Fabric' aspects. The first and last of these are particularly important as they relate respectively to the regional significance of an early retail store, clearly referencing the metropolis, and the extent of original, intact fabric. So important are these that the Secretary of State itemises these points in the Listing.

However, in charting all this 'considerable' significance the applicant concludes their Heritage Statement with these words:

'The proposed use and associated public benefits are deemed to outweigh the limited loss of historic fabric and significance (due to the loss of a small section of low level wall to the first floor) to this Grade II listed building.'

This limits significance to a small amount of historic fabric being lost and clearly ignores the earlier charted significance. This is a failure to appreciate Havens historical and architectural significance (as we described in our earlier submission). We shall now further identify this significance by describing the harm that would result from this proposal.

#### 2. Great harm would result to the Listed Building

The NPPF at section 133 is express in its requirement that 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset local planning authorities should refuse consent' unless public benefit outweighs the harm. The harm caused by this application manifests itself in several ways as follows below. Additionally the NPPF Section 131 refers to viable uses 'consistent with their [the building's] conservation'. The proposed use is manifestly not consistent with the building's conservation as explained below:

• First and foremost, the proposal would result in the loss of the retail use of the historic building. Retail is the very reason this building exists and is central to the building's history, significance, design and open plan structure, so innovative at the time it was built. The Secretary of State itemises this in

the Listing.

# [Officer Comment: The proposal retains a sizable public café in the front section of the ground floor which will ensure that a fully active presence is maintained at ground floor and in the streetscene.]

• The loss of retail use to the most significant shop in HCR would greatly harm local retailing, particularly future recovery to local retailing. Havens sits in the centre of the Local Planning Framework's designated Primary Retail area for HCR. This could adversely impact the viability of other shops which in turn could impact on the historic area.

# [Officer Comment: see previous comment. It is also considered that the proposal would contribute to the footfall in the area which will support the viability and viability of the district centre.]

• The intended open nature of the ground and first floors, as long view, expansive and ambitious developments in early retailing would be greatly harmed by the proposed partitioning infill.

[Officer Comment: A significant amount of the ground floor area will be maintained as open plan and will appear to be open plan when seen from the street through the display windows. The proposed partitions to the rear section will be fully reversible and could easily be removed at a later date to return to the original planform.]

• The major fittings, most notably the open staircase at first floor level but also shop fitting and interior design features are corrupted by the introduced partitions and cellular rooms.

[Officer Comment: The enclosure of the first floor staircase is important for fire safety and great care has been taken to ensure that this intervention has a light touch and that the staircase itself remains a feature at first floor. It is likely that any use of the building would require a similar or greater level of fire protection. As noted above the partitions are subservient to the main features and space, are fully reversible and acceptable in terms of their impact on this heritage asset.]

- Harm could also result from the unresolved planning and design issues which would require re-design and further intervention, in particular resolving the non-separation of the proposed D1/D2 use and the existing second floor 'office' use. This appears to manifest itself as follows:
  - Missing fire protection of the stair and escape route to final exit at ground floor level which would require further enclosure to the stair resulting in most significant harm to and corruption of the historical interior. The application now shows this part of the stair as 'unprotected' but it is not clear that this would satisfy the Building Regulations for the two, separate planning uses proposed.

[Officer Comment: The proposal has been passed by specialist fire consultants in this regard. However, these are matters for the Building Regulations and would require separate consent through this regime. Any changes which would impact upon the historic fabric would require a fresh application for listed building consent.]

• Missing fire separation to the lift, assuming that this is essential to both a second floor internet sales company moving goods and the elderly persons' use of the first floor. The required separation would appear to destroy the planning and would hugely harm the open historic interior. There are also the questions of whether the existing lift meets modern safety standards and is a second, modern lift required, where this might fit into the plan and how could this impact on the historic fabric?

## [Officer Comment: The second floor would not be used for the storage of goods, this occurs at an offsite facility.]

• Absence of any toilets to the separate second floor 'office'. This may require ducting of services which could cause harm to the fabric of the building.

[Officer Comment: No toilets are proposed at second floor, it is intended that the uses share services. However it is noted that the 2<sup>nd</sup> floor of the building is specifically excluded in the listing description and therefore there is scope for future change in this location without impacting on the significance of the listed building.]

• Absence of any proper proposals for dealing with ducted ventilation which will certainly be required for all the internal rooms and could harm the historic building fabric. This is still not shown in the submitted information.

[Officer Comment: The agent has confirmed that there are already ducts within the existing false ceiling at ground floor which link to the existing air conditioning units. If additional ductwork it required this could also be located within the false ceiling void without impacting on the significance of the building.]

• The general partitioning details are basic at best with simple timber sections and many important details are not described. For example, there are no servery details, reception details, furniture plans (do the rooms even work as required), details affecting historic panelling, finishing to the neoprene protection and fixing details. All these unanswered questions have the capacity for harm to the historic fabric.

[Officer Comment: The details of the servery and reception counters can be agreed by condition to ensure that their design and materials are compatible with the character of the listed building. The agent has advised that the panelling behind the modern wall units is to be repaired only and this therefore does not require specific consent.] 3. The poor quality of the proposed planning

There are general planning quality issues, as follows, which when resolved could impact on the historic building:

- The overriding problem is that Havens is effectively a very large lock-up shop with all but an emergency exit entering and leaving the building through the street frontage. The building has a deep plan and no natural light to three sides. This has caused great planning problems, described throughout this text, which show that the building is simply not suitable for the intended use.
- The internal rooms created and re-used for community purpose would all be of very poor quality with no natural light. This is contrived planning for the elderly and far from creating an uplifting community facility could lead to a depressing and fatiguing, all artificially lit environment, perhaps exacerbating not aiding patrons' health issues.

[Officer Comment: The deep plan will be a constraint for any use. It is envisaged that there will be a need for new lighting to the ground floor and the details of this can be agreed by condition to ensure that it is compatible with the character of the building. It is noted that the existing lighting in this location is of a poor quality strip lighting which has a negative impact on the listed building. The Council will be looking to secure an enhancement in terms of the lighting in this area.]

• We assume that internet sales goods equivalent to say £3,500 in value per day (from the applicant's stated figures), which must represent many packages, will either be carried down two floors of stairs or carried across the ground floor from the lift, conflicting with the main ground floor circulation area in community use? Neither of these alternatives works. It is one thing running internet sales from the whole premises with plenty of space for goods dispatch but quite another from a separated second floor use.

#### [Officer Comment: see comments above.]

 The ground floor restaurant, in the forefront of the Listed building, has no submitted design. Rather it shows a plan layout with seating for 52 immediately inside one of the entrance doors and immediately in front of the servery. This simply does not work and what is the servery – how does it enhance the Listed building. The alternative plan showing seating for 48 does not work – are elderly people expected to sit right beside an external door or blocking access around the servery?

## [Officer Comment: The seating plan for the café is indicative and the exact seating arrangement and use of the servery will be decided by the operator.]

• The kitchen could almost be no further remote from the areas where the food is required. This will result in health & safety and basic functioning problems.

[Officer Comment: The kitchen has been relocated to the rear of the building where it will have less impact on the historic layout and fabric.]

• There is no parking nor vehicular drop-off - both essential to this proposed use. Any assisted vehicular access can only happen with parking spaces being available outside the premises, which is unlikely in an area of parking stress, or vehicles stopping in the highway. This is very problematic.

## [Officer Comment: There is a bus stop close to the site which can be used for drop off.]

4. Havens view of context and alternative use is misplaced and backward looking.

The applicant (in its Havens statements) does not note any positivity in Hamlet Court Road yet there is much, despite the general past decline. Firstly, the road still retains a distinct local sense of public place and occupation - it feels busy, particularly at the top end. There is still footfall, albeit limited, in the road, even late at night, particularly when compared with the High Street. This is largely due to the convenience retailers and the number of local restaurants still staving viable. New bars have opened at The Foundry and the nearby West Road Tap, and the Hamlet succeeds. Three of the four new shops in Canewdon Road are now let and awaiting occupation. Tesco's and the Co-op have both recently invested in re-fits to their convenience stores - something that would not be happening without a belief in the future viability of the road. ENS have invested in new premises and Choices Healthcare are investing right now at no.152. And generally Westcliff is experiencing a significant uptake of Londoners moving east for better value and quality of life and this is starting to impact the area. Add to this the uprising of the local community in our Forum where partnerships are being formed (with the YMCA and The Cultural Assembly to begin with), events planned (a 'Love Hamlet Court Road' event coming this summer) and there are good ingredients for a better, regenerated future.

The applicant's claim is that the loss of the shop was a consequence the decline of HCR as generally in the British high street. We have already made it clear that we both understand the transformation in the British High Street and sympathise with retailers dealing with the nationwide decline of and changes to retailing – this includes Havens. It is clear that traditional department stores are generally declining in all but the busiest city centres although there are exceptions such the Morley's stores in Bexleyheath and Brixton, and The Department Store (the old Bon Marché) in Brixton, is particularly interesting for its mix of retail, workshops and restaurants. Look locally at the apparently succeeding Potters in Hockley and it can be seen how dining and kitchenware retailing in less than a thriving area can succeed. So the closure of Havens was certainly not inevitable as is suggested. This means that the right retail can succeed here.

Havens have only considered the following alternative uses for their building :

- Conversion to full residential use
- Part conversion to residential use, with retail/café/restaurant/ etc to ground floor
- Conversion for leisure purposes, such as slot machines, bars, etc
  - Conversion for office use

- Convert into community hub/ centre
- Building is 'mothballed' until a medium long term sustainable option is found'

The suggestion of a slot machine use is a ridiculous and unnecessary suggestion.

The option that has not been considered is the most obvious one - retail. Havens describe their store as 'an anachronism in today's era' and whilst this appears to be the case with most traditional department stores,

It need not be, as we point out above (particularly The Department Store, Brixton). The challenge is great but collaborative mixed and complementary, retail-based use is possible. How good this would be in the tradition of the Havens store.

Havens was historically central to the retailing significance and whilst the store has been through the evolutionary cycle there is evidence that this could change again. Convenience, experiential, click & collect and *unified* retailing (see <u>https://www.retail-week.com/retail-voice/unified-retail-and-the-future-of-</u>

<u>shopping/7028495.article?authent=1</u>) appear to be the way forwards and Havens could again be central in helping this. Indeed, it looks like isolating their internet operation from the high street store could be a mistake for Havens. We know of a successful local jeweller whose separated internet sales failed completely but a second website, unified with the real store presence succeeds well. This is becoming a well described format - see: <u>https://marketingland.com/no-longer-brick-mortar-vs-online-retail-customers-view-single-lens-218307</u>.

# [Officer Comment: It is understood from the Havens that a Click and Collect facility could operate from the reception desk at ground floor in conjunction with the other uses.]

Forward thinking town planning, considering this future and not the Havens described past, should therefore support protecting the existing, established retail use - the local planning framework defined retail use. Yes, a new occupant or perhaps multiple occupants are needed but the premises have not been fully marketed, by the applicant's own admission. Marketing since May 2017 clearly is short term yet the NPPF section 133 refers to an express requirement for marketing 'in the medium term' for another occupier, before alternative development is permitted. The application fails this important test.

#### [Officer Comment: It should be noted that the proposal maintains an active town centre use in the front section of the building facing the street and this is to the benefit of the proposal both in terms of the character of the building and the wider streetscene of Hamlet Court Road.]

5. The application's claimed public benefit is misplaced

The NPPF at section 133 expressly calls for refusal of consent 'unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss'. The application suggests that the proposed Age Concern community use will itself aid regeneration. There is absolutely no evidence to support this opinion and we suggest the loss of the focal retailing presence in the road to a limited user group of low spenders could actually

do the reverse and work against regeneration. The intensive scale of the proposed use, at this particular Havens site, could actually bring dis-benefit. That is not to say the elderly community are not a very important part of the social mix that needs supporting in HCR (as elsewhere) and that this could not work at this site, perhaps as a smaller part of a socially mixed project. However, the case for public benefit outweighing the clear harm is not made.

[Officer Comment: It is considered that level of harm caused in this case does not represent substantial harm. In relation to less than substantial harm the NPPF comments that:

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Public benefits in this sense relates to the fulfilment of one or more of the objectives of sustainable development as set out in the NPPF (economic, social and environmental) and provided the benefits will endure for the wider community and not just for private individuals or corporations. An assessment of the scheme in this regard is set out in earlier sections of this report.]

With respect to Age Concern elderly people do not need to be institutionalised together, no matter how many games and consulting rooms are provided. They need to mix with all age groups, particularly children. This proposal does not allow for intergenerational contact and this is not just our opinion. Age UK actually states as a written policy '...public, private and third sector service providers should support initiatives that promote greater intergenerational contact to combat ageism' (see: <a href="https://www.ageuk.org.uk/globalassets/age-uk/documents/policy-positions/cross-cutting-issues/ppp\_ageism\_and\_age\_equality\_gb.pdf">https://www.ageuk.org.uk/globalassets/age-uk/documents/policy-positions/cross-cutting-issues/ppp\_ageism\_and\_age\_equality\_gb.pdf</a>). The plans do not make space for intergeneration occupancy, particularly for children and teenagers. The claimed rationale, in this building, is misplaced.

## [Officer Comment: The proposal includes intergenerational facilities for example it is noted that the café at ground floor is open to all.]

We have absolutely no doubt about the applicant's very best and sincere intentions but an imaginative multi-generational approach in a suitable building, with good natural light and good access, appears to be more appropriate for elderly persons care in the 21<sup>st</sup> century. If this can happen where no harm occurs to an important Listed Building, so much the better.

## [Officer Comment: These points are responded to in full in this report where they represent material planning considerations.]

#### Public Consultation

- 6.6 Two site notices were displayed, a press notice was published and 27 neighbours were consulted on the application. 13 responses have been received at the time of writing all supporting the proposals. The letters comment that the proposal will:
  - provide an important resource for older persons
  - the combination of uses will make access to services easier
  - the proposal will foster friendships and combat loneliness on older people in the area
  - the proposal has health and wellbeing benefits
  - increase footfall in Hamlet Court Road

The application has been called to Development Control Committee by Councillor J Garston.

#### 7 Relevant Planning History

- 7.1 11/01425/FUL Install 2 flagpoles with three antennas each on roof, along with associated equipment cabinets and works refused
- 7.2 01/01401/FUL Erect flag pole to enclose three antennas, two wall mounted dishes and one equipment cabinet on roof. granted

#### 8 Recommendation

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

01 The development hereby permitted shall begin not later than three years 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 TP-X01B, TP-X02, TP-01B, TP-02, TP-03

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

03 The proposed roof lights, lantern and replacement external staircase to the rear roof shall be constructed of glass and black painted metal.

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

04 The infilling of the window to the first floor rear shall only be carried out using reclaimed brick and lime mortar to match the existing building.

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

05 The development hereby approved shall not be occupied or brought into use until refuse and recycling storage facilities are provided in full at the site in accordance with those shown on approved drawing reference TP-03. The refuse and recycling facilities shall be permanently maintained as such thereafter.

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

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

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

Details of all extraction and ventilation equipment to be installed at the site together with a noise assessment including any necessary mitigation measures shall be submitted to, and approved by, the Local Planning Authority before the use hereby approved is commenced. The installation of extraction equipment shall then be carried out in accordance with the approved details before the use hereby approved is commenced. With reference to British Standard 4142 the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dbB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.

Reason: In order to protect the amenities of occupiers of the development and surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy (207) and Policies DM1 and DM3 of the Development Management Document 2015. The uses hereby permitted shall not be open to customers outside the following times: 09:00 to 20:00 on Mondays to Sundays including bank holidays.

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

No deliveries or refuse collection shall be taken at or despatched from the uses hereby approved outside the hours of 08:00 to19:00hours Mondays to Fridays and 08:00 to 13:00hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

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

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 surrounding occupiers s 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).

11 Before the development hereby permitted is brought into use a scheme detailing the provisions to be made to achieve inclusive access for all members of the community into and around the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the scheme approved under this condition prior to the first occupation of the development and thereafter be maintained and managed in accordance with the approved scheme.

Reason: To ensure that the development is accessible for all members of the community and to comply with development plan policy.

12 The only toilets to be installed in the development hereby approved shall be dual flush (6 to 4 litres) toilets and all taps fitted in the development shall be spray or flow restricted taps.

Reason: To encourage the efficient use of water in accordance with development plan policy.

#### Informatives

- 1 The applicant is advised that any new signage is also likely to require Advertisement Consent and Listed Building Consent.
- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

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.

Members are recommended to GRANT LISTED BUILDING CONSENT 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 following approved plans TP-X01B, TP-X02, TP-01B, TP-02, TP-03, TP-04, TP-05D, TP-07, TP-08, TP-09, TP-10, TP-11A, TP-12A, TP-13, TP-14, TP-15A

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

03 The proposed roof lights, lantern and replacement external staircase to the rear roof shall be constructed of glass and black painted metal.

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

04 The infilling of the window to the first floor rear shall only be carried out using reclaimed brick and lime mortar to match the existing building.

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

05 No works approved by this consent shall take place until detailed drawings and details of materials to be used for the ground floor reception counter and the servery counters at ground and first floor levels at scales of 1:20, 1:10 or 1:1 as appropriate have been submitted to and agreed in writing by the local planning authority. The works shall only be carried out and in accordance with the approved details.

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

06 No works approved by this consent shall take place until detailed drawings and details of materials, including ironmongery, for the new internal door and door surrounds to the ground floor access to single storey section, all the doors to the first floor office/computer/darts area and the new door to the 2<sup>nd</sup> floor staircase lobby area at scales of 1:20, 1:10 or 1:1 as appropriate have been submitted to and agreed in writing by the local planning authority. The works shall only be carried out and in accordance with the approved details.

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

07 No works approved by this consent shall take place until details of the proposed air conditioning units within the new ground floor partitioned space and any ventilation and extraction equipment to be installed at the site are submitted to and agreed in writing by the local planning authority. The development shall only be carried out and in accordance with the approved details.

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

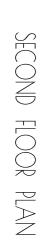
08 No works approved by this consent shall take place until details of the proposed water connections and light fittings for the new ground floor facilities within the partitioned space including public health, hairdressing, meeting rooms, bereavement, advocacy, and chiropody, have been submitted to and agreed in writing by the local planning authority. The works shall only be carried out and in accordance with the approved details.

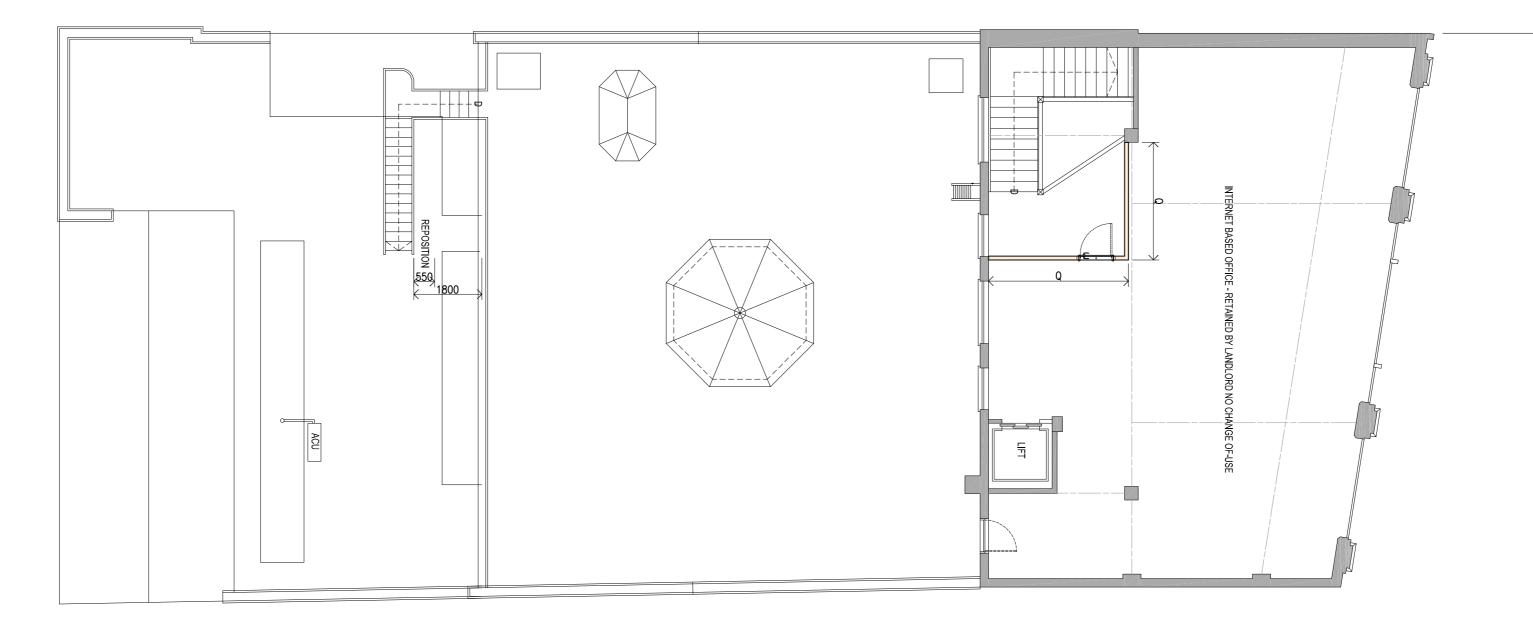
Reason: To safeguard significance of the listed building in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM5 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

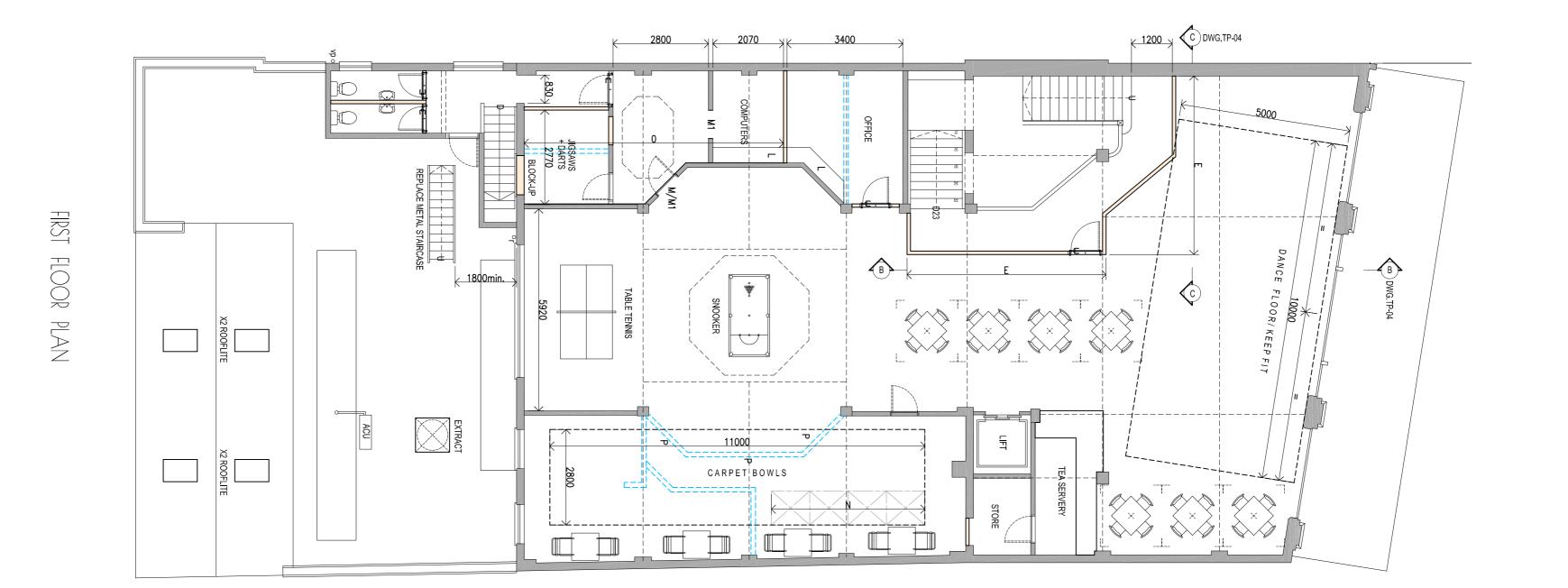
#### Informatives

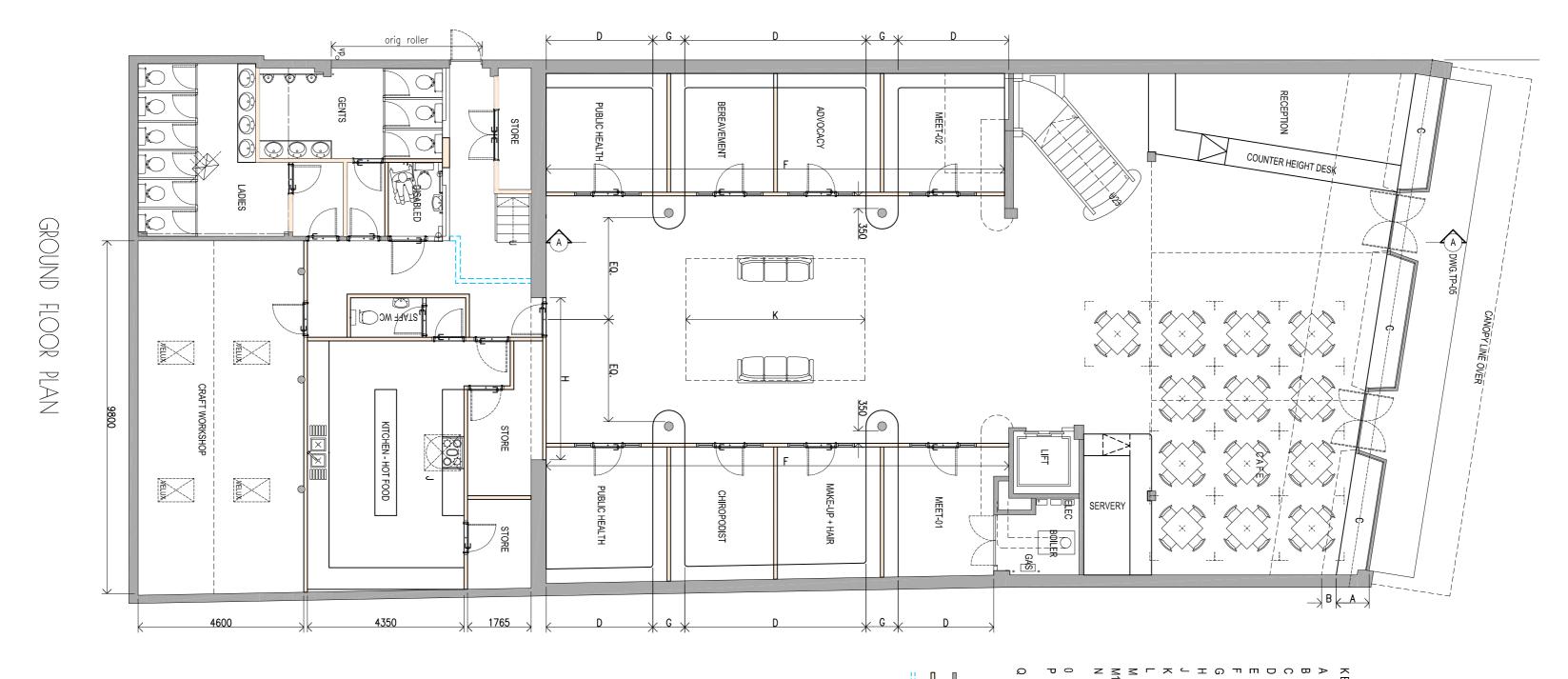
- 1 The applicant is advised that it will be required to reuse the existing doors and ironmongery at first floor as appropriate.
- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

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.













DWG NO.

JOB.

CLIENT.

SCALE. DATE. S T U D I O1www.metsonarchitects.co.ukLEIGHPARKROADLEIGHONSEAESSEXSS92DU01702472714admin@metsonarchitects.co.uk

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PROPOSED FLOOR PLANS : 1 0 0 scale ŝ METRES сī 

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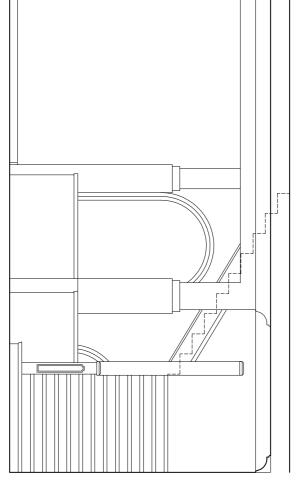
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K E Y - GROUND FLOORARETAIN EXISTING SBREMOVE 1980'S DISCRETAIN RETAIL DISIDRETAIN INCORPOREFIRE RESISTING GLFGLAZED WALL DIVILGRETAIN ART DECO SHINFILL EXISTING ARJCEILING EXTRACT FKCEILING UPLIGHT FKCEILING UPLIGHT FKRETAIN EXISTING SMFORM NEW DOOR CM1REMOVE AND RE-USNRETAIN EXISTING INNRETAIN EXISTING IN

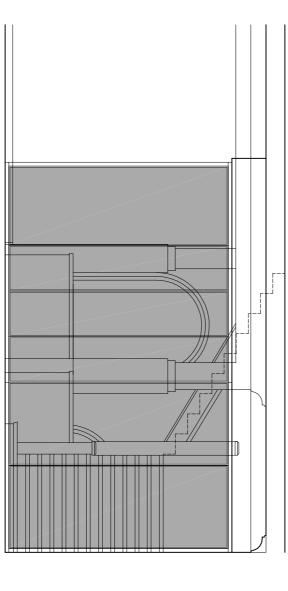
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- K E Y CONSTRUCTION EXISTING BUILDING FABRIC PROPOSED NEW LIGHTWEIGHT STUD WALL+PLASTER FINISH EEE DEMOLITION

C-C EXISTING ELEVATION

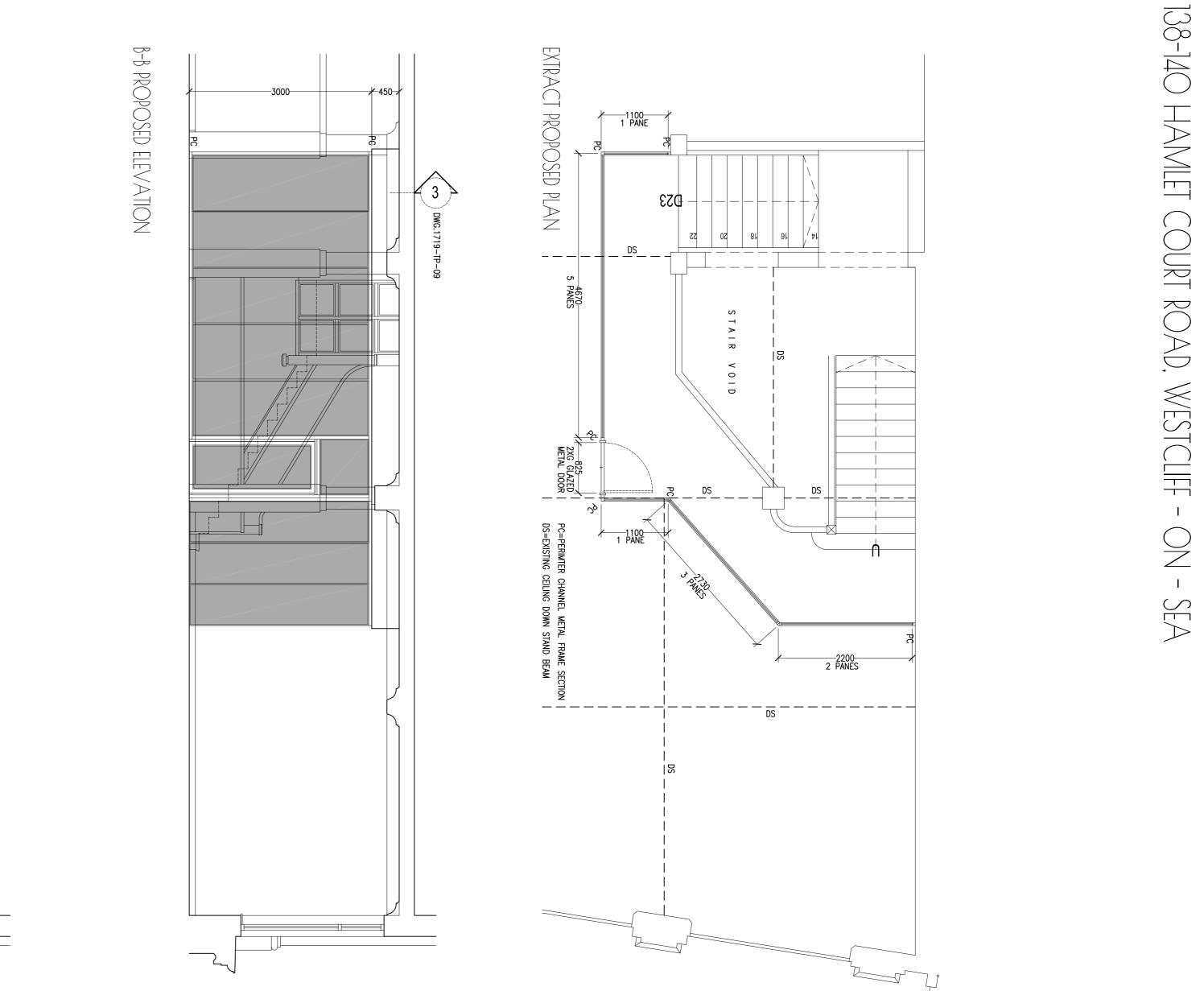


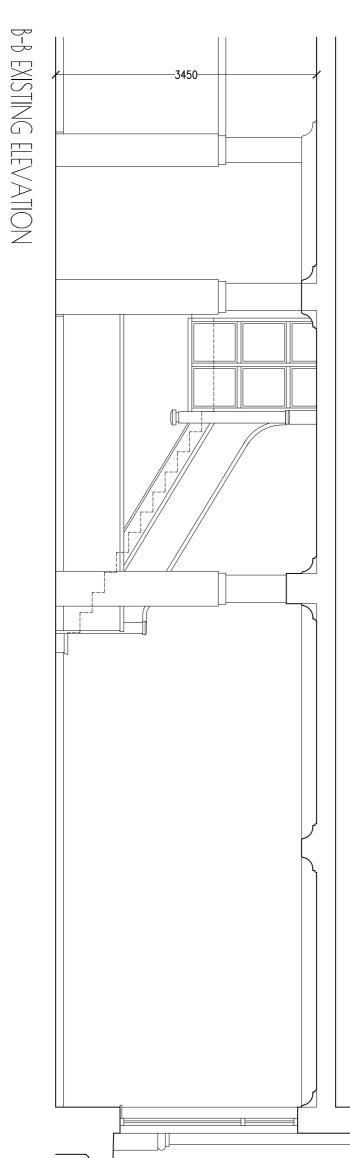
C-C PROPOSED ELEVATION



HAVENS,

NOTES :





DWG NO.

@A1 JAN-2018 AGE CONCERN 138-140 HAMLET COURT ROAD, WESTCLIFF SS0 7LN

SCALE. DATE. CLIENT. JOB.

