

Public Document Pack  
SOUTHEND-ON-SEA BOROUGH COUNCIL

**Development Control Committee**

Date: Wednesday, 4th July, 2018

Time: 2.00 pm

Place: Committee Room 1 - Civic Suite

Contact: Tim Row - Principal Committee Officer

Email: [committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk)

**A G E N D A**

- 1 Apologies for Absence
- 2 Declarations of Interest
- 3 Supplementary Report
- \*\*\*\* **Introduction**
- \*\*\*\* **Reports on Applications with Pre-Meeting Site Visits**
- 4 **18/00372/OUTM - 27 Redstock Road, Southend on Sea (Victoria Ward)**  
(Pages 7 - 46)
- 5 **18/00688/BC4M - Belfairs Academy, Highlands Boulevard (West Leigh Ward)** (Pages 47 - 76)
- 6 **17/01180/FULM - 636 Southchurch Road, Southend on Sea (Kursaal Ward)** (Pages 77 - 122)
- 7 **18/00629/AMDT - Shoeburyness High School, Caulfield Road (West Shoebury Ward)** (Pages 123 - 148)
- 8 **15/00224/UNAU\_B - Flats above 95 Broadway, Leigh on Sea (Leigh Ward)**  
(Pages 149 - 162)
- 9 **15/00278/UNAU\_B - Rear of 225 Leigh Road, Leigh on Sea (Leigh Ward)**  
(Pages 163 - 174)
- \*\*\*\* **Main Plans List**
- 10 **18/01060/DOV5 - Marine Plaza Land Between Southchurch Avenue And Pleasant Road Fronting Marine Parade (Kusaal Ward)** (Pages 175 - 196)
- 11 **18/00874/AMDT - Marine Plaza Land Between Southchurch Avenue And Pleasant Road Fronting Marine Parade (Kursaal Ward)** (Pages 197 - 224)
- 12 **18/00443/ADV & 18/00758/LBC - The Pier, Western Esplanade (Milton Ward)** (Pages 225 - 244)

- 13 18/00690/FUL - 38 Towerfield Road, Shoeburyness (Shoeburyness Ward)**  
(Pages 245 - 266)
- 14 18/00942/DOV - Part of Former Keddiess Building And Maitland House,**  
**Chichester Road (Milton Ward) (Pages 267 - 274)**

**TO: The Chairman & Members of the Development Control Committee:**  
Councillor D Garston (Chair)  
Councillors B Arscott (Vice-Chair), M Borton, S Buckley, A Chalk, A Dear,  
F Evans, D Garne, J Garston, S Habermel, 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.**



**DEVELOPMENT CONTROL COMMITTEE****AGENDA: 04th July 2018**

<b>WARD</b>	<b>APP/REF NO.</b>	<b>ADDRESS</b>
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<b>Pre Site Plans Report</b>		
<b>Victoria</b>	18/00372/OUTM	27 Redstock Road Southend on Sea
<b>West Leigh</b>	18/00688/BC4M	Belfairs Academy Highlands Boulevard
<b>Kursaal</b>	17/01180/FULM	636 Southchurch Road Southend on Sea
<b>West Shoebury</b>	18/00629/AMDT	Shoeburyness High School Caulfield Road
<b>Leigh</b>	15/00224/UNAU_B	Flats above 95 Broadway Leigh on Sea
<b>LEIGH</b>	15/00278/UNAU_B	Rear of 225 Leigh Road Leigh on Sea

<b>Main Plans Report</b>		
<b>Kursaal</b>	18/01060/DOV5	Marine Plaza Land Between Southchurch Avenue And Pleasant Road Fronting Marine Parade
<b>Kursaal</b>	18/00874/AMDT	Marine Plaza Land Between Southchurch Avenue And Pleasant Road Fronting Marine Parade
<b>Milton</b>	18/00443/ADV	The Pier Western Esplanade
<b>Milton</b>	18/00758/LBC	The Pier Western Esplanade
<b>Shoeburyness</b>	18/00690/FUL	38 Towerfield Road Shoeburyness
<b>Milton</b>	18/00942/DOV	Part of Former Keddies Building And Maitland House Chichester Road

## DEVELOPMENT CONTROL COMMITTEE

## DEVELOPMENT CONTROL COMMITTEE

### INTRODUCTION

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

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

### **Background Papers**

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

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

## DEVELOPMENT CONTROL COMMITTEE

### Use Classes

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

## **DEVELOPMENT CONTROL COMMITTEE**

### **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.

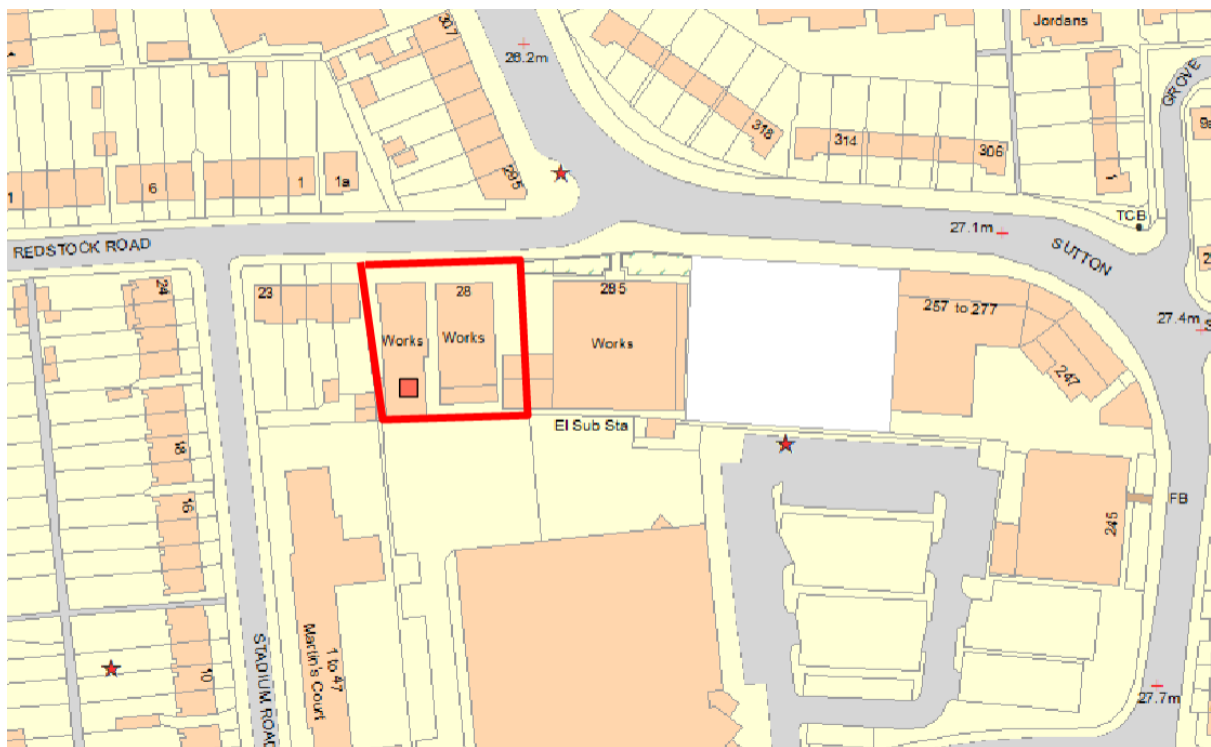
#### **3. Procedures on Site Visits**

- (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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<b>Reference:</b>	18/00372/OUTM	<h1>4</h1>
<b>Ward:</b>	Victoria	
<b>Proposal:</b>	Demolish existing buildings and erect a part 3, part 4 storey block, comprising 20 apartments with associated parking and amenity space, and form vehicular access onto Redstock Road	
<b>Address:</b>	27 Redstock Road, Southend-on-Sea, Essex, SS2 5DJ	
<b>Applicant:</b>	Mr Chris Morris	
<b>Agent:</b>	Marcus Bennett Associates	
<b>Consultation Expiry:</b>	19.04.2018	
<b>Expiry Date:</b>	20.07.2018	
<b>Case Officer:</b>	Charlotte White	
<b>Plan Nos:</b>	RRSOS17/01, RRSOS17/02, RRSOS17/03, RRSOS17/04, RRSOS17/05, RRSOS17/06, RRSOS17/07, RRSOS17/08	
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>	



## 1 The Proposal

1.1 Outline planning permission is sought to demolish the existing buildings on the site and to construct a part 3, part 4 storey block of 20 flats on the site. The application includes details of access, appearance, layout and scale, with landscaping constituting a reserved matter for later consideration. Vehicular access would be gained from Redstock Road with 20 parking spaces provided to the rear of the site at ground floor level. A raised amenity deck is proposed at first floor level to provide communal outside amenity space for the residents.

1.2 The details of the scheme are summarised as follows:

Units	13 x 1 bedroom flats (sizes ranging from 50sqm to 52.28sqm) 7 x 2 bedroom flats (sizes ranging from 61.4sqm to 79.6sqm)
Parking	20 parking spaces and a motorbike parking area
Amenity space	Ground floor amenity space measuring some 22.6sqm (for the ground floor flat) and a raised first floor communal amenity deck measuring some 328.7sqm. Some of the flats also have access to private balconies ranging from 4.4sqm to 7.72sqm.
Height (max)	3 to 4 storeys with a maximum height from the front elevation of some 12.1m (including the lift over-run)
Width (max)	Approximately 28.3m
Depth (max)	Approximately 35.1m (including the first floor raised deck proposed)

1.3 The floors will include:

- Ground floor: 1x 2-bed flat, refuse and cycle store, meter boxes, maintenance store, 20 parking spaces and a motorbike parking area.
- First floor: 5x 1-bed flats and 2x 2-bed flats.
- Second floor: 5x 1-bed flats and 2x 2-bed flats.
- Third floor: 3x 1-bed flats and 2x 2-bed flats.

1.4 A private amenity space measuring some 22.6sqm is proposed on the ground floor, adjacent to and serving the ground floor flat, with the ground floor flat having direct access to this space. A first floor raised communal amenity deck is proposed above the parking spaces proposed which measures some 328.7sqm.

1.5 Parking is proposed at ground floor level, to the rear of the site which is accessed through the building with a gate set back from the front of the building. 20 parking spaces are proposed in total with an area of motorbike parking provided. Covered and secure cycle parking is proposed at ground floor level which is accessed internally and from the front elevation.



The entrance and bin and cycle store is access via a ramp, however, there are 2 steps leading to this ramp from the streetscene.

- 1.6 The application is accompanied by a design and access statement.

## **2 Site and Surroundings**

- 2.1 The application site is located on the southern side of Redstock Road and is currently occupied by a disused two-storey commercial premises which is in a poor state of repair. The information contained with the application indicates that the commercial premises is redundant following a fire in the warehouse and the previous use of the site was the business premises for C&B Services, a producer and distributor for specialist plaster and timber.
- 2.2 To the immediate west of the site is a row of two-storey terraced houses. To the immediate east of the site is a block of residential flats and the wing closest to the application site is 3-storeys in nature, but the scale increases further to the east. To the rear of the site are commercial premises within the Greyhound retail park. The site slopes down from east to west.
- 2.3 The wider area is mixed in character with residential houses and flats and commercial premises.
- 2.4 The site is not located within an area with any specific planning allocation. It is not specifically allocated for employment purposes within the proposals map. The site is located within the Sutton Gateway Neighbourhood Policy Area within the Southend Central Area Action Plan (SCAAP).

## **3 Planning Considerations**

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

## **4 Appraisal**

### **Principle of development**

**National Planning Policy Framework (2012); Core Strategy (2007) Policies KP1, KP2, CP1, CP4, CP8; Development Management Document Policies DM1, DM3, DM7, DM8, DM10, DM11, DM14 and DM15, Southend Central Area Action Plan (SCAAP) (2018) Policies DS1, DS4, DS5 and PA9 and the Design and Townscape Guide (2009)**

## *Loss of Employment*

- 4.1 Paragraph 22 of the National Planning Policy Framework (NPPF) (2012) states *planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose...where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities.* Whilst this site is not specifically allocated for employment purposes, it was last used for commercial, employment uses and as such this paragraph of the NPPF is considered relevant.
- 4.2 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. 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.
- 4.3 Development Management Document (2007) Policy DM11 states outside the employment areas, proposals for alternative uses on sites used (or last used) for employment purposes, including sites for sui-generis uses of an employment nature, will only be permitted where it can be demonstrated that it will no longer be effective or viable to accommodate the continued use of the site for employment purposes or use of the site for B2 or B8 purposes gives rise to unacceptable environmental problems. It will need to be demonstrated that an alternative use of mix of uses will give greater potential benefits to the community and environment than continued employment use.
- 4.4 Part C of appendix 4 of the Development Management Document sets out the information to be provided as part of an appraisal to demonstrate the site is no longer viable for employment purposes which includes an analysis of the site identifying the advantages and limitations of the site to accommodate employment uses; for each limitation identified, justification should be provided as to why it cannot be overcome having regard to the introduction of alternative employment uses, general investment or improvements or through competitive rental levels. Marketing and market demand information may be used to support the appraisal. Comparisons with other employment sites or areas within the locality should discuss issues that are relevant to the site or premises.
- 4.5 The application is accompanied by a Design and Access Statement which states that the site previously had planning permission granted for alternative schemes and the principle of the change of use to residential has already been agreed by Southend Borough Council on several occasions. It is also stated that with the adjoining flats complete, the site is on its own as a light industrial plot and is therefore at odds with its neighbours. The site was previously used by C&B Technical Services which provided for the needs of traditional plaster, however, a fire in 2011 caused the business to close and there is no currently employment on the land.

4.6 The information submitted within the Design and Access Statement to justify the loss of the employment site is limited; however, it does identify the key constraint of the site; which is its location adjacent to a number of residential dwellings. The existing use has the potential to be unneighbourly and its loss would have environmental benefits in this respect. It is also noted that in 2008 Members resolved to grant planning permission to redevelop this site to provide 15 flats, albeit this permission was never issued as the Section 106 Legal Agreement was never finalised and it is noted that outline permission was previously allowed at appeal under reference 00/00584/OUT to redevelop the site for residential purposes, which was subsequently renewed under reference 04/00614/OUT, although never implemented.

4.7 As such, in this instance, taking into account the information submitted, the planning history of the site and the location of the site, which is located close to residential dwellings which could potentially be affected by the continued commercial use of the site, no objection is raised in principle to the loss of the employment use on the site.

#### *Principle of Residential Development*

4.8 Amongst other policies to support sustainable development, the NPPF requires Local Planning Authorities (LPAs) to boost the supply of housing by delivering a wide choice of high quality homes.

4.9 Policy KP2 of the Core Strategy requires that *“all new development contributes to economic, social, physical and environmental regeneration in a sustainable way”*. Policy CP8 of the Core Strategy identifies the need of 6,500 homes to be delivered within the whole Borough between 2001 and 2021.

4.10 Policy DM3 of the Development Management Document promotes *“the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.”*

4.11 The proposal seeks to re-use a previously developed site and would provide additional housing which will help meet the Council’s housing needs. There are surrounding residential developments, including a recent flatted development to the east of the site. As such there is no objection to the principle of developing the site for residential purposes, subject to more detailed considerations, such as the impact on the character and appearance of the area and the surrounding neighbours as discussed below. It is also noted that the principle of a residential development on this site has already been considered acceptable (see planning history section below).

4.12 As such the principle of the loss of the employment use and development of the site for residential purposes is considered acceptable and policy compliant.

### *Dwelling Mix*

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

Dwelling size: No bedrooms	1-bed	2-bed	3-bed	4-bed
Policy Position (Market Housing)	9%	22%	49%	20%
Proposed	65%	35%	0%	0%

- 4.14 The development would result in 13 x 1-bed units and 7x 2-bed units and therefore fails to provide an adequate mix of dwellings that would meet the housing needs of the Borough. There is no justification and reasoning as to why a more appropriate mix of dwelling sizes could not be provided on the site. The development is therefore contrary to Policy DM7 of the Development Management Document and is contrary to the NPPF which states that planning should deliver a wide choice of high quality homes, widen opportunities for home ownership and create suitable, inclusive and mixed communities (paragraph 50).

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

**The National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3, SCAAP (2018) Policy PA9 and the Design and Townscape Guide (2009).**

- 4.15 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.
- 4.16 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.”*

- 4.17 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.
- 4.18 Policy DM3 states that *“The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.”* Moreover, policy DM1 states that development should *“Add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”.*
- 4.19 The immediate area in Redstock Road has a residential character, characterised predominantly by terraced and semi-detached two storey traditional houses with consistent building lines and consistent massing. The site is located close to Sutton Road which constitutes a main thoroughfare and as such has larger and more prominent buildings. This site provides a transition from the larger flatted development to the east of the site fronting Sutton Road and the more modest residential terrace to the west of the site in Redstock Road.
- 4.20 In terms of scale, the development has been designed to be three-storeys adjacent to the two-storey terraced dwelling-houses to the west, increasing to four storeys adjacent to the larger block of flats to the east. However, the development by virtue of its overall size, scale, bulk, mass, siting and design which have taken reference from the adjoining block of flats, rather than the adjoining terraced houses would appear bulky and incongruous in the area. The bulk of the development is also increased by virtue of the forward position of the development beyond the established building line of the terraced properties to the west. The scale of the four storey element adjacent to the adjoining flats to the east is also a concern and fails to reference the topography of the area and the lesser status of the application site compared to the development to the east, fronting Sutton Road. The proposal would therefore appear over dominant in the streetscene. As such, the size, scale, bulk, mass and siting of the development is considered unacceptable and the development is contrary to planning policy in this respect.
- 4.21 Concern is also raised in terms of the design and appearance of the development. The ground floor front elevation is poorly designed with little active frontage with a large void for vehicular access which is an unacceptable design feature. The main entrance is also largely screened and the ground floor frontage includes an unattractive entrance to the cycle and bin store, which constitutes poor design. Flat 1 is also provided with a poor access which is located adjacent to the vehicle access and parking spaces proposed. The proposal also includes unacceptable design detailing including the front boundary wall which would appear incongruous in the streetscene and is a harsh area of dead frontage. The fenestration fails to provide any design interest and the materials proposed are not in-keeping with the surrounding area.

The flank elevations are bulky and include little design interest which is unacceptable, given that the western elevation will be highly prominent given its forward projection and greater scale than the adjoining dwellings to the west and would be visible from Stadium Road to the west.

- 4.22 In terms of landscaping, whilst it is noted that landscaping is a reserved matter, there is very limited scope for landscaping at this site, with only a small area of soft landscaping proposed to the front of the site, in front of Flat 1, which is a poor design feature which also weighs against the development.
- 4.23 As such, whilst it is noted that the existing site and use is of a poor quality design and character, this does not justify the poor design hereby proposed. The proposed development is contrived and constitutes the overdevelopment of the site. The proposal is of an unacceptable size, scale and mass and would be unduly bulky and prominent by virtue of its forward position. The proposal includes unacceptable design detailing, provided inadequate opportunities for soft landscaping and the appearance of the development would be incongruous in the area, resulting in significant harm to the character and appearance of the area. The proposal is contrary to planning policy in this respect and is therefore recommended for refusal on this basis.

#### **Impact on Residential Amenity.**

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

- 4.24 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 4.25 Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 of the Development Management requires that all development should (inter alia):
- 4.26 *“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight;”*
- 4.27 In terms of dominance and an overbearing impact, the development has been designed to step away from the terraced dwellings to the west with the depth of the development increasing as the development steps away from No.26 Redstock Road to the west. However, the development would at its closest point to No.26, extend some 3.9m beyond the rear wall of No.26.

Whilst a gap of some 2.8m will be provided between the flank walls of the proposal and No.26, given the three storey scale of this part of the proposal, it is considered that the development would result in material harm to the residential amenities of No.26 in terms of dominance and an overbearing impact. The proposal also includes a large first floor rear amenity deck, which would require privacy screens to both sides. Whilst the amenity deck is set in from the western boundary of the site given its size and depth; which would extent the entire depth of the rear garden of No.26, it is considered that this part of the proposal would also result in material harm to No.26 in terms of appearing dominant and resulting in an unacceptable, material sense of enclosure. Whilst it is noted that the existing buildings on the site extend significantly back in the plot and are of a large scale, and whilst it is noted that planning permission was previously granted on this site, it is not considered that this justifies the harm that will result from this development. This proposal is materially different to the previous proposal which Committee resolved to approve under reference 08/01391/OUTM in terms of its size and the provision of a raised amenity deck.

- 4.28 By virtue of the forward siting of the development, the proposal would also extend some 2.3m beyond the front of No.26 to the west and given this orientation and the scale of the proposal would also reduce the light and outlook to the frontage of No.26 Redstock Road, which also weighs against the development.
- 4.29 To the east of the site is a large flatted development; however the proposed development has a similar depth to this adjoining development and has been designed to step away from the flats to the east. The existing flats to the east have a similar raised deck amenity area with privacy screens. As such it is considered that the proposal would not result in any material harm to the adjoining residents to the east in terms of dominance, an overbearing impact, loss of light and outlook or a materials sense of enclosure.
- 4.30 The development is sufficiently removed from any residential units to the front and rear of the site and would not therefore result in any material harm in terms of dominance, an overbearing impact, loss of light and outlook or a material sense of enclosure in this respect.
- 4.31 In terms of overlooking, the side windows proposed serve as secondary windows to living/kitchen spaces, a communal landing or bathrooms and as such can be conditioned to be obscure glazed with limited openings to prevent any material overlooking or loss of privacy in this respect. However, the main kitchen/living space windows and balconies serving flats 5, 12 and 17 front No.26 Redstock Road and could not be conditioned in this respect. However, this fenestration to flat 5 would be screened by the amenity deck privacy screen required and unit 12 and 17 could be screened in this respect with the imposition of a condition requiring privacy screens to the western edge of the balconies proposed. Subject to such conditions it is considered that the flank windows proposal would not result in any material overlooking or loss of privacy.

- 4.32 In this respect, the front and rear windows are sufficiently removed from any adjoining residential units so as to result in no material overlooking or loss of privacy. In terms of the raised amenity deck proposed, a condition can be attached to any grant of consent requiring 1.8m high privacy screens to the side elevations of this structure to prevent any material overlooking or loss of privacy in this respect.
- 4.33 As such, whilst it is considered that the imposition of conditions would prevent any material harm to the adjoining residents in terms of overlooking and loss of privacy, given the scale and size of the development it is considered that the proposal would result in material harm to the residential amenity of No.26 Redstock Road in terms of dominance and an overbearing impact. The proposal is therefore unacceptable and contrary to the development plan in this respect.
- 4.34 In terms of noise and disturbance, the use of the site for 20 residential flats would not harm the residential amenity of the adjoining residents in this respect, especially considering the previous use of the site constituted a commercial premises.

#### **Standard of Accommodation:**

**National Planning Policy Framework (2012); 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).**

- 4.35 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) 70sqm
  - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a single bedroom with a minimum width of 2.15m; and 11.5m<sup>2</sup> 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.



4.36 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 bedspace.
- 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.

4.37 All of the flats hereby proposed are of adequate sizes that satisfy the minimum size requirements set out in the Technical Housing Standards. All of the bedrooms proposed are also of acceptable sizes and all the flats have been provided with dedicated, built-in storage. The proposal therefore provided adequate living conditions for the future occupiers of the site and is policy compliant in this respect.

4.38 All habitable rooms will be provided with windows to provide light, outlook and ventilation.

4.39 With regards to the external amenity space proposed, a communal first floor amenity deck is provided, measuring some 328.7sqm which flats 4, 5, 6 and 7 have direct access to. Flat 1 on the ground floor has a private garden area measuring some 22.6sqm and flats 2, 3, 8, 9, 10, 12, 14, 15, 16, 17, 19 and 20 have private balconies ranging from 4.4sqm to 7.72sqm. As such, it is considered that sufficient outside amenity space will be provided for the future occupiers of the development. The proposal is therefore policy compliant in this respect.

4.40 However, concern is raised that the raised amenity deck would result in substandard living conditions for some of the flats proposed due to close proximity of the communal area to habitable rooms within flats 4, 5, 6 and 7, resulting in poor living conditions for the future occupiers of these units. There is one access to the amenity deck which would result in all occupiers walking within very close proximity of the habitable rooms; 2 bedrooms and the living room to flat 7 which would result in poor and substandard living conditions for these occupiers and an objection is raised on this basis.

- 4.41 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. Policy DM8 also requires that 10% of dwellings in 'major applications' should be built to be wheelchair accessible.
- 4.42 Whilst the application includes the provision of a lift, the applicant has failed to confirm that the development would be built to comply with Building Regulations Standards M4(2). Furthermore, the development constitutes a major development and no information has been submitted to indicate that 10% of the dwellings would be built to be wheelchair accessible (M4(3)) standard, contrary to Policy DM8 of the Development Management Policy. In this respect, whilst there is a ramp provided to the entrance and bin and cycle store, this ramp is accessed from Redstock Road by 2 steps, which is unacceptable and would not provide adequate access to the entire community. An objection is therefore raised on this basis.
- 4.43 With regard to refuse and cycle storage, the submitted plans indicate that a secure and covered cycle and refuse store will be provided on the ground floor of the development. In this respect the Design and Access Statement submitted comments that the store would accommodate a minimum of 20 bicycles with cycle racks utilising a vertical storage system. The covered and secure cycle parking submitted is therefore considered adequate and policy compliant and no objection is therefore raised on this basis. In terms of refuse storage, the Design and Access Statement indicates that separate bins will be provided for household waste and recyclable materials, but limited further information has been provided in this respect. A condition can be imposed on any grant of consent in this regard. However, concern is raised that the cycle and refuse store will only be accessed from Redstock Road via a small set of steps, which would fail to provide access to the entire community, which is unacceptable.
- 4.44 The application has not been submitted with a noise impact assessment. The site is located close to Sutton Road which is a busy road with high traffic noise and to the rear of the site is a commercial delivery yard. As such it is considered necessary and reasonable to require the submission of a noise impact assessment. It is also noted that the Environmental Health Team (EHT) have recommended a condition requiring an acoustic assessment. Subject to a condition in this respect, no objection is therefore raised on this basis.

#### **Highways and Transport Issues:**

**National Planning Policy Framework (2012); Policies KP2, CP3 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM15, SCAAP (2018) Policy DS5 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 flat. This would equate to a minimum requirement of 20 spaces. The proposed development will provide 20 parking spaces to the rear of site and will provide 20 covered and secure cycle parking spaces.

- 4.46 In this respect, the Highways Team has raised no objection to the proposal, commenting that 100% car and cycle parking is being provided with additional motorcycle parking and refuse storage has been provided and has capacity to meet the waste policy. Given the previous use of the site and the traffic movements associated with that use, the proposal would have no impact upon the public highway. However, as stated above concern is raised that level access is not provide to the cycle and refuse store proposed which is unacceptable.
- 4.47 As such, it is considered that the development would provide adequate parking and cycle parking facilities and would have no adverse impact upon highway safety. The proposal is therefore policy compliant in this respect and no objection is raised on this basis, subject to conditions requiring the reconfiguration of the dropped kerbs serving the site.

### **Sustainability**

**National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2, CP4 and CP8, Development Management Document (2015) Policies DM1, DM2, SCAAP (2018) Policy DS4 and the Design and Townscape Guide (2009).**

- 4.48 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.
- 4.49 The information contained within the Design and Access Statement submitted indicates that the large areas of flat roof could be used to accommodate photovoltaic panels. Subject to a condition in this respect no objection is therefore raised on this basis.
- 4.50 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 Design and Access Statement submitted indicated that grey water systems will be used but no other details in this respect have been submitted at this time. However, this could be dealt with by condition if the application is deemed acceptable.
- 4.51 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 and Policy DS4 of the SCAAP states that *‘for all new development, the Council will require new impermeable areas to be drained via SuDS. This will ensure the risk of surface water flooding is not increased onsite or elsewhere.’*

- 4.52 The information submitted with the application indicates soakaways and grey water systems will be utilised which will be an improvement over and above the existing situation. Subject to a condition requiring full details in this respect no objection is therefore raised on this basis.

### **Contamination**

#### **National Planning Policy Framework (2012), Core Strategy (2007) Policies KP1, KP2 and CP5 and Development Management Document (2015) Policy DM14**

- 4.53 In terms of contamination, no contaminated land report has been submitted with this application. In this respect the Design and Access Statement submitted states: *‘Whilst chemicals were previously stored on site, these were kept in unopened containers...having conducted a walkover survey of the building and its outside spaces, it is not envisaged that the site will have been contaminated, or that materials removed from site during the process of demolition and excavation of the existing site will need specialist consideration to be made for their disposal and/or subsequent treatment of the site for contamination.’* In this respect, the Environmental Health Team (EHT) has commented that the site is classed as being potentially contaminated land and recommends conditions in this respect. Given the previous use of the site, such conditions are considered necessary and reasonable. Subject to such conditions no objection is therefore raised on this basis.

### **Community Infrastructure Levy**

- 4.54 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)**

- 4.55 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.”*

- 4.56 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).

4.57 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.*

4.58 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.*

4.59 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).

4.60 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.*

- 4.61 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.”
- 4.62 The Design and Access Statement submitted states that there is a need for an increased number of units over and above the previous permission to increase the financial viability of developing the site. The Statement goes on to state that the development site is located within an area where house prices are lower than house prices across the Borough as a whole. The cost of development has risen and has impacted upon the viability of adhering to the policy of 20% affordable housing. The Design and Access Statement also refers to the adjoining development where an appeal was made against this provision and the Design and Access Statement concludes that ‘...*after costing analysis, it is unlikely that providing affordable housing, when taking into account the normal cost of development and mitigation, will provide competitive returns to the applicant/the owner*’. However, no viability assessment has been submitted to support this view and the Council is yet to receive any Heads of Terms.
- 4.63 The clear preference in terms of affordable housing provision in this instance would be for 20% of the dwellings on-site to be affordable. In this regard, the development of 20 flats would require the provision of 4 affordable units. The Housing Department has commented that based on the need of Southend, this development would need to provide 2x 1-bedroom units and 2x 2-bedroom units with 2 of the units constituting affordable rent and 2 units constituting shared ownership.
- 4.64 In terms of secondary education requirements, the Council’s Education Department has confirmed that both secondary schools within the catchment area of this site have capacity to offer places in most year groups and as such there is no requirement for a contribution in this respect.
- 4.65 As stated above, no Heads of Terms were submitted with the application and no S106 Legal Agreement has been completed to date. In the absence of a formal undertaking to secure appropriate contributions to affordable housing or adequate evidence to demonstrate that policy compliant developer contributions cannot be supported by the scheme, the proposed development would fail to provide affordable housing to meet local need. This is unacceptable and contrary to the NPPF and Policies KP3, CP6 and CP8 of the Core Strategy and an objection is therefore raised on this basis.

## **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 constitutes an unacceptable mix of dwellings, 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 at No.26 Redstock Road.

The raised amenity deck would result in poor living conditions for the occupiers of Flats 4, 5, 6 and 7. Insufficient information has been provided to confirm the development would comply with the M4(2) and M4(3) accessibility standards and there is a stepped access to the main entrance and cycle and refuse store. No Section 106 legal agreement has been completed to date to secure appropriate contributions for affordable housing. The scheme therefore fails to provide affordable housing to meet local needs.

- 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); CP1 (Employment Generating Development); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure) and CP8 (Dwelling Provision).

- 6.3 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), Policy DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), Policy DM10 (Employment Sectors), Policy DM11 (Employment Areas), Policy DM14 (Environmental Protection) and Policy DM15 (Sustainable Transport Management)

- 6.4 Southend Central Area Action Plan (SCAAP) (2018) Policies DS4 (Flood Risk Management and Sustainable Drainage, Policy DS5 (Transport, Access and Public Realm) and Policy PA9 (Sutton Gateway Neighbourhood Policy Area Development Principles).

- 6.5 Design & Townscape Guide (2009)

- 6.6 Planning Obligations (2010)

- 6.7 Community Infrastructure Levy Charging Schedule (2015)

## **7 Representation Summary**

### **Anglia Water**

- 7.1 There are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

The sewerage system at present has available capacity for these flows.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. Would request a condition requiring a drainage strategy covering the issue(s) to be agreed:

#### CONDITION

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

#### REASON

To prevent environmental and amenity problems arising from flooding.

#### **Crime Prevention Tactical Adviser**

- 7.2 There is no reference to physical security and safety issues as recommended by Sections 58 & 69 National Planning Policy Framework in the design and access statement. This is also recommended in Southend's Core Strategy. Paragraph 2.10 states that the Borough Council places a high priority on doing all they can to reduce crime and that this extends to the wider community. Paragraph 8.8 states that one of Southend's key objectives is to reduce the fear of crime.