S T U D I O 1 www.metsonarchitects.co.uk LEIGH PARK ROAD LEIGH ON SEA ESSEX SS9 2DU 01702 472714 admin@metsonarchitects.co.uk

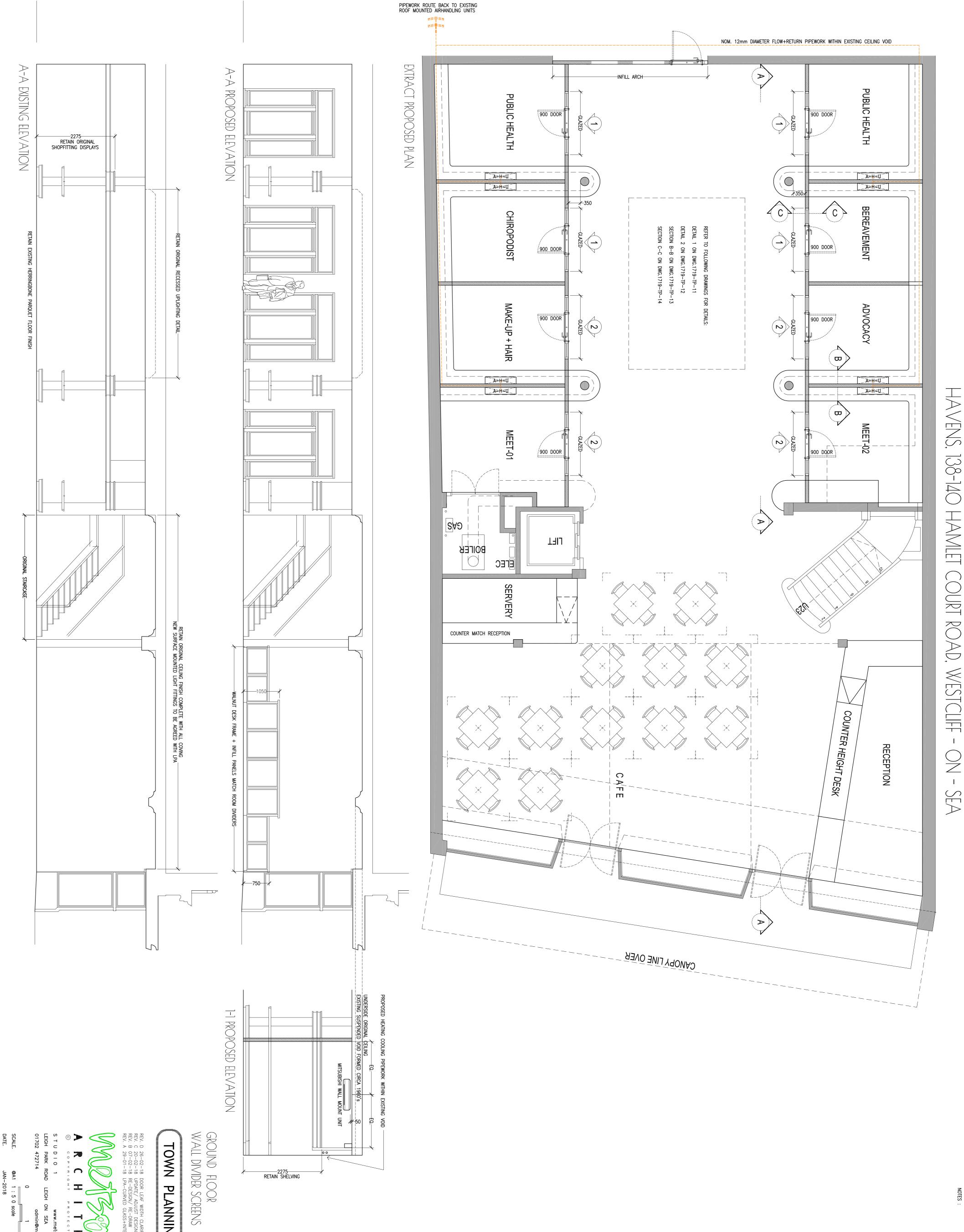
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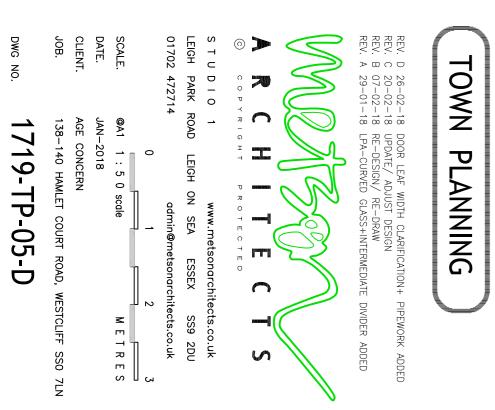
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# **GROUND FL**



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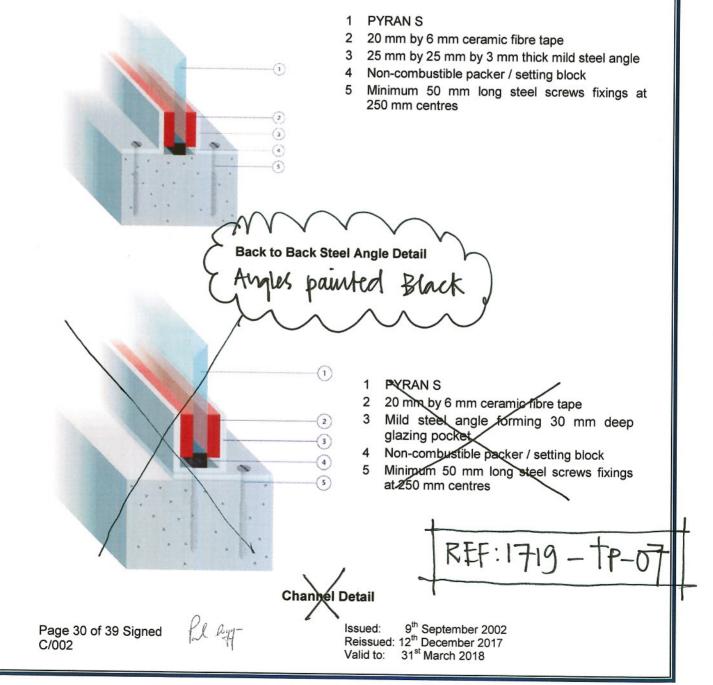


### CERTIFICATE No CF 291 SCHOTT UK LIMITED

#### PYRAN S FIRE RESISTING GLASS

## PYRAN S within Butt-Jointed Assemblies (Alternative Installation details) for periods of 30 minutes integrity

6, 8, 10 and 12 mm thick PYRAN S may be used within butt-jointed assemblies up to maximum pane dimensions as detailed within Figure 20 and within the following installation specifications.



This certificate is the property of ExovbGC) Limited trading as Warrington Certification

Reg. Office: Exova (UK) Limited, Lochend Industrial Estate, Newbridge, Midlothian EH28 8PL United Kingdom. Co. Reg. No. SC070429

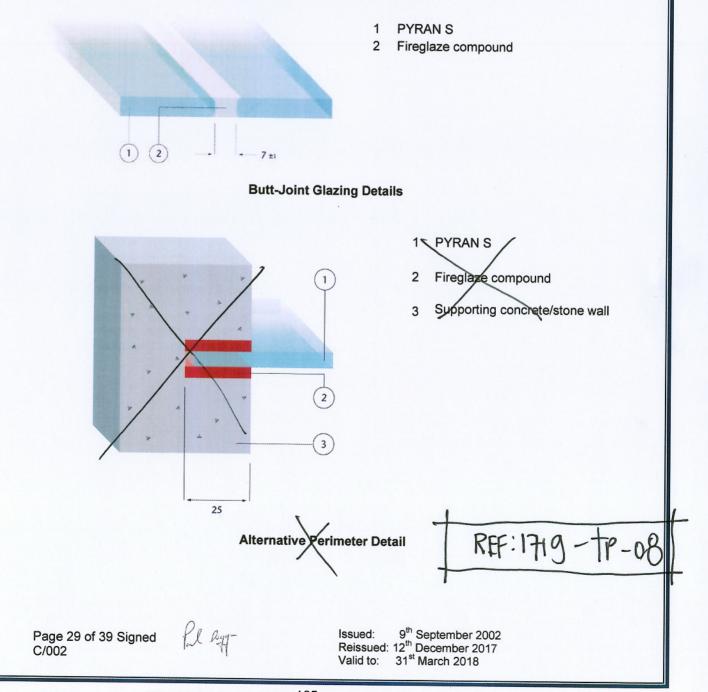


## CERTIFICATE No CF 291 SCHOTT UK LIMITED

#### PYRAN S FIRE RESISTING GLASS

#### PYRAN S within Butt-Jointed Assemblies for periods of 30 minutes integrity

The perimeter of the system is to comprise a framing assembly of steel, concrete, stone or timber as previously detailed within this data sheet, see page 4 (timber frames) and page 17 (steel frames). Fireglaze Compound is produced and supplied by Sealmaster Limited.



This certificate is the property of Exov 1695() Limited trading as Warrington Certification Reg. Office: Exova (UK) Limited, Lochend Industrial Estate, Newbridge, Midlothian EH28 8PL United Kingdom. Co. Reg. No. SC070429

- Existing ceiling - no works 15mm firefice board both sides Smooth plaster + paint Downstand profile concealed head restraint Slimeline steel putile 250 for glazing system 25mm visible edge glazing frame 25 ×25 ×3 steel angles pant black to Schott defail 15mm Pyrran S' glass panes Max 3.0m high x l. In wide 30 minutes five integrity.

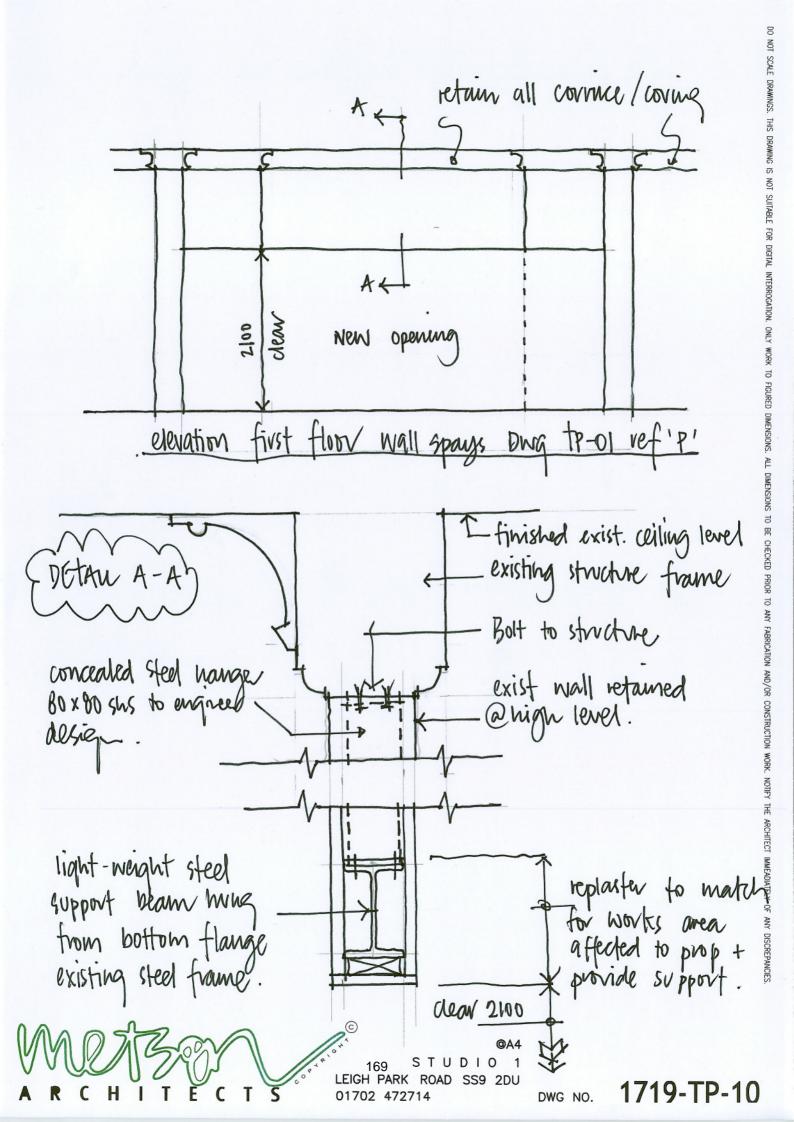
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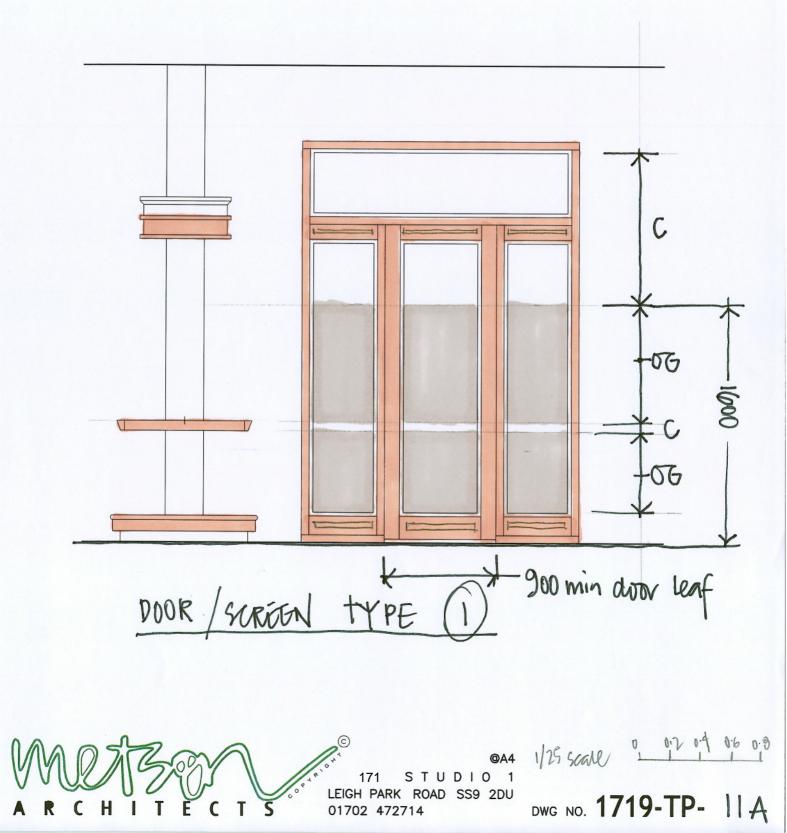
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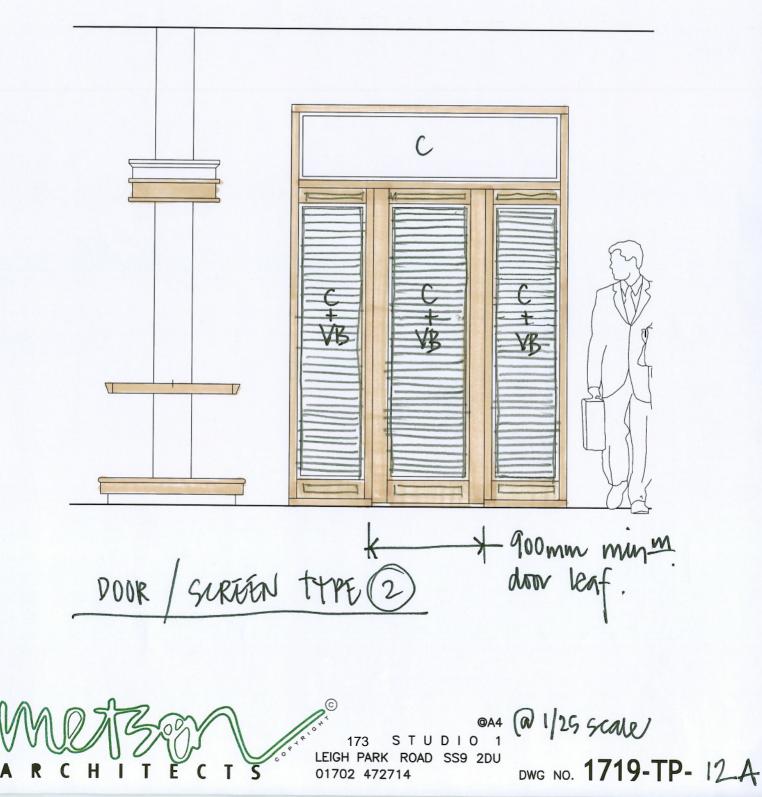
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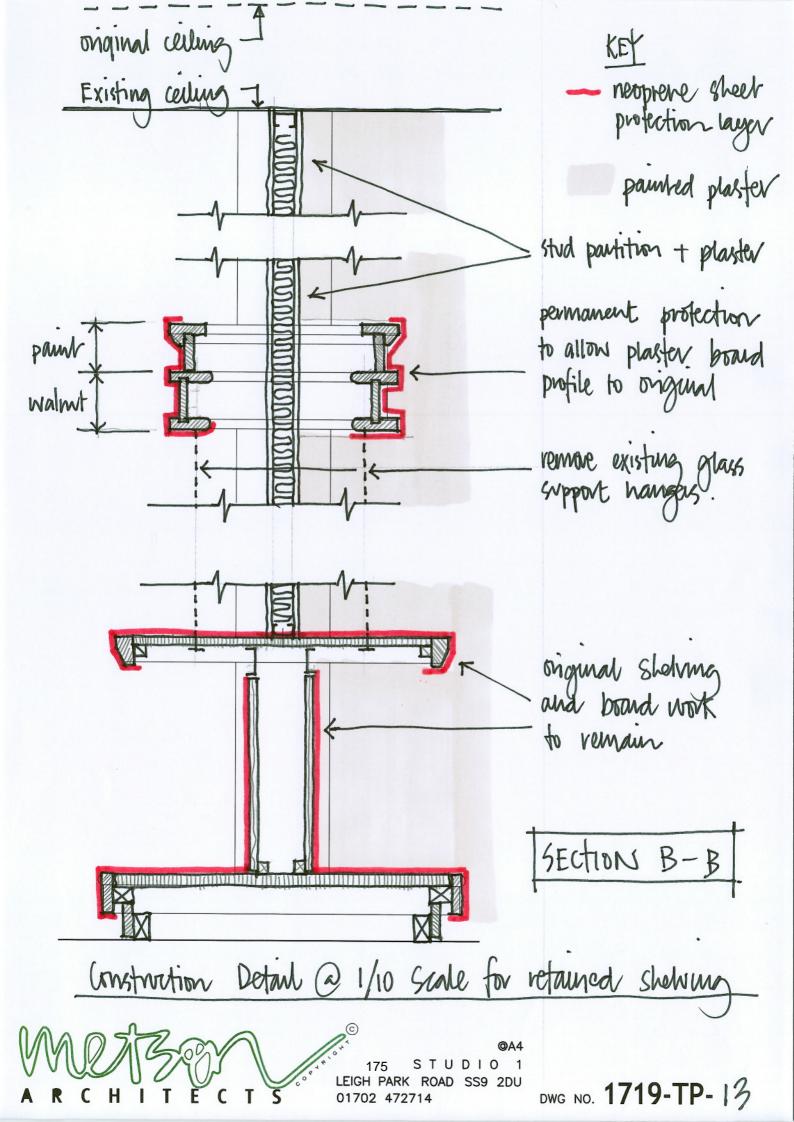


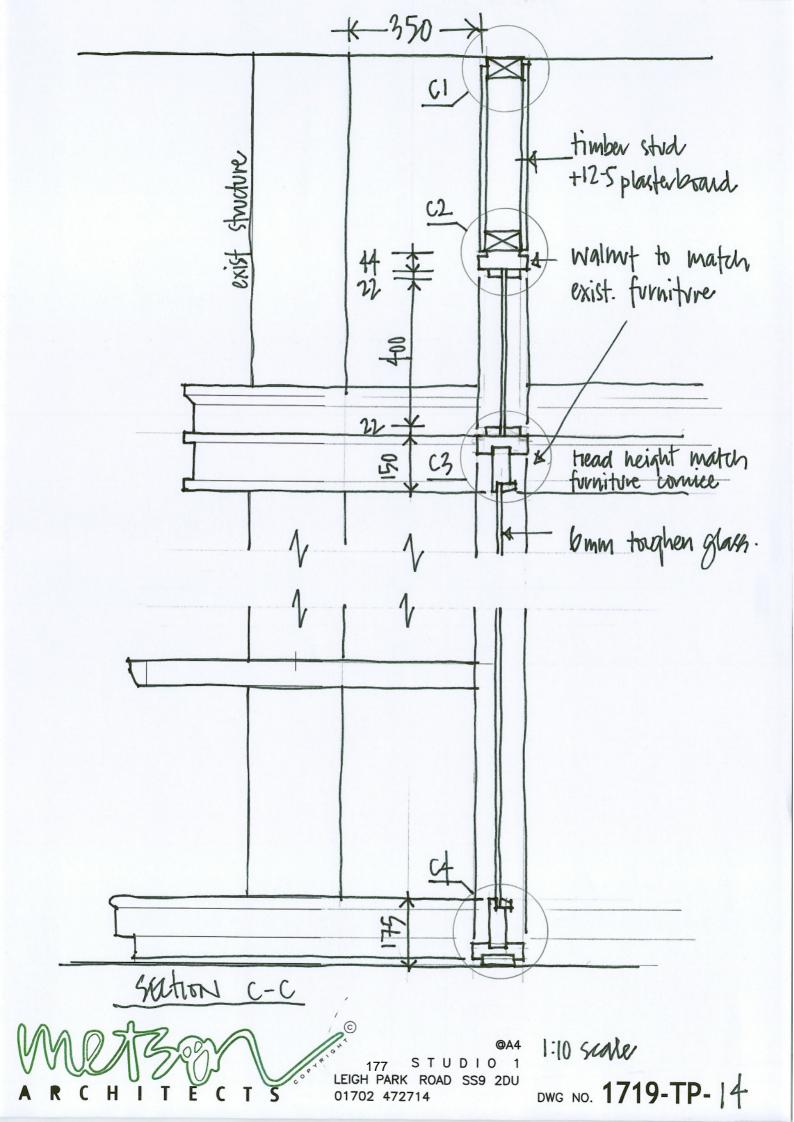
C = Clean Glass area. 06 = Obscure glass with sand blast uniform finish

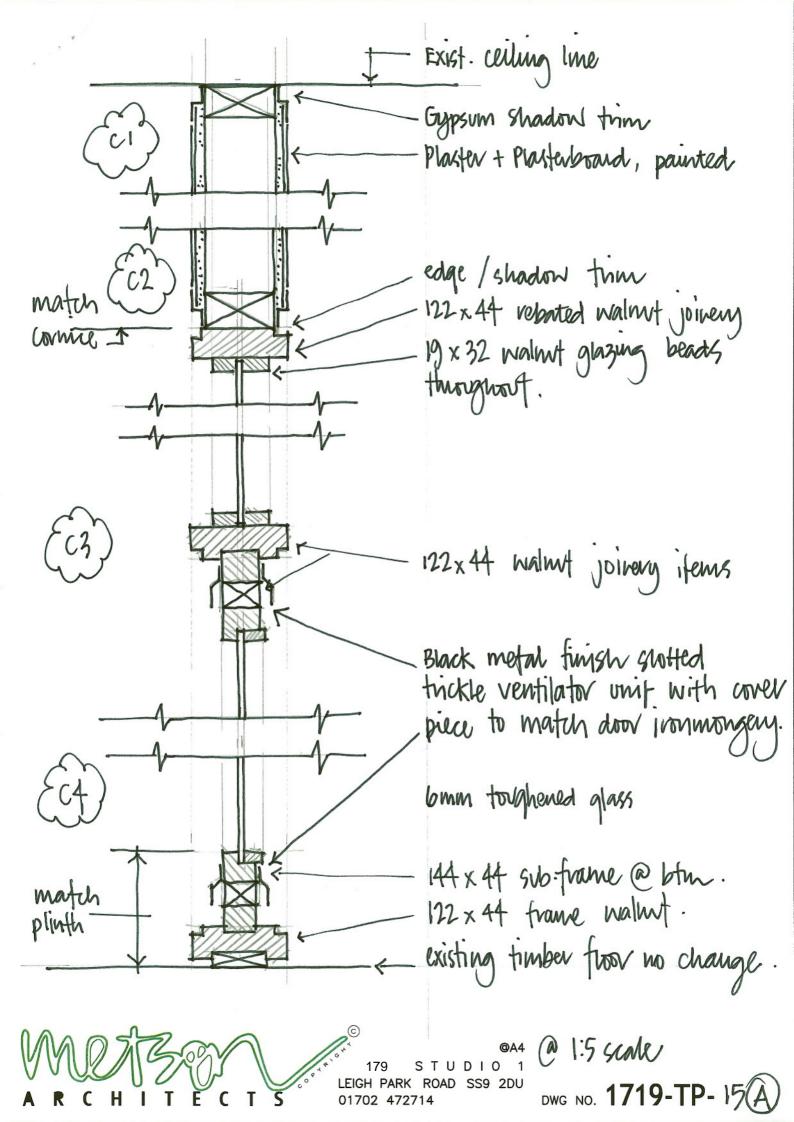


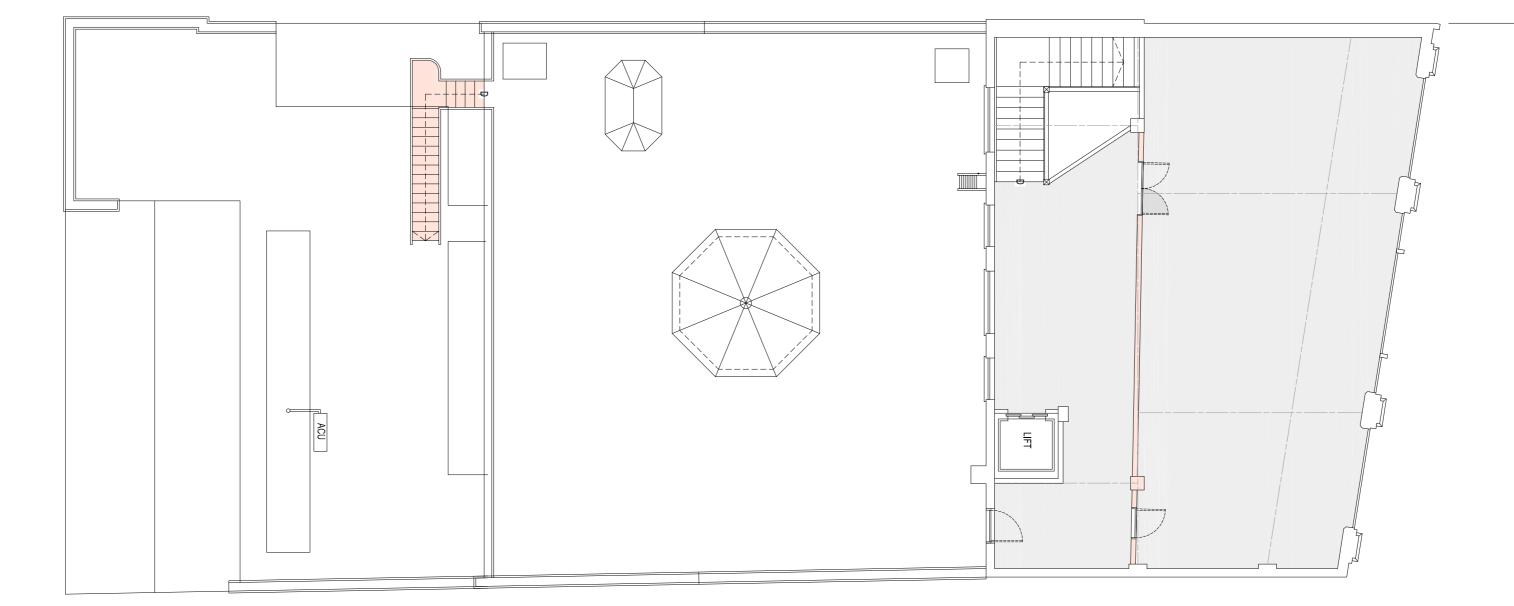
- C = Clean toughened glass. Note due to size Building Reg KS manifestation not required. (VB) Honzowtal venetian blinds fitted to invide face of office screens.

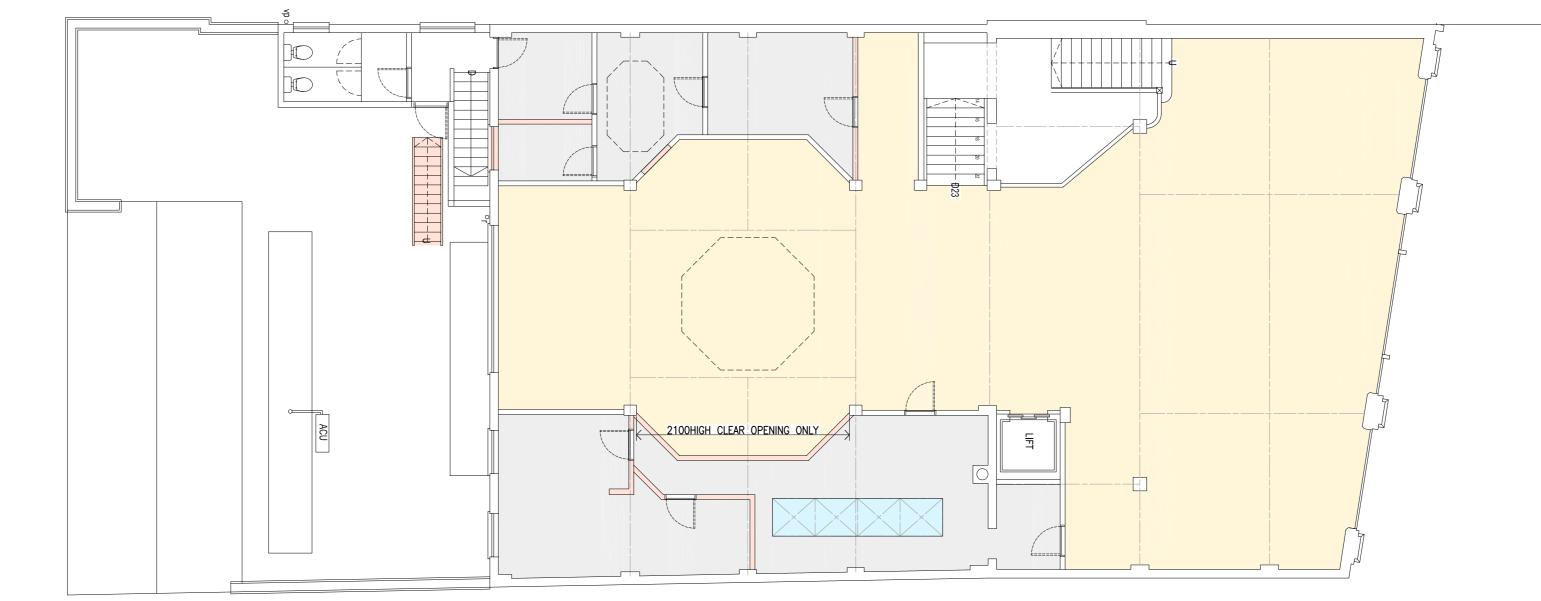






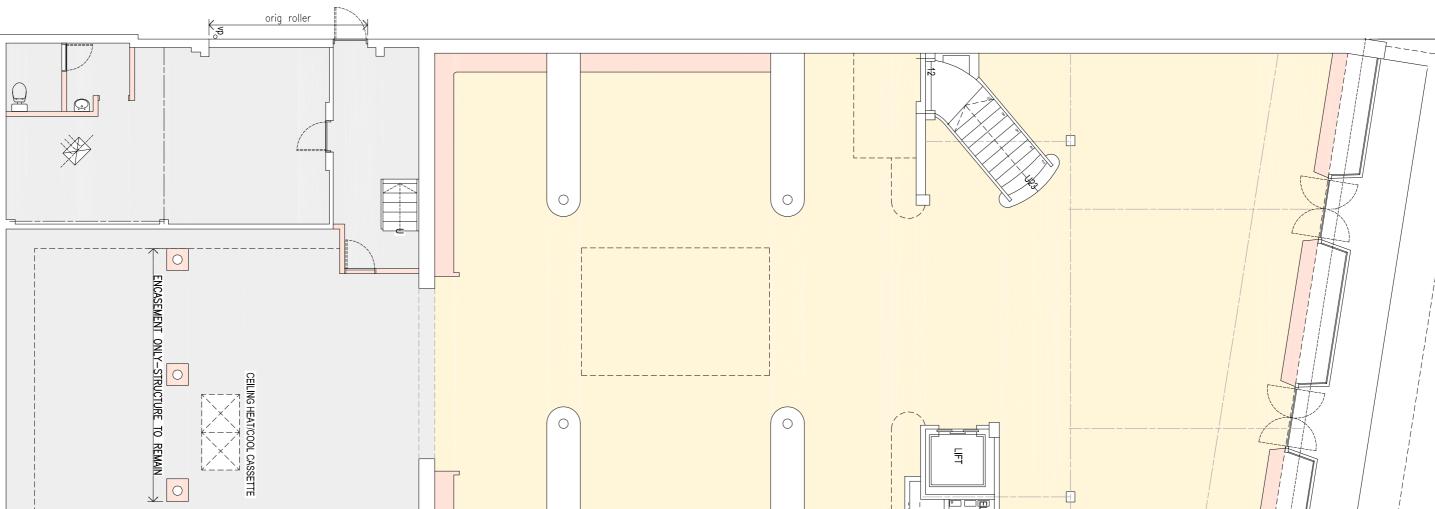






SECOND FLOOR PLAN









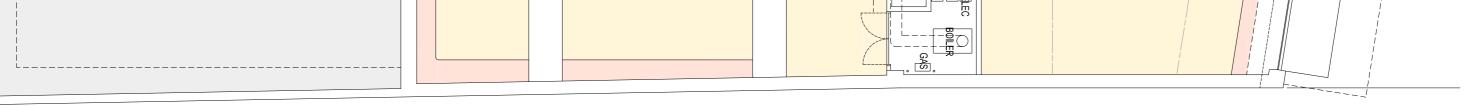
هما aug-2017 age concern 138-140 hamlet court road, westcliff sso 7ln مست ۲۵۹۲-B

SCALE. DATE. CLIENT. JOB.

S T U D I O 1 www.metsonarchitects.co.uk LEIGH PARK ROAD LEIGH ON SEA ESSEX SS9 2DU 01702 472714 admin@metsonarchitects.co.uk

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REV. A 19-01-18 LPA REQUESTS 0 1 2 3 4 5 1:100 scale METRES EXISTING FLOOR PLANS



PROPOSED DEMOLITION WORKS

INLAY GLASS BLOCKS

SHEET VINYL ON CEMENT SCREED

HARDWOOD PARQUE FLOORING

ΚEΥ

Reference:	18/00084/FUL	0
Ward:	West Leigh	8 X
Proposal:	Demolish existing timber workshop, erect enlarged timber workshop, alter elevations of existing oak framed gazebo to create enclosed summerhouse and install juliette balcony to rear of dwellinghouse	
Address:	76A Herschell Road, Leigh-On-Sea, Essex, SS9 2PU	
Applicant:	Mr Oliver Beacham	
Agent:	N/A	
Consultation Expiry:	27.02.2018	
Expiry Date:	03.04.2018	
Case Officer:	Janine Rowley	
Plan Nos:	16.109-01 A; 16.109-02; 16.109-03; 16.109-04; 16.109-05; 16.109-06; 16.109-07; 16.109-08; 16.109-09; 16.109-10; 16.109-11; 16.109-12; 16.109-13; 16.109-14; 16.OB1-15	
Recommendation:	REFUSE PLANNING PERMISSION	



### 1 The Proposal

- 1.1 Planning permission is sought to demolish an existing timber workshop, erect a larger timber workshop, alter the elevations of an existing oak framed gazebo to create an enclosed summerhouse and install a juliette balcony to the rear.
- 1.2 The existing garden area serving 76a Herschell Road previously contained a timber workshop, which has since been demolished and the concrete base has been laid out for the new workshop. There are two other structures within the site including an existing oak pergola and oak deck bridge over the existing pond to the centre and an existing open gazebo to the rear of site. The existing oak pergola and oak decking bridge to the centre of the site is to remain unchanged as part of this application
- 1.3 The former existing timber workshop was 3.3m wide x 2.4m deep x 2.8m high sited 1.9m away from the rear elevation of the existing building.
- 1.4 The proposed workshop which is 3.3m wide x 5.7m deep x 3.1m high (2.2m to the eaves) is to be sited 2.2m away from the rear elevation of the existing building. The materials include larch board and batten cladding. The fenestration to the outbuilding includes a roller shutter door to the west elevation and a window and door to the south elevation.
- 1.5 The proposal includes alterations to the existing oak framed gazebo to the rear of the site so that it becomes enclosed to provide a summerhouse 4m wide x 2.2m deep x 2.5m high. It should be noted there is a discrepancy on the plans shown on drawings "existing layout" 16.109-03, and "proposed layout" 16.109-09 where the gazebo to the rear is set 0.3m away from the northern boundary however, "proposed site plan" drawing 16.109-08 illustrates only a 0.1m separation distance to the northern boundary. However, on balance it is not considered this would warrant a reason for refusal taking into account it's siting to the rear of the garden and existing outbuildings to the north.
- 1.6 At first floor a Juliette balcony is proposed to the existing building to serve an existing pair of full height windows in the first floor flat.
- 1.7 This application has been submitted following an enforcement complaint (17/00233/UNAU\_B), whereby the base for the workshop has been laid out within the rear garden without planning permission.