[Officer comment: It is recommended that the developer contacts Essex Policy Crime Prevention Officer when considering any further applications on this site.]

#### **Traffic and Transportation**

- 7.3 There are no highway objections to this proposal 100% car/cycle parking has been provided with additional motorcycle parking. Refuse storage has been provided and has capacity to meet the waste policy.

Consideration has been given to the previous use of the site and the traffic movements associated with that use. The proposed use will not have a detrimental impact upon the public highway.

The applicant will be required to reinstate any disused vehicle crossover as part of the new vehicle access to the site this will need to be carried out under licence by the Council's approved contractor.

#### **Housing**

- 7.4 4 affordable housing units are required on this scheme. 2x 1 bedroom flats and 2x 2 bedroom flats should be provided with a tenure split of 2x affordable rent and 2x shared ownership.

The current scheme design is not conducive to affordable housing inclusion and management. It is our understanding that RP's will prefer to have separate access to any affordable units, or failing that, being able to contain the affordable element to one floor. The current design doesn't lend itself to these options.



Therefore we recommend getting in contact with locally active registered providers to understand their needs, particularly around scheme design with affordable housing management in mind. Moreover some RP's may be interested in purchasing additional units which may negate some of the design concerns.

## **Education**

- 7.5 This school falls within the catchment areas of Bournemouth Park Primary and Cecil Jones Academy. Both schools are able to offer places in most year groups at present and a contribution would not be requested on S106.

## **Environmental Health**

- 7.6 This development proposal places dwellings adjacent to Sutton Road where road traffic noise levels are known to be high. In addition, the rear of the development faces the delivery yard for commercial premises and there are opening windows and door proposed for all elevations. No noise assessment has been carried out to assess existing noise levels and any mitigation measures necessary to in order to ensure satisfactory internal noise levels for future residents. The noise assessment should assess any mechanical ventilation equipment or plant associated with the new development.

No details on external lighting for the development have been submitted. External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into nearby residential properties.

The site is also classed as being potentially contaminated land. This issue needs to be addressed.

Environmental Health therefore recommend conditions relating to contamination, asbestos surveys, acoustic assessment, plant noise levels, external lighting, construction hours and preventing the burning of waste materials on the site.

## **Design**

- 7.7
- The site can be seen from Sutton Road, but is clearly fronting onto a more secondary street and as such it does not have the same status or prominence as the sites in Sutton Road.
  - Its primary context remains the terraces houses to the west and opposite, although it could be argued that it marks the transition between the two character areas.
  - Redstock Road has a distinctly more domestic scale comprising mainly of semi-detached properties and short terraces of two storey traditional houses on a consistent building line and with a consistent mass formed by the groupings of the building.
  - It is also noted that the site has a distinct gradient sloping east west away from Sutton Road, this will present a challenge especially at ground level.
  - As a site on the edge of two character areas the proposal should seek to provide a comfortable transition in the streetscene between the houses to the west and the flatted block to the east. To achieve this the proposal should have regard to both characters including in terms of scale, bulk and layout.

- There is no objection in principle to a modern flat roof design in this location provided that it has a positive relationship to the more domestic character to the west and opposite.
- In order to achieve this the scale, bulk and building line should be carefully considered. It seems that the proposal has taken all its references from the larger block to the east and fails to have due regard for the housing to the west where the consistency of scale and building line are a characteristic of the street. The proposal is more forward and higher here and it is considered that the proposal would appear over dominant in this streetscene.
- It is noted that the development steps down to the west side but this section will still appear bulky in the streetscene especially as it projects forward of the houses. It is considered that any proposal should have greater regard for the building line of the houses and include a greater degree of stepping or separation to the west side. A stepped building line may be an option. Setting an external vehicular access to the west side may also provide a more distinct separation in the streetscene between the two characters. (This would also enable a reduced impact on the amenities of the neighbour in relation to the raised amenity deck.)
- The proposal has sought to continue the front boundary wall of the adjacent flatted block as the boundary at the eastern end. Whilst the reference is noted, the level change here will result in a very tall, austere and dead frontage to the street in this location and this is inappropriate. It is also considered that the use of dark brick to the plinth will accentuate this element of the proposal making it appear less integrated in the streetscene and unwelcoming. It is considered that the proposal should step down from the neighbour to the east to better reference the topography of the area and the lesser status of the site.
- There are also concerns with the treatment of the ground floor which has little active frontage in relation to its length. This will not provide an active and attractive streetscene at ground level.
- In terms of appearance the fenestration is rather uninspiring and the use of yellow brick and grey cladding has no reference to local character.
- The flanks have little interest. There is a concern that the bulk of the western flank will be particularly evident in the streetscene.
- Overall the proposal has not demonstrated that it is possible to successfully achieve 20 units on this site.

## **8 Public Consultation**

- 8.1 A site notice was displayed, the application was advertised in the press and 94 neighbour letters were sent out.

- 8.2 2 letters of objection have been received from the same address which make the following summarised comments:
- Inaccurate plans: The footprint of the existing building shows the building as further forward than it actually is. Our house is not already in the shadow of the building.  
**[Officer Comment: the plans submitted are adequate to determine the application]**
  - Would be 5.1m further forward of the existing footprint.
  - Overshadowing concerns, loss of views.
  - Concerns plans do not indicate that side windows would be opaque. Privacy concerns in this respect.
  - Overlooking from first floor rear terrace.
  - Query what will happen with the factory wall which constitutes the boundary wall. Wants this wall retained.  
**[Officer Comment: a condition can be imposed on any grant of consent requiring boundary details]**
  - Concerns relating to impact of development on water pressure – already low water pressure in the area.  
**[Officer Comment: This is not a material planning consideration]**
- 8.3 The above concerns have been considered in the determination of this application.

## 9 Relevant Planning History

- 9.1 08/01391/OUTM – Demolish existing building and erect three storey block comprising 15 flats and basement parking, lay out amenity area and form vehicular access onto Redstock Road (amended proposal) – This application was presented to the Development Control Committee on Wednesday 22<sup>nd</sup> April 2009, where it was resolved to approved the application, subject to conditions and subject to a S106 agreement requiring 2x 1-bed and 1x 2-bed affordable housing units, a financial contribution of £15,000 for public transport infrastructure improvements, a £3,000 financial contribution for traffic regulation orders, and a financial contribution of £7,281.58 for education purposes. However the S106 agreement was never completed and as such the application was ‘finally disposed of’ in accordance with Section 36(13) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 on 25<sup>th</sup> July 2011.
- 9.2 06/01077/OUT – Demolish building, erect 3 storey block comprising 15 flats with basement parking and lay out amenity area (outline) – planning permission refused and the appeal dismissed.
- 9.3 05/00940/OUT – Demolish buildings erect 3 storey block comprising 15 flats with basement parking and lay out amenity area (Outline) – planning permission refused.
- 9.4 04/00864/RES – Demolish industrial buildings and erect 3 storey block comprising 15 flats with basement parking for 23 cars, form amenity area with landscaping (approval of reserved matters following grant of outline permission SOS/00/00584/OUT dated 11/7/01) Amended proposal – application refused and appeal dismissed.

- 9.5 04/00614/OUT – Demolish industrial buildings and redevelop the land for unspecified residential purposes (renewal of outline planning permission SOS/00/00584/OUT – granted on appeal dated 11/07/2001) – planning permission granted.
- 9.6 03/00573/RES – Demolish industrial buildings and erect 3 storey block of 21 flats with basement parking, form amenity area with landscaping (Approval of reserved matters following grant of outline permission SOS/00/00584/OUT dated 11/7/01) – application refused.
- 9.7 00/00584/OUT – Demolish industrial buildings and redevelop the land for unspecified residential purposes (outline) – application refused, but allowed on appeal.

## **10 Recommendation**

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

- 01 The proposed development, by reason of its size, scale, bulk, mass, siting, detailed design and lack of opportunities for soft landscaping, results in an overly dominant, contrived and incongruous scheme which would cause material harm to the character and appearance of the site and the surrounding area, contrary to 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 Design and Townscape Guide (2009).**
- 02 The design, size, siting, bulk and mass of the proposed development are such that it would be overbearing, dominant and result in an unacceptable sense of enclosure to the detriment of the amenities of the occupiers of the neighbouring dwelling to the west at No.26 Redstock Road. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).**
- 03 The development proposed fails to provide an appropriate dwelling mix that would reflect the Borough's identified housing needs, resulting in the scheme failing to deliver a sufficiently wide choice of homes. This is unacceptable and contrary to the National Planning Policy Framework (2012), Policy KP2 and CP8 of the Core Strategy (2007) and Policy DM7 of the Development Management Document (2015).**
- 04 The proposed communal amenity deck, by virtue of its pedestrian access and relationship with the main habitable rooms serving flats 4, 5, 6 and 7 would result in material overlooking, loss of privacy and substandard living conditions to the occupiers of these dwellings providing a poor quality residential environment.**

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

- 05 The application fails to demonstrate that the proposal would provide a development that is appropriately accessible and adaptable for all members of the community, includes stepped access to the main entrance, cycle and refuse store and information has not been submitted to demonstrate that the new dwellings would meet the M4(2) and M4(3) accessibility standards. This is unacceptable and contrary to the National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM8 of the Development Management Document (2015).
- 06 The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area and no evidence has been submitted to demonstrate that such a contribution would make the scheme economically unviable. In the absence of this undertaking the application is unacceptable and contrary to the National Planning Policy Framework (2012), Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007) and Policy DM7 of the Development Management Policies Document (2015).

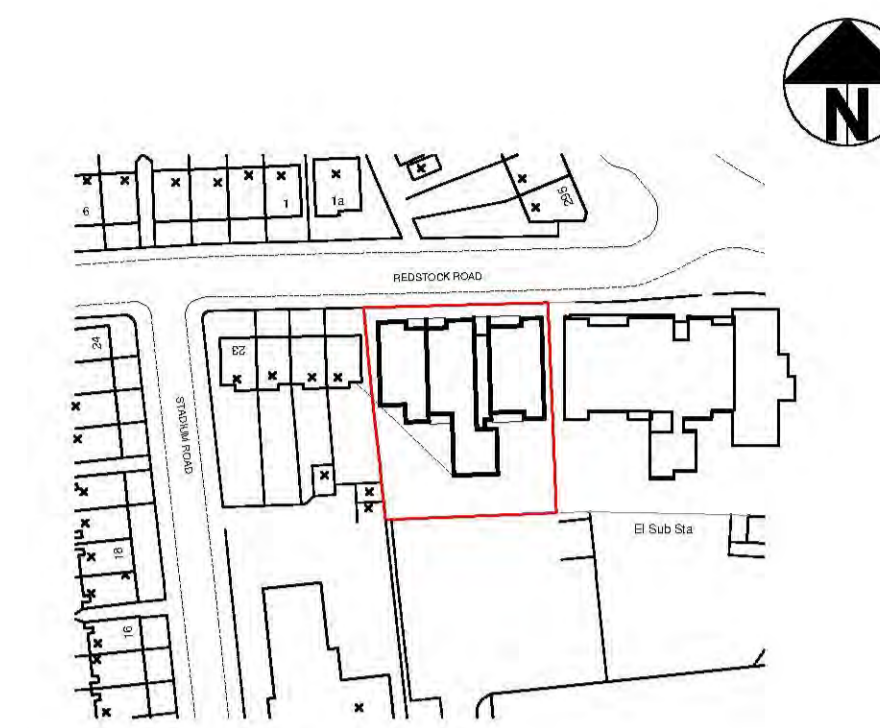
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider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

#### **Informatives**

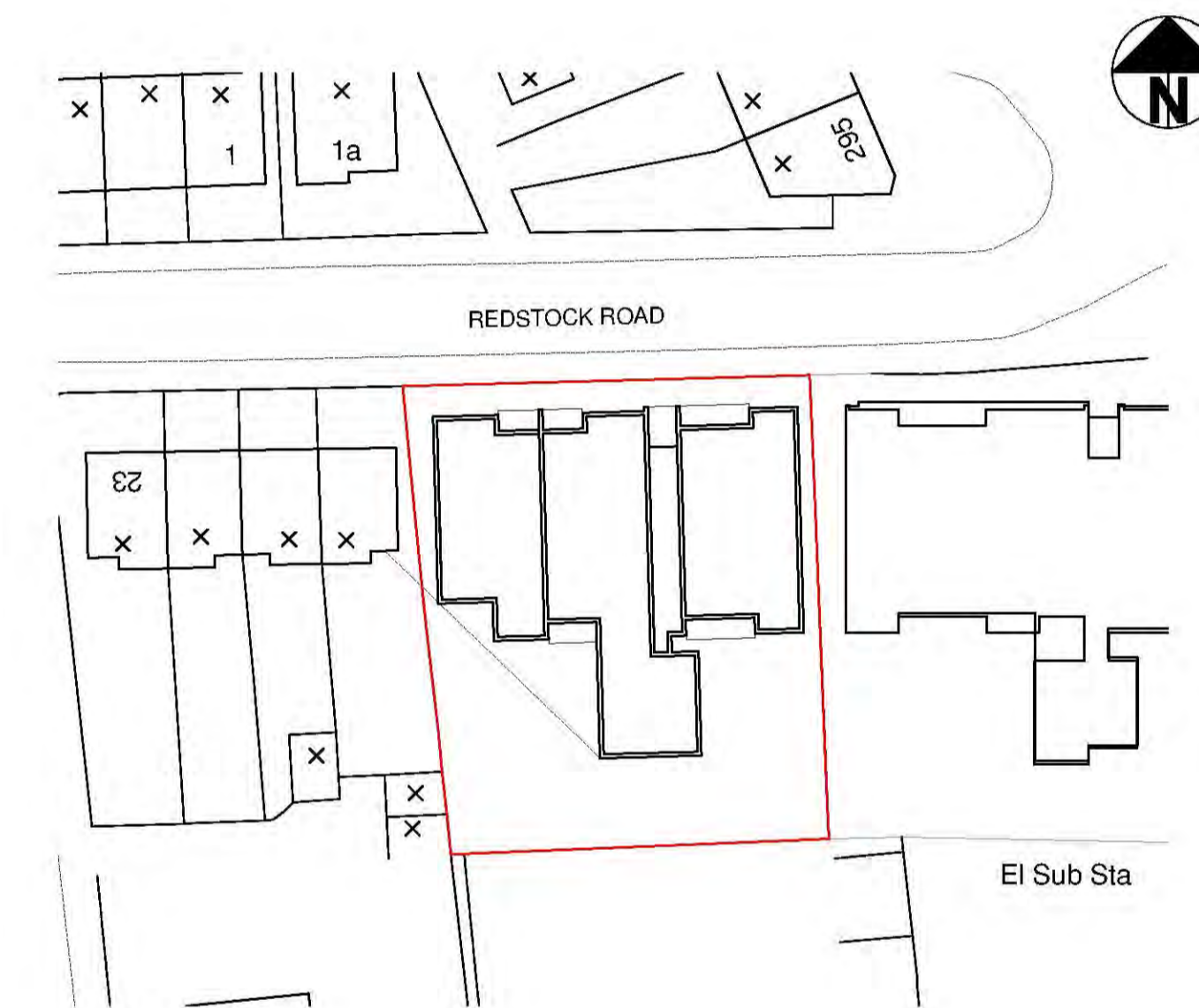
- 1 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would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

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Location Plan



Site Plan

**Marcus Bennett Associates**

410, Westborough Road, Westcliff-on-Sea, SS0 9TH

Project  
New Apartments - Redstock Road

Drawing  
Location plan, site plan and site layout plan

Client  
Mr Chris Morris

Scale  
1/100, 1/500, 1/1250 @ A1

Date  
November 17

Drawn by  
MJB

Drawing number  
RRSOS17/01

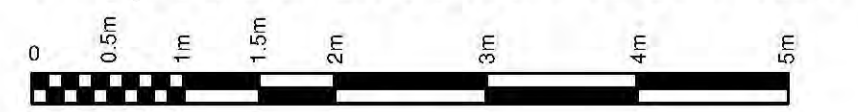
DO NOT SCALE: This drawing is to be read in conjunction with specialist drawings and details. All dimensions, positions and lines of wires and conduit, soil conditions etc. are assumed and are to be investigated prior to commencement of works.

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Proposed Ground Floor Plan



**Marcus Bennett Associates**

410, Westborough Road, Westcliff-on-Sea, SS0 9TH

Project  
**New Apartments - Redstock Road**  
 Drawing  
**Proposed Ground floor plan**

Client  
**Mr Chris Morris**

Scale  
**1/50 @ A1**

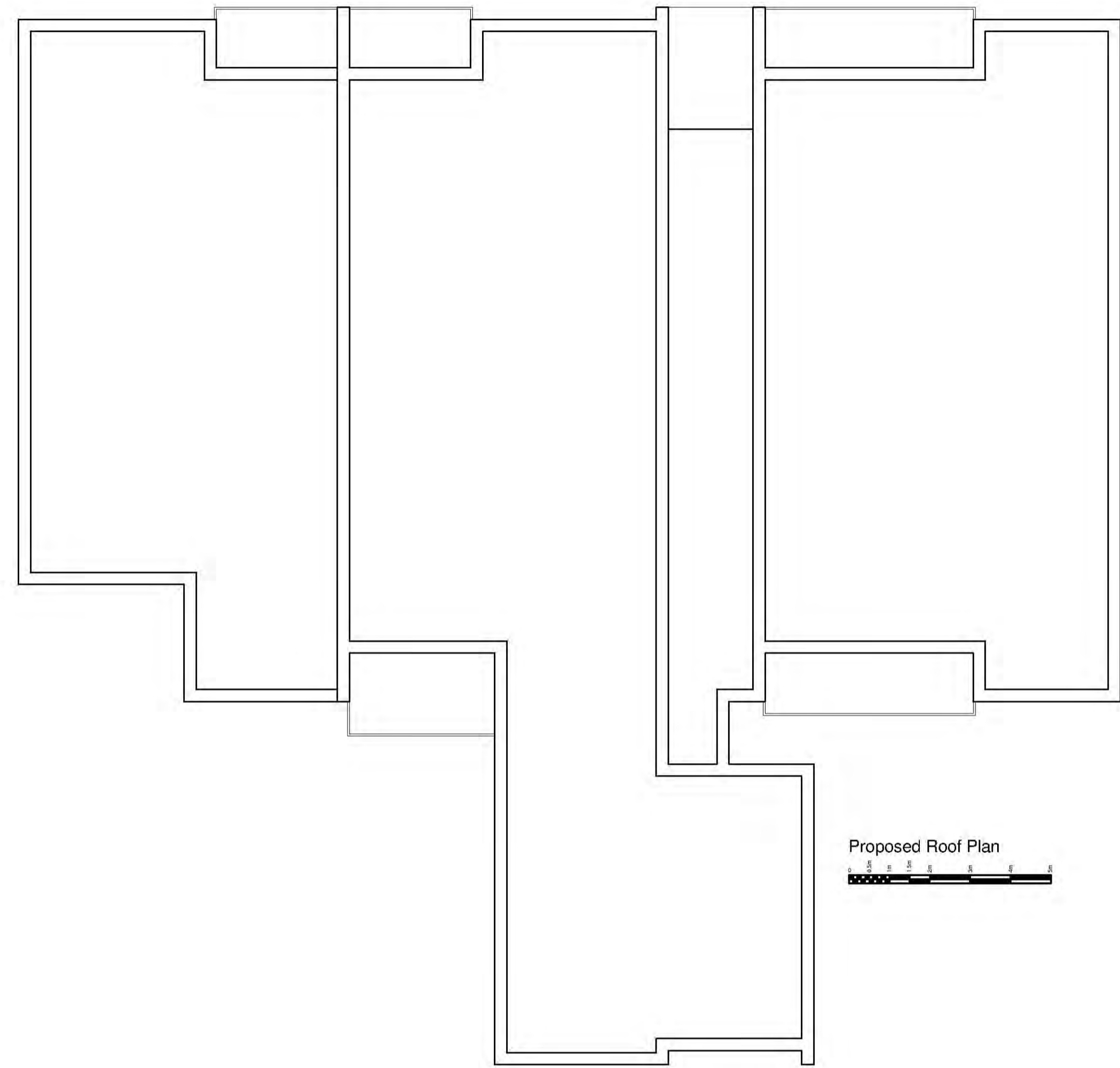
Date  
**November 17**      Drawn by  
**MJB**

Drawing number  
**RRSOS17/02**

DO NOT SCALE: This drawing is to be read in conjunction with specialist drawings and details. All dimensions, positions and lines of wires and conduit, soil conditions etc. are assumed and are to be investigated prior to commencement of works.

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**Marcus Bennett Associates**

410, Westborough Road, Westcliff-on-Sea, SS0 9TH

Project  
New Apartments - Redstock Road

Drawing  
Proposed First floor site layout and roof plan

Client  
Mr Chris Morris

Scale  
1/100 @ A1

Date  
November 17

Drawn by  
MJB

Drawing number  
RRSOS17/06

DO NOT SCALE: This drawing is to be read in conjunction with specialist drawings and details. All dimensions, positions and lines of wires and conduit, soil conditions etc. are assumed and are to be investigated prior to commencement of works.

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Proposed First Floor Plan



**Marcus Bennett Associates**

410, Westborough Road, Westcliff-on-Sea, SS0 9TH

Project  
New Apartments - Redstock Road

Drawing  
Proposed First floor plan

Client  
Mr Chris Morris

Scale  
1/50 @ A1

Date  
November 17

Drawn by  
MJB

Drawing number  
RRSOS17/03

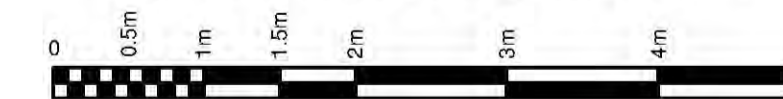
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Proposed Second Floor Plan



**Marcus Bennett Associates**

410, Westborough Road, Westcliff-on-Sea, SS0 9TH

Project  
New Apartments - Redstock Road

Drawing  
Proposed Second floor plan

Client  
Mr Chris Morris

Scale  
1/50 @ A1

Date  
November 17

Drawn by  
MJB

Drawing number  
RRSOS17/04

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Proposed Third Floor Plan



**Marcus Bennett Associates**

410, Westborough Road, Westcliff-on-Sea, SS0 9TH

Project  
New Apartments - Redstock Road

Drawing  
Proposed Third floor plan

Client  
Mr Chris Morris

Scale  
1/50 @ A1

Date  
November 17

Drawn by  
MJB

Drawing number  
RRSOS17/05

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# Proposed Front Elevation



**Marcus Bennett Associates**

410, Westborough Road, Westcliff-on-Sea, SS0 9TH

Project  
New Apartments - Redstock Road

Drawing  
Proposed front elevation with indicative finishes

Client  
Mr Chris Morris

Scale  
1/50 @ A1

Date  
February 18

Drawn by  
MJB

Drawing number  
RRSOS17/08

DO NOT SCALE. This drawing is to be read in conjunction with specialist drawings and details. All dimensions, positions and lines of wires and conduit, soil conditions etc. are assumed and are to be investigated prior to commencement of works.

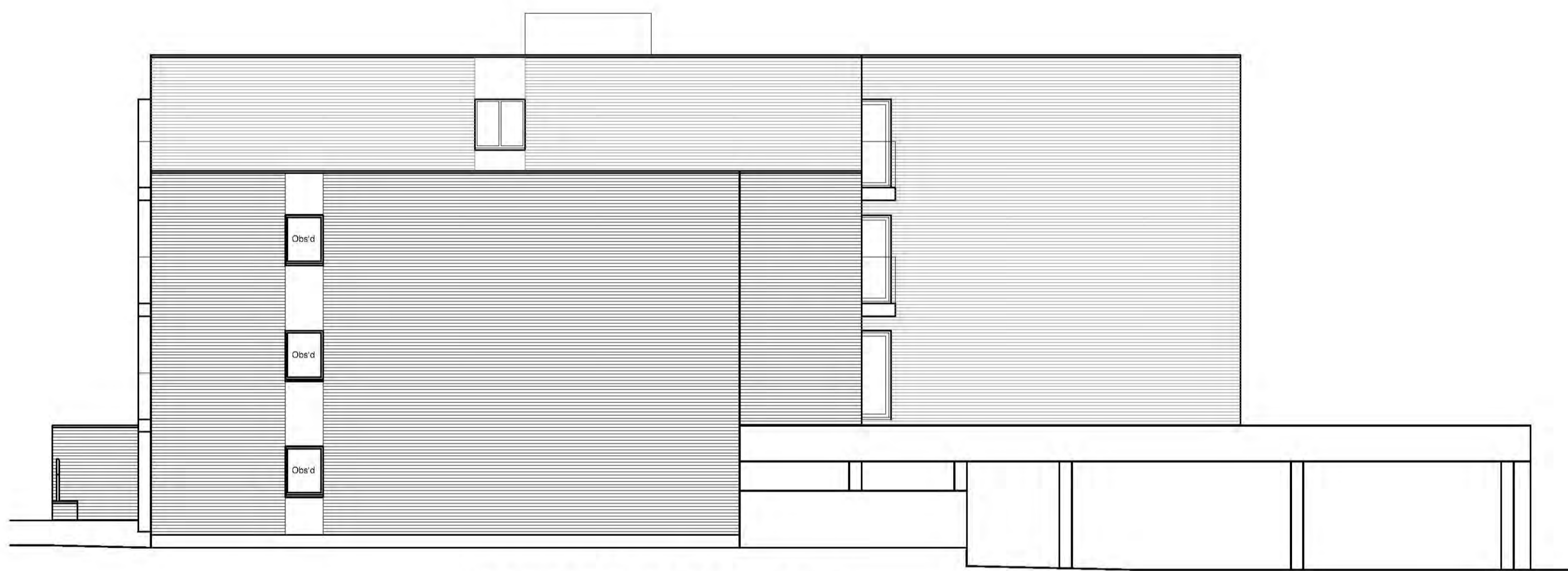


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Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation



Proposed Side Elevation



**Marcus Bennett Associates**

410, Westborough Road, Westcliff-on-Sea, SS0 9TH

Project  
New Apartments - Redstock Road

Drawing  
Proposed elevations and streetscene view

Client  
Mr Chris Morris

Scale  
1/100 @ A1

Date  
November 17

Drawn by  
MJB

Drawing number  
RRSOS17/07

DO NOT SCALE. This drawing is to be read in conjunction with specialist drawings and details. All dimensions, positions and lines of wires and conduit, soil conditions etc. are assumed and are to be investigated prior to commencement of works.



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<b>Reference:</b>	18/00688/BC4M	<b>5</b>
<b>Ward:</b>	West Leigh	
<b>Proposal:</b>	Install plant equipment consisting of three external air handling units (AHU) to roof of main school building	
<b>Address:</b>	Belfairs Academy, Highlands Boulevard, Leigh-On-Sea	
<b>Applicant:</b>	Legra Academy Trust	
<b>Agent:</b>	Barker Associates LLP	
<b>Consultation Expiry:</b>	08.05.2018	
<b>Expiry Date:</b>	13.07.2018	
<b>Case Officer:</b>	Kara Elliott	
<b>Plan Nos:</b>	BA/P18-099-101/A, BA/P18-099-120, BA/P18-099-220, BA/P18-099-141, BA/P18-099-401, BA/P18-099-142, BA/P18-099-402, BA/P18-099-144, BA/P18-099-404, BA/P18-099-143, BA/P18-099-403	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## **1 The Proposal**

- 1.1 Planning permission is sought to install additional plant equipment consisting of three external air handling units (AHU) measuring approximately 5 metres wide, by 2 metres deep and approximately 0.6 metres high, to the roof of the main school building.
- 1.2 The new plant equipment is to be located to the south and south west of the roof of the main school building. The equipment would be constructed of galvanised steel in light grey.
- 1.3 The application is defined as major development based on site area (in excess of 1 hectare). The applicant states that the additional equipment is required to support the proposed future expansion of the school, for which a planning application was received on 06.06.2018 and is currently under consideration.

## **2 Site and Surroundings**

- 2.1 The application site is Belfair's Academy a school set within grounds extending to an area of approximately 8.15 hectares to the east side of the Highlands Boulevard. The wider area surrounding the school is residential in character.

## **3 Planning Considerations**

- 3.1 The main considerations are the principle of development, design and impact on the character of the area, traffic and transportation, impact on residential and general amenity and CIL contributions.

## **4 Appraisal**

### **Principle of Development**

**National Planning Policy Framework; Core Strategy (2007) policies KP1, KP2, CP4, CP6; Development Management Document (2015) Policy DM1, DM3 and the Design and Townscape Guide (2009).**

- 4.1 This proposal is considered in the context of the National Planning Policy Framework, Core Strategy, Development Management Document and the Design and Townscape Guide relating to community services.
- 4.2 Policy CP6 of the Core Strategy (2007) relates to community infrastructure and states that new development should not jeopardise the Borough's ability to improve education attainment, health and well-being of local residents and visitors to Southend. This will be achieved by supporting improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies.
- 4.3 The proposal involves new equipment consisting of three air handling units in association with the operation and the proposed future expansion of Belfair's Academy (subject to planning permission) and therefore is acceptable in principle, subject to the determining material considerations discussed below.



## **Design and impact on the Character of the Area**

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

- 4.4 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management DPD. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.5 The proposed plant equipment consists of three external air handling units (AHU) situated on the roof of the main school building which would be finished in light grey galvanised steel.
- 4.6 The equipment will be located on the existing roof of the school and would be seen in association with the existing plant, which it should be noted is taller and more prominent than the proposed units. The structures will be largely screened from the public view.
- 4.7 Partial views of the equipment would be however available, in particular when travelling north along Highlands Boulevard. However its prominence and impact upon the character and appearance of the site and the wider area is not considered to be such that it would appear incongruous or cause demonstrable harm when seen in context with the existing building.
- 4.8 Therefore, no objection is raised in relation to the siting, design, size, scale and bulk of the proposed development or its impact on the character and appearance of the site and wider area.

## **Traffic and Transportation**

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

- 4.9 It is not considered that the proposed development will result in any impact on the highway network or result in increased parking demand.

## **Impact on Residential Amenity**

**National Planning Policy Framework; Core Strategy (2007) policies KP2, CP4; Development Management Document (2015) Policies DM1, DM3 and DM14 and the Design and Townscape Guide (2009).**

- 4.10 Policy DM1 of the Development Management Document seeks to ensure that development protects 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.
- 4.11 In terms of impact on nearby residential properties, the proposed development will be located within the existing school site and will be distant from nearby dwellings. The nearest dwellings to the proposed development would be located approximately 35 metres from the units proposed to the south-east of the site immediately adjacent to Highways Boulevard. Distances to the rear of dwellings within Eaton Road to the two proposed units to the south of the building are approximately 53 metres. Due to the resulting distances it is not considered that the proposed development results in any demonstrable harm upon nearby residential occupiers through visual impacts.
- 4.12 In terms of noise impacts, to protect the current prevailing background noise level and ensure background noise levels are not significantly elevated, total noise level due to all items of newly installed plant should normally be designed to a level at least 5dBA below the currently prevailing noise level (during the operational period of the plant). The applicant has provided a noise assessment and technical details for the proposed equipment which confirms that the cumulative rating level from the proposed system should meet this requirement. This has been confirmed to be achievable via the applicant's Acoustician. The Council's Environmental Health officer has assessed the information and has not objected to the proposed development. It is however considered appropriate to include a condition to any positive decision in order to ensure that no loss of amenity is experienced through harmful noise impacts.
- 4.13 Therefore, it is not considered that the proposed development results in demonstrable harm upon nearby residential occupiers in relation to noise or amenity more widely, subject to the conditions recommended.

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

- 4.14 Although this application is CIL liable, in this instance the chargeable amount has been calculated as a zero rate as applicable to an educational and/or community use, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

### **5 Conclusion**

- 5.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. This application is therefore recommended for approval subject to conditions.

## 6 Planning Policy Summary

- 6.1 National Planning Policy Framework (NPPF)
- 6.2 Core Strategy (2007): KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure).
- 6.3 Development Plan Document (2015): DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM14 (Environmental Protection)
- 6.4 The Design & Townscape Guide (2009)

## 7 Representation Summary

### Environmental Health

- 7.1 No objection. Suggests conditions in relation to hours of work during construction, no burning of waste materials on site during construction, noise levels and equipment to be installed as per application particulars.
- 7.2 **Officer comment: Whilst conditions are considered necessary to control noise, it is considered that conditions sought in relation to construction are not proportionate or relevant to the proposed development which is minor and relates to the installation of plant equipment. However, an informative in this respect will be added to any positive decision.**

### Education

- 7.3 Supports the application due to its association with the expansion of the school.