#### 2 Site and Surroundings

2.1 The site contains a two storey detached building on the eastern side of Herschell Road which is in use as two self-contained flats, no. 76 to the ground floor and 76a to the first floor. The garden is split into two to the rear with a shared access to the south of the property adjacent to 74 Herschell Road which is a single family house. The streetscene is characterised by two storey semi-detached and detached properties.

### 3 Planning Considerations

- 3.1 The main considerations are in relation to the principle of the development, design and impact on the character of the area, traffic and transportation issues and impact on residential amenity and CIL.
- 3.2 Flats do not benefit from permitted development rights under the Town and Country Planning General Permitted Development Order so planning permission is required for rear garden outbuildings and structures.

### 4 Appraisal

#### Principle of Development

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

4.1 The property is located within a residential area and subject to detailed considerations; the principle of outbuildings and external alterations in this location is acceptable subject to the other material planning considerations discussed in detail below.

#### Design and impact on the character of the area

National Planning Policy Framework (2012), Core Strategy Policies KP1 (Spatial Strategy), KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and Design and Townscape Guide (2009)

- 4.2 National Planning Policy Framework states "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people".
- 4.3 Policy KP2 of the Core Strategy advocates the need for all new development to respect the character and scale of the existing neighbourhood where appropriate and to secure urban improvements through quality design. 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 by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.
- 4.4 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.

- 4.5 The proposed outbuilding is 3.3m wide, 5.7m in depth and 3.1m high. The design is a simple form with a pitched roof. The outbuilding is to be constructed from larch and batten cladding on a concrete base with a roller shutter to the west elevation and window and door to the south elevation.
- 4.6 The design and scale of the outbuilding satisfactorily relates to the existing property and does not result in a form of development out of keeping with the surrounding area taking into account that there exist a number of outbuildings to the rear of existing properties. It is therefore not considered that the outbuilding in design terms would significantly affect the character of the area in a harmful way.
- 4.7 No objections are raised to the enclosure of the existing gazebo to form a summerhouse at the bottom of the rear garden on character grounds.
- 4.8 For these reasons it is considered that the proposal would not cause harm to the character or appearance of the site or the surrounding area and, it is therefore acceptable and policy compliant in that regard.

### Traffic and Transportation

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

- 4.9 The existing parking to the front of the site will remain as existing providing one parking space per flat, which is policy compliant.
- 4.10 The proposed development will not be detrimental to highway or pedestrian safety and the proposed development is therefore acceptable in this regard and satisfies the policies detailed above.

#### Impact on residential amenity

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

- 4.11 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.
- 4.12 The proposed workshop outbuilding is located to the rear garden serving the first floor flat No. 76A Herschell Road set 2.2m from the rear elevation of the existing building and projecting 5.7m into the garden. No. 76 Herschell Road the ground floor flat, has windows serving a bathroom to the immediate west of the proposed outbuilding and sitting room to the north. The proposed outbuilding has a height of 3m (eaves 2.2m high) and set 0.2m away from the boundary to the north serving the garden of 76 Herschell Road and 1.3m away from the boundary to the south of

the site with 74 Herschell Road. It is not considered the proposal would result in a material harmful impact on the amenities enjoyed by existing occupiers of no. 74 taking into account the existing single storey rear extension serving no. 74 and siting of the outbuilding proposed. However, the proposed building would, by reason of its design, siting, height and depth of rearward projection, result in an excessively overbearing relationship, an unduly increased sense of visual enclosure and a loss of light and outlook at 76 Herschell Road, to the detriment of the residential amenities of the occupiers of this property. The proposal 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).

- 4.13 In relation to impact on residents to the rear of the site in Vernon Road there is a separation of 33m, which is sufficient to mitigate against any harm to light, outlook or impact on the rear garden scene.
- 4.14 The proposed enclosure of the existing gazebo to the rear of the site will not result in material harm to the adjacent residential occupiers surrounding the site taking into account its siting and modest scale and increase of height from 2.3m to 2.5m (0.2m difference) compared with the existing structure. It should be noted there is a discrepancy on the plans shown on drawings "existing layout" 16.109-03, and "proposed layout" 16.109-09 where the gazebo to the rear is set 0.3m away from the northern boundary however, "proposed site plan" drawing 16.109-08 illustrates only a 0.1m separation distance to the northern boundary. However, on balance it is not considered this would warrant a reason for refusal taking into account it's siting to the rear of the garden and existing outbuildings to the north.
- 4.15 In terms of overlooking and loss of privacy from the proposed Juliette balcony to the first floor serving the habitable accommodation of no. 76A Herschell Road, on balance the impact of this element of the proposal is found to be acceptable and no worse than existing windows to the rear elevation of the existing property at first floor including adjacent residential properties to the north and south of the site and the separation distance to the rear elevations of properties in Vernon Road to the east of the site.
- The applicant has confirmed that the outbuilding will be used as a workshop for 4.16 purposes incidental to occupation of the existing flat at first floor. It is noted from the plans and neighbours representations that the workshop is intended for use in connection with the applicant's hobby, keeping and maintaining motorbikes. А motorbike is illustrated for example on the building sections submitted as part of the application. There is potential for the introduction of a purpose built workshop to intensify motorbike related activity and attendant noise and disturbance on the site which could have a harmful impact on residential amenity. However, a condition could be imposed to restrict the workshop incidental hobby related use, with no business activity (such as the servicing and repair of motorbikes not owned by the applicant). In these circumstances it is not considered that such a restricted use of the building would in itself represent a specific reason for refusing planning permission. Whilst the level of activity will increase within the rear garden it is considered to not be harmful, taking into account the existing outbuildings in the vicinity of the site and would not result in material harm on noise and disturbance grounds to the existing occupiers to the north, south and west of the site.

Furthermore, a condition could be imposed to ensure the outbuilding remains incidental to the first floor flat no. 76A Herschell Road if this application was otherwise deemed acceptable.

### Other matters

4.17 A third party representation has been received stating the flat roof to the ground floor flat is currently used as a balcony following the installation of sliding doors in 2003. Whilst this is not subject of the current planning application a condition the formation of a balcony enclosure on the flat roof would require separate planning permission. Furthermore, the proposal to enclose the doors with a Juliette balcony reasonably indicates that access onto the roof is not being sought in order to protect the amenities of nearby residential occupiers if this application is deemed acceptable.

### Community Infrastructure Levy (CIL) Charging Schedule.

4.18 The outbuilding 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.

### Conclusion

Having taken all material planning considerations into account, it is found that the 4.19 proposed alterations to the existing gazebo to the rear of the site to enclose and form a summerhouse and Juliette balcony to the first floor of no. 76A Herschell Road are acceptable as they would not harm the character or amenity of the surroundings. However, the proposed workshop outbuilding would, by reason of its design, siting, height and depth of rearward projection represent an excessively large and intrusive structure which would result in an unduly overbearing relationship, increased sense of visual enclosure and a material loss of light and outlook to 76 Herschell Road, to the detriment of the residential amenities of the occupiers of this property. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Southendon-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). This application is therefore recommended for refusal and fails to comply with development plan policies.

### 5 Planning Policy Summary

- 5.1 National Planning Policy Framework (2012)
- 5.2 Core Strategy (2007) CP4 (The Environment and Urban Renaissance) KP1 (Spatial Strategy), KP2 (Development Principles)
- 5.3 Development Management Document (2015) policy DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009).

5.5 Community Infrastructure Charging Levy

### 6 **Representation Summary**

#### Leigh on Sea Town Council

6.1 Resolved to object to the proposal on the following basis:

The height above the fence line is considerable for much of the boundary line and will have an adverse impact on the amenity of neighbours. With the 'gym' abounding the northern boundary of 76 Herschell Road, the sense of visual enclosure is unacceptable and the use of such a large studio needs questioning in a residential property – this will have an impact on the noise and disturbance of neighbouring properties. Furthermore the proposed development does not contribute positively to the space between buildings.

As such the application is contrary to Policy DM1 of the Development Manager Document 2015.

### Public Consultation

- 6.2 8 neighbours were notified of the proposal and four objections have been received stating:
  - The property was converted in 1984 into two flats and as part of the leases no obstruction should be to the sideway which is continuously blocked by Mr Beacham of no. 76A Herschell Road [Officer Comment: This is a civil matter and not a material planning consideration];
  - The concrete base has been laid without planning permission and this application is the result of raising the matter with the planning enforcement team;
  - Appearance of the development unacceptable
  - Noise
  - Loss of privacy
  - The sideway could be turned into a building site, which is contrary to the lease agreement [Officer Comment: This is a civil matter and not a material planning consideration];
  - Siting of the outbuilding is too close to the bathroom of no. 76 Herschell Road;
  - Existing outbuilding has already been removed and was previously erected without planning permission or consent from the leaseholder;
  - No objection to the summerhouse converted from the gazebo subject to it not running a separate business;
  - Juliet balcony is proposed to the rear first floor doors, installed in 2003 and legal action is being sought on this matter separately;
  - The flat roof of the ground floor flat is used as a balcony for occupiers of no. 76A Herschell Road at first floor;
  - Too large for the area
  - Height unacceptable
  - Installation of Juliette balcony will result in overlooking or properties in Vernon Road

 Increased height of the gazebo would result in shade to gardens to the east in Vernon Road

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

6.3 Councillor Phillips has requested this application be dealt with by Development Control Committee.

### 7 Relevant Planning History

7.1 Alleged unauthorised development (Erection of Outbuilding)- Pending consideration (17/00157/UNAU\_B)

#### 8 Recommendation

- 8.1 Members are recommended to REFUSE PLANNING PERMISSION for the following reason:
  - 01 The proposed workshop outbuilding would, by reason of its design, siting, height and depth of rearward projection, result in an excessively large and intrusive structure which would create an unduly overbearing relationship, an increased sense of visual enclosure and a material loss of light and outlook to 76 Herschell Road, to the detriment of the residential amenities of the occupiers of this property. The proposal is therefore unacceptable and contrary to 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).

#### 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.

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.





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Office: The Studio 76A Herschell Road Leigh-on-sea Esse SS9 2PU Phone: 01702 712979

Mobile: 07788 753938 Email: architecturedesign icloud.com Web: www.-architecture-design.co.uk

Client O.Beacham 76A Herschell Road, Leigh-on-Sea, Essex. SS9 2PU

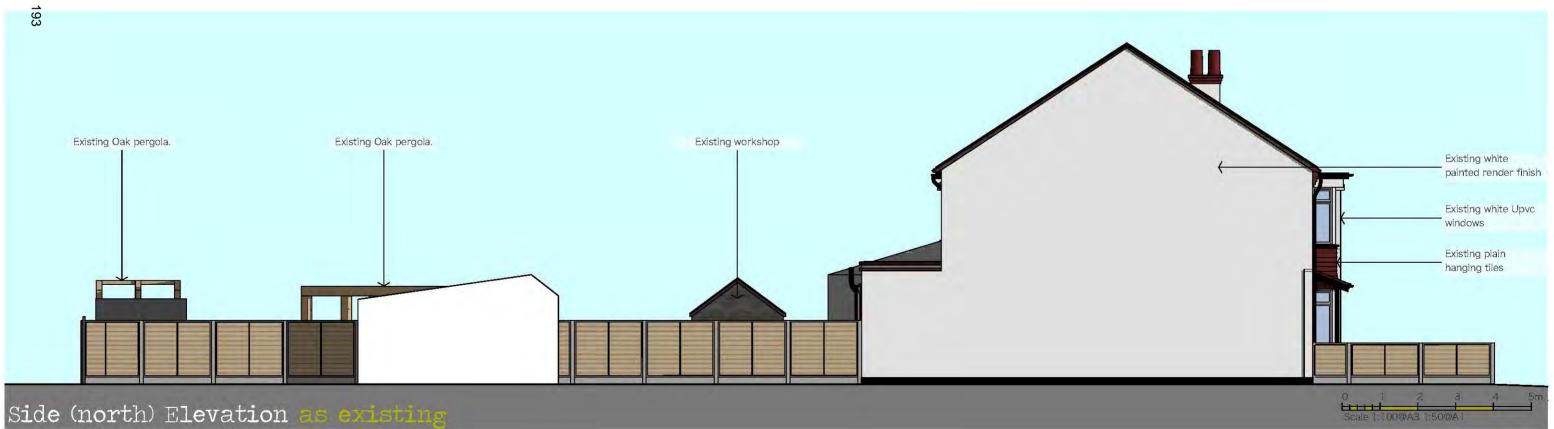
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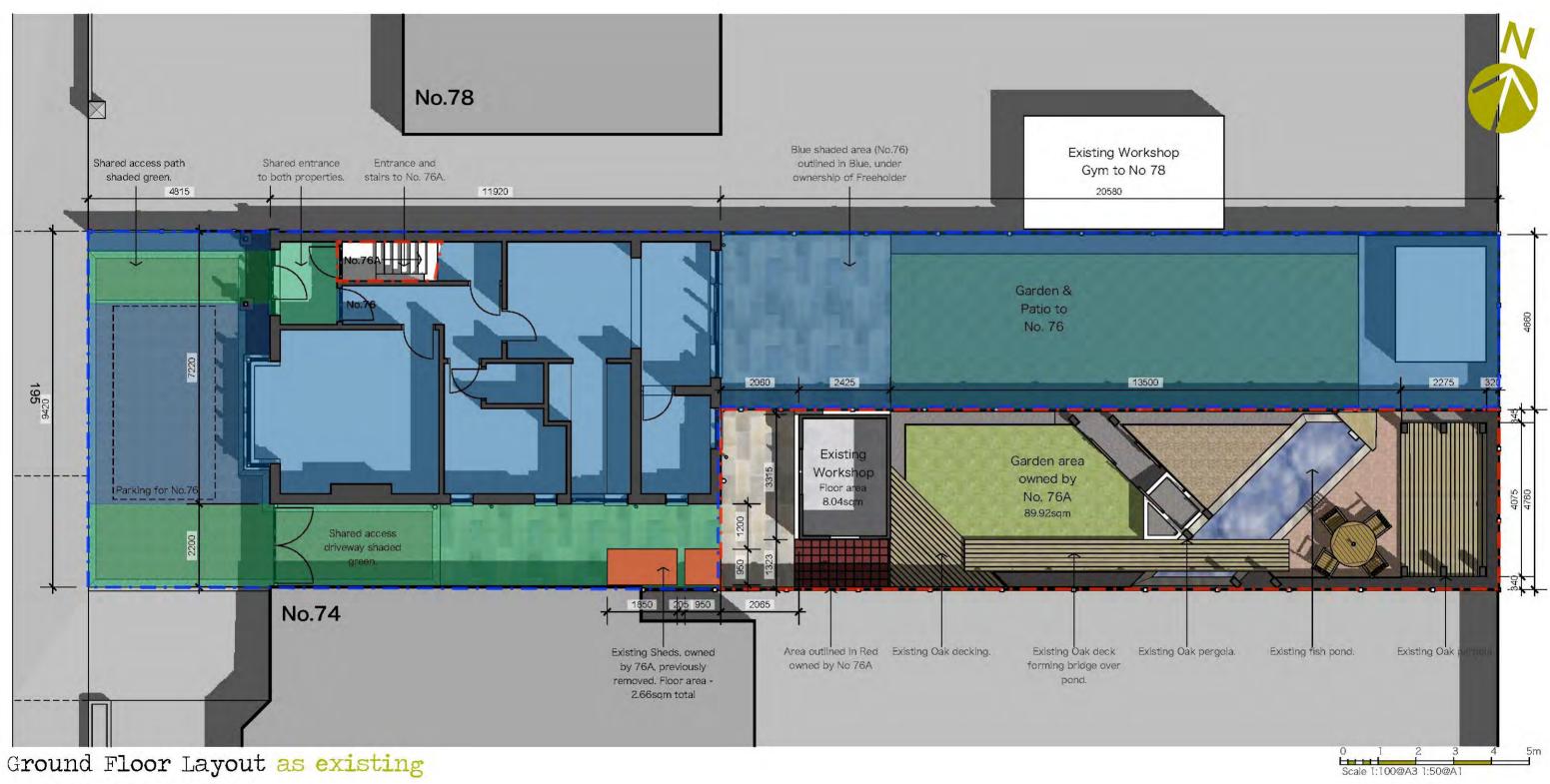
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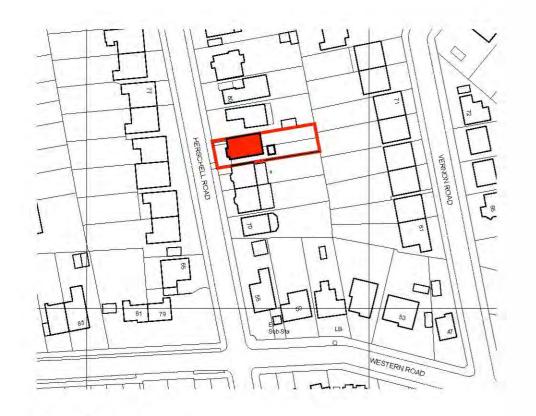
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Block Plan as proposed **Planning Drawing** 

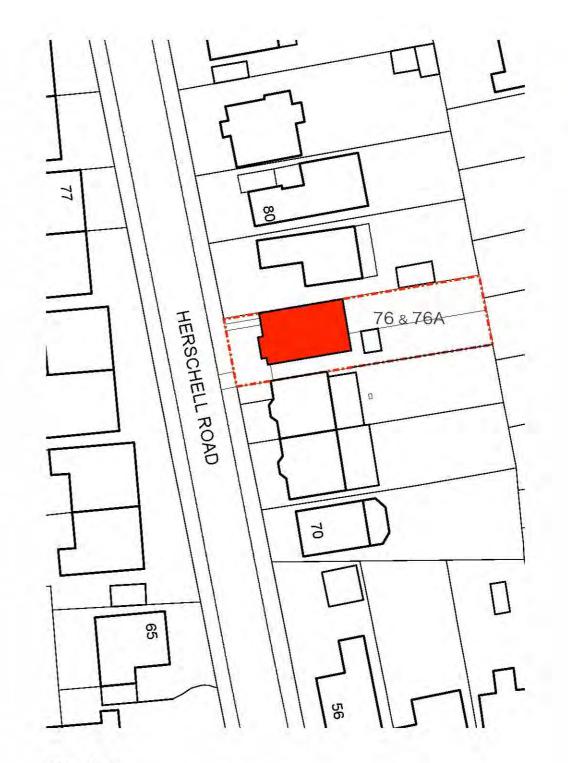


Workshop, Studio & rear access stair. Scale: 1:100 @ A3 Date: Feb 2017

Drawing No: Revision: 16.109-08







Site Plan Scale 1:500

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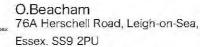
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Section A

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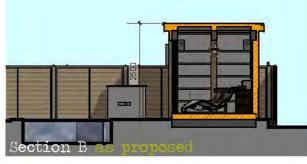
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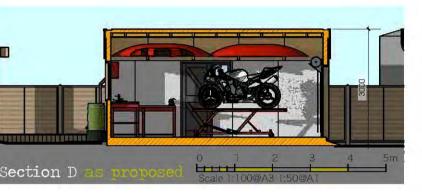
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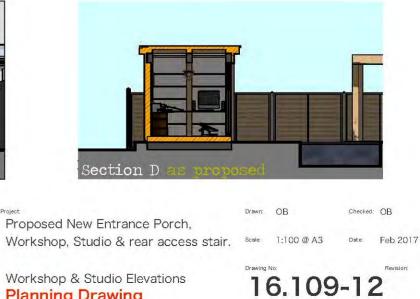
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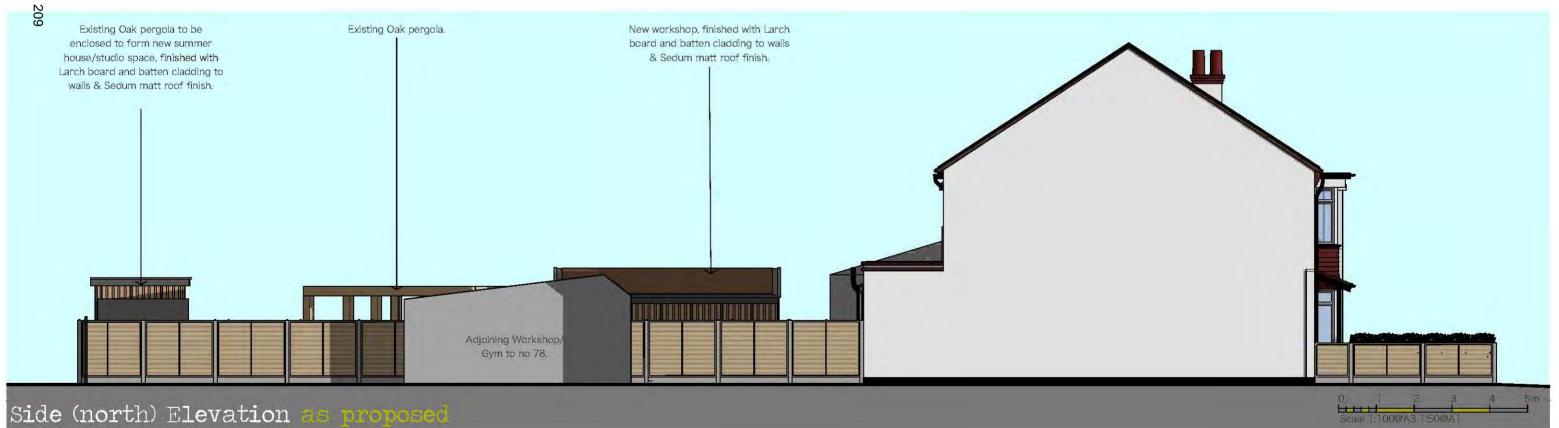
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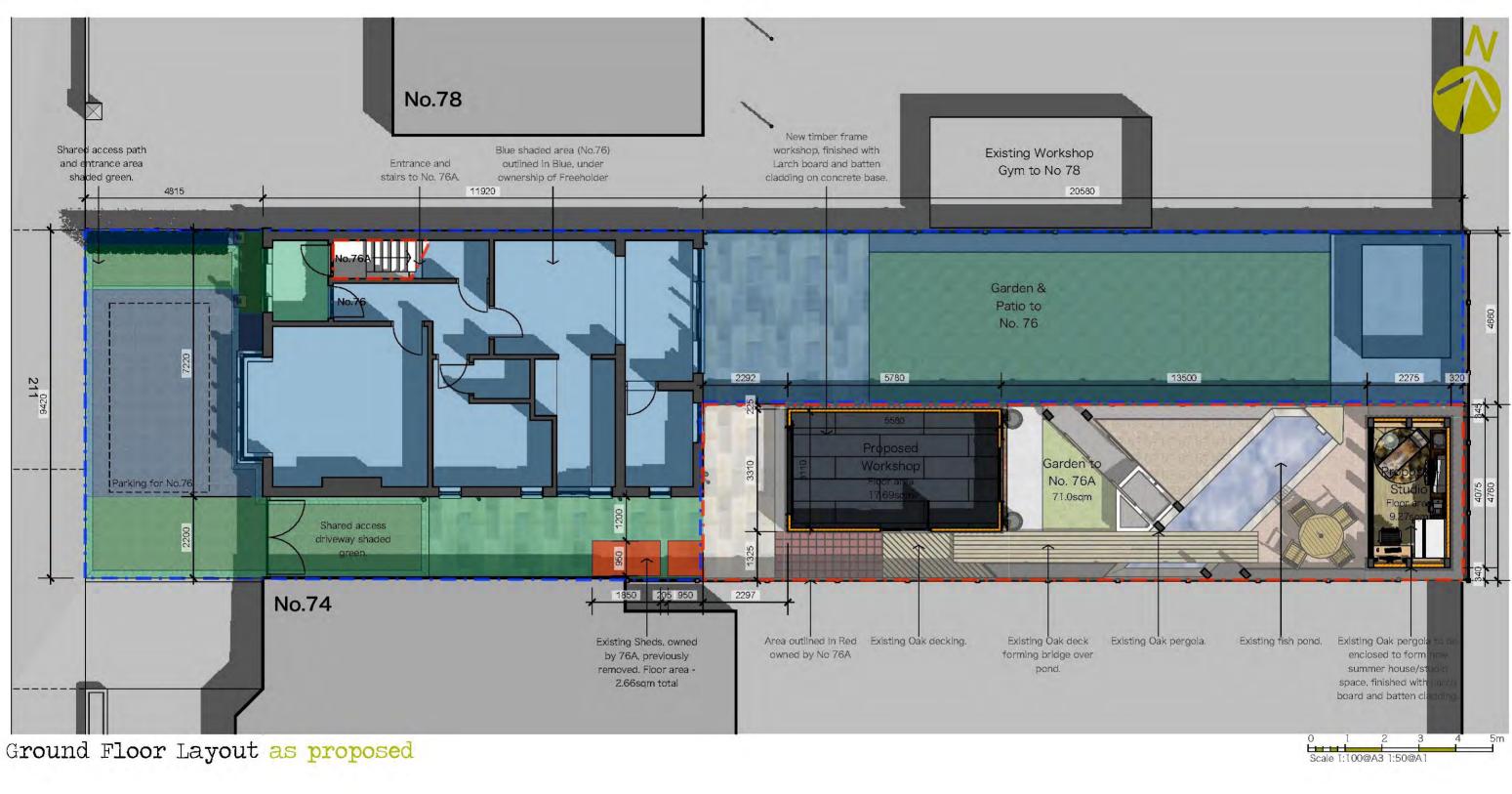
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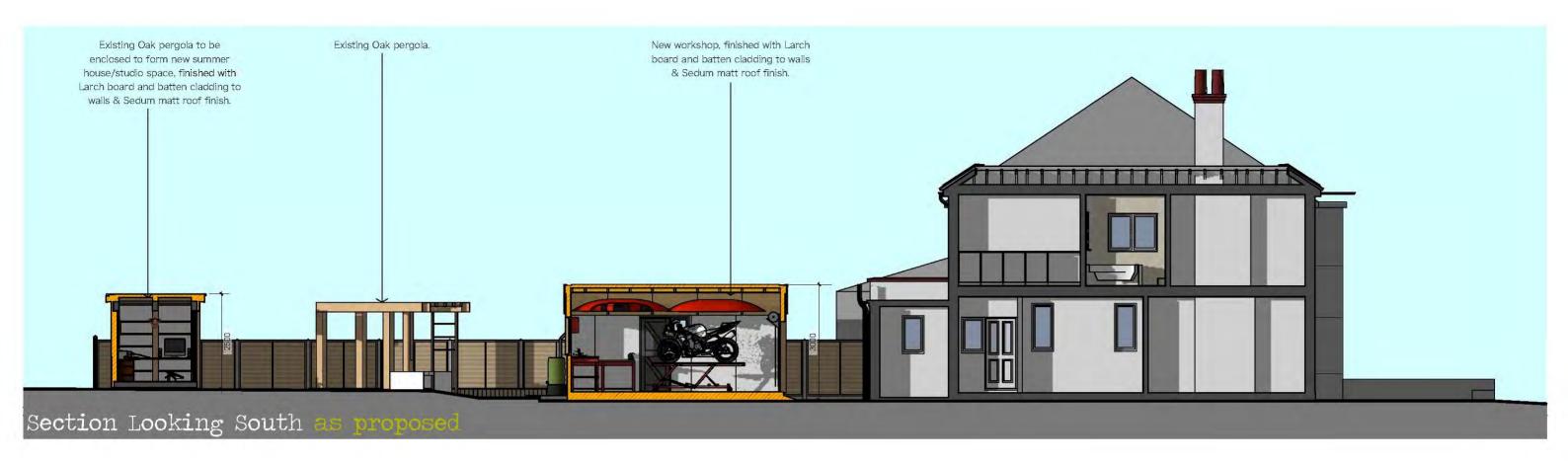
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New glass balustrade set in to Anodised aluminium channels fixed either side of existing opening.



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3D Exterior Planning



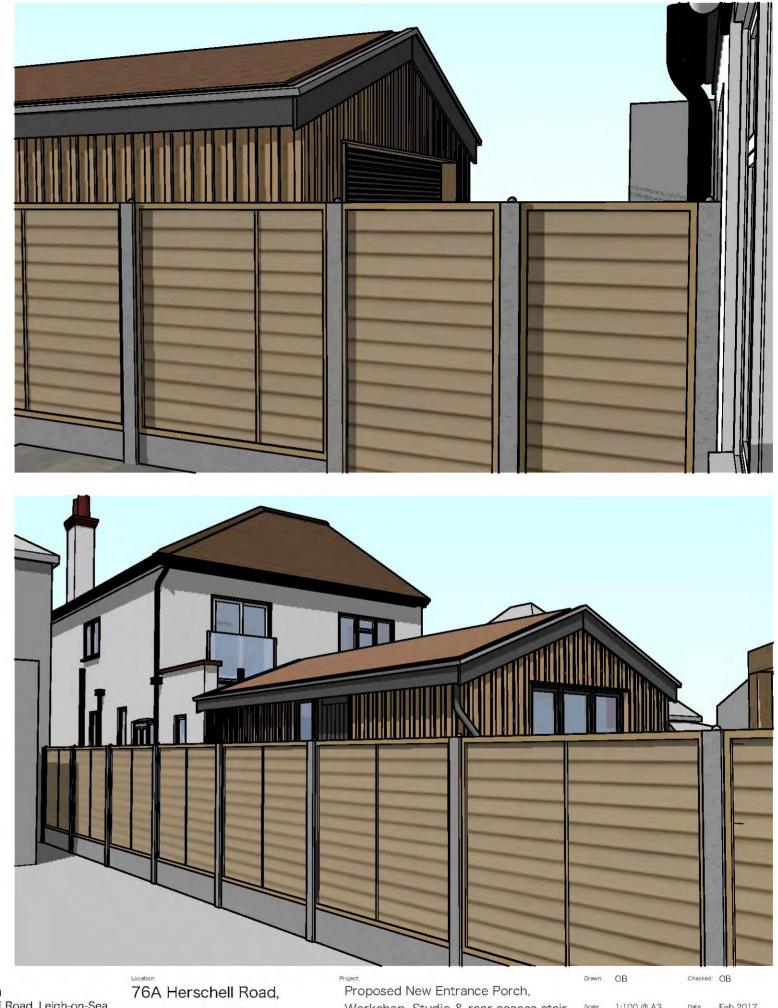
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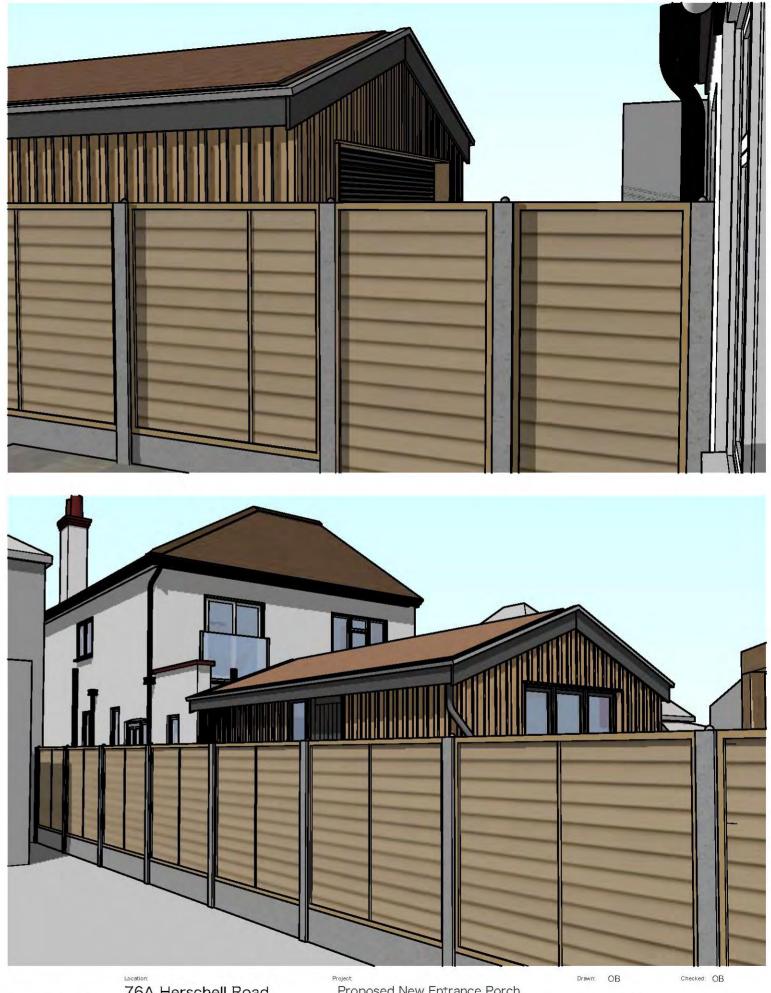
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Workshop, Studio & rear access stair. Scale: 1:100 @ A3 Date: Feb 2017

3D Exterior views as proposed **Planning Drawing** 

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Reference:	17/01115/FULM				
Ward:	Prittlewell				
Proposal:	Demolish existing buildings, erect thr four and five storeys comprising of flats with balconies, basement parki ground floor level, landscaping, associated works including highwa alteration of existing access onto Fair	92 self-contained ng and parking at amenity space, ny alterations and			
Address:	Prospects House, 10 Fairfax Drive Essex, SS0 9AG	, Westcliff-on-Sea,			
Applicant:	Weston Homes PLC				
Agent:	Weston Homes PLC	Weston Homes PLC			
Consultation Expiry:	5 January 2018				
Expiry Date:	7 <sup>th</sup> February 2018				
Case Officer:	Patrick Keyes				
Plan Nos:	AP234: P001 Rev D (Landscape and P002 Rev D (Ground and Upper Grour D (First Floor), P004 Rev D (Second (Third Floor), P006 Rev D (Fourth F (Roof Plan/ Street Elevation), P008 Sheet 1), P009 Rev D (Elevations Shee Elevations Sheet 3), AP 234 P201- P24 1 to 40).	nd Floor), P003 Rev Floor), P005 Rev D Floor), P007 Rev D Rev D (Elevations et 2), P0010 Rev D (			
Recommendation:	Resolve that had the application not been appealed for non-determination, Members would have determined 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 The applicants for this proposal have confirmed to staff that they are submitting to the Planning Inspectorate an appeal against non-determination of their application. This means that the decision on the application will no longer be in the Council's hands. At the time of preparing this report, the Council has not received any notification from the Planning Inspectorate that a valid non-determination appeal has yet been submitted but this is expected to occur in the very near future. As part of the appeal process, the Council will have to confirm the decision it would have made had a non-determination appeal not been submitted. This report accordingly sets out an assessment and recommendation.
- 1.2 The application proposes to demolish existing buildings on the site and to erect 3 blocks of flats, varying between 2 and 5 storey in height, totalling 92 units (41x1-bed, 47x2-bed and 4x3-bed), together with associated basement and surface parking for 92 vehicles, a ratio of one per unit. The proposal includes amenity space, landscaping and associated works. This is a stand-alone development but the applicant has provided explanatory comments on how the scheme might tie in to a wider redevelopment of the Roots Hall site should one come forward.
- 1.3 A single, five storey building (Block C) would sit directly opposite the junction of Fairfax Drive and Prittlewell Chase flanked by two further buildings; Block A/B to the west (2 to 3 storey) continues the form of the existing residential terrace and then returns into the depth of the site; Block D/E to the east, which is mainly 4 storey, addresses the street frontage and then returns into the depth of the site. Blocks A/B and D/E would step up in height rearward by roughly a half storey equivalent as they reflect the site's southerly rising land levels. Between these two buildings a one-way loop road would wrap behind Block C with the main vehicular entrance to its east by the existing Prospects House entrance, and the exit further to its west, close to the existing service yard access.
- 1.4 The proposed buildings are set back to follow the established building line along Fairfax Drive and to provide street frontage landscape and tree planting. An element of on street, surface car parking is included towards the rear of the site. Areas of private amenity space are provided in two enclosed, landscaped, courtyard gardens to the eastern and western flanks of the development, stepped to take account of ground levels.
- 1.5 Materials include dark and light facing brick, textured masonry, cladding, clear glazed windows, glazed balconies, spandrel panels and aluminium louvres. Hard landscaping materials include macadam surfacing, granite sett paving, granite slabs, granite setts, natural stone stepping stones and gravel.
- 1.6 The applicant confirms that 30% of the proposed units will be affordable. They are not obliged to submit a viability report with the application because of this policy compliant provision of affordable housing.