### Public Consultation

- 7.4 A site notice was displayed outside the site and 33 letters were sent to neighbouring occupiers. Representation have been received from six parties making the following objections;
  - Concerns in relation to noise impacts to neighbouring occupiers;
  - Questions the accuracy and content of the noise report;
  - Detrimental visual impact;
  - Neighbours previously informed that any plant equipment would not generate any noise;
  - Existing noise is detrimental to residents;
  - The plant equipment should be relocated away from the south of the building;
  - Additional acoustic screening required;
  - Council tax should be lowered.
- 7.5 It should be noted that additional comments were received in relation to the proposed expansion of the school which are not relevant to the particular application currently being assessed.

7.6 **Officer comment the 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. Please refer to paragraphs 4.10 – 4.13 in relation to impacts upon the amenity of neighbouring occupiers.**

## **8 Relevant Planning History**

8.1 18/01075/FULM - Erect three storey infill extension to form additional classrooms, sports facilities and associated rooms – Pending Consideration;

8.2 11/01368/FUL - Regrade and raise ground level of central landscaped area within site (in connection with redevelopment of the site) – Granted November 2011;

8.3 09/00841/BC3M - Demolish existing school buildings, erect replacement 2 storey school building with lower ground floor (including classrooms for Adult Education). Erect single storey building and refuse stores to South boundary, single storey extension to existing Sports Hall, layout hard courts and court fencing, 138 car parking spaces and cycle stores to northwest boundary, re-locate and widen vehicular access onto Highlands Boulevard, form pedestrian access onto Highlands Boulevard, install gates, associated landscaping and erect 1.8m high fence to boundary – Granted August 2009;

8.4 09/00839/BC3M - Erect two storey temporary building to south west of existing science block incorporating external staircase and covered linkway to existing main building – Granted June 2009

## **9 Recommendation**

9.1 **It is recommended that planning permission be GRANTED subject to the following conditions:**

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

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

02 **The development hereby permitted shall be carried out in accordance with the approved plans and details; BA/P18-099-101/A, BA/P18-099-120, BA/P18-099-220, BA/P18-099-141, BA/P18-099-401, BA/P18-099-142, BA/P18-099-402, BA/P18-099-144, BA/P18-099-404, BA/P18-099-143, BA/P18-099-403, AHU Technical Data and Noise Impact Assessment and Acoustic Design Report dated 3<sup>rd</sup> April 2018, project number A3630 by Encon Associates Limited.**

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

03 **The noise rating level arising from all plant, infrastructure and other installed equipment in association with this permission shall be at least 5dB(A) below the prevailing background noise level with no tonal elements. The LA90 to be determined according to the guidance in BS:4142 at 3.5m from ground floor facades and 1m from all facades above ground floor level to residential premises.**

**Reason: To protect the amenity of people in neighbouring properties and general environmental quality in accordance with National Planning Policy Framework; Core Strategy (2007) policies KP2, CP4; Development Management Document (2015) Policy DM14 and the Design and Townscape Guide (2009).**

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

### **Informatives**

- 1 You are advised that in this instance the chargeable amount has been calculated as a zero rate as applicable to an educational and/or community use, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about 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 The developer should also consider control measures detailed in Best Practice Guidance “The control of dust and emissions from construction and demolition”. <http://www.london.gov.uk/priorities/planning/supplementary-planning-guidance>**
- 4 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.**

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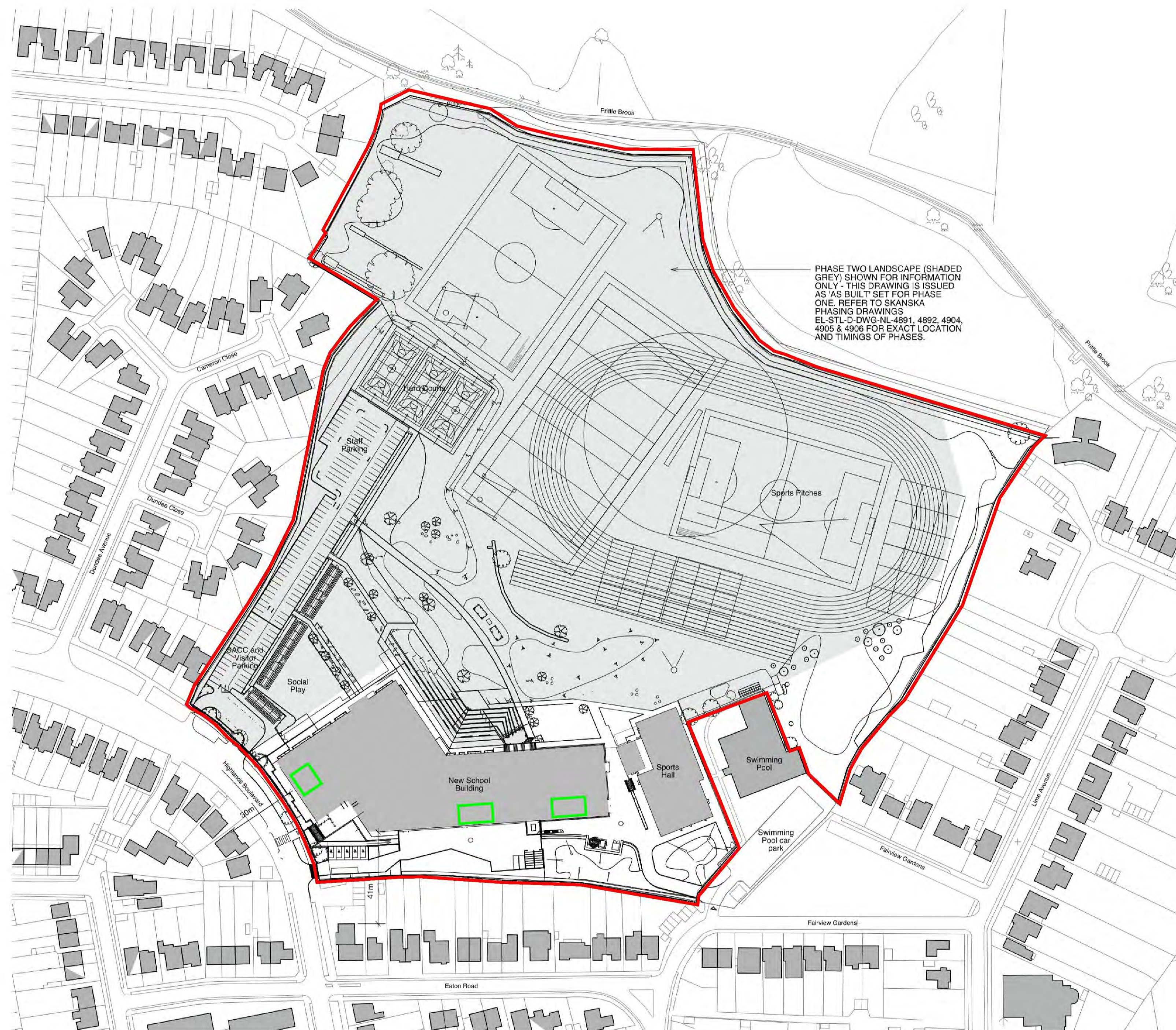
Revisions:

/	Issued for Planning	12/04/18
A	Site boundary line changed to colour red	24/04/18

KEY:

 Application Site  
Area = 81980m<sup>2</sup>  
= 8.2ha

 Location of Proposed Works  
Area of Works = 347m<sup>2</sup>



Status:  
**Planning**



Majesty House  
Avenue West  
Skyline 120  
Braintree  
Essex  
CM77 7AA

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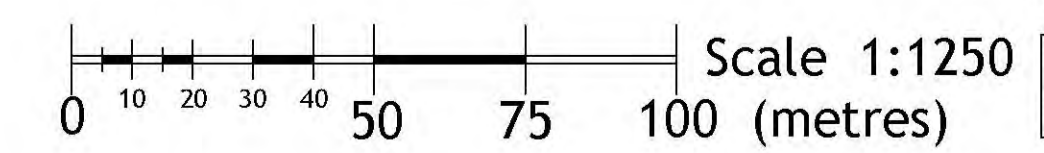
Client:  
Belfairs Academy  
Education and Secondary School

Project:  
Two-Form Entry Expansion  
Belfairs Academy  
Highlands Boulevard  
Leigh-On-Sea  
SS9 3TG

Title:  
Site Location Plan

Scale @A1:	Date:	Drawn:	Checked:
1:1250	22/02/2018	HB/PP	

Drawing no.:	Revision:
BA / P18-099-101	A





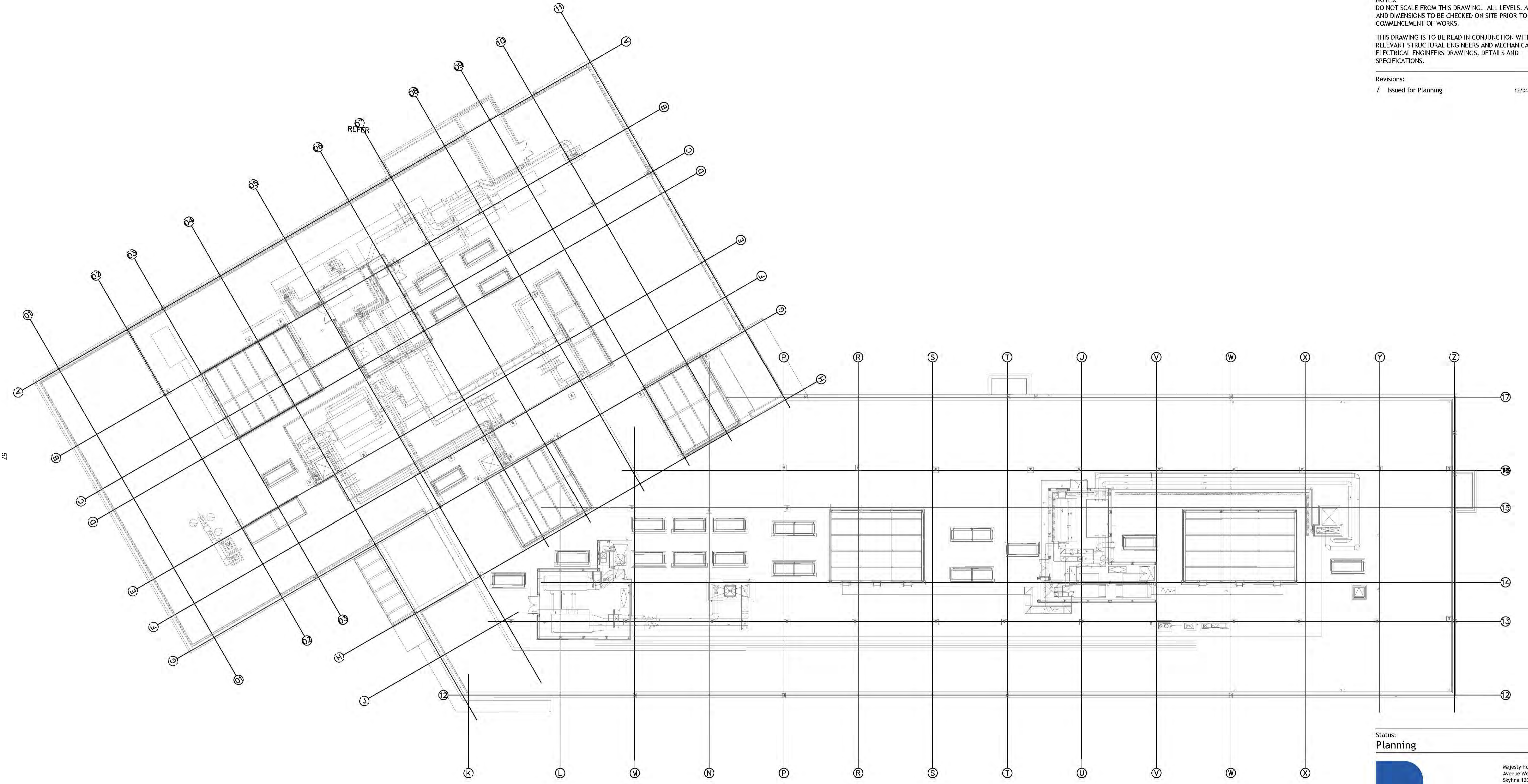
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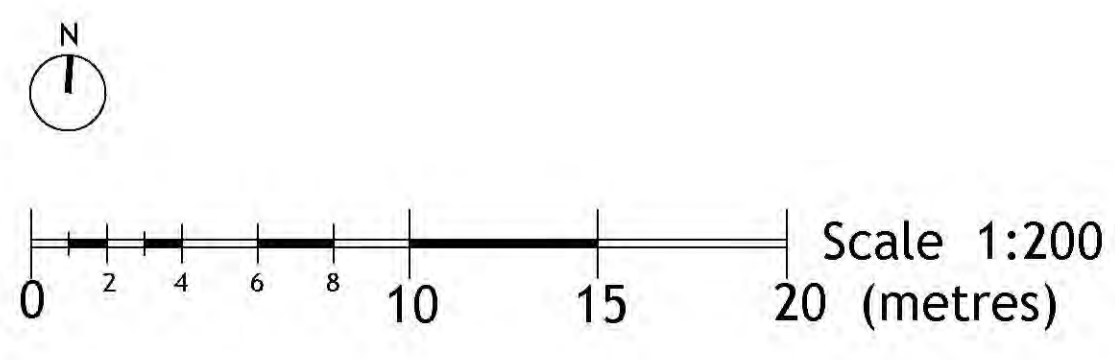
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Revisions:  
/ Issued for Planning 12/04/18



57



Status:  
**Planning**

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Client:  
Belfairs Academy  
Part of the LEGRA Trust

Project:  
2FE Expansion  
Belfairs Academy  
Highlands Boulevard  
Leigh-On-Sea  
Essex SS9 3TG

Title:  
Lead Spaces  
Roof Plan as Existing

Scale @A1:	Date:	Drawn:	Checked:
1:200	Apr/18	Cj	

Drawing no.:	Revision:
BA / P18-099-120	/



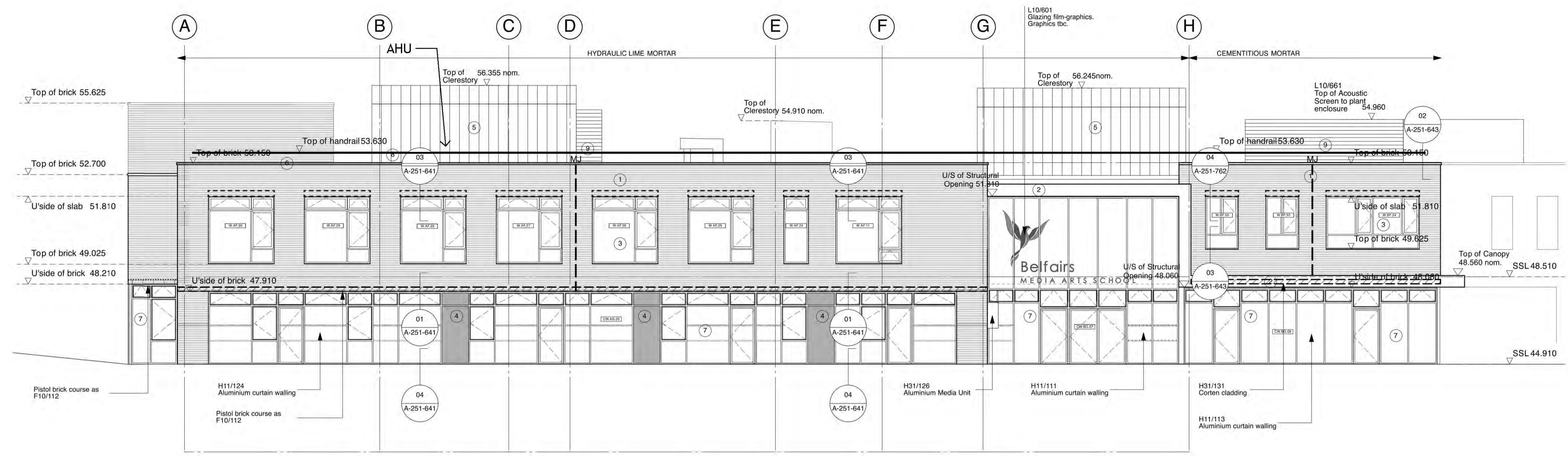
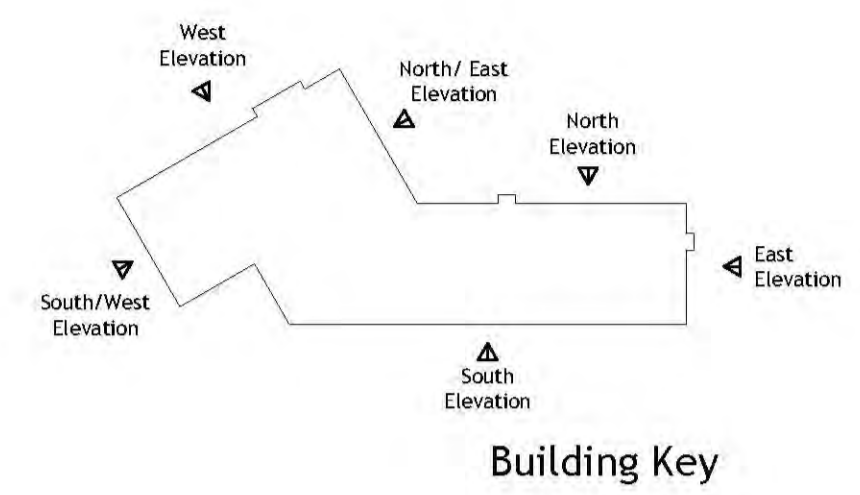
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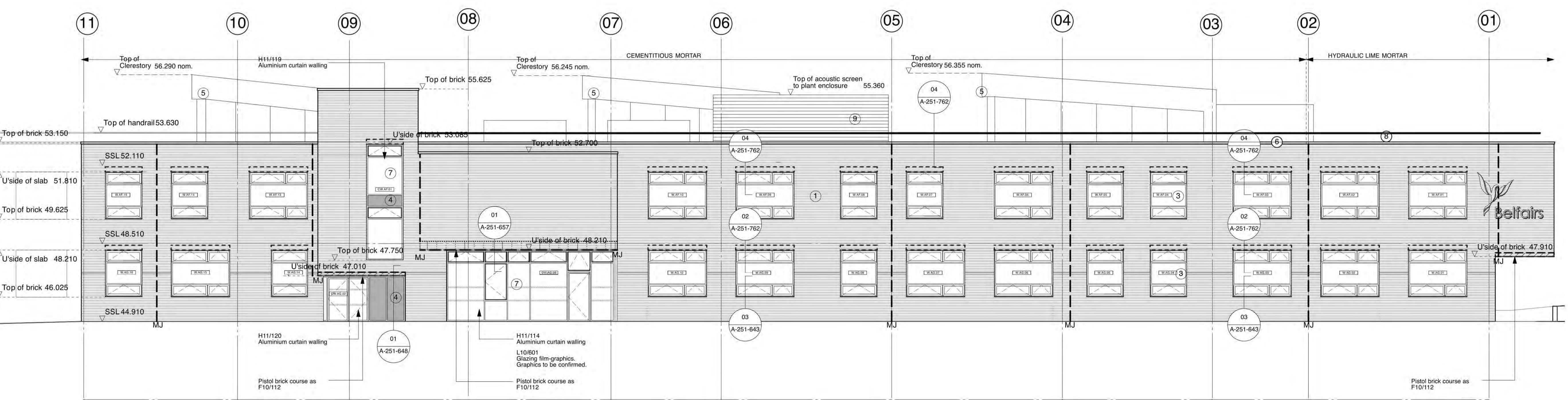
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Revisions:  
/ Issued for Planning 09/04/18



**01 SOUTH WEST**  
Elevation



**03 NORTH WEST**  
Elevation

Status:  
**Planning**

**BARKER ASSOCIATES**  
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Client:  
Belfairs Academy  
Part of the LEGRA Trust

Project:  
2FE Expansion  
Belfairs Academy  
Highlands Boulevard  
Leigh-On-Sea  
Essex SS9 3TG

Title:  
Elevations as Existing  
South West & North West

Scale @A1: Date: Drawn: Checked:  
1:100 Apr/18 Cj

Drawing no.: Revision:  
BA / P18-099-141 /



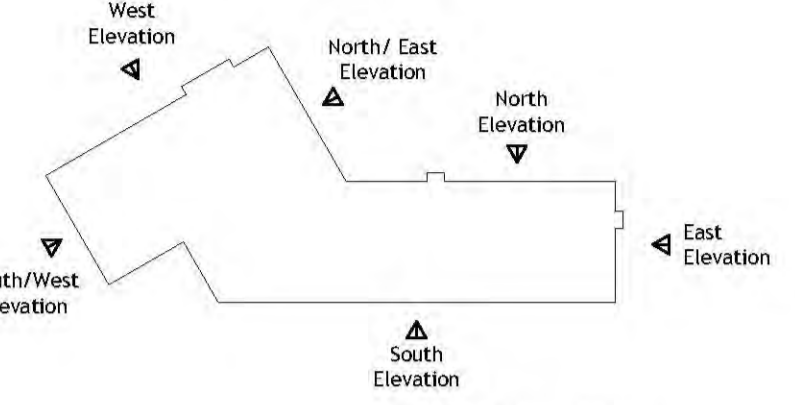
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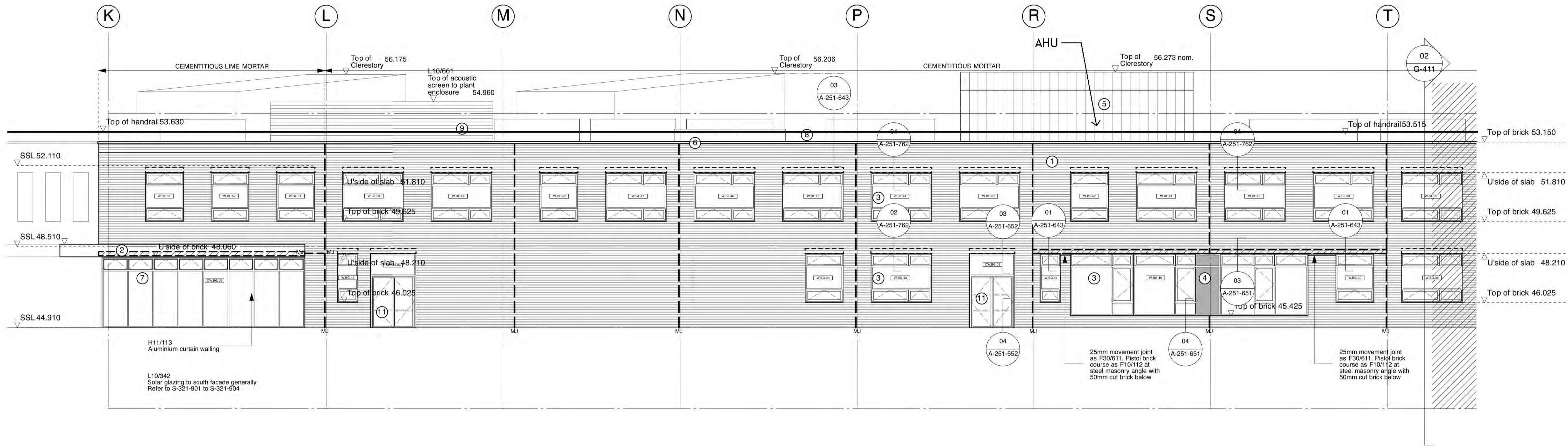
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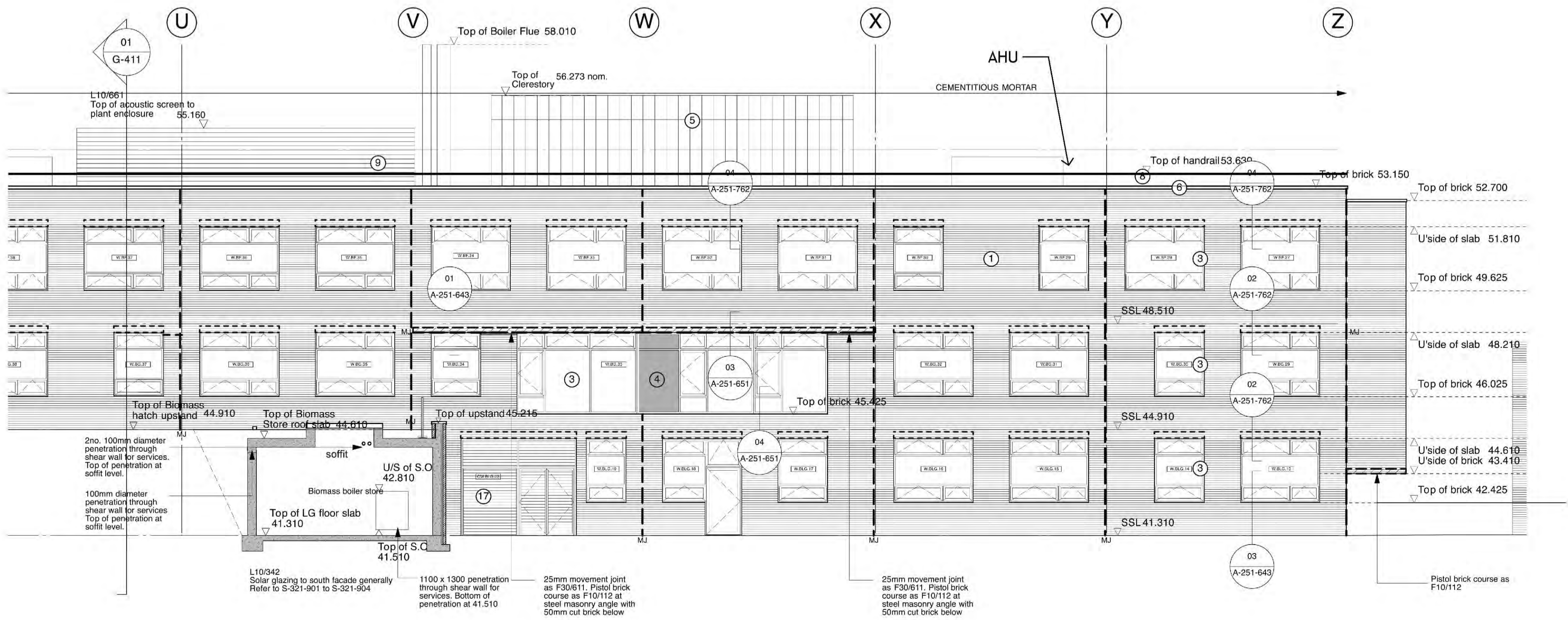
Revisions:  
/ Issued for Planning 09/04/18



Building Key



01 SOUTH Elevation



02 SOUTH Elevation

Status:  
Planning

**BARKER ASSOCIATES**

Majesty House  
Avenue West  
Skyline 120  
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Client:  
Belfairs Academy  
Part of the LEGRA Trust

Project:  
2FE Expansion  
Belfairs Academy  
Highlands Boulevard  
Leigh-On-Sea  
Essex SS9 3TG

Title:  
Elevations as Existing  
South

Scale @A1: 1:100 Date: Apr/18 Drawn: Cj Checked:

Drawing no.: BA / P18-099-142 Revision: /



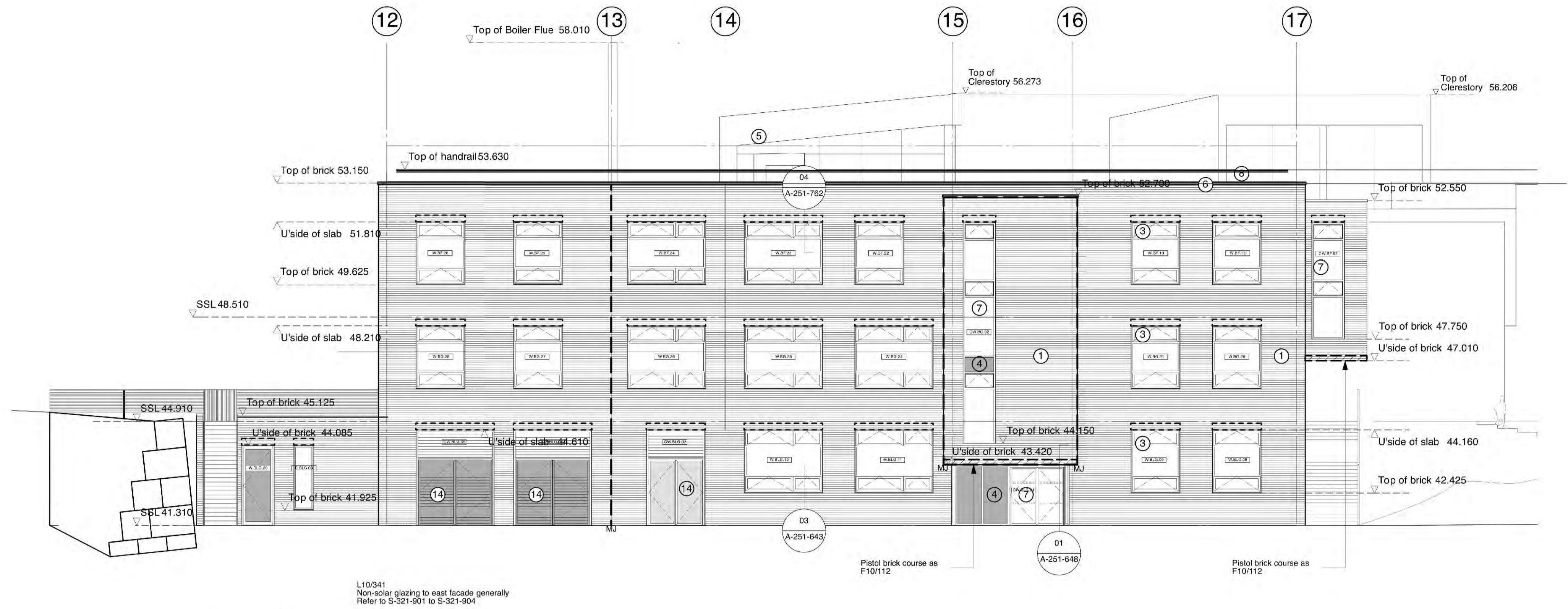
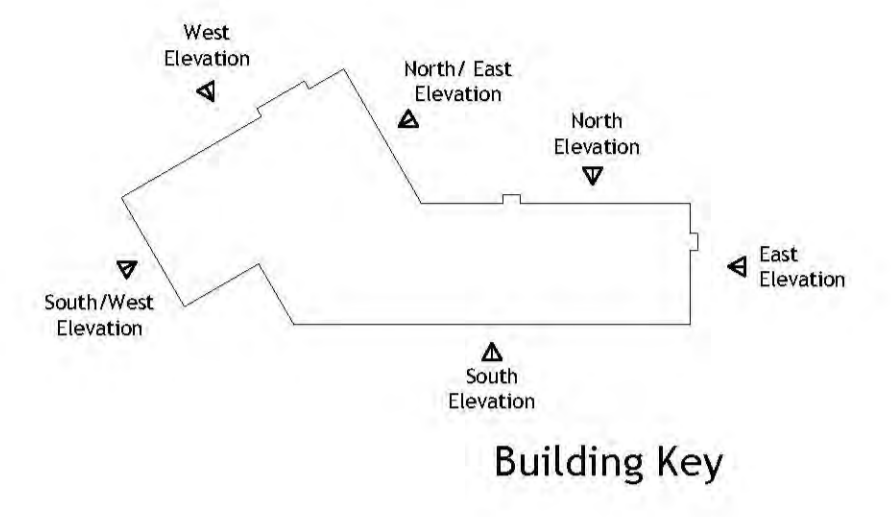
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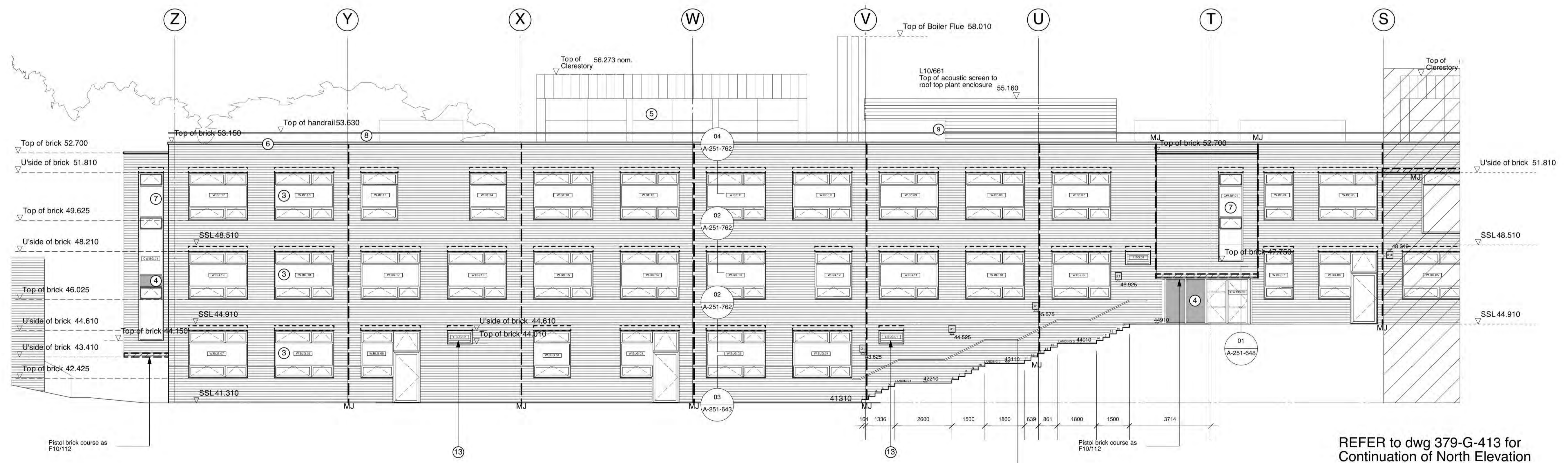
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Revisions:  
/ Issued for Planning 09/04/18