1.7 The application is supported by a Planning Statement, Design and Access Statement, Transport Assessment, Travel Plan, Phase 1 Habitats Report, Archaeological Desk Based Assessment, Environmental Noise Assessment and supplementary noise impact report, Contaminated Land Survey, Energy Report, Flood Risk Assessment/Drainage Strategy, and Landscaping plans.

# 2 Site and Surroundings

- 2.1 The application site is the rectangular-shaped former Prospects College site (0.56 Ha/ 1.38 acres) measuring some 120m x 46.5m. The eastern half of the site is occupied by a two storey brick building, Prospects House, which was formerly used as a training centre and has been vacant for several years. This has a two storey, flat roofed frontage to Fairfax Drive and also extends around a warehouse scale element towards the western elevation. Warehouse loading bays face onto an extensive hard standing covering the western part of the site. Two smaller warehouse elements are next to the site's southern boundary. Part of the site is currently used for the storage of building materials.
- 2.2 The northern boundary runs along Fairfax Drive. Allotments, the Growing Together Project, a private Hospital and an office are to the northern side of Fairfax Drive. To the east, the site boundary is formed by a service road which accesses the rear of two-storey buildings in Victoria Avenue. Those buildings comprise shops with flats over. Most are unoccupied. Continuing southwards within Victoria Avenue beyond that terrace is St Marys Court, a four storey flatted development. The application site's southern boundary is formed by a retaining wall to the car park serving Roots Hall football stadium which is set between 0.4m and 1.3m higher than the site. The application site sits at the bottom of sloping land which rises southwards through the adjacent stadium site to West Street. To the west, in Fairfax Drive, is a terrace of five two storey dwellings behind which is an area used by a vehicle hire company for storage of vehicles. Further to the west, Fairfax Drive is characterised by two storey pitched roof dwellings, both terraced and semi-detached.
- 2.3 The site is in a relatively sustainable location. A bus shelter is immediately in front the site. Prittlewell train station is some 790m to its south. The site is some 100m from cycle tracks into Southend Town Centre and Leigh-On-Sea. The site is readily accessible to the main road network with the A127 some 50m away. Priory Park is close by.
- 2.4 The site is located within the 'Southend Central Area' identified within the Southend Central Area Action Plan (SCAAP). Within this, the site together with the wider Roots Hall site and the Victoria Avenue frontage and properties in Roots Hall Avenue, is allocated as Opportunity Site 13 and falls within the Victoria Gateway Neighbourhood area subject to Policy PA8. It is also within an area of archaeological interest within the SCAAP. Properties next to the south east corner of the site are within a secondary shopping frontage. To the south of the site, along Victoria Avenue, is the Grade I listed St Mary's Church, views of which are defined as "Key Views" within the SCAAP. St Mary's Church is also designated as a Landmark Building within the SCAAP.
- 2.5 The site lies within Flood Risk Zone 1 (low risk).

# 3 Planning Considerations

3.1 The main considerations are: the principle of the development; design and impact on the character of the area including views of St Marys Church; impact on the amenity of surrounding residents; standard of accommodation for future occupiers; traffic generation; access and parking implications; sustainable construction including the provision of on-site renewable energy sources; CIL (Community Infrastructure Levy) and developer contributions.

# 4 Appraisal

# Principle of the development

Planning Policies: National Planning Policy Framework (2012) (NPPF), Core Strategy (2007) Policies KP1, KP2, CP6, CP8; Development Management Document (2015) Policies DM1, DM3, DM5, DM7, DM10, DM11 and DM15 and the Design and Townscape Guide (2009), Southend and Central Area Action Plan (SCAAP) Policies PS8, DS2 and DS3.

- 4.1 The Core Strategy confirms that the primary focus of regeneration and growth within Southend is in Southend Town Centre and the Central Area. The Southend Central Area Action Plan (SCAAP) provides a more detailed and comprehensive planning policy framework for the town centre, to guide future development decisions. The SCAAP was agreed in December 2017 following an examination held by an Inspector appointed by the Secretary of State. The SCAAP is now being prepared for adoption by the Council.
- 4.2 The application site is brownfield land within the Southend Central Area. It is also part of the 4.22ha Roots Hall, Victoria Avenue site identified within the 2016 Strategic Housing Land Availability Assessment identified for residential development.
- 4.3 Policy PA8 sets principles for development in the Victoria Gateway Neighbourhood Policy Area, of which the application site forms part. This policy confirms that the Council will look favourably on high quality developments which can demonstrate that they will contribute to the transformation of this area into a vibrant community, integrated with the surrounding neighbourhood and set within a remodelled built form, of a quality that befits this key gateway to the Town Centre.
- 4.4 Policy PA8 also seeks to conserve existing landmark buildings and ensure that new development respects views to and from them, their setting and character, in line with Policy DS3: Landmarks and Landmark Buildings.
- 4.5 Policy DS2 confirms that new development within Southend Central Area will be expected to demonstrate that it is compatible with and/or enhances Key Views of St Mary's Church. Policy DS3 confirms that the Council will seek to conserve landmarks and landmark buildings as identified in Table 2 and Appendix 3 from adverse impact by: a) encouraging the provision of open spaces and public realm improvements which provide views to landmarks or landmark buildings or enhance their setting; b) resisting adverse impacts of new development by virtue of excessive height, massing or bulk; and c) ensuring development proposals respect views, setting and character.

- 4.6 Policy KP1 of the Core Strategy seeks the provision of additional homes within the Town Centre. Policies KP2 and CP4 of the Core Strategy seek development that makes the best use of land and is sustainably located. 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.
- 4.7 Policy CP2 seeks to support the Town Centre as a regional centre including mixeduse development. A stated aim of Policy CP3 is to reduce reliance on the car in new development. Policy CP8 of the Core Strategy identifies the need for 6,500 homes to be delivered within the whole Borough between 2001 and 2021 and seeks that 80% or more of residential development be provided on previously developed land. Policy DM1 of the Development Management Document seeks to promote successful places.
- 4.8 Policy DM1 seeks design quality that adds to the overall quality of an area and respects the character of a site and its local context. Policy DM3 seeks 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. Policy DM7 states that the Council will seek to support a range of dwelling sizes and types to meet the needs of people with a variety of different lifestyles and incomes. Through Policy DM8 the Council seeks appropriate flexibility and dimensions within internal accommodation to meet the changing needs of residents. Policy DM10 seeks to promote sustainable economic growth by increasing the capacity and quality of employment land, floor space, and jobs through new development. Policy DM15 states that development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.
- 4.9 The proposal would involve the loss of a potential employment-generating land use. However the site is not a designated 'employment-generating' further to Policy DM11. Loss of the D1 training centre use came about as part of the former Prospect College relocation, in part funded by the sale of this site. Taking the above into consideration, including that there has been no net loss of educational space it is not considered that there is any requirement to safeguard the site as a community facility under Policy CP6.
- 4.10 The principle of using this brownfield land for residential purposes is therefore considered acceptable under Policies KP1, KP2, CP4, CP6 and CP8.
- 4.11 The principle of the form and nature of the application site's redevelopment and strategic impact also needs to be considered having regard to the effect on landmark views of St Mary's Church, required under Policies DS2 and DS3. The application is supported by a visual impact assessment demonstrating that although a development of the scale sought would be seen generally in the context of St Mary's, the local topography here is such that, with land rising southwards away from the application site, the new built form on this site would not, in principle, cause an adverse effect on views of the church when seen from vistas

around the application site notably from Fairfax Drive and from further beyond in Prittlewell Chase to the north. It is not considered that the scheme would harm the setting of the listed building.

- 4.12 The application site has been subject of past, comprehensive proposals which sought to regenerate the Roots Hall stadium site together with land around its periphery, including the current application site. All related permissions for such wider redevelopment have expired. However submission of a further planning application, specifically for redevelopment of the existing Roots Hall stadium site, is anticipated during 2018 in association with the current separate planning application under consideration for a new replacement football stadium and associated development at Fossetts Farm (17/00733/FULM).
- 4.13 It would be preferable to consider the redevelopment and wider regenerative role of the current application site simultaneously with further redevelopment proposals for the Roots Hall site. However it is considered that this cannot be insisted upon nor can the Council reasonably withhold determination of the current application on that basis. This is because the proposals presented here for the Prospects College site are entirely self-contained ie they do not rely upon the adjacent Roots Hall site for any fundamental design components such as access. Furthermore the essential form and layout of this proposal have been designed so as not to rely upon, nor to materially prejudice, the redevelopment potential of the adjacent Stadium site. For example habitable rooms in this proposed development would not rely on outlooks across site boundaries to the south. Equally the Roots Hall site is sufficiently large that any constraints created by the prior redevelopment and presence of new buildings within the current application site could be addressed through design.
- 4.14 Commenting on how the scheme might tie in to the wider redevelopment of the Roots Hall site, the applicants' Planning and Design & Access Statements confirm that this proposal is the first phase of a potential wider redevelopment ultimately encompassing the Roots Hall site and St Mary's Court. Although this is not an element being assessed under this application, the applicants demonstrate how the lay out of their proposed development has given consideration to the possibility of a wider masterplan for the Roots Hall site in future. The applicant states that this ensures that the redevelopment of Roots Hall will not be prevented by this development and that the two can be satisfactorily integrated.
- 4.15 Therefore the effect of this site's development on the future development potential of the Roots Hall site is primarily an issue to be addressed at the appropriate time by the designers of any future redevelopment proposals submitted for the Roots Hall site. Whether such a proposal comes forward in practise is a matter for the respective site developers. Officers do not consider that this issue alone would constitute a materially defensible reason for opposing the principle of this site's redevelopment in its self-contained form or for the residential purposes proposed.

## Housing mix

4.16 To create balanced and sustainable communities in the long term, it is important that future housing delivery meets the needs of households that demand private market housing and also those who require access to affordable housing.

Providing dwellings of different types, including tenure and sizes, helps to promote social inclusion by meeting the needs of people with a variety of different lifestyles and incomes. A range of dwelling types provides greater choice for people seeking to live and work in Southend and will therefore also support economic growth. So the Council seeks to ensure that all residential development provides a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing, to reflect the borough's housing need and housing demand. Policy DM7 of the Development Management Document requires all residential development to provide a mix of dwelling size and type.

- 4.17 Paragraph 159 of the NPPF requires local planning authorities to have a clear understanding of housing needs in their area and that they should prepare a Strategic Housing Market Assessment 2013 ('SHMA') which identifies the scale and mix of housing that the local population is likely to need. The Southend-on-Sea Housing Strategy 2011, the SHMA and the Council's Community Plan 2011-2021 seek to provide sustainable balanced communities and advise that housing developments will need a range of tenures and size of dwelling. The SHMA has identified a shortage of family accommodation in Southend, despite an acute demand for this type of dwelling. Consequently, to address this shortfall and meet demand, residential development proposals will normally be expected to incorporate suitable family accommodation. The provision of high quality. affordable family homes is an important strategic housing priority in Southend and the Core Strategy highlights a need to retain a stock of larger family housing.
- 4.18 Policy DM7 states:

"The Council will promote the mix of dwellings types and sizes, taking account of those outlined in the SHMA, ..... in all new major residential development proposals. Where a proposal significantly deviates from this mix the reasons must be justified and demonstrated to the Council."

4.19 The Council's preferred Private Market Dwelling Mix is:

Size/ No bedrooms	1 Bed	2 Bed	3 Bed	4 Bed
Proportion of dwellings	9%	22%	49%	20%

and the Council's preferred Affordable Dwelling Mix is :

Size/ No bedrooms	1 Bed	2 Bed	3 Bed	4 Bed
Percentage of affordable	16%	43%	37%	4%
housing total				

4.20 The proposal comprises the following (within the main figure for Block A/B the number of proposed Affordable Housing units is identified in italics) :

Block/Building	1 Bed	2 Bed	3 Bed
A/B	18 <i>(18 AH</i> )	7 (7 AH)	3 (3 AH)
C/D/E	23	40	1
Total	<b>41</b> (45%)	<b>47</b> (51%)	<b>4</b> (4%)
			92 units total

- 4.21 The proposed mix has been refined since original submission of the application. It now includes a policy compliant 30 % level of affordable housing. This comprises 11 shared ownership units (8 x 1-bedroom and 3 x 2-bedroom) and 17 social rented units (10 x 1-bedroom, 4 x 2–bedroom and 3 x 3-bedroom) to be provided within proposed block A/B. Taking account of the site context and nature of development proposed, it is considered that the above mix, which now includes an element of larger 3 bedroom units capable of family occupation plus over 50% two bedroomed units, would make a satisfactory contribution to the Council's housing policy objectives. This is supported by the Council's Strategic Housing team.
- 4.22 It is therefore considered that the principle of this form of development at this location is acceptable in light of the above policies and the SCAAP. Detailed matters are considered specifically below.

#### Design, regeneration and the impact on the character of the area.

Planning Policies: National Planning Policy Framework (2012) (NPPF), Core Strategy (2007) Policies KP1, KP2, CP4; Development Management Document (2015) Policies DM1, DM3; Design and Townscape Guide (2009).

- 4.23 A core planning principle set out in Paragraph 17 of the NPPF is to seek to secure high quality design and good standards of amenity for existing and future occupants.
- 4.24 The NPPF 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."

4.25 The need for good design is reiterated in Policies KP2 and CP4 of the Core Strategy DM1 and DM3 of the Development Management Document and in the Design and Townscape Guide.

#### Scale and massing

- 4.26 The application site is on the edge of a main transport corridor leading to the Town Centre. The mix of land uses and varying topography here have created a mixed pattern of building types, formats, scale and massing with no overall single distinctive urban grain. Development to the south and east is represented mainly by the stadium site and predominantly two storey commercial buildings in Victoria Avenue, south of which are four storey flats. To the west, Fairfax Drive contains modest two storey housing to its south side next to the site and opposite this moving towards the west on the north side of Fairfax Drive.
- 4.27 Immediately opposite the site the street scene setting is wider and more open and spacious in aspect, reflecting the major intersection between Fairfax Drive and the dual carriage way of Prittlewell Chase where a two storey clinic on its eastern corner has massing which is equivalent to a three storey residential building. As well as rising significantly towards the south, the land levels rise westward more modestly along Fairfax Drive. When seen from a distance, development on the

application site would sit at the base of these surrounding, predominantly rising land levels and surrounding built form which varies in scale and character. This has been a significant consideration for officers when assessing the visual impact of the new development and its effect on the prevailing character of the surroundings.

- 4.28 With the exception of its relationship to No 40 Fairfax Drive and the terrace towards its west, the proposed development would not sit immediately next to existing built form which would otherwise set a more marked constraint for scale or design. The site is some 120m wide. Within this area of varied character, building forms and masses, officers consider that the site is capable of establishing its own identity and making a transformative visual contribution within the street scene. The site width enables the development to achieve a scale and massing and layout relationship between the proposed new buildings on the site itself without jarring with characteristic features of interest such as the wide setting of the intersection, the green setting of the dual carriageway or the strategic backdrop view of St Mary's Church.
- 4.29 The proposed central pavilion (Block C), maximum plan dimensions 19.2m x 24m is five storeys (15.25 m max) in height and incorporates two, four-storey wings projecting over main entrances either side, each some 12.3m in height. All of the proposed buildings, particularly the central pavilion, will appear significantly taller than existing buildings in the Fairfax Drive street scene but the latter is purposely designed to form the focal point in long views of the site from Prittlewell Chase with adjoining new buildings subservient to the scale of that primary Block C.
- 4.30 To the east, proposed four-storey Block D/E (max 12.3m height) steps down to 3 storeys (9.5m height) in response to the scale of the existing buildings on the Victoria Avenue frontage. It should be noted that these height dimensions for Block D/E and those for Block A/B below refer to the building's situation in the immediate Fairfax Drive street scene. Both blocks would increase in height by a further 1.6m as these two buildings extend further back into the site where the ground levels rise by some half a storey equivalent. Block D/E would be L shaped in footprint with maximum plan dimensions 33m x 24m.
- 4.31 To the west, proposed three-storey Block A/B (9.3m height) steps down to 2 storeys (6.7m height) to form a visual continuation of the existing flat-roofed residential terrace commencing at 40 Fairfax Drive. Block A/B would have a staggered L shaped footprint with maximum plan dimensions 35m x 22.8m.
- 4.32 Seen in this context the proposed 2-5 storey scale is considered to be complimentary to the surrounding built environment and not excessive in scale, particularly when the surrounding topography is considered. In particular it is considered that the scales of the individual blocks and proposed disposition of built form within the development would strike an acceptable balance between achieving compatibility with the lower neighbouring buildings at the site margins whilst enabling a suitably higher density development which sets its own character and identity without materially harming the setting of the street scene.

Layout, building arrangement and external materials

- 4.33 Some 44 of the 92 on-site car parking spaces are proposed within two areas of under croft to the rear of the site, sunk into the ground by half a level so that the deck forming the roof of the car park and the landscaped courtyard gardens is at the same level as the ground within the elevated Roots Hall car park to the south and adjoining residential gardens. This car park arrangement raises the level of the buildings in the southern portion of the site by half a storey in height responding suitably to site levels.
- 4.34 Given the varying character of the site's setting, in particular the currently inharmonious composition of the streetscape to the eastern part of Fairfax Drive, the design of the proposal is predicated on the basis that there are no particularly strong architectural precedents in the locality except that there is a predominance of white painted render in the street scene. It is in this context that the applicant proposes a contemporary architectural approach to the design. External finishes incorporate a dark facing brick and a contrasting light coloured brick to reflect the wide use of render but to achieve future durability. This also references the two short Fairfax Drive terraces of flat roofed houses on the site's western boundary which retain a common compositional theme comprising central projecting square bays with setback main entrances between.
- 4.35 All of the new blocks will be set back to follow the established building line along Fairfax Drive. This respects the relationship with the existing two storey terrace to the west and enables introduction of an enhanced zone of street frontage landscape and avenue tree planting which is welcomed. As well as providing a setting for the development, the applicant sees this as helping to address the scarcity of trees and landscaping within the Central Area identified in the Borough Wide Character Study. An element of on street, surface car parking will be included towards the rear of the site so the development would maintain a strong, positive, landscaped street frontage, uninterrupted by car parking.

Viewed comprehensively it is considered that the resulting massing, design, layout and use of external materials would both complete the missing street 4.36 frontage over this significant section of Fairfax Drive and is suitably responsive to the mixed character of uses and buildings around the site and its gateway location. The arrangement of new buildings also enables the opening up of views south to the Roots Hall future development site, St Mary's Church and the town centre and beyond. The above is therefore considered to comply with Policies KP2, DM1, DS2 and DS3 and is acceptable.

## Impact on amenity of future occupiers and neighbours to the development

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

4.37 A core planning principle set out in 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". Policies DM1 and DM3 of the Development Management DPD and CP4 of the Core Strategy refer to the impact of development on future and surrounding occupiers.

4.39 Policy DM1 of the Development Management Document requires that development provide an internal and external layout that takes account of all potential users.

Living conditions for future occupiers

4.38

- 4.40 Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents.
- 4.41 Delivering high quality homes is one of the Government's requirements within the NPPF. From the 1st October 2015 Policy DM8 of the Development Management DPD has been superseded by the National Housing Standards concerning internal floor space standards.
- 4.42 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". It is considered that most weight should be given to the Technical Housing Standards of which the parts relevant to the proposal are:

- Requirement for 74sqm internal floor space (4 bed spaces) per three bed dwelling, 61sqm internal floor space per two bedroom dwelling (3 bed spaces) and 50sqm internal floor space per one bedroom dwelling (2 bed spaces) to ensure the development is in line with Building Control requirements.

- Minimum floor area for bedrooms to be no less than 7.5sqm for a single bedroom with a minimum width of 2.15m; and 11.5sqm for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.

- Floor space 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 floor space shall be counted.

- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

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.

- 4.43 All habitable rooms will be provided with sufficient windows and openings to provide adequate light, ventilation and outlook.
- 4.44 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 which requires accessible and adaptable dwellings. It is considered that these standards should now provide the basis for the determination of this application.
- 4.45 The proposal has been amended since submission to address officer feedback on accessibility for future occupiers and visitors to the development. The updated schedule of room units sizes supplied with the application demonstrates that all of the proposed development will meet the National Technical standards for individual unit and bedroom sizes. However the applicants have not fully taken on board officers' request that all of the blocks should be served by lifts to all floors to ensure accessibility for all residents regardless of disability or the tenure of the units concerned.
- Lifts serve all proposed blocks with the exception of Block A/B which has raised 4.46 concerns, especially because this block contains the affordable housing units for the development. Officers initially approached this issue concluding that, in principle, it was not achieving a tenure-blind position and was therefore unacceptable. Extensive discussion has taken place with the applicants as to why they are opting not to accede to officers' request that they incorporate a lift in block A/B. Supported by independent responses provided by the Registered Social Landlords (RSLs) with whom the applicants have been engaged as potentially occupying the finished development, the applicants explain that they find that provision of lifts has a direct impact on service charges of their schemes. The RSLs' position is that where schemes are 3 storey or below (as is the case with Block A/B), they seek to avoid the provision of a lift, given the initial capital costs of the lift (and the lift shaft and pit) as well as the ongoing future maintenance costs that this introduces. On schemes of more than 3 storeys, the RSLs responded that they would be happy for a lift provision as the extra cost and maintenance of the lift can be shared between a higher number of homes, reducing the service charge costs. They also state that they would typically request that any wheelchair homes

are located on ground level. It is noted that he Council's development plan policies on this issue make it clear that exceptions to meeting accessibility standards can be made on grounds of viability in certain cases (Policy DM8 refers).

- 4.47 In response to the Council's concerns and the RSLs' response the mix of accommodation, staff suggested that the proposed layout within block A/B be further adjusted to re-locate those units oriented more to families and those adaptable for wheelchair users to the ground floor of the block. However the applicant has decided to retain the proposal as submitted. Staff have remaining concerns that the absence of a lift creates a lesser degree of accessibility for the affordable housing units but given the explanation given by the RSLs; the fact that Block A/B is no higher than three storeys; and the position that the operational/ tenant cost argument has been robustly posited by the applicants and their RSL partner, it is considered that the absence of a lift in Block A/B would be unlikely to be sustainable as a solitary reason for refusal for the proposal if it is otherwise deemed acceptable in all other regards.
- 4.48 All habitable rooms will be provided with sufficient windows and openings to provide adequate light, ventilation and outlook. The applicants have applied daylight standards to the most affected unit within the development to demonstrate that required day lighting levels would be met. Secondary windows have been introduced to the south facing elevations of Block A/B and D/E to improve natural day lighting levels for those units closest to the Roots Hall Stadium boundary.
- 4.49 The proposal has a good level of access for all units to outdoor amenity space through private balconies and semi-private landscaped communal amenity space. The majority of units benefit from a private balcony or roof terrace suitable for seating, dining and drying clothes and are positioned conveniently, connecting to the dining/living rooms of each unit.
- 4.50 In addition to the individual balcony/terrace provision above, future residents will have access to approximately 750 sq.m of semi-private communal amenity space, provided in enclosed gardens next to blocks A/B and D/E, plus communal roof terraces on the 5th floor of the central block, C. The gardens are split into different levels, landscaped to promote a degree of privacy between different users, benefit from natural surveillance from habitable rooms, and contribute to the urban greening of the area. The development is some 100m walking distance from the Priory Park entrance and the local play area and some 130m from the recreation ground located off Prittlewell Chase. The total provision of outdoor amenity space for residents is considered acceptable and compliant with the objectives of Policies CP8, DM3 and DM8.
- 4.51 The Noise Assessment submitted in support of the application has considered the site's prevailing noise climate and assesses potential noise impacts that may affect the proposed development and its future occupiers. The assessment concludes that standard double glazing, as proposed, will address any potential noise concerns related to road traffic noise, predominantly in Fairfax Drive and would achieve the relevant internal standard in British Standard 8233. The same applies to the development's relationship to the southern (stadium) boundary. The Noise Assessment's conclusions have been reviewed by the Council's Environmental Health Service and have been found to be acceptable subject to the conditions incorporated at the end of this report.

Impact on neighbouring occupiers' amenity

- 4.52 Policies DM1 and DM3 of the Development Management Document and Policy 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 as 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.
- 4.53 The proposed development is laid out in a conventional rectilinear manner. Its principal aspect is to the north onto Fairfax Drive with return, main building frontages facing towards the eastern and western boundaries and inwards to the site between these respective blocks. The rear elevation of Block C would be some 16m from the southern boundary shared with the Roots Hall Stadium site.
- 4.54 A minimum distance of 10.2m would exist between main habitable rooms and the eastern boundary. The adjoining buildings here fronting Victoria Avenue contain ground floor commercial and residential flats above. In addition there exists, between the rear of the Victoria Avenue properties and the application site, an access route some 3m wide such that it is considered that no materially harmful levels of overlooking or invasion of privacy would result.
- 4.55 A minimum distance of 13.5m would be retained between west facing habitable rooms and the nearest residential boundary (40 Fairfax Drive). No 40 has no main flank windows and has a single storey rear addition. This property would experience a changed relationship with the application site which is currently comparatively open so there is potential for an increased perception of overlooking as the new development projects back across four floors into this western part of the site with a number of westward facing habitable room windows and balconies. However those windows and balconies are designed to primarily overlook the new development's amenity area. Furthermore, due to the design and layout, south facing balconies in the new development, screened to their sides, would to a material extent, mitigate the effect of westward overlooking from windows and balconies in the internal corner of Block A/B.
- 4.56 Support material has been submitted with the application showing that the oblique relationship between habitable rooms/ balconies further into the southern depth of the site would achieve a minimum distance of some 18m between balconies serving the new flats and the rear wall of No 40 Fairfax Drive. It is considered that block A/B would not unduly dominate the rear garden scene and rear outlook of houses to the west. Nor would any levels of direct overlooking be so significant as to represent material harm warranting refusal on privacy grounds.
- 4.57 Subject to incorporation of a privacy screen strategy designed to prevent material invasion of privacy the proposed roof terraces are considered to be acceptable. Such a strategy can be secured through a planning condition.
- 4.58 Planning conditions are also recommended to control the development's impact on neighbours arising from construction/ demolition operating hours, construction method and similar environmental considerations.

4.59 Subject to the conditions described above and reflected in Section 10 of this report, the development's impact on the amenity of future occupiers and neighbours to the development is therefore considered acceptable and compliant with policy objectives.

## Traffic and Transportation

National Planning Policy Framework, Policies KP2 and CP3 of the Southendon-Sea Core Strategy (2007) Policies KP2 and CP3, Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the Design and Townscape Guide (2009)

- 4.60 Policy CP3 of the Core Strategy (2007) seeks to widen travel choice and improve road safety. Policy DM15 of the Development Management Document states that one off-street parking space should be provided for each dwelling.
- 4.61 The following comments take on board revisions made to the scheme to address queries and initial points of concern :

Access

4.62 The proposal has been amended in response to concerns about access/ egress arrangements, particularly conflict of the west egress with Fairfax Drive and Prittlewell Chase. A Stage 1 Road Safety Audit has demonstrated using swept path analysis that large vehicles can exit in one manoeuvre onto Fairfax Drive in either direction. Proximity to existing junctions and traffic islands have been all been assessed and considered acceptable. As an improvement upon the originally submitted proposal, a small traffic island is now proposed on the eastern access point coupled with kerb re-alignment and a splitter island to be constructed within Fairfax Drive itself. This is to prevent right turn vehicle movements into or out of the eastern access whilst maintaining satisfactory bus swept path movement at the Fairfax Drive/Prittlewell Chase junction together with maintained operational integrity of the yellow box markings. This has been reviewed by the Council's Road Safety Team and is considered to be acceptable and will ensure the free flow of traffic on Fairfax Drive and Prittlewell Chase.

## Traffic generation

4.63 Consideration has been given to the previous use of the site which was formerly Prospects College, a vehicle hire company overflow parking and now is a storage facility for construction materials. All previous uses generated a significant number of daily vehicle movements using a similar western egress onto Fairfax Drive as the proposed development. When comparing the previous uses with the proposed use there is an increase in the vehicle movements generated as a result of the development. However this is not considered to have a detrimental impact upon the public highway in the vicinity and surrounding areas of the site. The site benefits from its sustainable location for public transport with good links to bus and rail services in close proximity and the Prittlebrook cycle route network that provides wider access to the town centre and Leigh on Sea.

Car Parking

- 4.64 The development provides 92 (one to one) parking spaces in line with the Council's policy including 10 spaces for disabled users conveniently dispersed within the layout. The proposal has been amended to incorporate 10% active Electric Vehicle (EV) parking spaces and a further 10% of the total parking spaces with passive EV charging points which is welcomed.
- 4.65 The proposal has been amended to include a raised table formal square designed to prevent indiscriminate parking within the access road circulation route intended to deter vehicles from parking inappropriately within the development site. As failure to control parking within the site may lead to large vehicles such as refuse freighters having difficulty access the site as such a parking management scheme for the site is proposed to be secured through a planning condition.

## Cycle Parking

4.66 Covered facilities for 100 cycles are provided within the development. These can be secured and controlled by a planning condition.

## Servicing/ refuse

4.67 Refuse storage is provided within each residential block. The applicant will be required to contact the Council's waste service provider, Viola to ensure that access is granted to the secure refuse storage areas to enable waste collection. The waste contractor will also seek assurances that the road structure will be suitable to accommodate a fully laden refuse freighter and will also need assurances that full access will be granted to the site. Inconsiderate parking which obstructs the internal operation of the site would lead to collections not being made. This will need to be addressed within a car park management scheme and would be secured via a condition.

## Bus stops

4.68 Bus stops outside the site are no longer proposed to be relocated as part of any of the proposed highway works.

## Conclusion

4.69 The applicant has worked with the Highway Authority during the application process. Having regard to the applicant's detailed application and the information supplied with their Design and Access Statement it is considered that the proposal will not have a detrimental impact on the local highway network. Therefore given the information contained within the report no highway objections are raised. The applicant will be required to enter into the appropriate highway agreement to carry out all work on the public highway. A Financial Sum associated with any Traffic Regulation Order deemed necessary in association with the highway works which would involve carriageway /footpath re-alignment and physical measures and road markings to prevent right turn movements is association with the development, is covered by the Section 106 agreement heads of terms described in para 4.23 below.

#### Sustainable Construction

National Planning Policy Framework (2012) (NPPF), Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM2 of the Southend-on-Sea Development Management Document (2015) and the Southend-on-Sea Design and Townscape Guide (2009)

- 4.70 Policy KP2 of the Core Strategy states that "All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide".
- 4.71 The submitted proposals are supported by an Energy Statement which is intended to support and explain how the scheme responds to the requirements of the local council and Building Regulations ADL1A. It acknowledges that there is a specific policy requirement from this Council for new developments to reduce CO2 emissions by 10% using renewable technologies. The Energy Statement has taken a different approach to this Council's core strategy stating that the applicants wish to take a *fabric first* approach to meet the majority of the 10% reduction in CO2 and then utilise renewable energy technology if necessary.
- 4.72 Using this *fabric first* approach the development would concentrate on reducing the heating demand through a highly efficient building fabric meaning the amount of CO2 produced by space heating will be decreased rather than constructing an inefficient building with a high heat demand counteracted by renewable energy technologies. The applicants state that the Energy Statement thus demonstrates compliance with Building Regulations ADL1A 2013 and a 10% reduction in CO2 site wide.
- 4.73 However this approach would deliver only 2.99% through renewable technology (photovoltaics) itself, a level which falls materially below with the Council's 10% policy threshold. Notwithstanding the merits of the applicants fabric first approach and as there is scope for additional photovoltaics to be accommodated within the development, a condition is recommended to secure 10% through renewable technologies so complying with the Council's policy. Subject to this the proposal would be acceptable in this regard.
- 4.74 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. A condition is proposed to ensure the proposed development mitigates against surface water runoff.
- 4.75 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. This can be secured by condition.

4.76 In summary subject to imposition of conditions the sustainable construction implications will be acceptable and policy compliant.

## Other matters

# Archaeology

4.77 The Archaeology desk top study submitted in support of the application concludes that the site has a low theoretical archaeological potential and does not identify any need for additional mitigation measures.`

# Biodiversity and Nature Conservation

- 4.78 The NPPF states that the planning system should contribute to and enhance the natural environment including protecting biodiversity. Planning decisions must therefore prevent unacceptable harm to biodiversity and impose adequate mitigation measures where appropriate. The site itself has no ecological designation.
- 4 79 An ecologist's Phase 1 habitat survey has been carried out in support of the application. The site is not subject of ant statutory ecological designations. On the basis of field observations the ecological report concludes that the site is of low nature conservation importance. It therefore recommends that there are opportunities to increase the biodiversity of the site as follows. For bats it recommends : installation of bat boxes within the development; that residential lighting is downward facing so as not to disrupt bats' movements; new site landscaping include trees and shrubs producing insects on which bats prey; and the formation of residential gardens will increase the biodiversity of flora and fauna. Further measures will include landscaping to incorporate foodplants for the Holly Blue butterfly, a BAP (Biodiversity Action Plan) species found on site plus installation of bird boxes to encourage three BAP bird species found on site ( swift, House sparrow and Herring gull). Subject to these measures being controlled through a proposed planning condition, the ecological considerations of the proposal are found to be acceptable and policy compliant.

## Contaminated Land

4.80 The site has previously been used for bus depot, storage and commercial activities so a Tier 1 Contamination Study has been undertaken in support of the application to consider the potential for contamination on site. The site has been assessed as having a moderate risk of contamination. The Tier 1 report recommendations advise that further soil testing and gas monitoring is warranted. This Council's Environmental Health service has no objection to the development and request conditions to address the findings and other contents of the Tier 1 report. Those are incorporated into the list of conditions at Section 10 of this report. Subject to the developer satisfactorily discharging and adhering to the requirements of those conditions it is found that the contamination considerations of the proposal would be acceptable and policy compliant.

# Developer contributions

# Planning Policies: NPPF; Core Strategy (2007) Policy KP3.

4.81 Core Strategy Police KP3 requires that:

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

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

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."

- 4.82 The following S106 contributions are proposed :
  - 28 units of affordable housing (14 x 1 bed, 6 x 2 bed, 3 x 3 bed) of which 11 for shared ownership and 17 for rent)
  - £46,154.03 contribution towards secondary education
  - £4000 associated with any Traffic Regulation Order deemed necessary in association with the highway works
- 4.83 The above addresses the specific mitigation for the site for matters not addressed within the Regulation 123 Infrastructure List.
- 4.84 The contributions proposed are considered to meet the tests set out in the CIL Regulations 2010. Without the contributions that are set out above the development could not be considered acceptable.

## Community Infrastructure Levy Regulations

- 4.85 The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010. The planning obligation discussed above and as outlined in the recommendation below has been fully considered in the context of Part 11 Section 122 (2) of the Regulations, namely that planning obligations are:
  - a) necessary to make the development acceptable in planning terms; and
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development

The conclusion is that the planning obligation outlined in this report would meet all the tests and so that if the application were otherwise consider to be acceptable this would constitute a reason for granting planning permission in respect of application. 4.86 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The application site is located within Zone 1 therefore a CIL rate of £24.08 per sqm is required for the proposed development. The proposed development equates to 7415 sqm of residential floors pace which may equate to a CIL charge of approximately £ 178,553 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the "in-use building " test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

# 5.0 **Conclusion**

5.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The 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 and would 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 considered to be acceptable. It is therefore recommended that Members resolve that permission would have been granted subject to conditions following completion of a Section 106 legal agreement had the application not been appealed for non-determination.

# 6.0 Planning Policy Summary

- 6.1 NPPF National Planning Policy Framework: Achieving sustainable development, Core Planning Principles, Policies: 1.Building a strong, competitive economy; 4. Promoting sustainable transport, 6. Delivering a wide choice of high quality homes;
  7. Requiring good design; 8. Promoting healthy communities; 10. Meeting the challenge of climate change, flooding and coastal change; 11. Conserving and enhancing the natural environment.
- 6.2 Core Strategy (2007) Policies- Key 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); CP8 (Dwelling Provision).
- 6.3 Development Management Document (2015) Policies: Policy DM1 Design Quality; Policy DM2 Low Carbon Development and Efficient Use of Resources; Policy DM3 Efficient and Effective Use of Land; Policy DM5 Historic Environment; Policy DM7 Dwelling Mix, Size and Type; Policy DM8 Residential Standards; DM10 Employment Sectors; Policy DM11 Employment Areas; Policy DM15 Sustainable Transport Management.
- 6.4 Design & Townscape Guide (2009).

- 6.5 Planning Obligations (2010)
- 6.6 CIL Charging Schedule 2015, Regulation 123 List
- 6.7 National Housing Technical Standards 2015
- 6.8 Southend and Central Area Action Plan (SCAAP) Revised Proposed Submission Document (2016). Policies PS8, DS2 and DS3.

## 7.0 Representation Summary

- 7.1 **Essex and Suffolk Water -** Our records show that we do not have any apparatus located in the proposed development. This is not in our area of mains. 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.
- 7.2 **Airport Director –** No safeguarding objections to proposal. If a crane or piling rig is required for construction then airport safeguarding to be considered separately.
- 7.3 **Environment Agency (EA)** The applicant has overcome the EA's initial holding objection by confirming that the development will be connected to the main sewer.
- 7.4 **Fire Brigade –** Comment on hydrant provision and fire appliance access required to meet Building Regulations
- 7.5 **Natural England** The Wildlife and Countryside Act 1981 (as amended) The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments are:

Statutory nature conservation sites - no objection

Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Benfleet & Southend Marshes (SPA and Ramsar) has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Benfleet & Southend Marshes SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to reconsult Natural England

This reply comprises our statutory consultation response under provisions of Article 20 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, Regulation 61 (3) of the Conservation of Habitats and Species Regulations 2010 (as amended), (The Habitat Regulations) and Section 28(I) of the Wildlife and Countryside Act 1981 (as amended).

#### Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

#### Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

#### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

#### Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in

terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

# Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.

7.6 **Traffic and Highways –** The following comments take on board revisions made to the scheme to address queries and initial points of concern :

#### Access

The proposal has been amended in response to initial officer concerns about access/ egress arrangements, particularly conflict of the west egress with Fairfax Drive and Prittlewell Chase. A Stage 1 Road Safety Audit has been completed which has been demonstrated using swept path analysis that large vehicles can exit in one manoeuvre onto Fairfax drive in either direction. Proximity to existing junctions and traffic islands have been all been assessed and considered acceptable. In addition a small traffic island is now proposed on the eastern access point coupled with kerb re-alignment and a splitter island to be constructed within Fairfax Drive itself to prevent right turn vehicle movements into or out of the eastern access whilst maintaining satisfactory bus swept path movement at the Fairfax Drive/Prittlewell Chase junction together with maintained operational integrity of the yellow box markings. This approach has been reviewed by the Council's Road Safety Team and is considered to be acceptable and will ensure the free flow of traffic on Fairfax Drive and Prittlewell Chase.

## Traffic generation

Consideration has been given to the previous use of the site which was formally Prospects College, a vehicle hire company overflow parking and now is a storage facility for construction materials. All previous uses have generated a significant number of daily vehicle movement's utilising a similar western egress onto Fairfax Drive as the proposed development. When comparing the previous uses with the proposed use there is an increase in the vehicle movements generated as a result of the development but this is not considered to have a detrimental impact upon the public highway in the vicinity and surrounding areas of the site. The site benefits from being in a sustainable location regard to public transport with good links to bus and rail services in close proximity and the additional of the Prittlebrook cycle route network that provides wider access to the town centre and Leigh on Sea.

## Car Parking

The development provides 92 (one to one) parking spaces in line with the Council's policy and the proposal has been amended to incorporate 10% active Electric Vehicle (EV) parking spaces and a further 10% of the total parking spaces

with passive EV charging points which is welcomed.

The proposal has been amended to include a raised table formal square designed to prevent indiscriminate parking within the access road circulation route intended to deter vehicles from parking inappropriately within the development site. The applicant should be made aware that failure to control parking within the site may lead to large vehicles such as refuse freighters having difficulty access the site as such a parking management scheme for the site is requested which can be secured through a planning condition.

#### Cycle Parking

Covered facilities for 100 cycles are provided within the development. The applicant is advised to ensure these cycle spaces are secure. This can be secured by a planning condition.

#### Travel Packs

Travel Packs will need to be provided for each residential unit, to include but not be limited to maps of the local area, bike routes, walking routes, bus stop locations, train station locations etc. Also to include free bus and rail tickets for the residents to use to encourage them to use public transport. Servicing

Refuse storage has been provided within each residential block. The applicant will be required to contact the Council's waste service provider, Viola to ensure that access is granted to the secure refuse storage areas to enable waste collection. The waste contractor will also seek assurances that the road structure will be suitable to accommodate a fully laden refuse freighter and will also need assurances that full access will be granted to the site. Inconsiderate parking which obstructs the internal operation of the site will lead to collections not being made. This will need to be addressed within the car park management scheme mentioned earlier and will be secured via condition.

#### Bus stops

The applicant confirms that bus stops outside the site are no longer proposed to be relocated as part of any of the proposed highway works.

#### Conclusion

The applicant has worked proactively with the Highway Authority during the Pre-Application process. Having reviewed the applicant's detailed application and the information supplied with the Design and Access Statement it is considered that the proposal will not have a detrimental impact on the local highway network.

Therefore given the information contained within the report no highway objections are raised. The applicant will be required to enter into the appropriate highway agreement to carry out all work on the public highway.

## 7.7 **Design and Regeneration** – made range of design and accessibility comments

which have resulted in amendments to the originally submitted proposal.

- 7.8 **Environmental Health** No objection in principle to the development. However, the Tier 1 Contaminated Land Study Report ref; CON1-046 version1 of 1 Sept 2016 have [sic] highlighted a number of potential contaminants on the site as result of its former uses and therefore conditions are recommended relating to: Further assessment of contamination, remediation of contamination, gas monitoring, underground fuel storage tanks to be removed, completion of mediation and submission of validation report prior to commencement, asbestos survey, noise mitigation measure to be implemented including for road traffic and windows otherwise subject to stadium noise, hours of work, mitigation measure for noise/dust, no burning of waste, plus informative re compliance with other regulatory frameworks.
- 7.9 **Strategic Housing** The Department for People welcomes the provision of Affordable Housing. It is noted that the proposals has been revised since submission so that 28 affordable units are now provided which represents a minimum of 30% in accordance with Core Strategy Policy CP8.

In terms of the dwelling mix, the SHMA Review 2013 undertook an assessment of affordable dwelling needs and consequently set out a recommended affordable dwelling mix for Southend on Sea, the percentages Indicated below are the affordable housing provision by bedroom size for the borough.

The percentage of affordable housing element required within the borough: -

1 bed	2 bed	3 bed	4+ bed
16%	43%	37%	4%

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).

MinBedSiz e	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	

It is clear that there is substantial need for 1 and 2 bedroom properties, and therefore we support the scheme in terms of the type of housing provision.

The proposal has been amended since submission to accord with the Strategic Housing Team's preference for a housing type breakdown of 17 units for affordable rent (10 x 1 bed, 4 x 2 bed and 3 x 3 bed) plus 11 units for shared ownership (8 x 1 bed, and 3 x 2 bed) and is now supported as it complies with Development Management DPD Policy DM7 which seeks a tenure mix of 60/40% (60% rented, 40% intermediate housing).

Other Comments:

Registered Providers (RP's) should be contacted as early as possible with regards to understanding their requirements. Generally RP's will prefer to have their affordable dwellings contained within one block (per tenure). Mixing affordable rent with other tenures can cause issues with service charges. It is worth noting that RP's may be interested in taking on additional units particularly where it would result in the ownership of an entire block.

We would advise that affordable housing units must meet the latest National Technical Housing standards, for more information please visit: <a href="https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/5245">https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/5245</a> <a href="https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/5245">https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/5245</a> <a href="https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/5245">https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/5245</a> <a href="https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/5245">https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/5245</a> <a href="https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/5245">https://www.gov.uk/government/uploads/system/uploads/system/uploads/attachment\_data/file/5245</a> <a href="https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/5245">https://www.gov.uk/government/uploads/system/uploads/system/uploads/attachment\_data/file/5245</a> <a href="https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/5245">https://www.gov.uk/government/uploads/system/uploads/system/uploads/attachment\_data/file/5245</a> <a href="https://www.gov.uk/government/uploads/system/upl

It is noted that Block A/B containing the affordable housing is not served by lift access and that the applicants have made submissions in conjunction with their identified registered social landlord setting out a maintenance and tenant charges case as to why they do not propose to provide a lift in this instance because the block is no higher than three storeys.

In order to maintain accessibility for all however and "accessible" units within Block A/B should be located on the ground floor. We would also recommend that any larger family type units within Block A/B should similarly be located on the ground floor.

- 7.10 **Education** Require £46,154.03 financial contribution towards secondary education on following basis. This application sits with in the catchment of The Westborough Primary School and Chase High School (Secondary). Whilst primary places are tight they are available in most year groups. The secondary school pupil numbers are increasing rapidly and a programme of expansion is currently being worked through with all non-selective schools in the borough. A secondary contribution towards work at Chase High School is requested as this area of the town generally sees local resident secondary pupils attending this secondary school and from September 2018 all other secondary schools within an acceptable travel distance will be at or near capacity.
- 7.11 **Other consultations** Consultations with the following were also carried out and no comments were received: Parks; Police Architectural Liaison and Community Safety officers; Anglian Water; EDF Energy; Essex Wildlife Trust; Building Control; Curator Central Museum; Drainage Engineer.

## 8.0 Public Consultation

8.1 The applicant was called into Committee by Cllr David Garston also with a request for a Committee site visit.

8.2 Site notices were first displayed on 5 September 2017 and 59 neighbours were notified including following revised plans. No representations have been received.

# 9.0 Relevant Planning History

9.1 There is an extensive planning history including applications for discharge of conditions both for the current application site and in regard to the site's part of larger development proposals for Roots Hall Stadium to the south. Most relevant are :

11/01540/RESM: Demolish Football Stadium. Flats. Shops And College: Redevelop Site With 3 Storey Retail Food Store, 6.976m2 (Net) Retail Floorspace); Incorporating Parking And Associated Servicing At Ground Floor Level, Sales Area At First Floor Level And Staff Facilities At Mezzanine Level, Erect Petrol Filling Station With Kiosk. Cvcle Parking, Form Vehicular Accesses / Egresses Onto Fairfax Drive, Roots Hall Avenue And Victoria Avenue And Modify Access To Shakespeare Drive For Emergency And Pedestrian Only Access, Lay Out Associated Landscaping And Erect Retaining Walls To Southern Part Of Site (Approval Of Reserved Matters Following Grant Of Outline Permission 07/01111/Out Dated 24/06/11) Prospects, Fairfax Drive, 299,301,341-365,1-37 St. Marys Court, Roots Hall Victoria Avenue Approve reserved matters – Approved

**08/00272/RSO:** Redevelop Site With Retail Food Store, Petrol Filling Station And Associated Works (Request For Screening Opinion) – **Screening/ Scoping Opinion issued** 

**07/01111/OUTM:** Demolish Football Stadium, Flats, Shops And College; Redevelop Site With Retail Food Store At First Floor Level (10,113 Sq. Metres); And Petrol Filling Station With Kiosk, Two Standalone Units Fronting Fairfax Drive For Class A3, A4,B1 And D1 Uses, A Total Of 272 Residential Units Comprising Flat, Semi Detached And Terraced Houses (Including Affordable Housing), Layout Parking Spaces (Some Below Buildings) And Lay Out Security Areas, Form Vehicular Accesses / Egresses Onto Fairfax Drive, Roots Hall Avenue And Victoria Avenue And Modify Access To Shakespeare Drive For Emergency And Pedestrian Only Access, Lay Out Associated Landscaping And Erect Retaining Walls To Southern Part Of Site – **Approved** 

**06/01335/OU:** Demolish Football Stadium, Flats, Shops And College; Redevelop Site With Retail Food Store At First Floor Level (9290 Sq. Metres); And Development Of Up to 7 Storeys Incorporating 402 Residential Units Including Affordable Housing, 8 Retail Units (Class A1), Fitness Club, Lay Out Parking Spaces And Servicing Area, Associated Landscaping And Form Vehicular Accesses Onto Fairfax Drive, Victoria Avenue And Roots Hall Avenue (Outline) - **Approved** 

**05/00909/FU:** Site Temporary Building In Car Park For Training Purposes – **Approved** 

**92/0906:** Erect Two Storey Extension To And Alter Elevations Of Main Building And Erect Detached Workshop All In Connection With Use As Industrial Training Workshop (Class D1) With Incidental Industrial (Class B1 And B2) And Storage (Class B8) Uses.- **Approved** 

**92/0655:** Erect Two Storey Extension To And Alter Elevations Of Main Building And Erect Detached Workshop All In Connection With Use As Industrial

Training Workshop (Class D1) With Incidental Industrial (Class B1 And B2) And Storage (Class B8) Uses - **Approved** 

## Recommendation

- **10.0** Members are recommended to:
- (a) Resolve that had the application not been appealed for non-determination they would have determined to GRANT PLANNING PERMISSION subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to seek the following:
  - A minimum of 28 units of affordable housing units, of which 17 (10 x 1 bed, 4 x 2 bed and 3 x 3 bed) shall be for affordable rent or social rent and 11 (8 x 1 bed and 3 x 2 bed) shall comprise shared ownership dwellings
  - Contribution of £46,154 towards secondary education
  - Traffic Regulation Order contribution of £4,000
- (b) Upon completion of the obligation planning permission would have been granted subject to the following conditions:
- 01 The development hereby permitted shall be begun not later than 3 years beginning with the date of the original permission (7<sup>th</sup> March 2018).

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

02 The development shall be carried solely out in accordance with the approved plans: AP234: P001 Rev D (Landscape and semi basement), P002 Rev D (Ground and Upper Ground Floor), P003 Rev D (First Floor), P004 Rev D (Second Floor), P005 Rev D (Third Floor), P006 Rev D (Fourth Floor), P007 Rev D (Roof Plan/ Street Elevation), P008 Rev D (Elevations Sheet 1), P009 Rev D (Elevations Sheet 2), P0010 Rev D (Elevations Sheet 3), AP 234 P201-P240 (Flat types 1 to 40).

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 above the lower ground floor (parking) slab level shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including balconies, balustrades, screening and fenestration, have been submitted to and approved in writing by the local planning authority. Development shall only be carried out in full accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in

accordance with Policies KP2 and CP4 of the BLP and policies DM1 and DM3 of the Development Management DPD 2015.

04 No construction works above the lower ground floor (parking) floor slab level shall take place until full details of both hard and soft landscape works to be carried out in accordance with this permission 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 hard landscaping shall be completed prior to first occupation of the development and soft landscaping/planting shall be completed within the planting season following first occupation of the development. (or within any other time limit agreed in writing with the local planning authority). If any trees are removed or found to be dying, severely damaged or diseased within 5 years of planting them, they must be replaced with trees of a similar size and species as may be agreed with the Local Planning Authority.

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

05 The development hereby approved shall be carried in accordance with drawing AP234-P0002 Revision D dated 20/12/17 Ground and Upper Floor Plan in relation to the highways works and new access road shown for the development in accordance with a timescale that has been submitted to the local planning authority and approved in writing before the development is first occupied.

Reason: In the interests of highways management and safety in accordance with Core Strategy (2007) policy KP2, CP3, CP4; Development Management Document (2015) policies DM13 and the advice contained within the Design and Townscape Guide (2009).

06 The development shall not be occupied until 92 car parking spaces, of which 10 shall be for disabled users, have been provided at the site in accordance with drawings AP234-P001 Revision D (dated 20/12/17) Landscape and Semi-Basement Parking and AP234-P0002 Revision D (dated 20/12/17) Ground and Upper Floor Plan, 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 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 policy CP3 of the Core Strategy (2007) and policy DM15 of the Council's Development Management Document (2015).

07 The development shall not be occupied until details of all balcony and terrace areas within the development and how they will be served by privacy screens have been submitted to and approved in writing by the Local Planning Authority. The screens, as approved, shall be erected prior to first occupation of those balconies/ terrace areas, and retained thereafter in perpetuity. No flat roof areas within the development shall be used for the purposes of a sitting out, balcony or amenity area unless it has been specifically approved as part of the above details.

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

08 The development shall not be occupied until a waste management plan for the dwellings has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out solely in accordance with the approved details including the provision of all refuse storage facilities which shall be maintained in perpetuity.

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

09 The development shall not be occupied until the secure, covered cycle parking spaces to serve the development as shown on drawings AP234-P001 Revision D (dated 20/12/17) Landscape and Semi-Basement Parking and AP234-P0002 Revision D (dated 20/12/17) Ground and Upper Floor Plan have been provided at the site in full accordance with the approved plans. The approved scheme 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.

- 10 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

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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) hours of work

Reason: A pre-commencement condition is needed in the interests of visual amenity and the amenities of neighbouring 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.

11 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 in accordance with the approved details before the development is occupied and brought into use and be managed and 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 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.

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

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

13 Before the development is occupied or brought into use, the dwellings in blocks C and D/E hereby approved shall be carried out in a manner to ensure that the development complies with building regulation M4 (2).

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 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 dav (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 submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details before it is occupied 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, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

15 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the development hereby granted consent shall not be occupied or brought into use unless and until plans are submitted to the Local Planning Authority and approved in writing which clearly specify all the windows and other openings in the development that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight (or other similar) opening and the manner and design in which these windows and openings are to be implemented. The development herby permitted shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use and shall be permanently retained as such thereafter. The windows included within such agreed scheme shall be glazed in obscure glass which is at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority. Top hung lights agreed within such scheme shall be a minimum of 1.7 metres above internal floor level. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained in accordance with the agreed details in perpetuity thereafter.

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning

Policy Framework, DPD1 (Core Strategy) 2007 policies KP2 and CP4, and DPD2 (Development Management Document) 2015 policy DM1 and advice contained within the Design and Townscape Guide SPD1.

16 a) Prior to development (including site clearance; construction; demolition etc.) commencing, detailed intrusive investigation must be undertaken on the site and the result, in the form of a Phase II contaminated land assessment report submitted to the LPA for approval. The investigation must include detailed soil sampling for a suite of hydrocarbons (including PAHs and TPHs); heavy metals and asbestos. The investigation must be undertaken by a competent person as stipulated in the National Planning Policy Framework, Annex 2 and in accordance with BS10175:2011 (Investigation of potentially contaminated sites – Code of Practice) and the Environment Agency/DEFRA 'Model Procedures for the Management of Land Contamination - CLR 11.

b) If any contaminant is found on the site to be above the relevant standard, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Due to the potential for ground gas migration from the former nearby sand pit, gas monitoring must be undertaken in accordance with the methodology outlined in the Tier 1 Contaminated Land Study Report in order to assess the risk of ground gas at the at site. Where elevated levels of gas are detected on the site, adequate gas protection measures must be undertaken to prevent gas ingress into the building(s).

d) All underground fuel storage tanks present on the site must be removed and disposed off-site. The waste transfer certificate must be included in the validation report.

e) All approved remediation works must be implemented in their entirety prior to development commencing unless otherwise agreed in writing by the LPA.

f) Unless otherwise agreed in writing by the LPA, a validation report shall be submitted to the LPA prior to development commencing. The report shall contain details of the works carried out to make the site suitable for the intended development and a demonstration of the effectiveness of the remediation works undertaken.

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 off-site receptors in accordance with Core Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015)

17 All the noise mitigation measures outlined in the Environmental Noise Assessment Report No. ENV1-SOUT-040 version 1 of 7 July 2017 to protect future residents of the building from the impact of vehicular noise along Fairfax Drive and noise from football stadium activity must be implemented in their entirety prior to occupation of the buildings hereby approved to achieve an internal noise level of no greater than 30dB and the approved measures implemented shall be maintained in perpetuity.

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.

18 The development shall not be occupied until a car park management plan for the development has been submitted to and agreed in writing by the Local Planning Authority. The development shall only be occupied in accordance with the agreed management plan.

Reason: To ensure that the car parking is satisfactorily managed in the interests of traffic management and highway safety in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015)

19 With reference to British Standard 4142, the noise rating level arising from all plant and extraction/ventilation equipment installed at this site in accordance with this consent shall be at least 5dB(A) below the prevailing background noise level at 3.5 metres from ground floor façades and 1 metre from all other façades of the nearest noise sensitive property with no tonal or impulsive character.

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

20 Notwithstanding the details shown in the drawings submitted and otherwise herby approved the development shall not to commence unless and until details of the levels of the proposed building, footpaths and other landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use.

Reason: A pre-commencement condition is needed to ensure that the development is carried out at suitable levels in relation to adjoining land and the highway having regard to drainage and the amenities of the area and neighbouring occupiers.

21 Before the development hereby approved is occupied bird and bat boxes shall be installed at the site in accordance with the Page 16 recommendations on Page 16 of the Phase 1 Habitats Survey (extended) by Wildlife Matters dated 15 June 2017 submitted with this application. The installed boxes shall be permanently maintained thereafter.

Reason: To ensure that the development contributes to local ecology in accordance with the national Planning Policy Framework, Policy KP2 and CP4 of the Council's Core Strategy (2007)

22 No development shall commence unless and until details of the works to provide access to the site and associated alterations to the public highway consistent with Drawing No AP234-P0002 have been submitted to and approved in writing by the Local planning Authority. The approved works shall be implemented in full accordance with the approved details before any of the dwellings hereby approved is first occupied.

Reason: To ensure that traffic flow generated by the approved development does not prejudice the free flow and safety of traffic movement outside the site in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

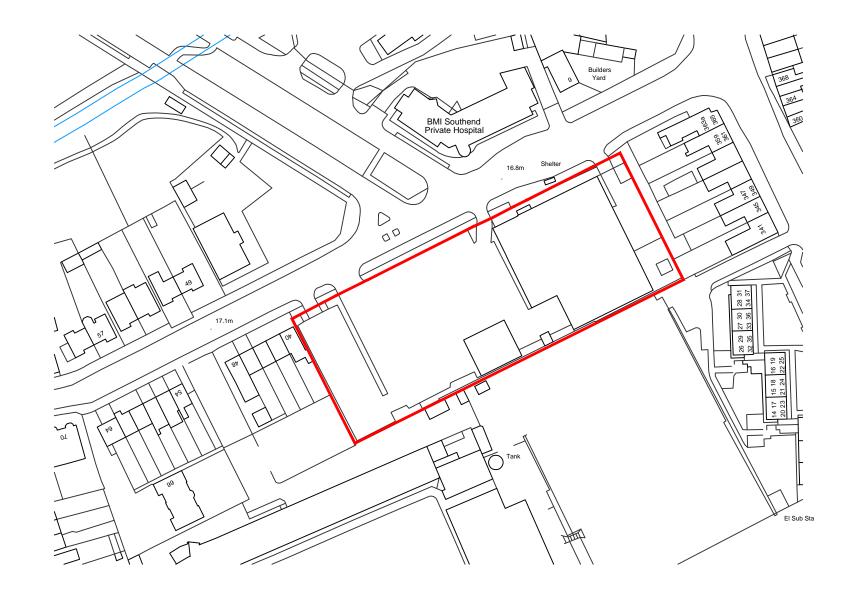
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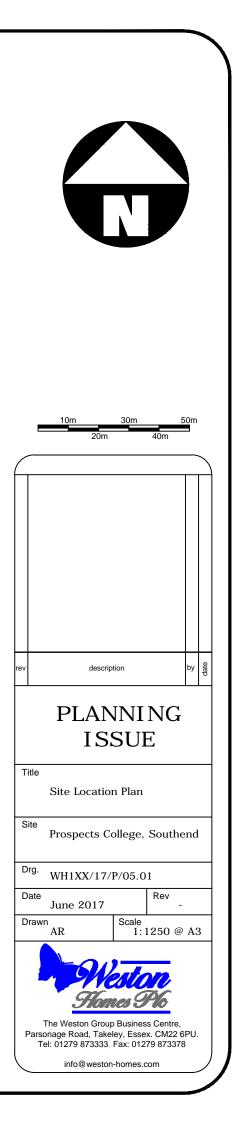
- 1 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains 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 CIL Liability Notice and acknowledgement of your both a 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 You are advised that a Highways Licence/Agreement needs to be in place before any works are carried out to the public highway and any works to public transport infrastructure (e.g. bus stops) will need to be carried out by a Council approved contractor.
- 4 This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a financial contribution towards affordable housing and secondary education.
- 5 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.
- 6 In relation to condition 06 above, the works to existing highway will require a Section 278 agreement or Highways Licence.

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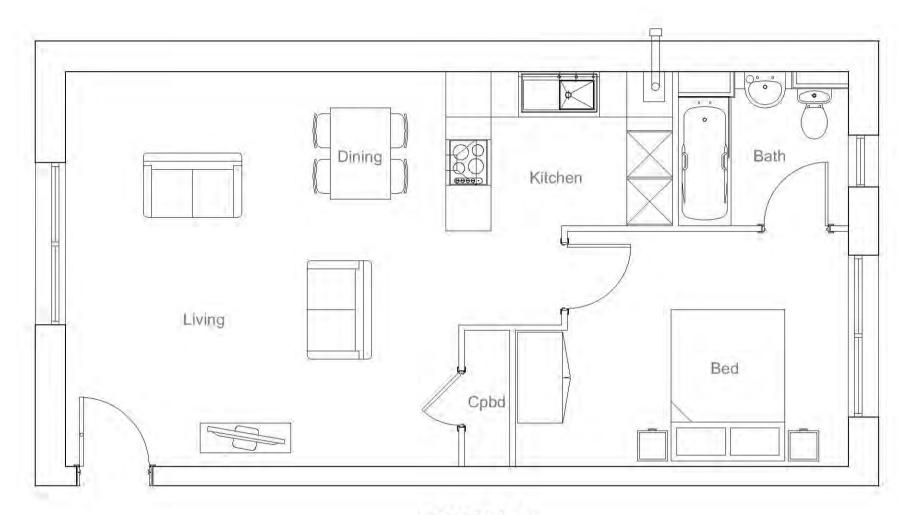




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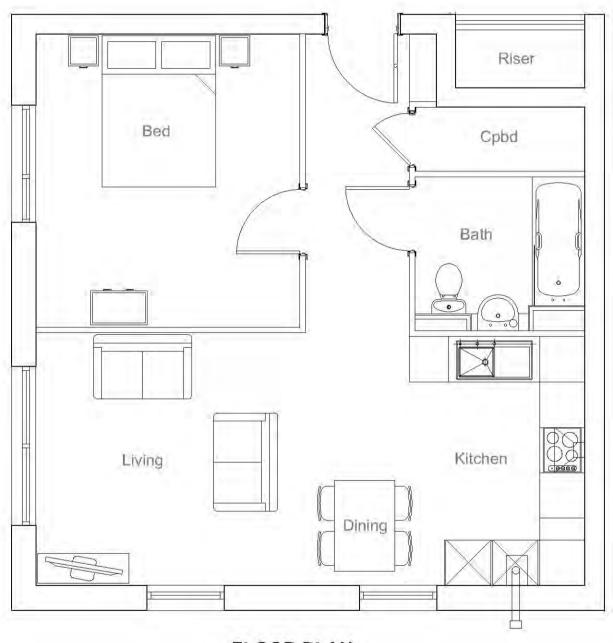
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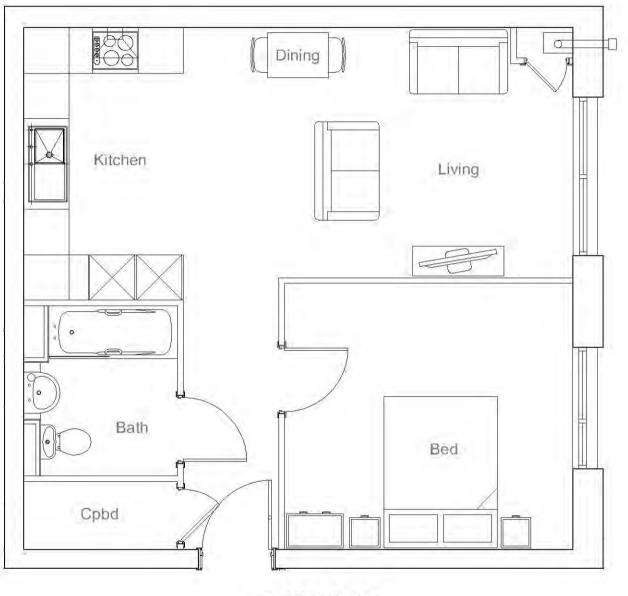
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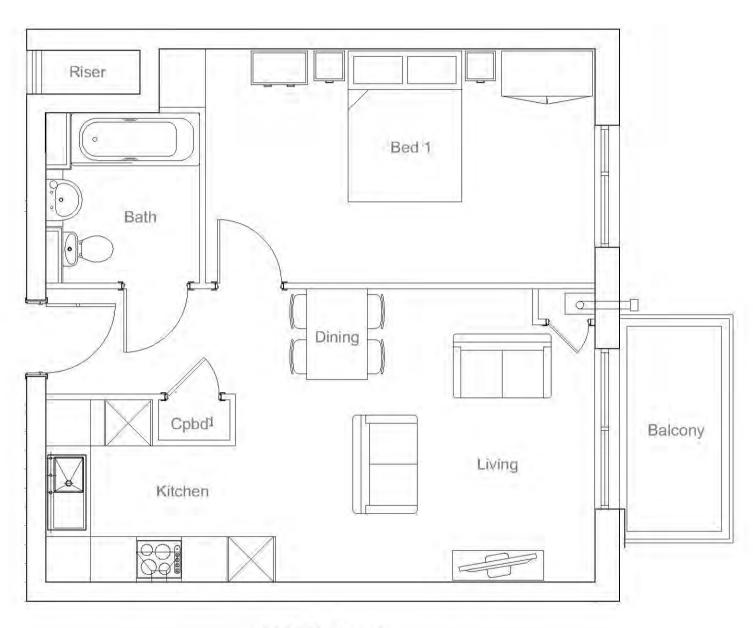
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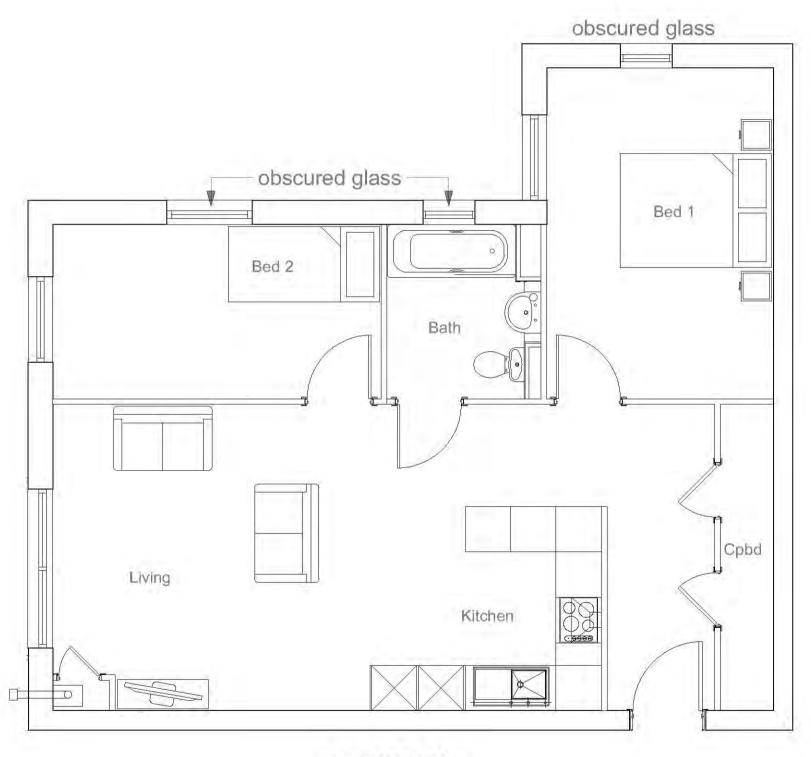
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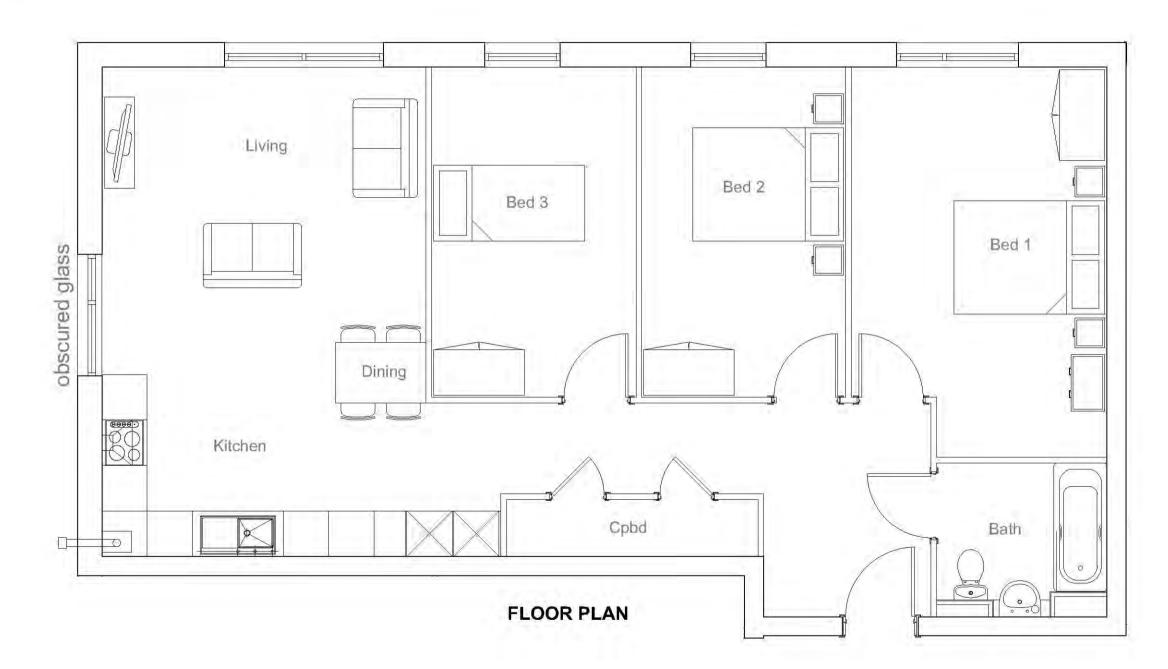
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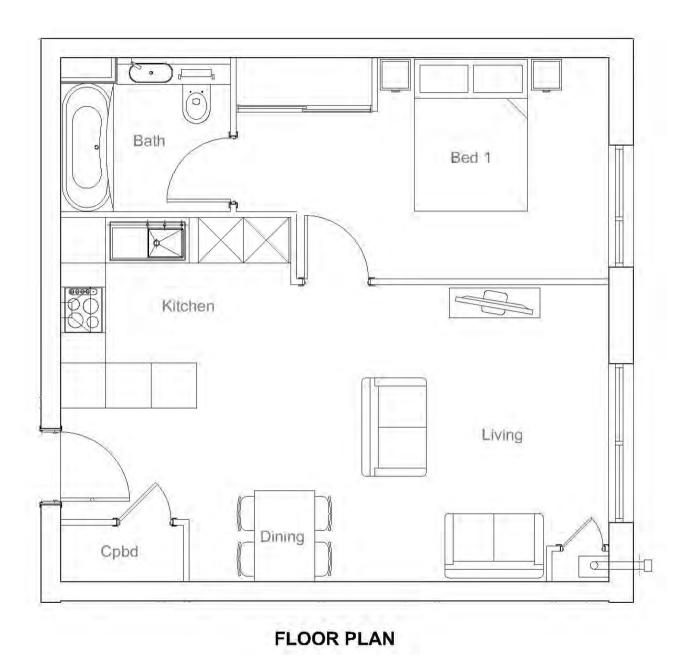
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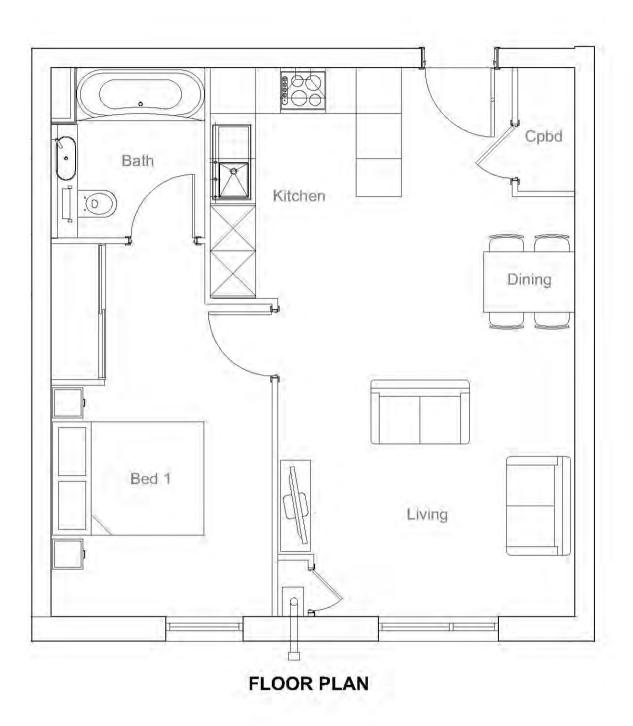
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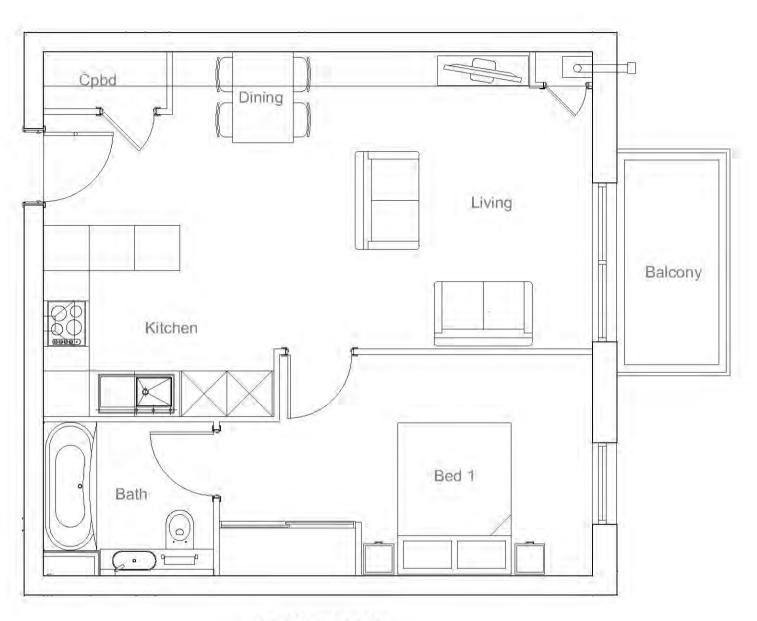
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FLOOR PLAN