01 EAST Elevation

L10/341  
Non-solar glazing to east facade generally  
Refer to S-321-801 to S-321-904



02 NORTH Elevation

REFER to dwg 379-G-413 for Continuation of North Elevation

Status: Planning



Majesty House  
Avenue West  
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Braintree  
Essex  
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Client:  
Belfairs Academy  
Part of the LEGRA Trust

Project:  
2FE Expansion  
Belfairs Academy  
Highlands Boulevard  
Leigh-On-Sea  
Essex SS9 3TG

Title:  
Elevation as Existing  
East and North

Scale @A1: Date: Drawn: Checked:  
1:100 Apr/18 Cj

Drawing no.: Revision:  
BA / P18-099-143 /



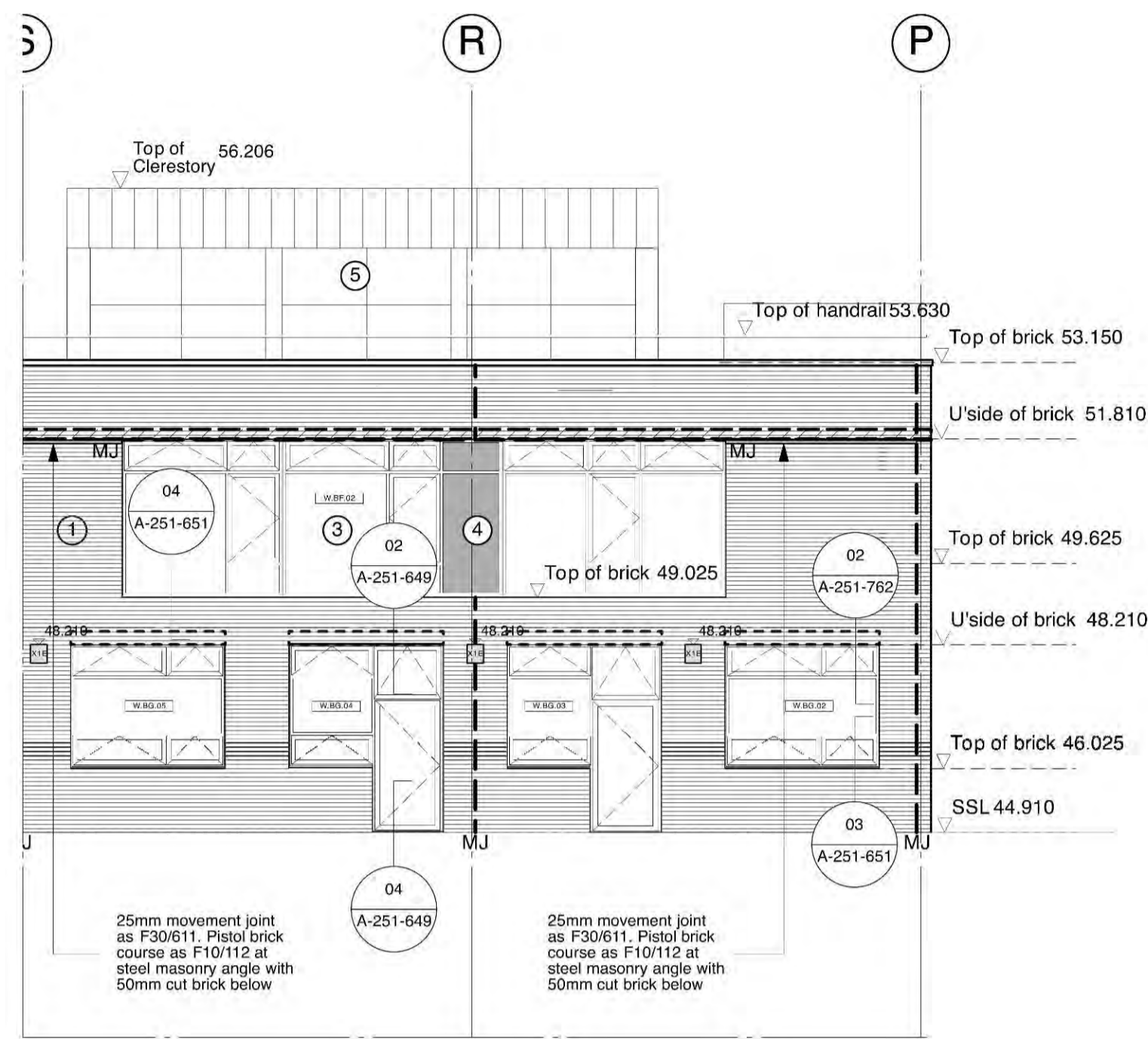
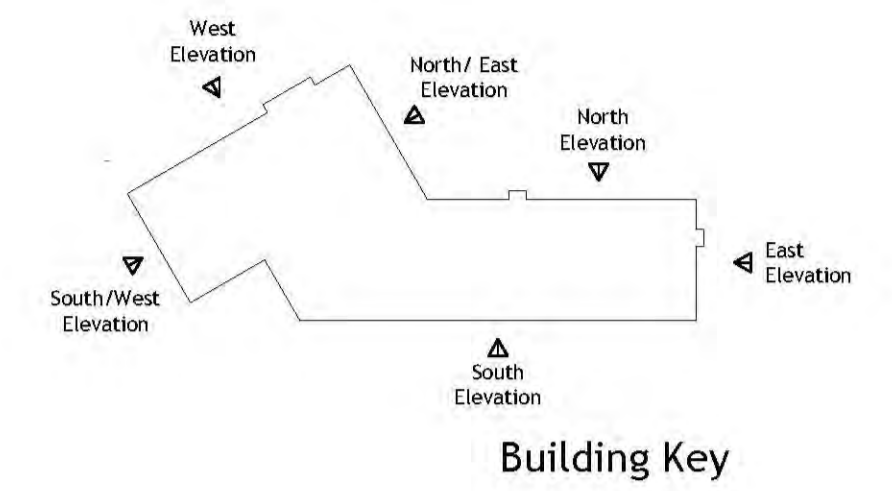
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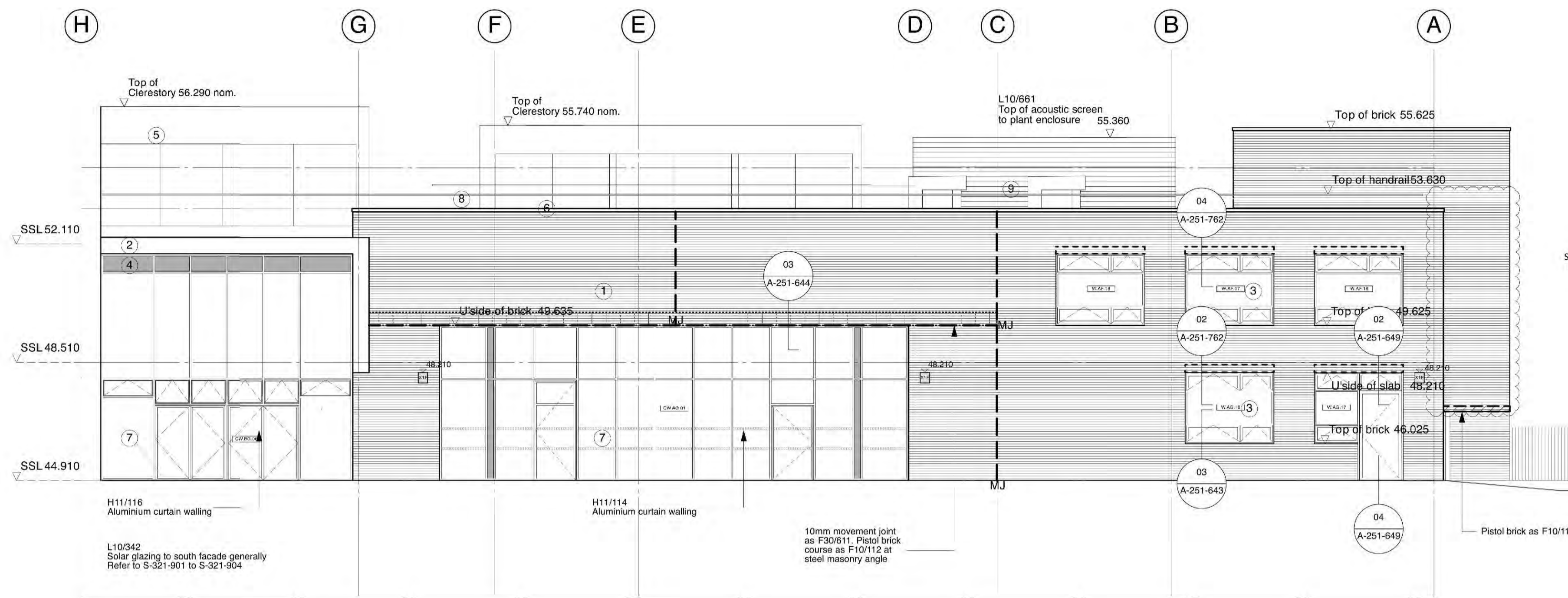
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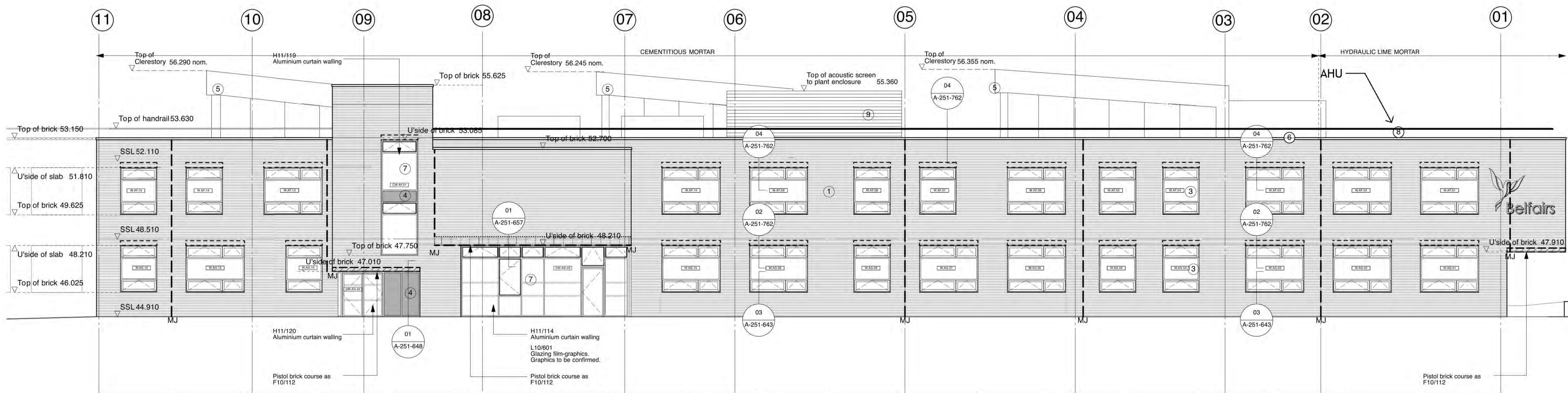
Revisions:  
/ Issued for Planning 09/04/18



**01 NORTH**  
Elevation



**02 NORTH EAST**  
Elevation



**03 NORTH WEST**  
Elevation

Status:  
Planning

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Client:  
Belairs Academy  
Part of the LEGRA Trust

Project:  
2FE Expansion  
Belairs Academy  
Highlands Boulevard  
Leigh-On-Sea  
Essex S59 3TG