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UGF	D6 GF	
1F		-
2F	- A.	
3F		
4F	141	

(h) Handed variant of type



FLOOR PLAN

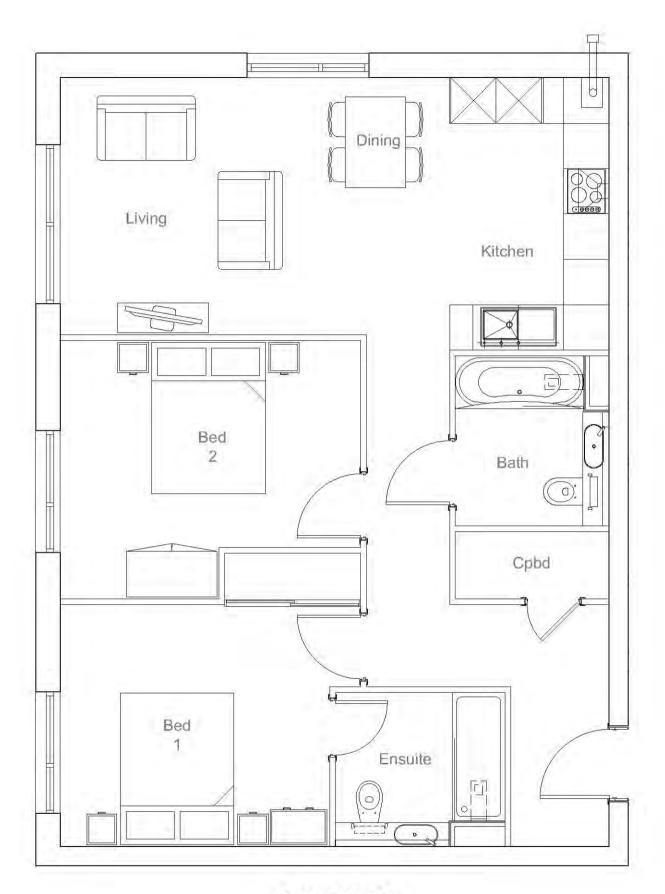
 $\frac{1:1}{1:50} \circ 10^{\text{mm}} 2^{\text{m}} 2^{\text{m}} 2^{\text{m}} 2^{\text{m}} 3^{\text{m}} 3^{\text{m}} 4^{\text{m}} 5^{\text{m}} 6^{\text{m}} 3^{\text{m}} 7^{\text{m}} 8^{\text{m}} 9^{\text{m}} 9^{\text{m}} 10^{\text{m}} 10^{\text{m}} 3^{\text{m}} 7^{\text{m}} 8^{\text{m}} 9^{\text{m}} 9^{\text{m}} 10^{\text{m}} 10^{\text{m}} 3^{\text{m}} 9^{\text{m}} 10^{\text{m}} 10^{\text{m}} 3^{\text{m}} 9^{\text{m}} 10^{\text{m}} 10^{\text{m}} 3^{\text{m}} 9^{\text{m}} 9^{\text{m}} 10^{\text{m}} 10^{\text{m}} 10^{\text{m}} 3^{\text{m}} 9^{\text{m}} 9^{\text{m}} 10^{\text{m}} 10^{\text{m}} 3^{\text{m}} 9^{\text{m}} 9^{\text{m}} 9^{\text{m}} 10^{\text{m}} 10^{\text{m}} 10^{\text{m}} 9^{\text{m}} 9^{m$ 

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UGF	D8 GF	
1F	D16 FF	
2F	D24 SF	
3F	D32 TF	
4F	-	

(h) Handed variant of type



FLOOR PLAN

 $\frac{1:1}{1:50}$ ,  $\frac{1}{7}$ ,  $\frac{1}$ 

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UGF	D7 GF	
1F	D15 FF	-
2F	D23 SF	
3F	D31 TF	
4F	-	

(h) Handed variant of type



FLOOR PLAN

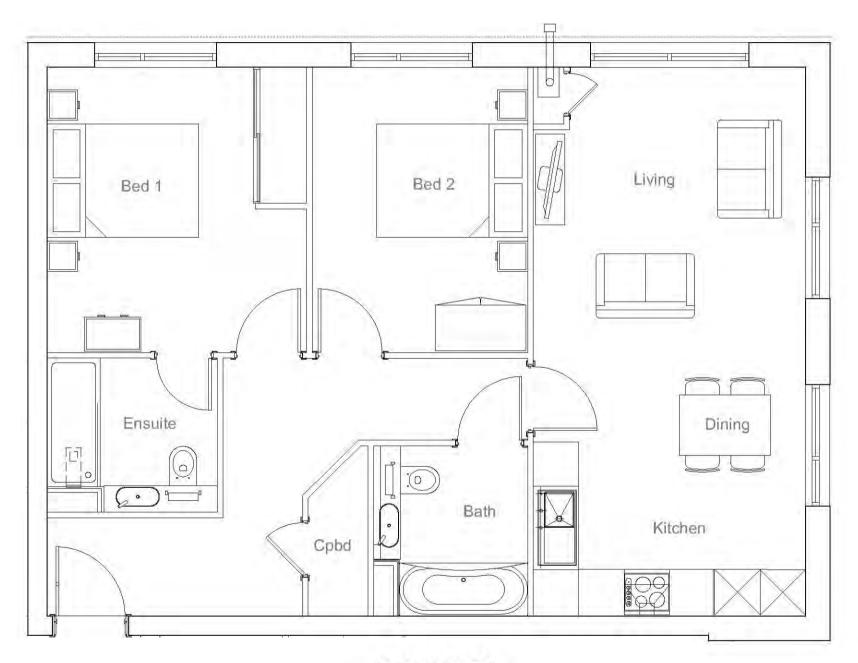
 DO NOT scale from this drawing. DO NOT use any information without, checking on site. DO NOT use any of the building areas indicated for valuation, purchase, sale or any legality binding contract unless explicitly authonised. DO NOT reproduce any part of this drawing without prior written consent. CHECK this drawing is the latest revision. If in doubt - ask. If this drawing has been received by e mail it should not be used as a contract document unless subsequently validated by a hard copy and issue sheet.





UGF	D1 GF	
1F	D9 FF	
2F	D17 SF	
3F	D25 TF	
4F		

(h) Handed variant of type



FLOOR PLAN

 $\frac{1:1}{1:50} \circ (100000 - 100000 - 10000 - 1000 - 1000 - 1000 - 1000 -$ 

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UGF	Story (1975)	
1F	B10 FF	-
2F	B18 SF	
3F		
4F	141	

(h) Handed variant of type

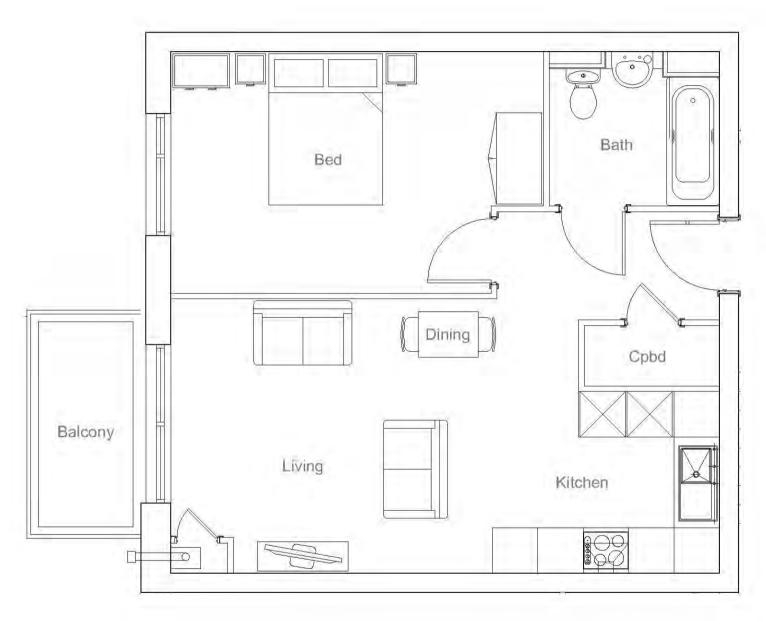


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UGF	8-1-1 IV	
1F	B12 FF	-
2F	B20 SF	
3F		
4F	141	

(h) Handed variant of type



FLOOR PLAN

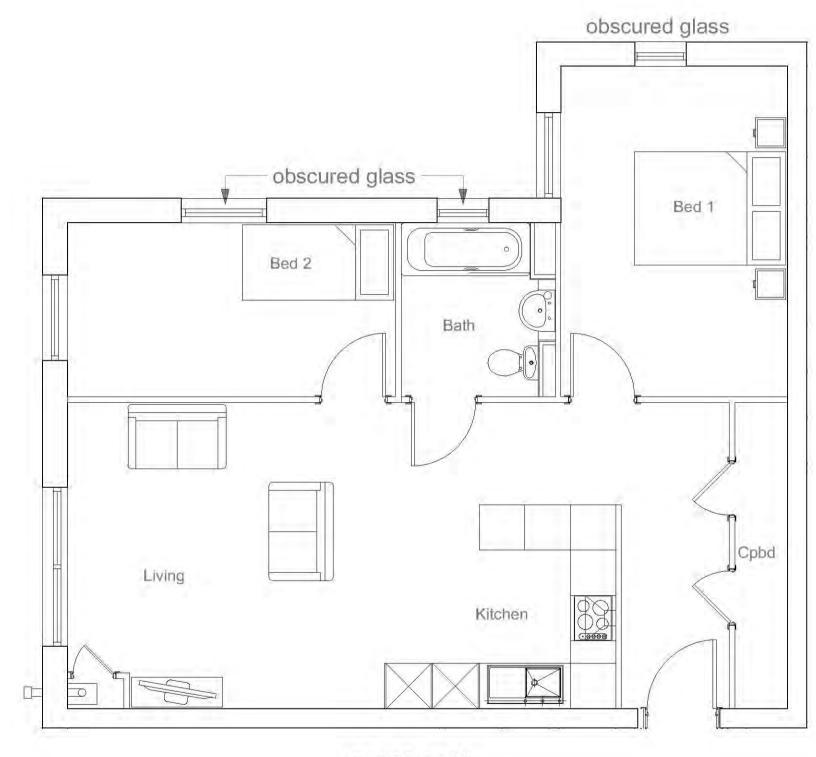
 $\frac{1:1}{1:50} \circ \frac{10}{10} + \frac$ 

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UGF	Sec. 17.	
1F	B15 FF	-
2F	B23 SF	
3F	÷	
4F	4	

(h) Handed variant of type



FLOOR PLAN

 $\frac{1:1}{1:50}$ 

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UGF	Same	
1F	B13 FF	
2F	B21 SF	
3F	÷	
4F	(4)	

(h) Handed variant of type



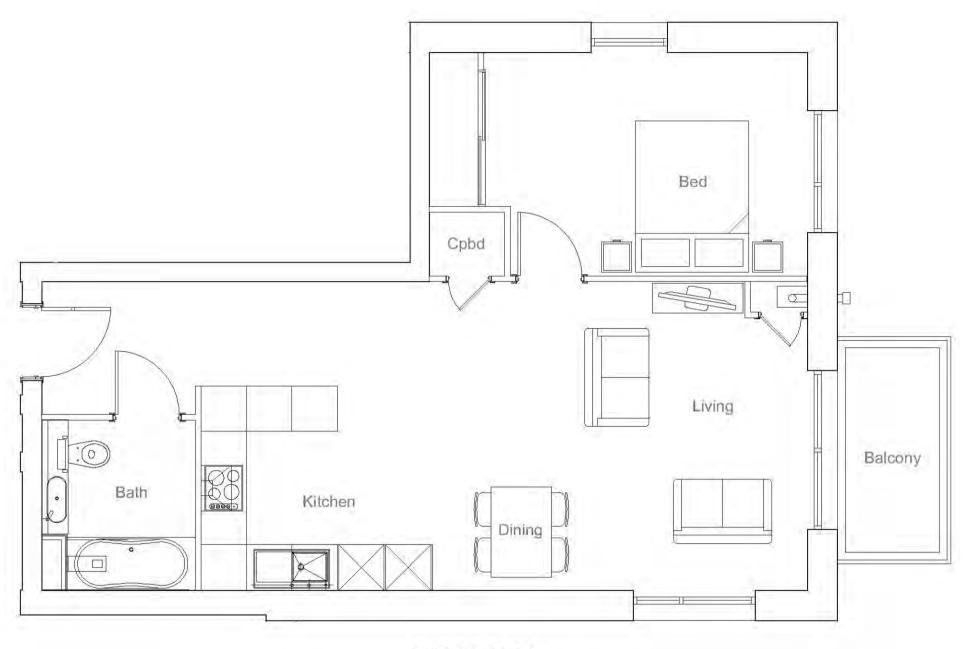
282

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UGF	Sec. 11	
1F	C7 FF	
2F	C13 SF	
3F	C19 TF	
4F		

(h) Handed variant of type



FLOOR PLAN

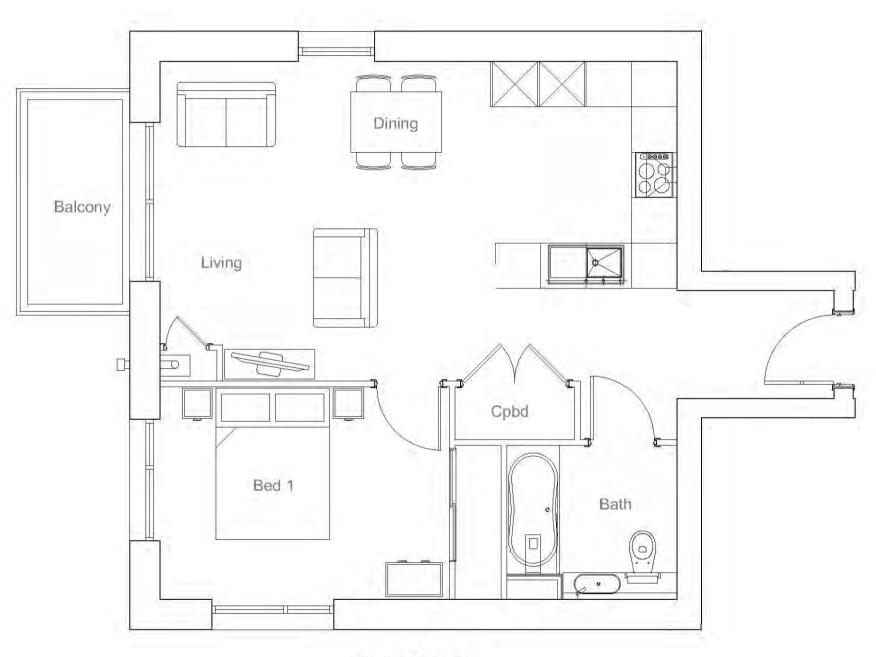
 $\frac{1:1}{1:50}$ 

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UGF	6. 77	
1F	C8 FF	
2F	C14 SF	
3F	C20 TF	
4F	-	

(h) Handed variant of type



FLOOR PLAN

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UGF	6 TT	
1F	C9 FF	
2F	C15 SF	
3F	C21 TF	
4F	-	

(h) Handed variant of type



**FLOOR PLAN** 

 $\frac{1:1}{1:50}$ 

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UGF	5.00 cm	
1F	C10 FF	
2F	C16 SF	
3F	C22 TF	
4F	4	

(h) Handed variant of type



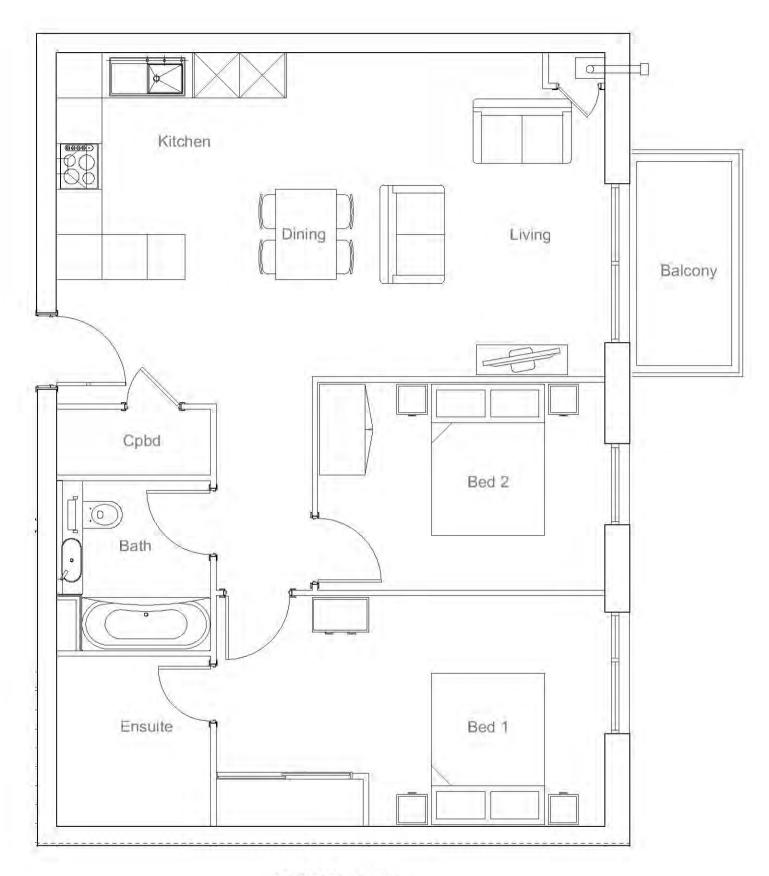
**FLOOR PLAN** 

1:1 0 10mm 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200 1:50 0 1m 2m 3m 4m 5m 6m 7m 8m 9m 10m DO NOT scale from this drawing. DO NOT use any information without, checking on site. DO NOT use any of the building areas indicated for valuation, purchase, sale or any legality binding contract unless explicitly authorised. DO NOT reproduce any part of this drawing without prior written consent. CHECK this drawing is the latest revision. If in doubt - ask. If this drawing has been received by e mail it should not be used as a contract document unless subsequently validated by a hard copy and issue sheet.



UGF	A 44 AT	
1F	D13 FF	-
2F	D21 SF	
3F	D29 TF	
4F	-	

(h) Handed variant of type



FLOOR PLAN

 $\frac{1:1}{1:50}$  ,  $\frac{1}{10}$  ,

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UGF	Sec. 12.	
1F	D14 FF	
2F	D22 SF	
3F	D30 TF	
4F		

(h) Handed variant of type



FLOOR PLAN

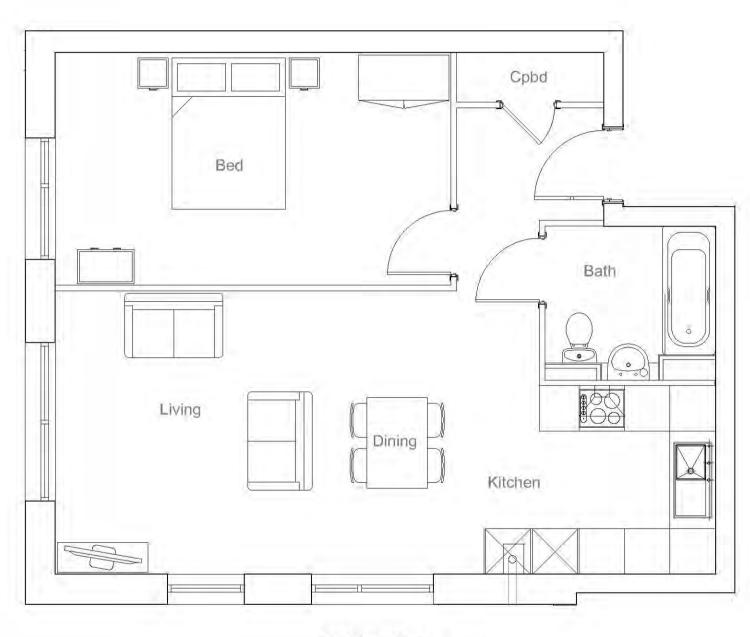
1:1	ģ	10mm	20	30	40	50	60	70	80	oʻe	100	110	120	130	140	150	160	170	180	190	200
1:50	, o	T.	1001 1001	i	2m	r milionn	Зm	,	4m		5 <b>m</b>	, miline	6m	) Tendinar	7,m	i	8m	, mintim	9m	iuuliui )	10m

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UGF	B3 GF	
1F		
2F	- A -	
3F		
4F	140	

(h) Handed variant of type



FLOOR PLAN

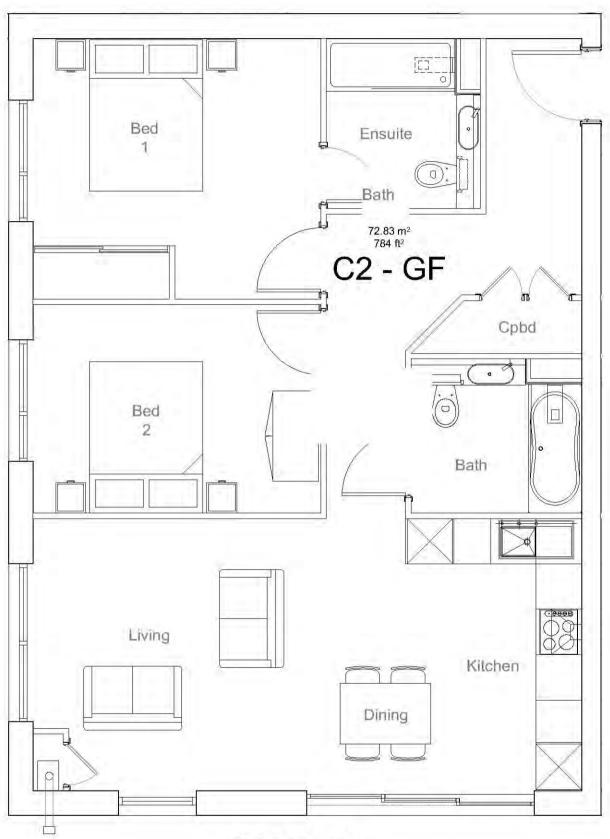
 $\frac{1:1}{1:50} \circ 10^{\text{mm}} \circ 20 \circ 30 \circ 40 \circ 50 \circ 60 \circ 70 \circ 80 \circ 90 \circ 100 \circ 110 \circ 120 \circ 130 \circ 140 \circ 150 \circ 160 \circ 170 \circ 180 \circ 190 \circ 200 \circ 1150 \circ 100 \circ 170 \circ 180 \circ 190 \circ 200 \circ 1150 \circ 100 \circ 170 \circ 180 \circ 190 \circ 200 \circ 1150 \circ 100 \circ 110 \circ 110\circ 110\circ 110\circ 11$ 

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UGF	C2 GF	
1F	C6 FF	
2F	C12 SF	
3F	C18 TF	
4F	C24 4F	

(h) Handed variant of type



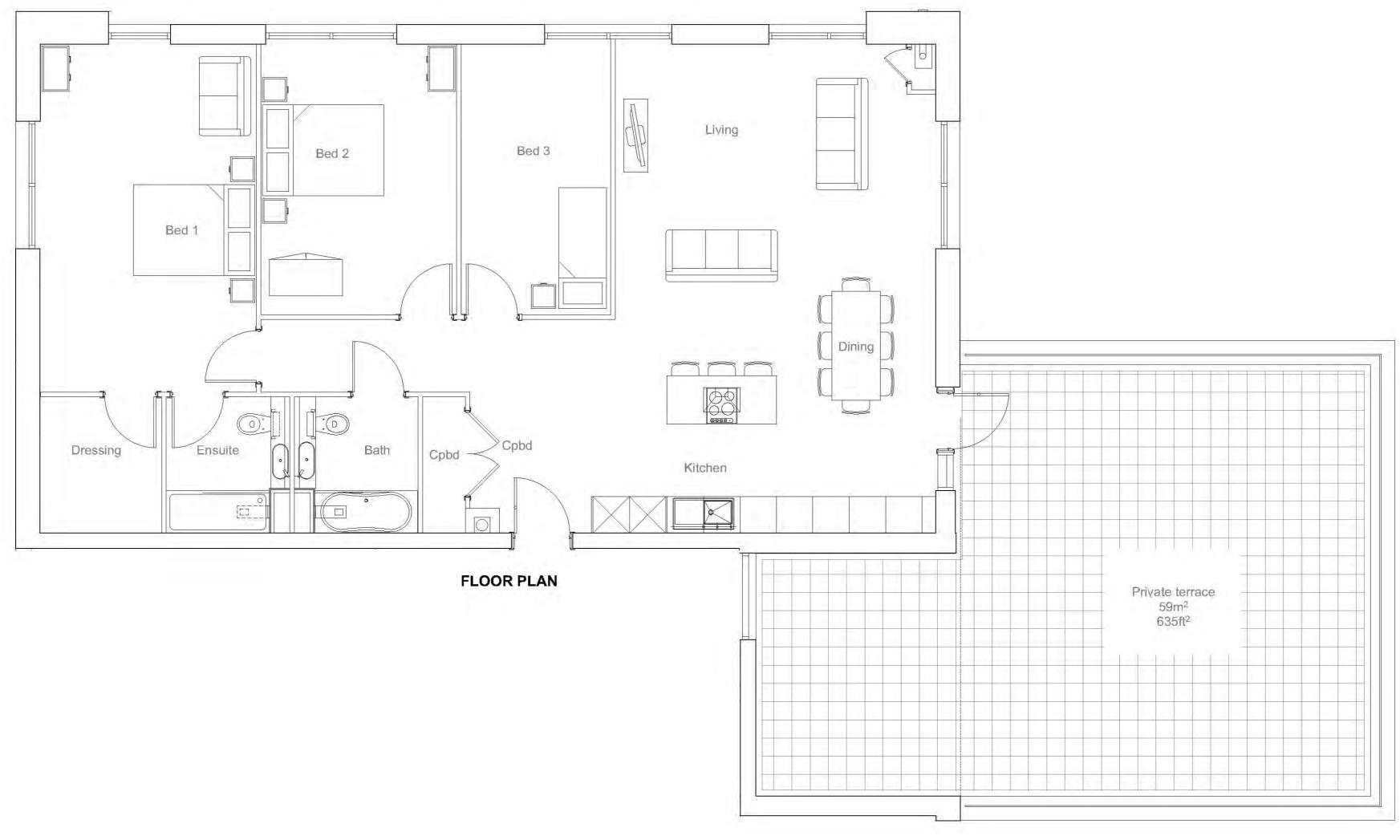
FLOOR PLAN

1:1 0 10mm 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200 1:50 0 , 1m , 2m , 3m , 4m , 5m , 6m , 7m , 8m , 9m , 10m DO NOT scale from this drawing. DO NOT use any information without, checking on site. DO NOT use any of the building areas indicated for valuation, purchase, sale or any legality binding contract unless explicitly authorised. DO NOT reproduce any part of this drawing without prior written consent. CHECK this drawing is the latest revision. If in doubt - ask. If this drawing has been received by e mail it should not be used as a contract document unless subsequently validated by a hard copy and issue sheet.



UGF	÷
1F	<del>.</del>
2F	(A)
3F	4
4F	C25 4F

(h) Handed variant of type



80 `<del>\||||||||||</del> 4m 90 100 110 120 130 140 150 160 170 180 190 200 5m 6m 7m 8m 9m 10m 10mm 20 <u>1:1</u> 1:50 70 30 40 50 60



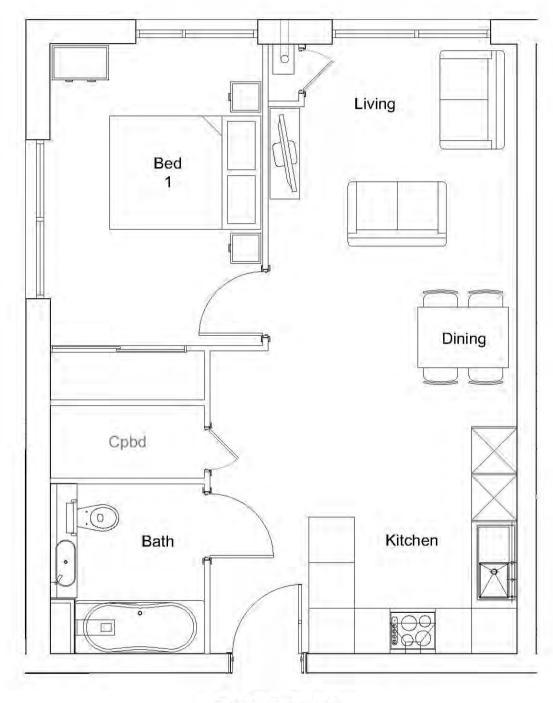
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UGF	C4 GF	
1F	-	
2F		
3F		
4F	(4)	

(h) Handed variant of type



FLOOR PLAN

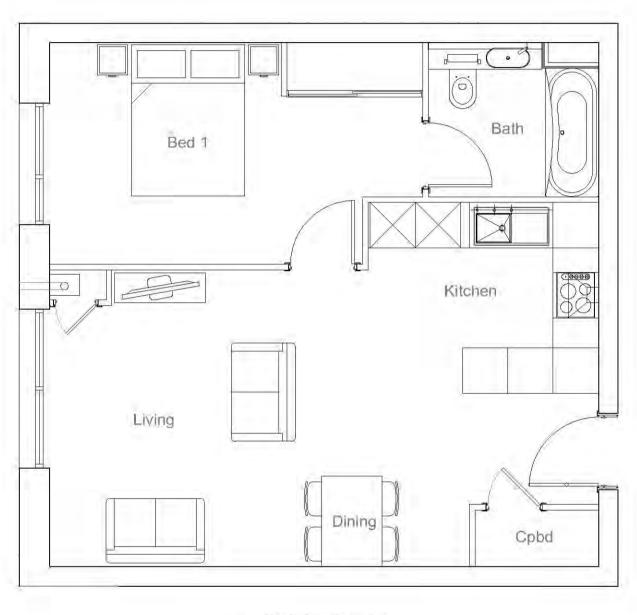
4.4	ά	10mm	20	30	40	50	60	70	80	90	100	110	120	130	140	150	160	170	180	190	200
1.1	Thunga	THITT	TIT	1111 1111	un freere	minun	ոնուս	milimm	nikuu	milim	milin	million	millinn	unhine	milim	<b>PERIOT</b>		milin	milin	milling	and the
1:50	Q	1	Įm	uuipuu C	2m	inganini (	3m	.)	4m	T	5m	111111111	6m	) J	7 <sub>,</sub> m	, interpreter	8m	i i i i i i i i i i i i i i i i i i i	9m		10m

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UGF	D4 GF	4
1F	D12 FF	
2F	D20 SF	
3F	D28 TF	
4F		

(h) Handed variant of type



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UGF	E1 GF	
1F	E3 FF	
2F	E5 SF	
3F		
4F	141	

(h) Handed variant of type



FLOOR PLAN

 $\frac{1:1}{1:50}$ 

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UGF	E2 GF	
1F	E4 FF	-
2F	E6 SF	
3F		
4F	14.1	

(h) Handed variant of type



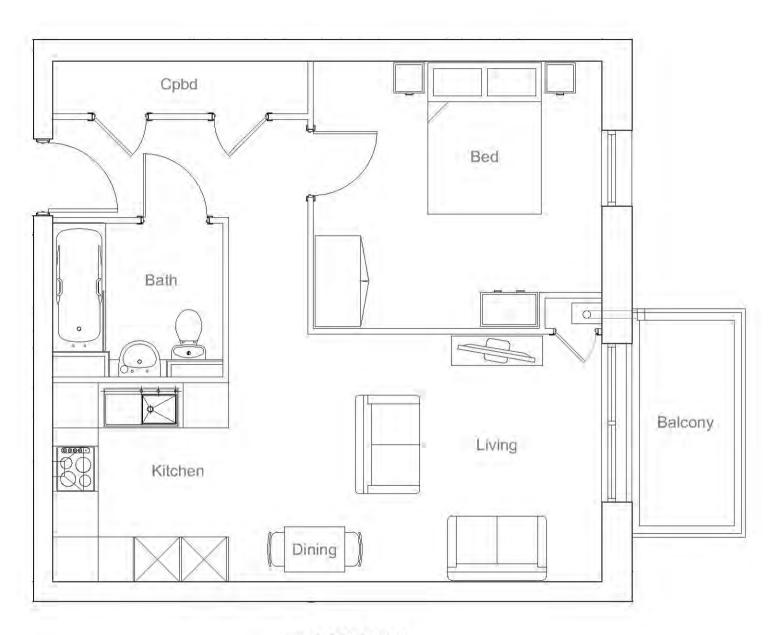
FLOOR PLAN

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UGF	5 N. 72 N	
1F	B9 FF	
2F	B17 SF	
3F		
4F	141	

(h) Handed variant of type



**FLOOR PLAN** 

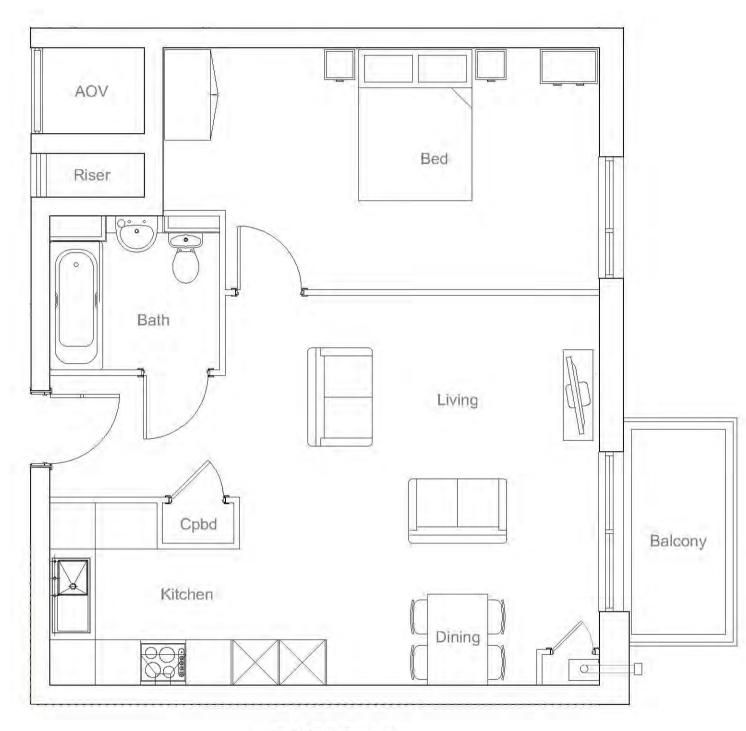
 $\frac{1:1}{1:50}$ 

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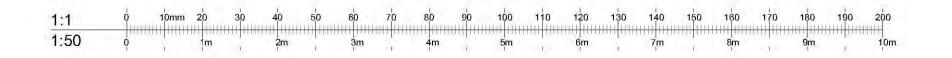


UGF	Sec. 170	
1F	B11 FF	
2F	B19 SF	
3F	-	
4F	- E	

(h) Handed variant of type



FLOOR PLAN

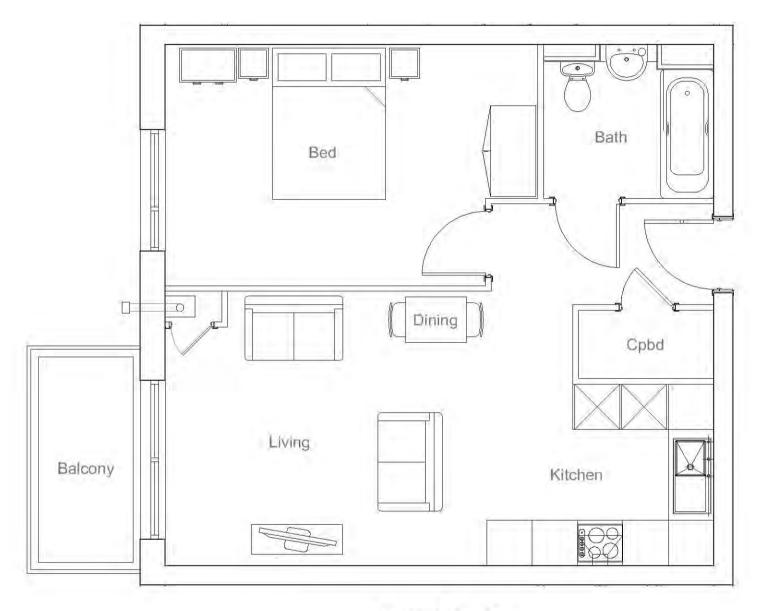


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UGF	8-1-1-11C	
1F	B14 FF	
2F	B22 SF	
3F		
4F	14.1	

(h) Handed variant of type



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UGF	(f)	
1F	207	
2F	D19 SF	
3F	D27 TF	
4F		

(h) Handed variant of type



FLOOR PLAN

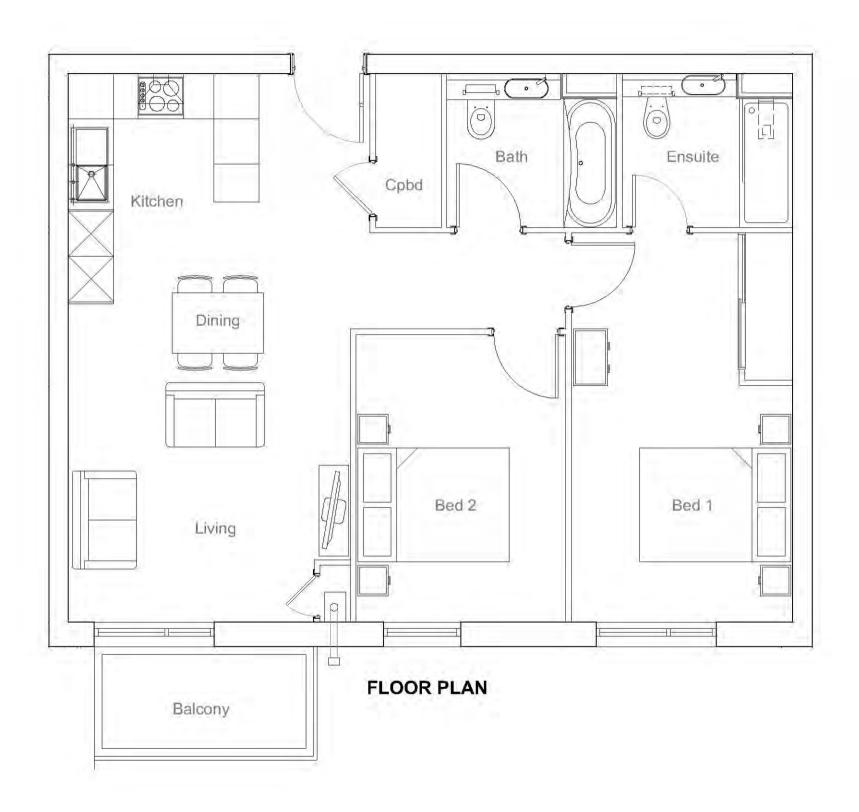
 $\frac{1:1}{1:50}$ ,  $\frac{1}{7}$ ,  $\frac{1}$ 

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UGF	8	
1F	-	
2F	÷.	
3F	D26 TF	
4F		

(h) Handed variant of type

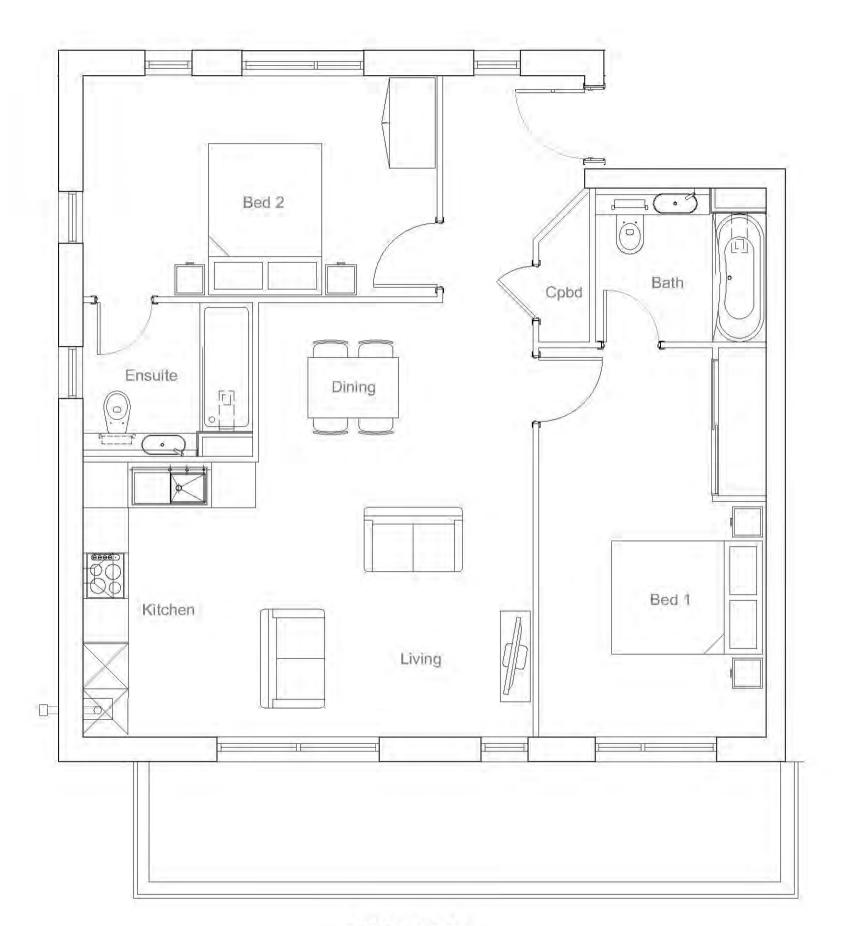


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UGF	8	
1F	-	-
2F		
3F	E7 TF	
4F	-	

(h) Handed variant of type



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Screening around first floor balcony to prevent direct views to garden of No.40 Fairfax Drive will also screen views from second floor balcony (1)

2 Offset from second floor balcony is effectively 18.0m from 'sensitive' patio area of the garden to No.40



1:150 @ A3

russdragearchitects



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**Revision notes.** 



Client / project:

Prospects	College, Sout	thend-on-sea
rawing title:		
Ground	and Upper G	round Floor
rawing status:		
	PLANNIN	IG
ate:	Drawn by:	Project /Drawing Ref
20/12/17	br	) ( AP234-P002
1	Checked by:	Revision:
cale:	Checked by	

russorage architects 3 the offices, 10 fleet street, brighton, east sussex, bn1 4ze +44(0)1273 667993 +44(0)1273 667994 e mail@russdrage-architects.com



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**Revision notes.** 



Client / project:

Weston Homes

Drawing title:		
Landscape a	and Semi-Bas	ement Parking
		2007 A. 1997 A. 1997 A. 1997 A. 1997
Drawing status:	and a constant	
	PLANNIN	G
Date:	Drawn by:	Project /Drawing Re
Date: 20/12/17	Drawn by:	
		Project /Drawing Re AP234-P001 Revision:

russorage architects 3 the offices, 10 fleet street, brighton, east sussex, bn1 4ze 1 +44(0)1273 667993 1 +44(0)1273 667994 e mail@russdrage-architects.com



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Revision notes.

Client / project:

Drawing title

Drawing status

20/12/17

1:200@A1

Weston Homes

Prospects College, Southend-on-sea

First Floor

PLANNING

br

rd

russdrage architects

3 the offices, 10 fleet street, brighton, east sussex, bn1 4ze 1+44(0)1273 667993 ↑+44(0)1273 667994 @ mail@russdrage-architects.com

Drawn by:

Project /Drawing Ref:

AP234-P003

D

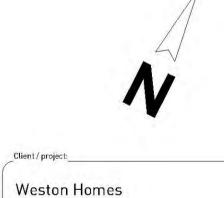
Revision



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## **Revision notes.**

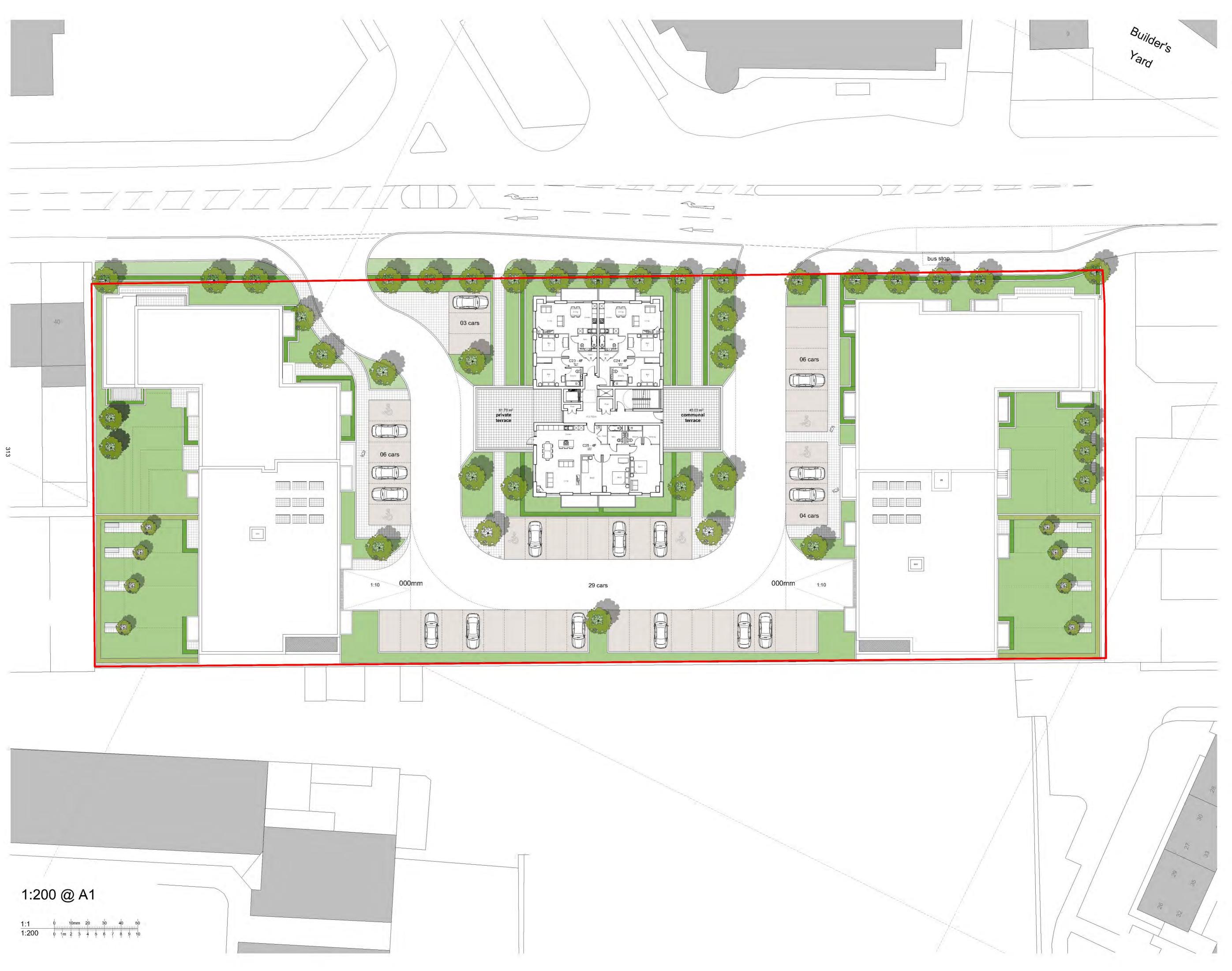


Client / project:

Drawing title:		
	Second Floor	
Drawing status:		
	PLANNIN	IG
Date:	Drawn by:	Project /Drawing Ref
20/12/17	) ( br	) ( AP234-P004
Scale:	Checked by:	Revision:
1:200@A1	rd	

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**Revision notes.** 



Client / project:

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Drawing title:		
1.000	Fourth Floor	
Drawing status:		
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**Revision notes.** 



Weston Homes

Prospects College, Southend-on-sea

Roof plan & Street Elevation in context PLANNING

Date:	Drawn by:	Project /Drawing Ref:
20/12/17	br	AP234-P007
Scale:	Checked by:	Revision:
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elevation 1 block D & E - northern elevation



section AA block B section (block A southern elevation in the background)

317

block C - southern elevation



section BB block A & B - southern elevation



reference plan 1:1000 @ A1



block C - northern elevation

block A & B - northern elevation

block D section (block E southern elevation in the background)

block C - southern elevation

block D & E - southern elevation

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**Revision notes.** 

# materials

1.	dark facing brick
2.	light facing brick
3.	textured masonry
4.	HPL cladding panels*
5.	clear glazed window
6.	glazed balcony
7.	spandrel panel*
8.	aluminium louvres
9.	obscured glazing

\* materials 4 & 7 to be colour matched

Weston Hor	nes	
Prospects (	College, Sout	hend-on-sea
		2 9 C 2 5 6 6
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block E - section



319



elevation 4

block C- eastern elevation



reference plan 1:1000 @ A1





section CC

block A - section

block B - western elevation

11.095m			
2.720m thend fc carbark			
4.795m	日日		
1.870m			
-0.83m			
elevation 3		block B	- eastern elevatio

elevation 5

block C - western elevation

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## **Revision notes.**



9.400m

8.950m

6.025m

3.100m

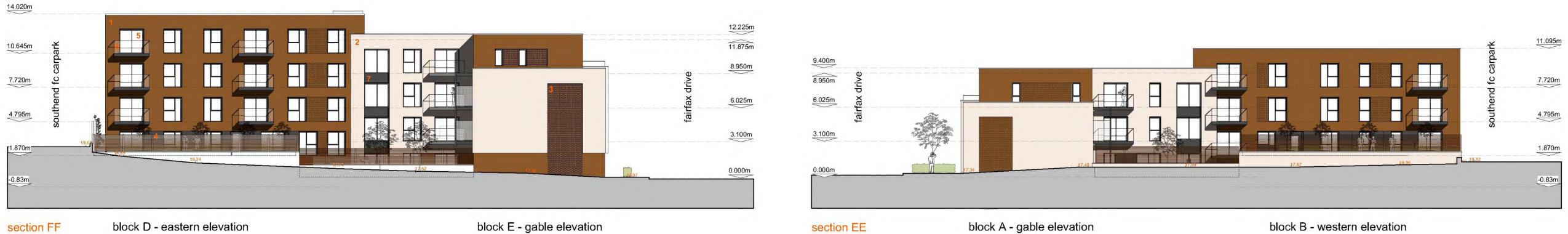
0.000m

1.	dark facing brick
2.	light facing brick
3.	textured masonry
4.	HPL cladding panels*
5.	clear glazed window
6.	glazed balcony
7.	spandrel panel*
8.	aluminium louvres

\* materials 4 & 7 to be colour matched



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section FF

block D - eastern elevation









reference plan 1:1000 @ A1





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**Revision notes.** 

## materials

1.	dark facing brick
2.	light facing brick
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4.	HPL cladding panels*
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7.	spandrel panel*
8.	aluminium louvres

\* materials 4 & 7 to be colour matched

Weston Hor	mes	
Prospects	College, Sout	hend-on-sea
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-levations - S	heet 3 and Ske	etch model View
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		Project /Drawing R
Drawing status: Date: 20/12/17 Scale:	Drawn by:	

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Reference:	18/00045/ADV					
Ward:	Victoria	10				
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:	29.03.2018					
Expiry Date:	05.04.2018					
Case Officer:	Janine Rowley					
Plan Nos:	Siteplans Revision A 01; A-1001 Architectural Site Plan; 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					



This application was deferred from the 7<sup>th</sup> March 2018 Development Control Committee meeting to allow for an update of the application site plan and to verify the siting of the totem pole within the application. Residents have been renotified of the updated proposal.

### 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 25<sup>th</sup> 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 drivethrough 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: Siteplans Revision A 01; A-1001 Architectural Site Plan; 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.

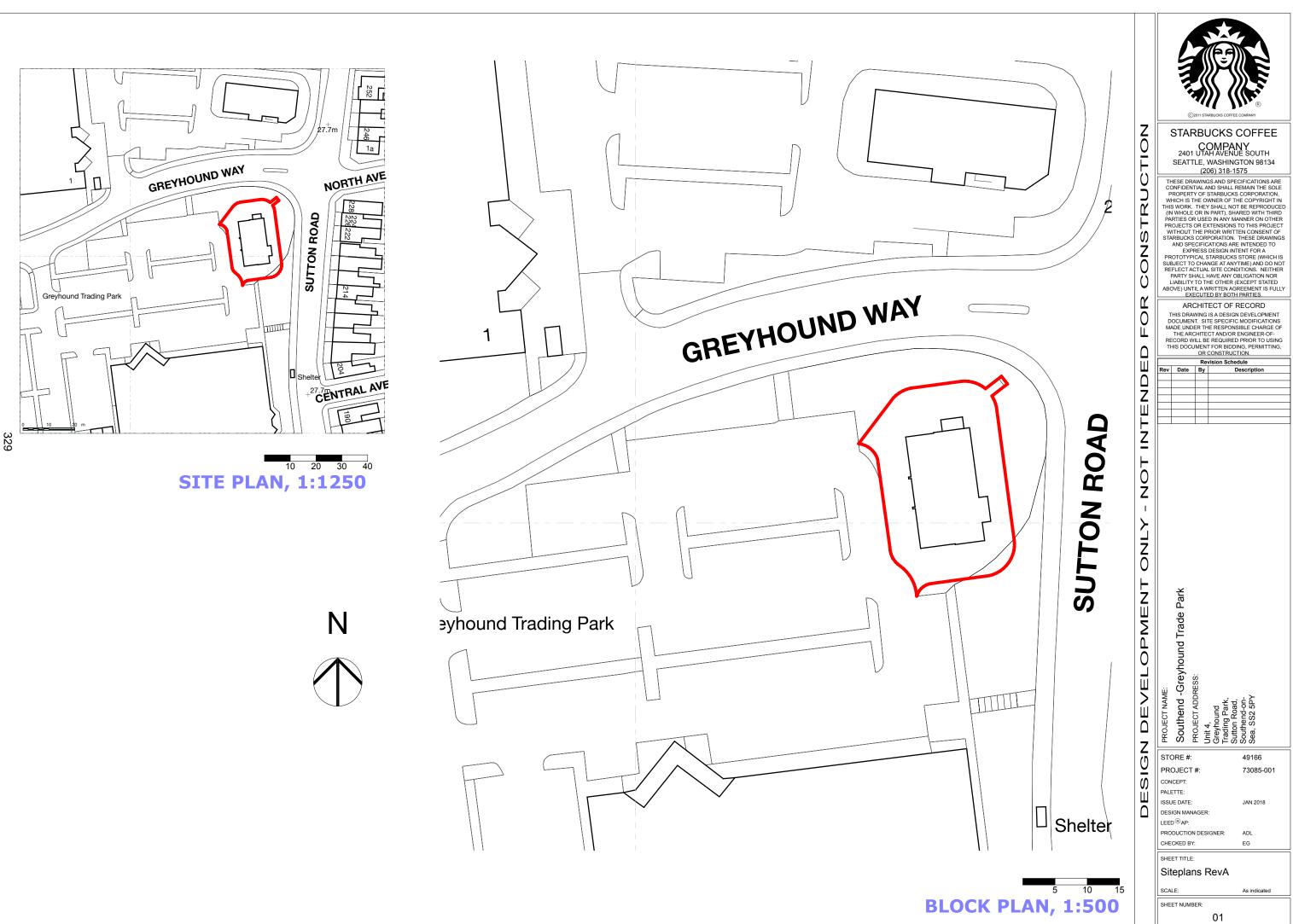
6 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

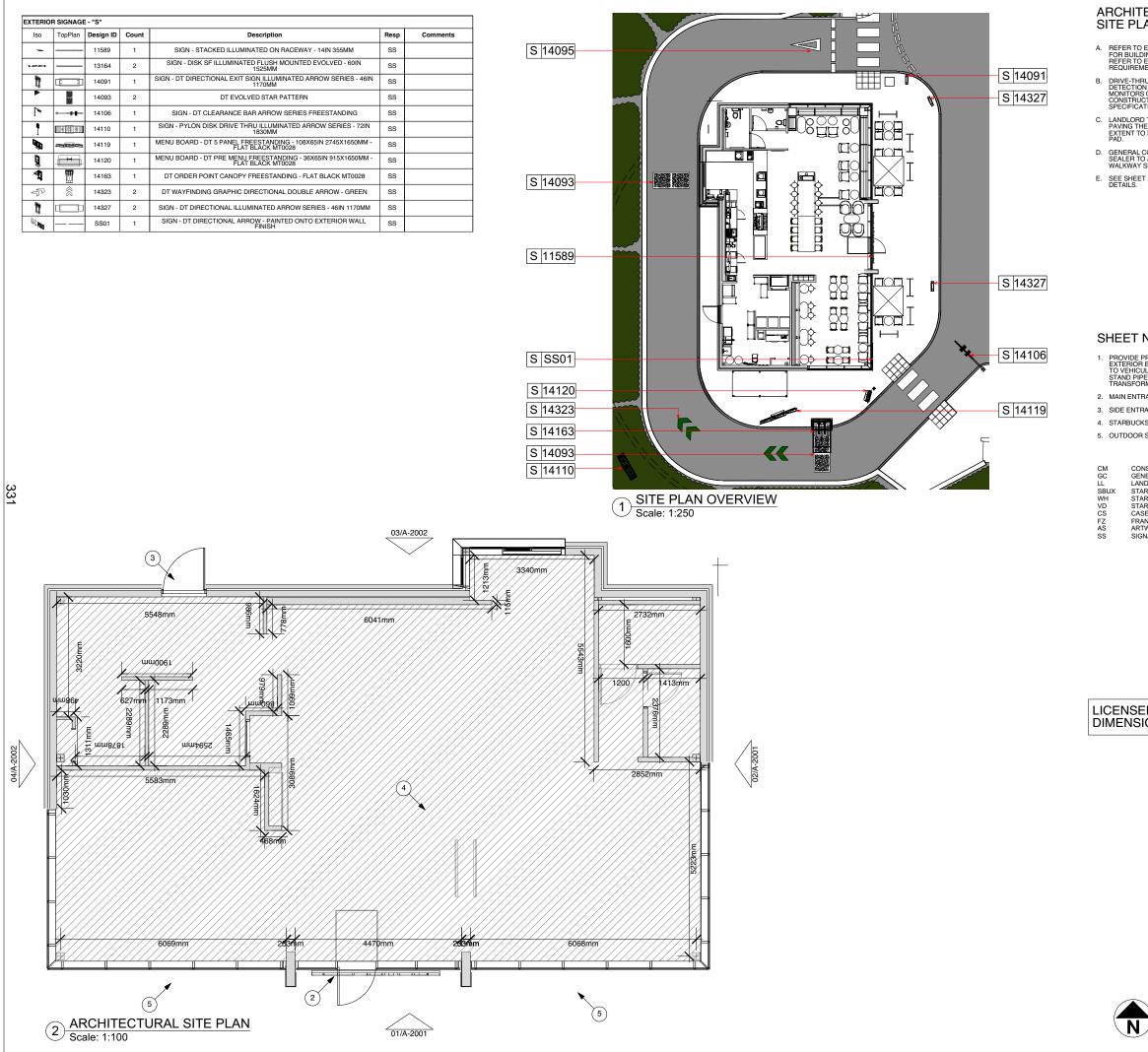
Reason: Required to be imposed to comply with Regulation 14 of the Town and Country Planning (Control of Advertisements) Regulations 2007.

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.

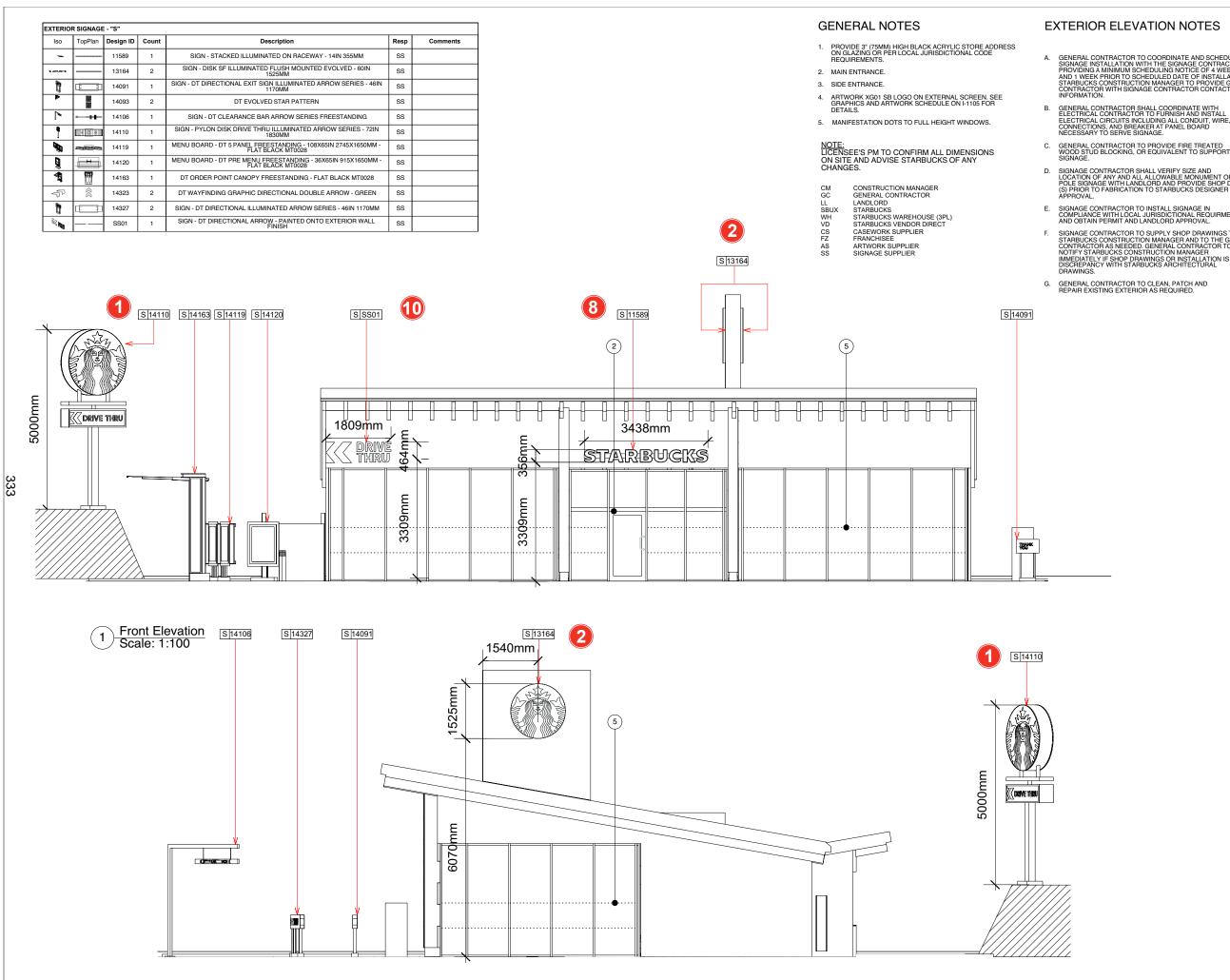
Reason: Required to be imposed to comply with Regulation 14 of the Town and Country Planning (Control of Advertisements) Regulations 2007.

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.





ITECTURAL PLAN NOTES		
TO EXTERIOR ELEVATIONS ON SHEET A-2001 JILDING SIGNAGE LOCATION AND DESIGN ID. TO ELECTRICAL PLANS FOR ELECTRICAL REMENTS.		
THRU EQUIPMENT INCLUDING VEHICLE TION LOOP, WIRELESS COMMUNICATION AND ORS COORDINATED BY STARBUCKS RUCTION MANAGER, REFER TO ELECTRICAL ICOTIONS FOR ELECTRICAL REQUIREMENTS.		
ORD TO PROVIDE 6" (150MM) THICK CONCRETE 5 THE LENGTH OF THE DRIVE-THRU LANE, T TO INCLUDE DRIVE-THRU WINDOW STANDING		© 2015 STARBUCKS COFFEE COMPANY
IAL CONTRACTOR TO APPLY CONCRETE R TO ALL EXTERIOR CONCRETE PATIO AND IAY SURFACES.		2401 UTAH AVENUE SOUTH SEATTLE, WASHINGTON 98134
HEET A-5001 FOR ARCHITECTURAL SITE S.		(206) 318-1575
T NOTES		THESE DRAWINGS AND SPECIFICATIONS ARE CONFIDENTIAL AND SHALL REMAIN THE SOLE PROPERTY OF STARBUCKS CORPORATION, WHICH IS THE OWNER OF THE COPYRIGHT IN THIS WORK, THEY SHOR IN PARTI, SHARED WITH THINDL OR IN PARTI, SHARED WITH THINDL OR THATI, SHARED WITH THINDL OR THAT, SHARED WITH THINDL OR THOUSTS OF STARBUCKS CORPORATION, THESE DRAWINGS AND SECOFFICATIONS AND FSTARBUCKS CORPORATION, THESE DRAWINGS AND SECOFFICATIONS AND FSTARBUCKS STORE ON STARBUCKS STORE WHITTEN SUBJECT TO CHANGE AT ANYTIME, AND DO NOT REFLECT ACTUAL HAVE ANY OBLIGATION NOR LIABILITY TO THE OTHER (EXCEPT STATED ABOVE) UNTL A WRITTEN AGREEMENT IS FULL EXECUTED BY BOTH PARTIES.
DE PROTECTIVE BOLLARDS ON BOTH SIDES OF		STARBUCKS TEMPLATE VERSION m2016-05-27
IOR ELECTRICALUTILITY SERVICE ADJACENT ICULAR TRAFFIC EXAMPLES INCLUDE FIRE PIPE, GAS AND ELECTRICAL METERS, SITE FORMERS, ETC INTRANCE INTRANCE UCKS INTERNAL DEMISE DOR SEATING AREA	S	ARCHITECT OF RECORD THIS DRIVING IS A DESIGN DEVELOPMENT OF COMENT. SITE SPECIFIC ATH PROVINEL CHARGE OF THE ARCHITECT AND/OR ENGINEER-OF-RECORD WILL BE REQUIRED PRIOR TO USING THIS DOCUMENT FOR BIDDING, PERMITTING, OR CONSTRUCTION.
	OSE	
CONSTRUCTION MANAGER GENERAL CONTRACTOR LANDLORD STARBUCKS STARBUCKS WAREHOUSE (3PL) STARBUCKS VENDOR DIRECT CASEWORK SUPPLIER FRANCHISEE ARTWORK SUPPLIER SIGNAGE SUPPLIER	TION PURPC	
	FOR CONSTRUC	
SEE'S PM TO CONFIRM ALL ISIONS TO STARBUCKS		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: 0711/17 DESIGN MANAGER: Duncan Maskell
		LEED RAP: Leed AP PRODUCTION DESIGNER: Production Designer CHECKED BY: Checked By
		Revision Schedule           Rev         Date         By         Description
		A         228/017         Pervised to comments           A         238/017         Revised 1958h //S8h //S6h //S8h //S8h //S8h //S8h //S8h //S8h //S8h //S6h //S8h //S8h //S8
		Architectural Site Plan
		SCALE: 1:100 SHEET NUMBER:
Scale: 1:100		A-1001



East Elevation (2) Scale: 1:100

#### 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.

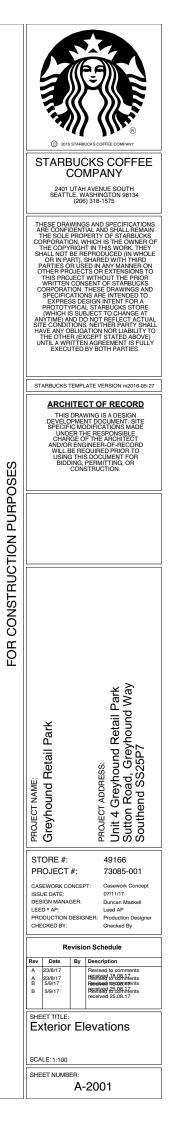
GENERAL CONTRACTOR SHALL COORDINATE WITH ELECTRICAL CONTRACTOR TO FURNISH AND INSTALL ELECTRICAL CIRCUITS INCLUDING ALL CONDUCT CONNECTIONS, AND BREAKER AT PANEL BOARD NECESSARY TO SERVE SIGNAGE.

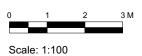
SIGNAGE CONTRACTOR SHALL VERIFY SIZE AND LOCATION OF ANY AND ALL ALLOWABLE MONUMENT OR POLE SIGNAGE WITH LANDLORD AND PROVIDE SHOP DRAWING (S) PRIOR TO FABRICATION TO STARBUCKS DESIGNER FOR APPROVAL.

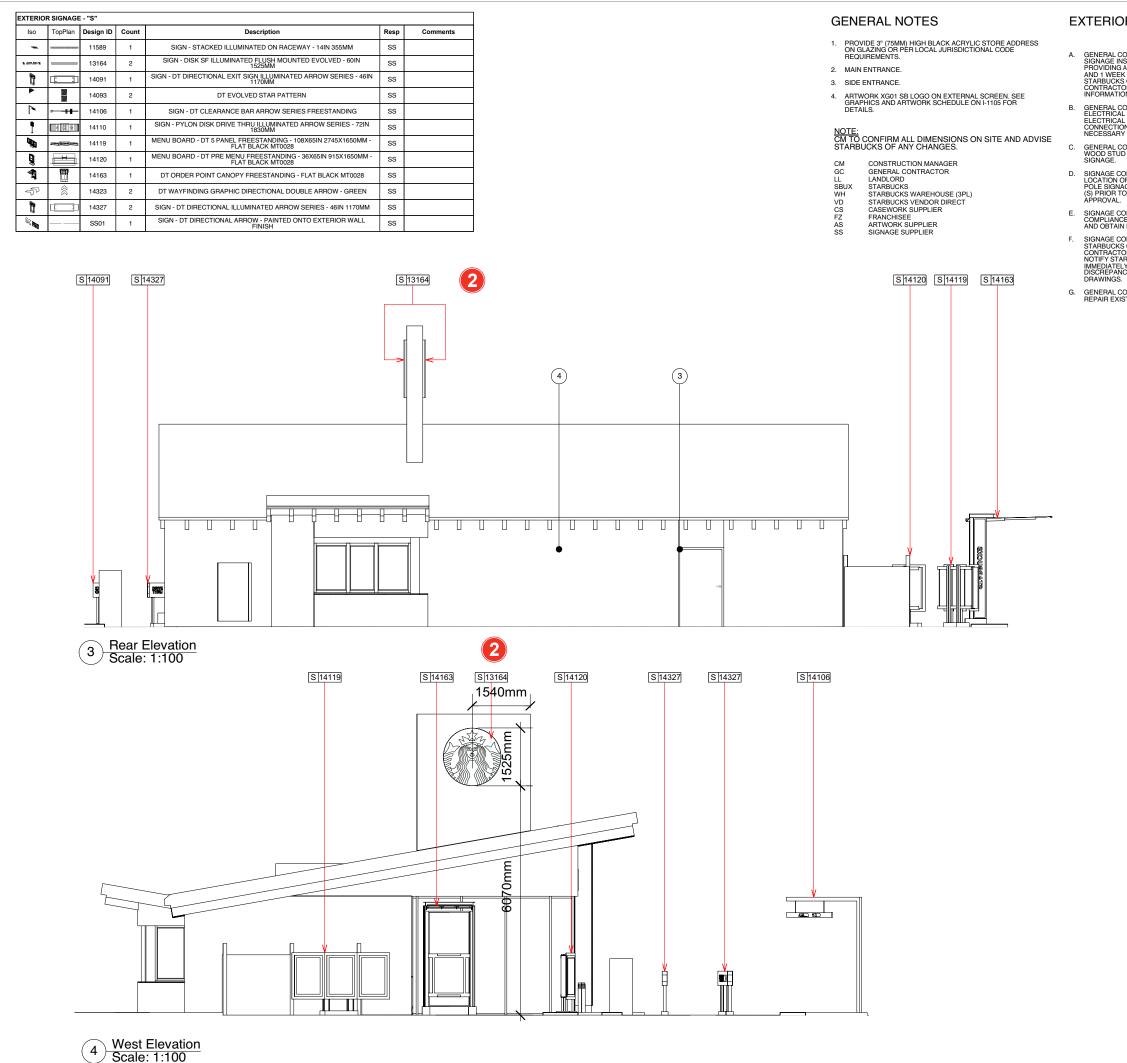
SIGNAGE CONTRACTOR TO INSTALL SIGNAGE IN COMPLIANCE WITH LOCAL JURISDICTIONAL REQUIRMENTS AND OBTAIN PERMIT AND LANDLORD APPROVAL.

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.

G. GENERAL CONTRACTOR TO CLEAN, PATCH AND REPAIR EXISTING EXTERIOR AS REQUIRED.







335

#### 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.

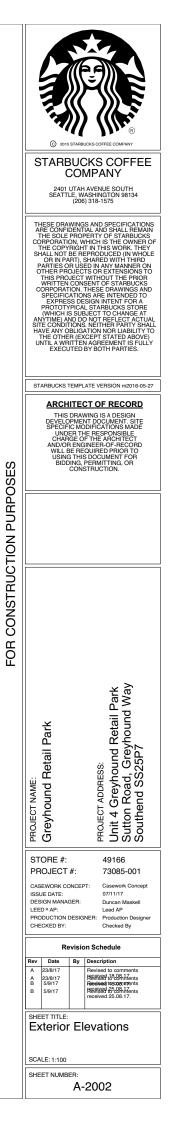
GENERAL CONTRACTOR TO PROVIDE FIRE TREATED WOOD STUD BLOCKING, OR EQUIVALENT TO SUPPORT SIGNAGE.

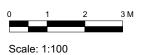
SIGNAGE CONTRACTOR SHALL VERIFY SIZE AND LOCATION OF ANY AND ALL ALLOWABLE MONUMENT OR POLE SIGNAGE WITH LANDLORD AND PROVIDE SHOP DRAWING (S) PRIOR TO FABRICATION TO STARBUCKS DESIGNER FOR APPROVAL.

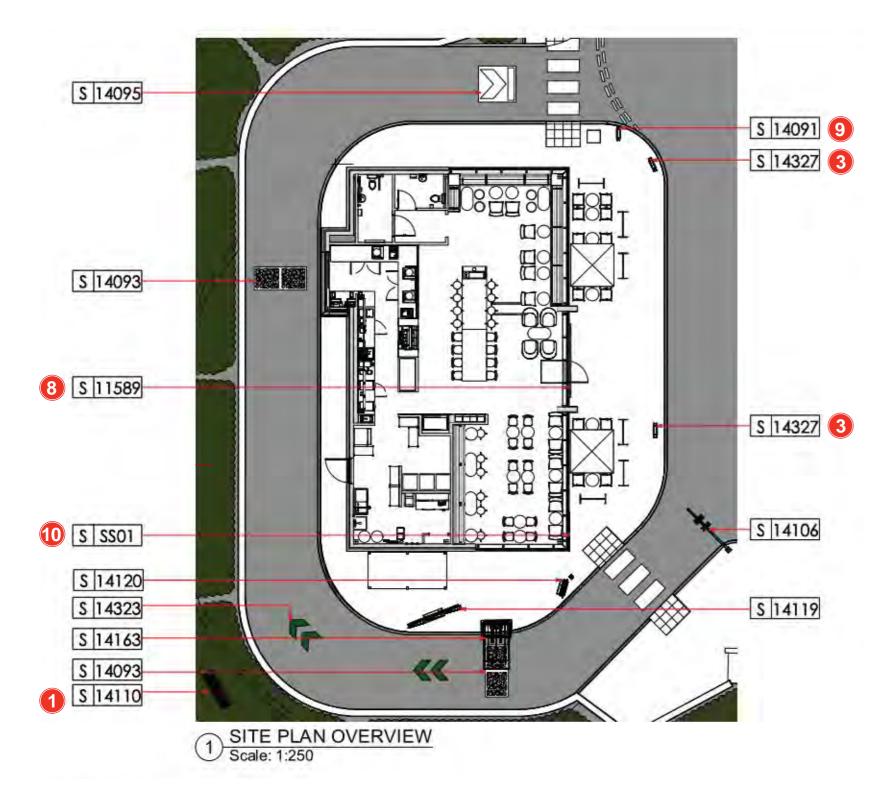
SIGNAGE CONTRACTOR TO INSTALL SIGNAGE IN COMPLIANCE WITH LOCAL JURISDICTIONAL REQUIRMENTS AND OBTAIN PERMIT AND LANDLORD APPROVAL.

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 DISOREPANCY WITH STARBUCKS ARCHITECTURAL DRAWINGS

G. GENERAL CONTRACTOR TO CLEAN, PATCH AND REPAIR EXISTING EXTERIOR AS REQUIRED.







	Client: Starbucks	Drawing no: 18-009			Revision notes: 0) Initial issue A) Pylon reduced to 5m	
NIS SIGNS Nis Signs (Leicester) Ltd	Address: Unit 4 Greyhound Retail Sutton Rd, Greyhound Way	Job location: Jobs/Starbucks/Southend, Greyhound Retail Park				
51 Marlow Rd, Leicester, LE3 2BQ	www.signs-nis.co.uk	Southend SS25P7	Drawn by: DW	Rev no: A	Date: 08/01/18	



All site dimensions to be verified prior to manufacture.

## 1

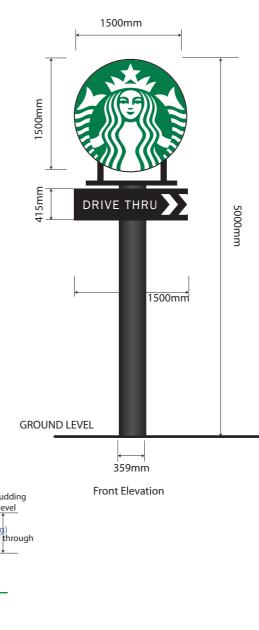
Item A | 1 Off 5metre Internally Illuminated Totem Pole Sign - 1:50 5000mm high mild steel post with box section frame top and drop arms to carry siren roundel and drive thru box.

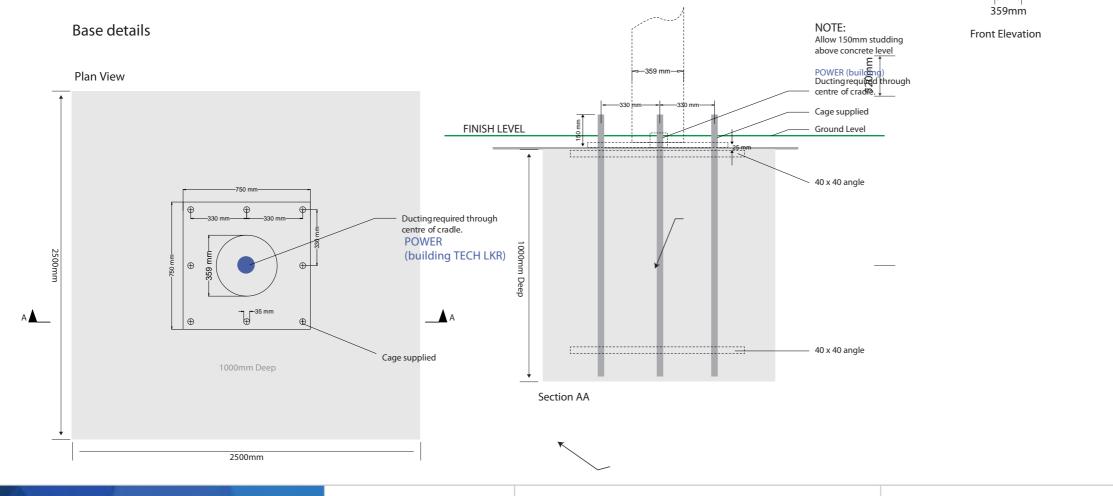
#### Siren Logo :

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.

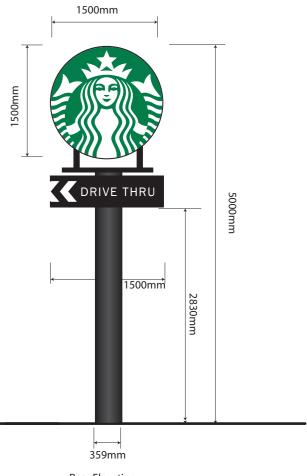
#### Drive Thru Box :

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.



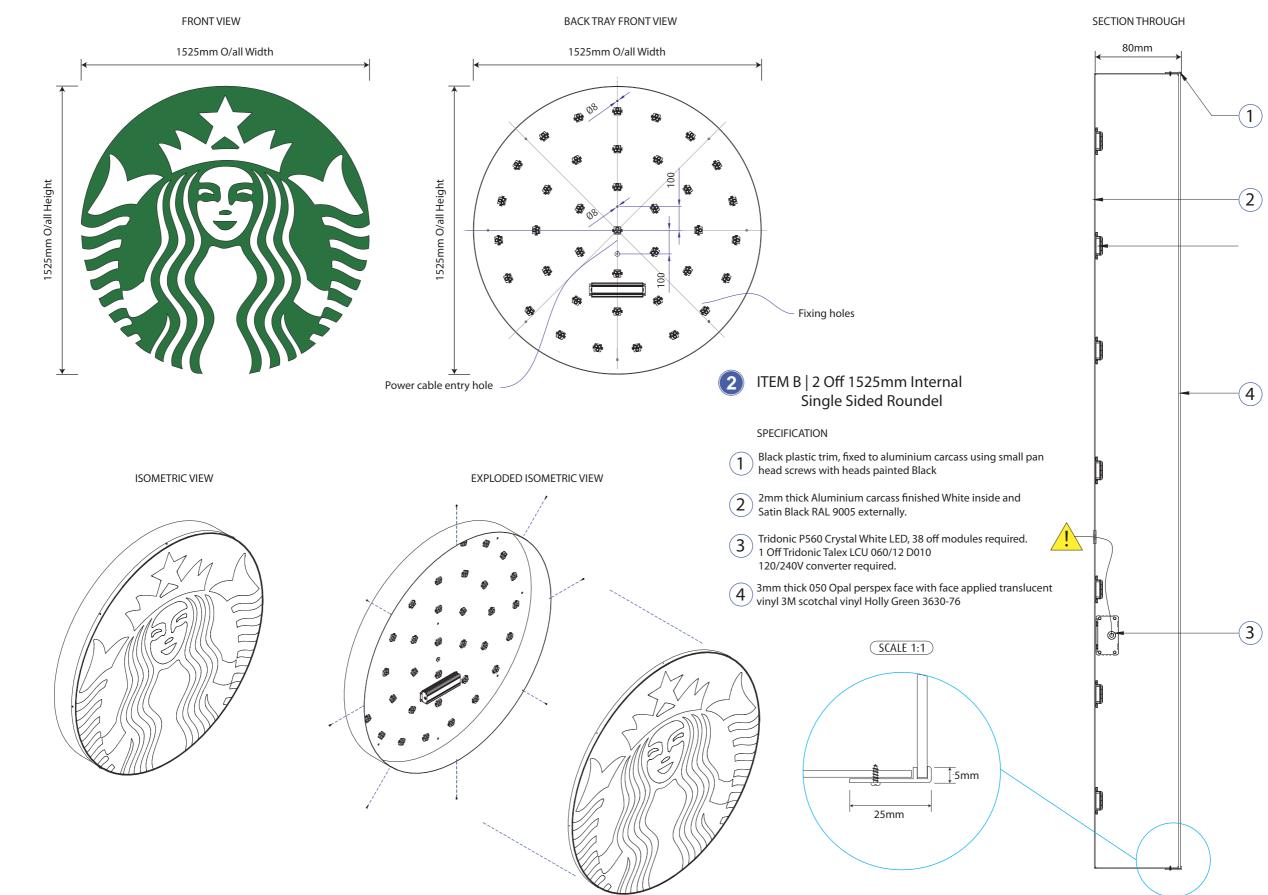


NIS SIGNS	S 0116 270 6228	Client: Starbucks	Drawing no: 18-009			Revision notes: 0) Initial issue A) Pylon reduced to 5m
Nis Signs (Leicester) Ltd	@ info@signs-nis.co.uk		Job location: Jobs/Starbucks/Southend, Greyhound Retail Park		Ny tylon reduced to one	
51 Marlow Rd, Leicester, LE3 2BQ	🖲 www.signs-nis.co.uk	Southend SS25P7	Drawn by: DW	Rev no: A	Date: 08/01/18	



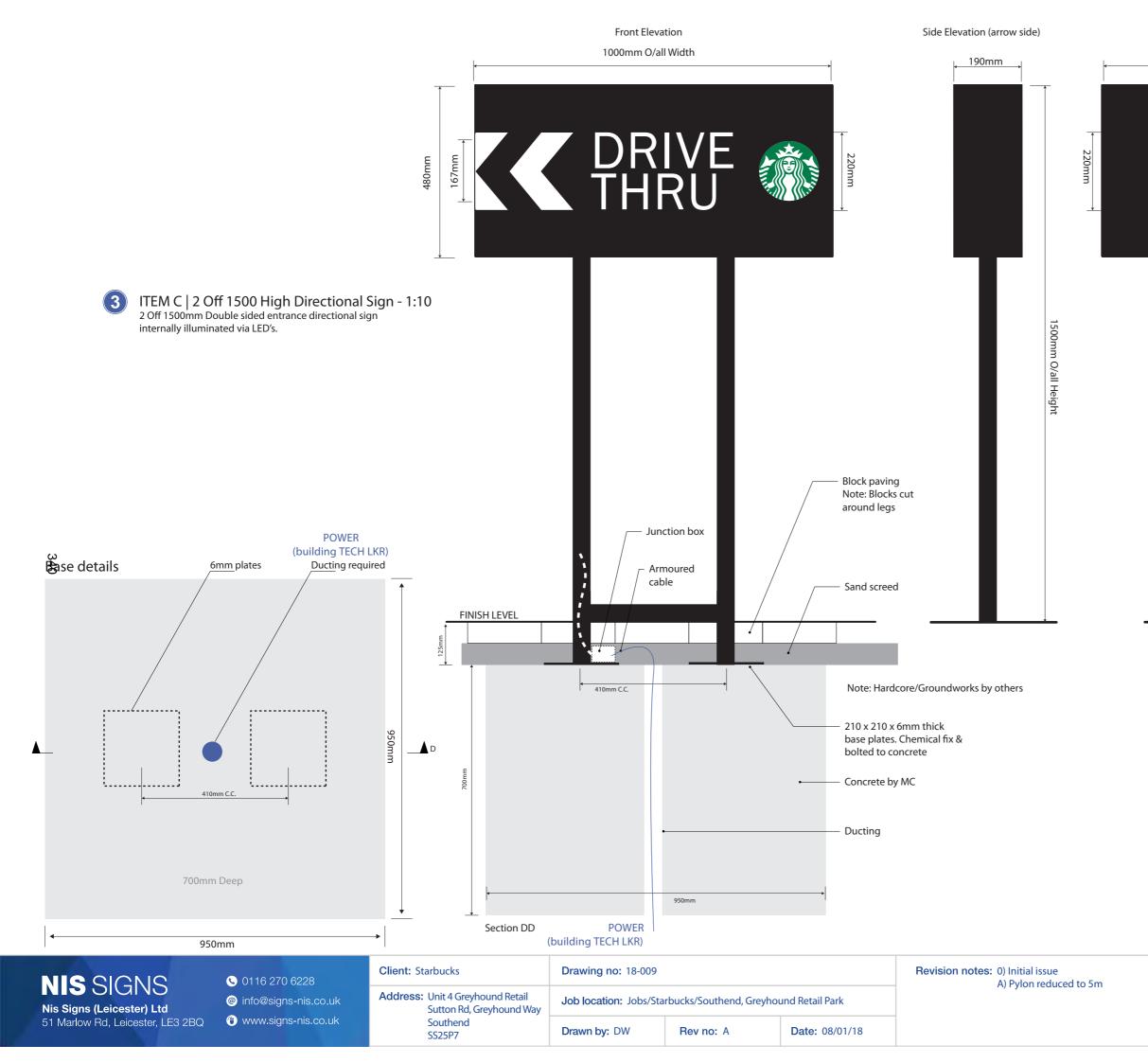
**Rear Elevation** 

All site dimensions to be verified prior to manufacture.

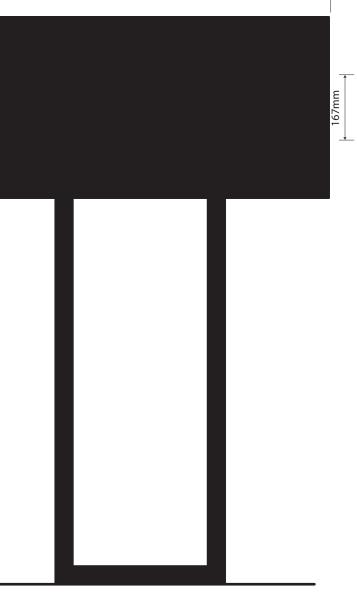


NIS SIGNS © 0116 270 6228		Client: Starbucks	Drawing no: 18-009			Revision notes: 0) Initial issue A) Pylon reduced to 5m
Nis Signs (Leicester) Ltd	@ info@signs-nis.co.uk		Job location: Jobs/Starbucks/Southend, Greyhound Retail Park			
51 Marlow Rd, Leicester, LE3 2BQ	🕲 www.signs-nis.co.uk	Southend SS25P7	Drawn by: DW	Rev no: A	Date: 08/01/18	

All site dimensions to be verified prior to manufacture.

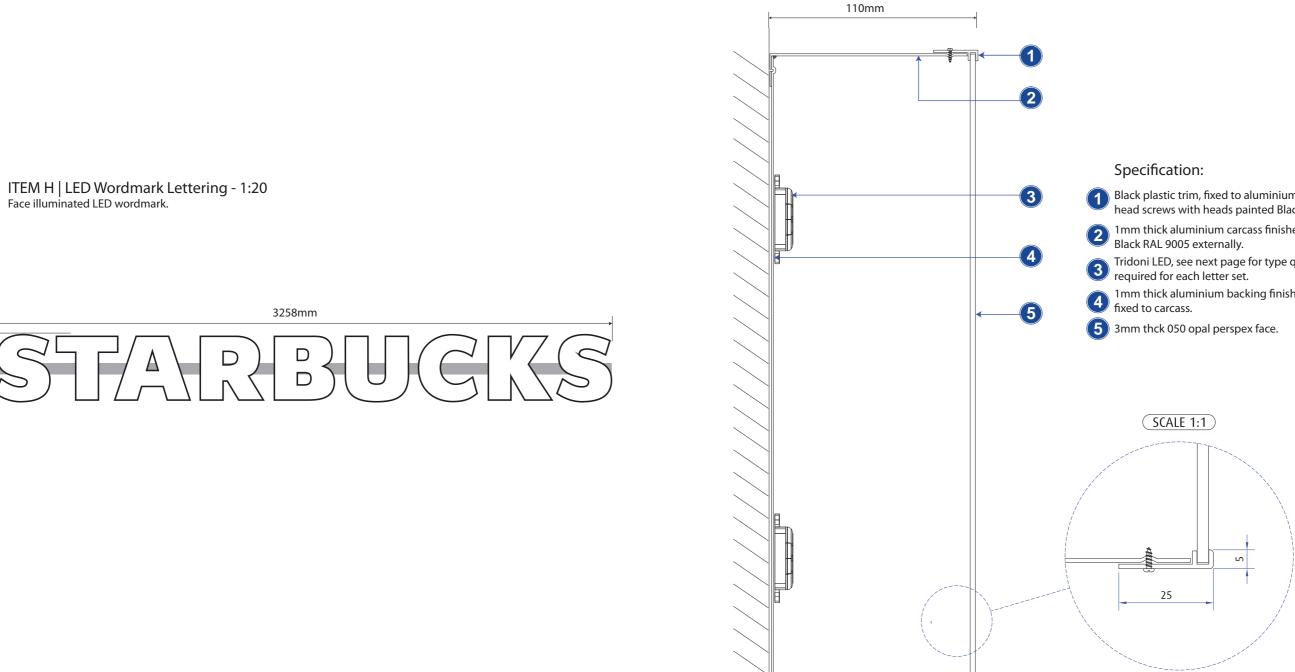


Rear Elevation 1000mm O/all Width



All site dimensions to be verified prior to manufacture.

Section Through - Scale 1:2



		Client: Starbucks	Drawing no: 18-009		Revision notes: 0) Initial issue A) Pylon reduced to 5m	
Nis Signs (Leicester) Ltd			Job location: Jobs/Starbucks/Southend, Greyhound Retail Park		und Retail Park	
51 Marlow Rd, Leicester, LE3 2BQ	😮 www.signs-nis.co.uk	Southend SS25P7	Drawn by: DW	Rev no: A	Date: 08/01/18	

(8)

355mm

341

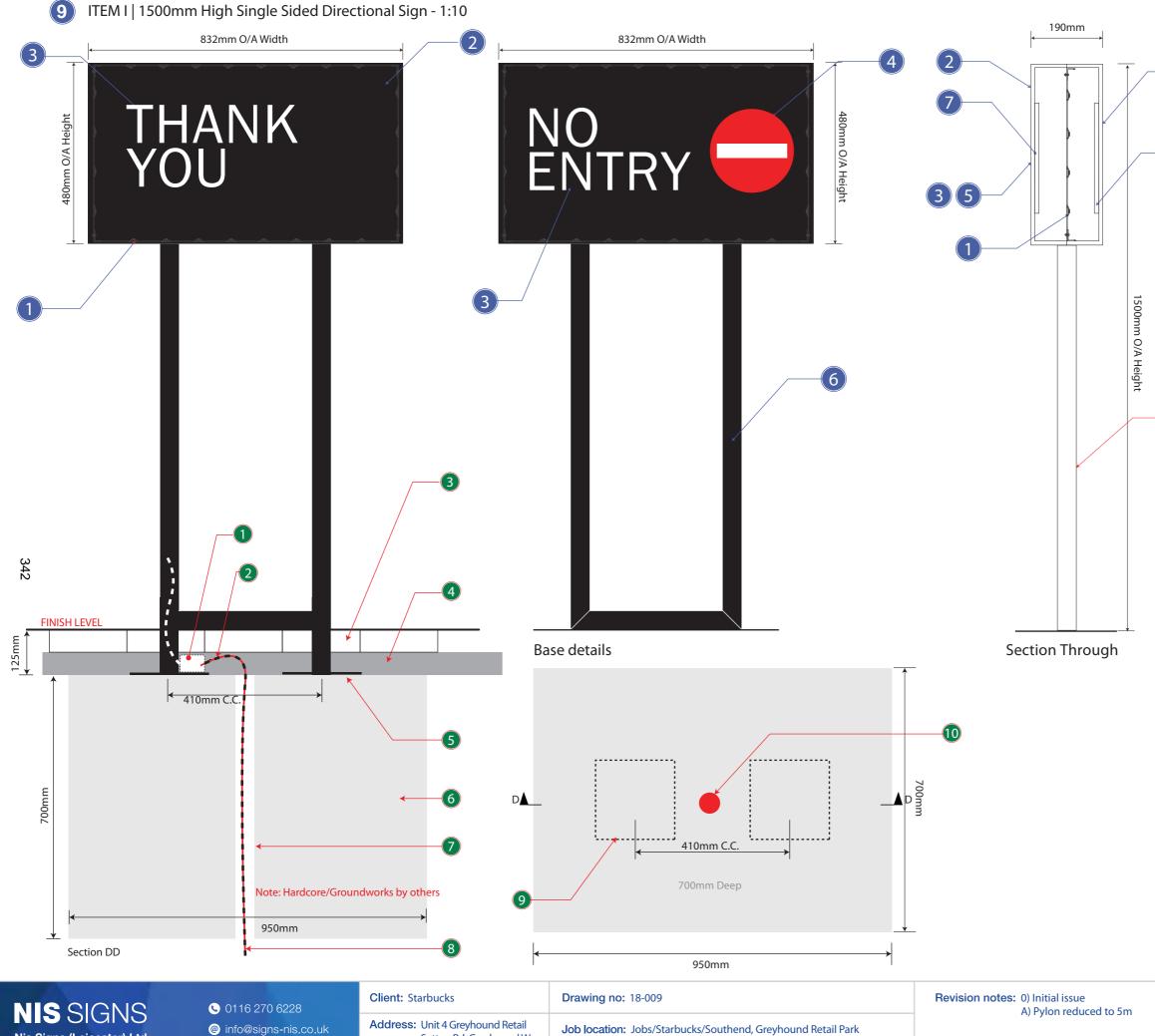
Black plastic trim, fixed to aluminium carcass using small pan head screws with heads painted Black.

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.

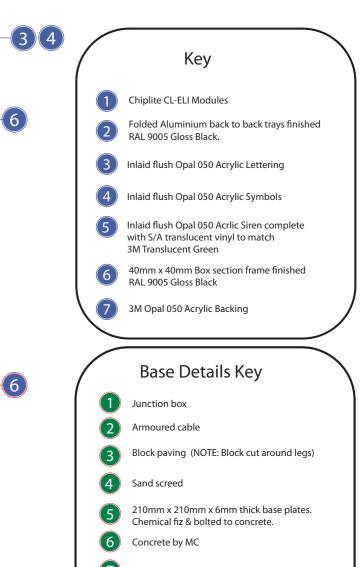
1mm thick aluminium backing finished White inside, pressed fixed to carcass.

All site dimensions to be verified prior to manufacture.



Nis Signs (Leicester) Ltd 51 Marlow Rd, Leicester, LE3 2BQ

Client: Starbucks	Drawing no: 18-009		Revision notes: 0) Initial issue A) Pylon reduced to 5	
Address: Unit 4 Greyhound Retail Sutton Rd, Greyhound Way	Job location: Jobs/Sta	rbucks/Southend, Greyho		
Southend SS25P7	Drawn by: DW	Rev no: A	Date: 08/01/18	



- Ducting
- 8 Power (building TECG LKR)
  - 6mm plates

(9)

(10) (POWER building TECH LKR) Ducting required

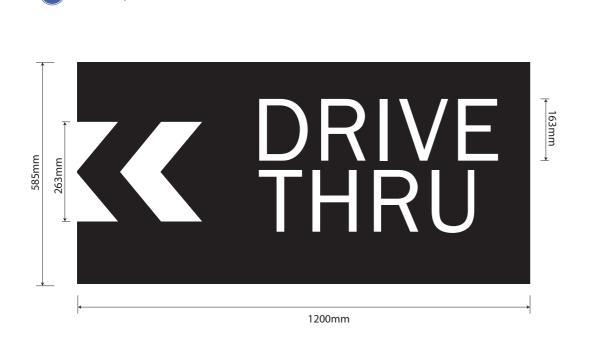


RAL 9005 SATIN BLACK

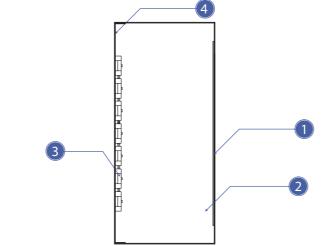
VINYL 3M SCOTCHAL HOLLYGREEN 3630 - 76

OPAL 050 ACRYLIC

All site dimensions to be verified prior to manufacture. Do not scale from this drawing Copyright 2018. This document is the property of Nis Signs and must not be used, reproduced or disclosed to any persons without the written consent of Nis Signs.



ITEM J | 585m High Illuminated Building Directional Sign - 1:10



(10)

NIS SIGNS © 0116 270 6228	Client: Starbucks	Drawing no: 18-009		Revision notes: 0) Initial issue A) Pylon reduced to 5m		
NIS Signs (Leicester) Ltd	Address: Unit 4 Greyhound Retail Sutton Rd, Greyhound Way	JOD IOGATION. JODS/ STALDUCKS/ SOUTHEING, GLEVITOUND RELATIFATK				
51 Marlow Rd, Leicester, LE3 2BQ	🕲 www.signs-nis.co.uk	Southend SS25P7	Drawn by: DW	Rev no: A	Date: 08/01/18	



LED Modules

1

2

3

(4)

3mm thick folded Aluminium tray finished RAL 9005 Satin Black.



RAL 9005 SATIN BLACK

OPAL 050 ACRYLIC

All site dimensions to be verified prior to manufacture.