Title:  
Elevations as Existing  
North East and North West

Scale @A1: Date: Drawn: Checked:  
1:100 Apr/18 Cj

Drawing no.: Revision:  
BA / P18-099-144 /



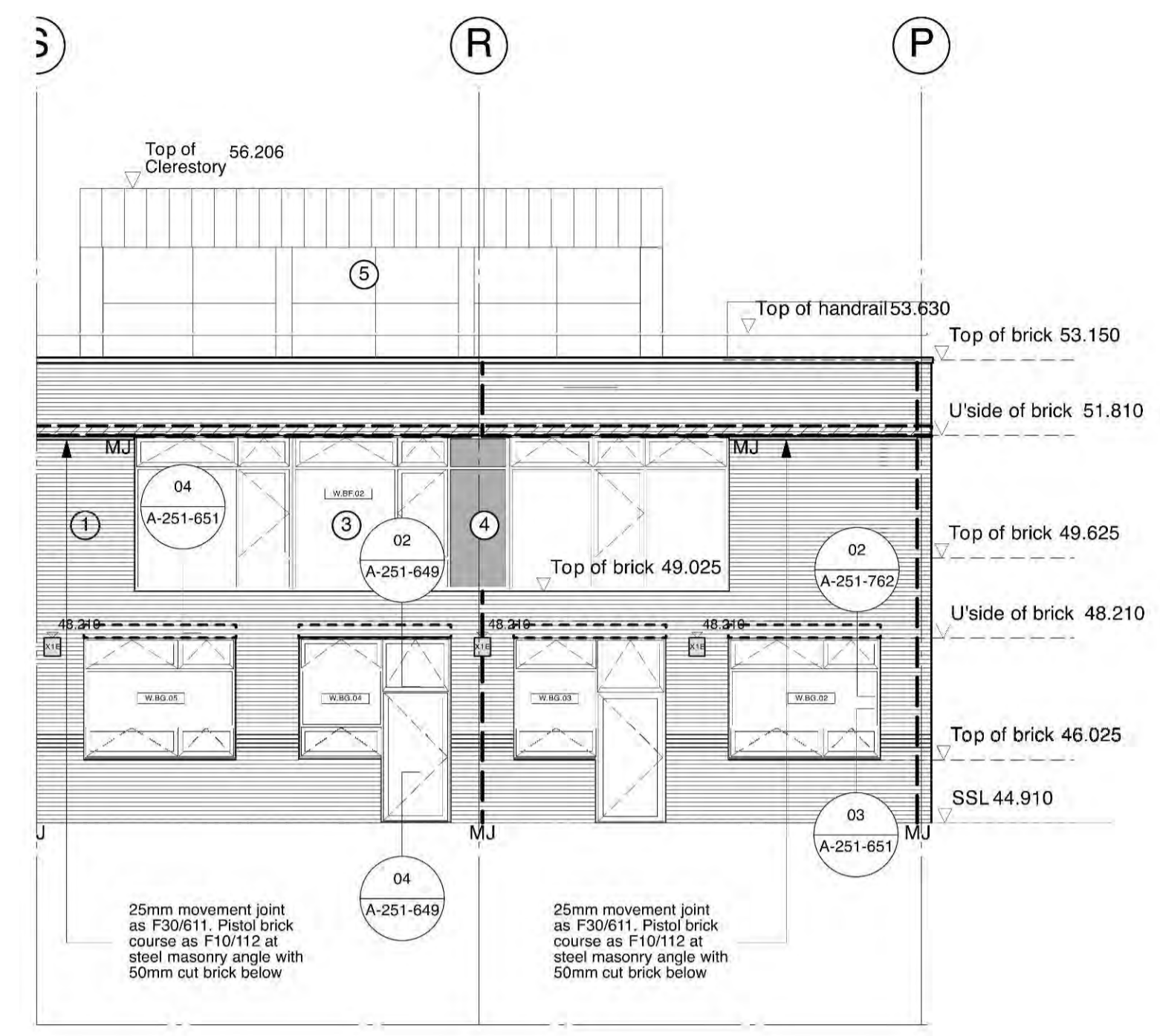
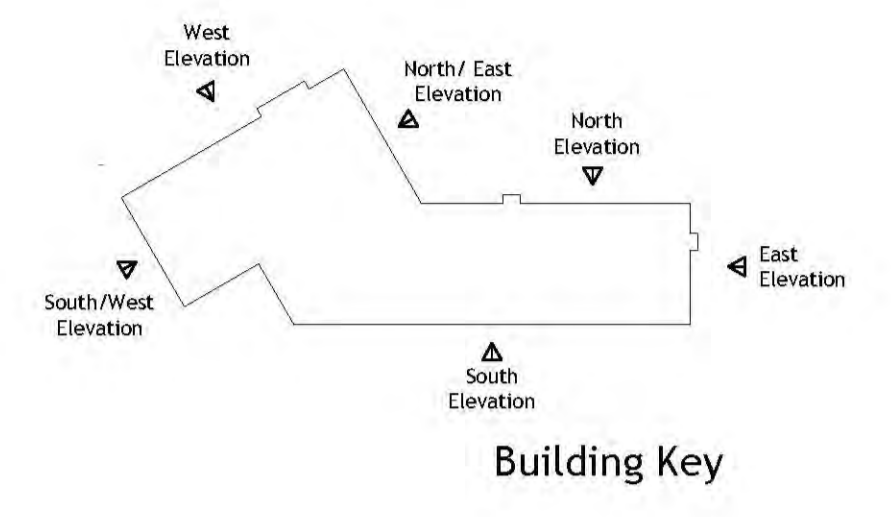
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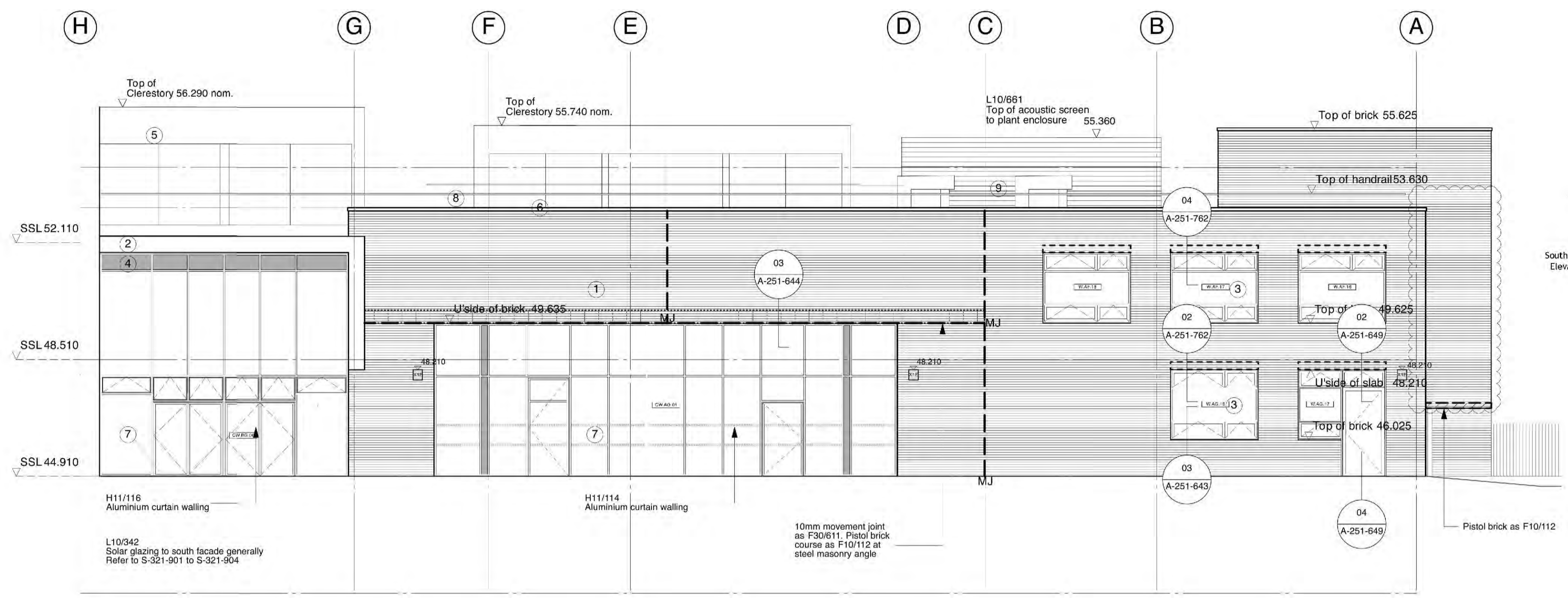
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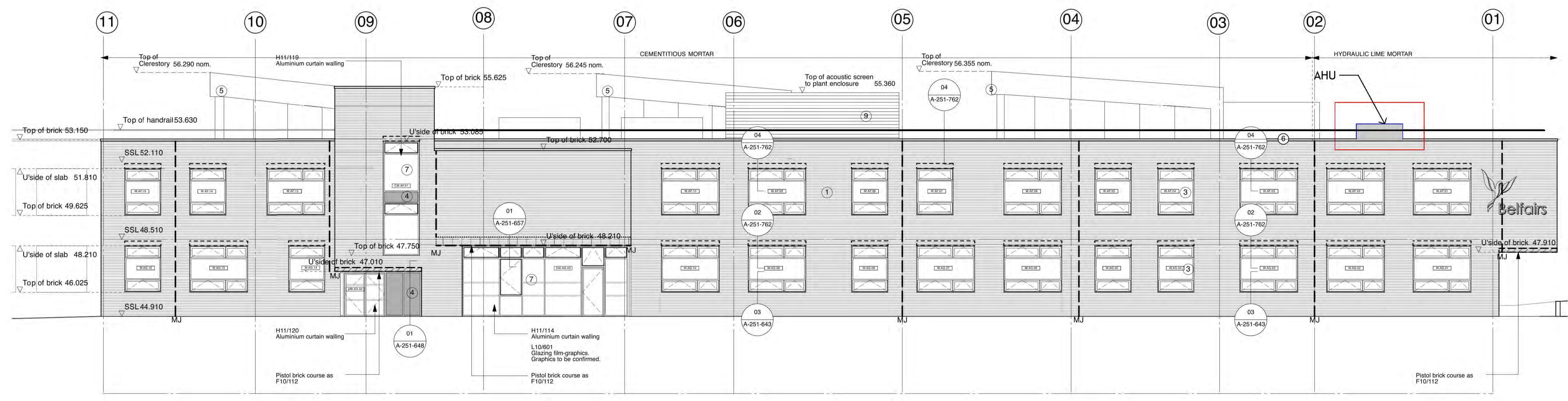
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01 NORTH Elevation



02 NORTH EAST Elevation



03 NORTH WEST Elevation

Status: Planning

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Client: Belairs Academy Part of the LEGRA Trust

Project: 2FE Expansion Belairs Academy Highlands Boulevard Leigh-On-Sea Essex S59 3TG

Title: Proposed AHU Position on Elevations North East and North West

Scale @A1: 1:100 Date: Apr/18 Drawn: Cj Checked:

Drawing no.: BA / P18-099-404 Revision: /



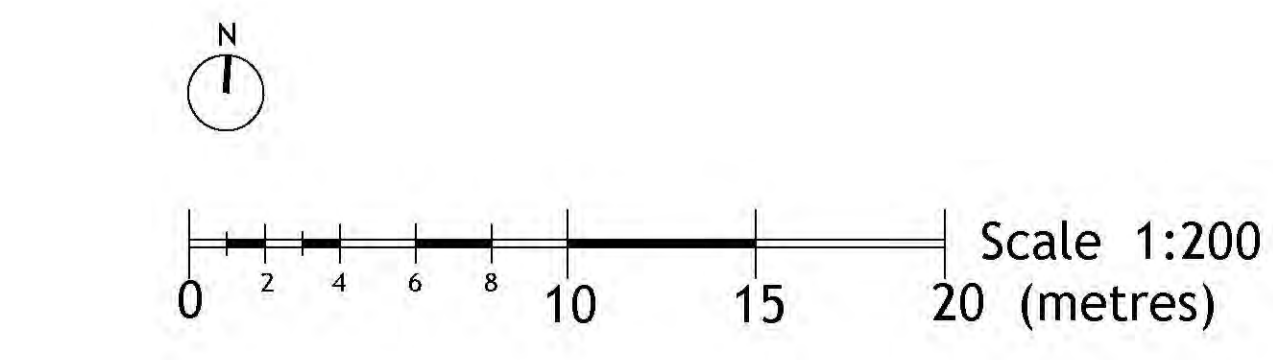
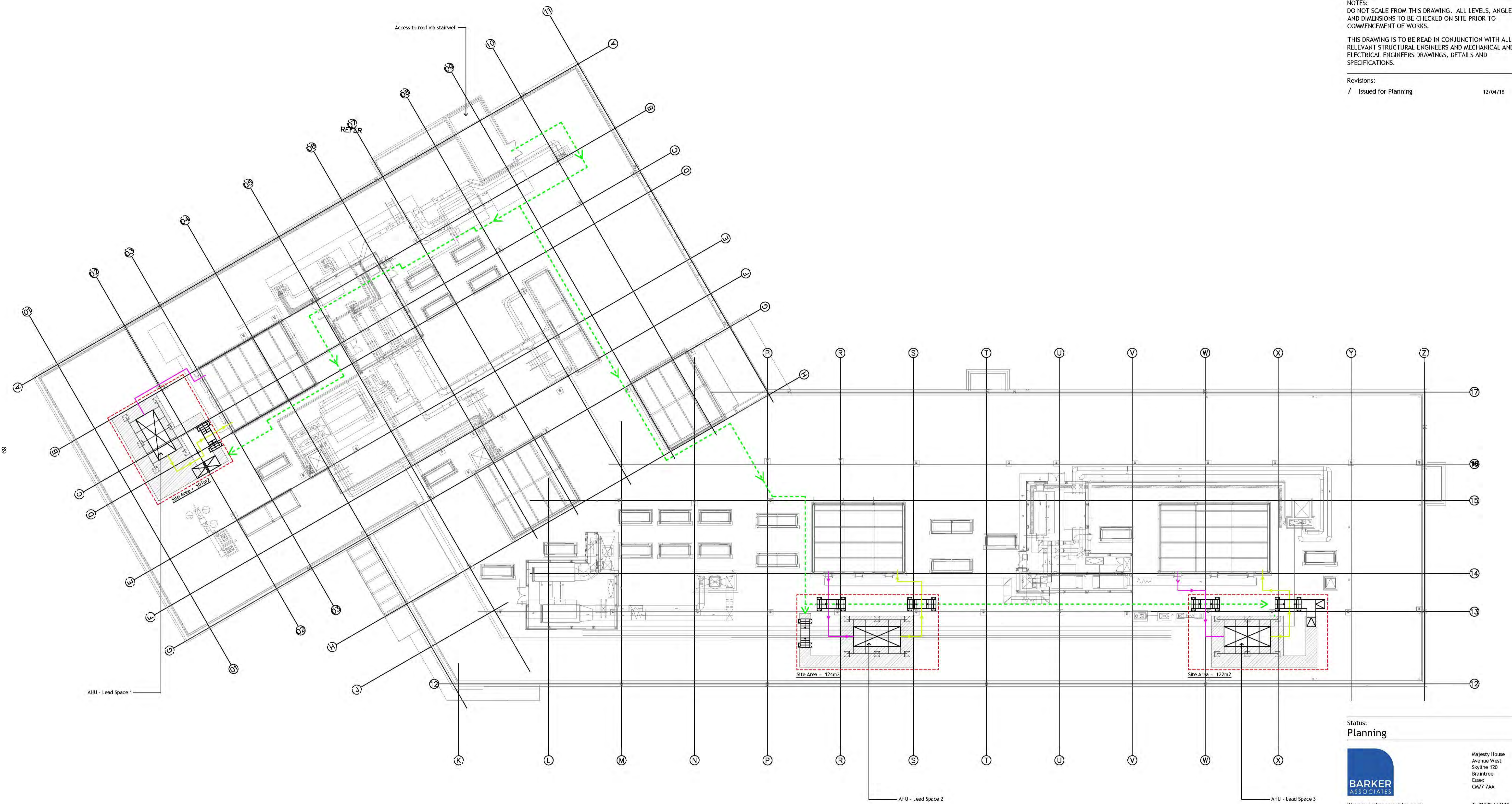
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Status:  
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Project:  
2FE Expansion  
Belfairs Academy  
Highlands Boulevard  
Leigh-On-Sea  
Essex SS9 3TG

Title:  
Lead Spaces  
Proposed Roof Plan

Scale @A1: 1:200 Date: Apr/18 Drawn: Cj Checked:

Drawing no.: BA / P18-099-220 Revision: /



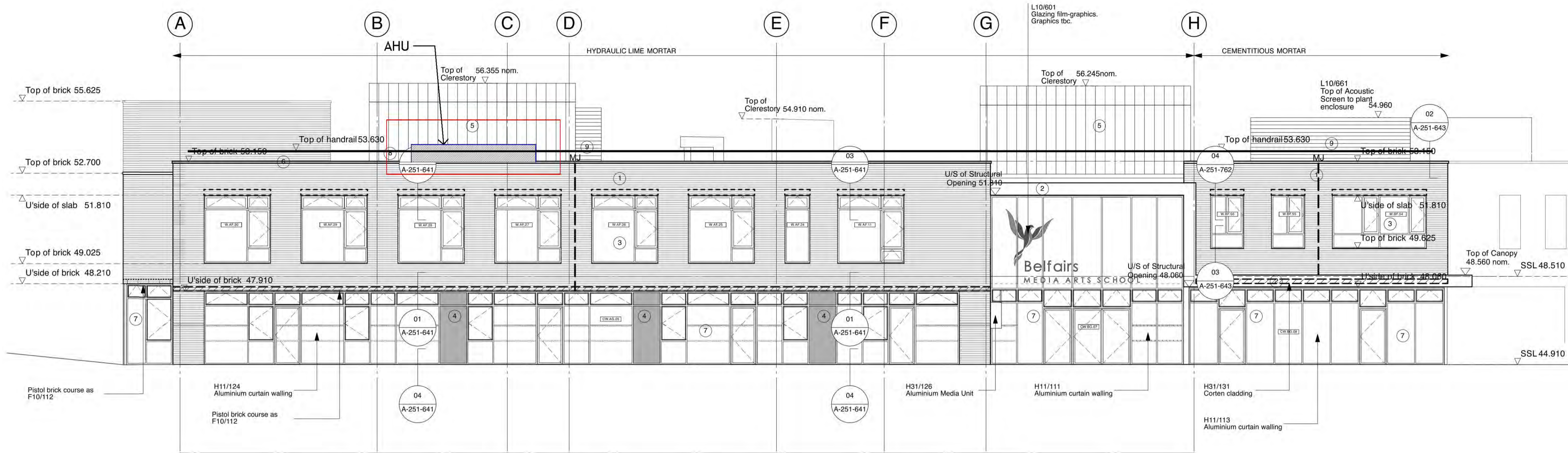
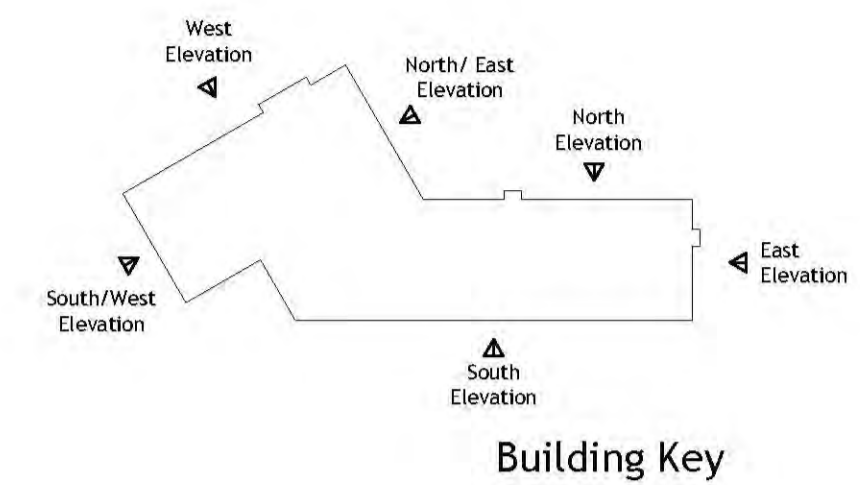
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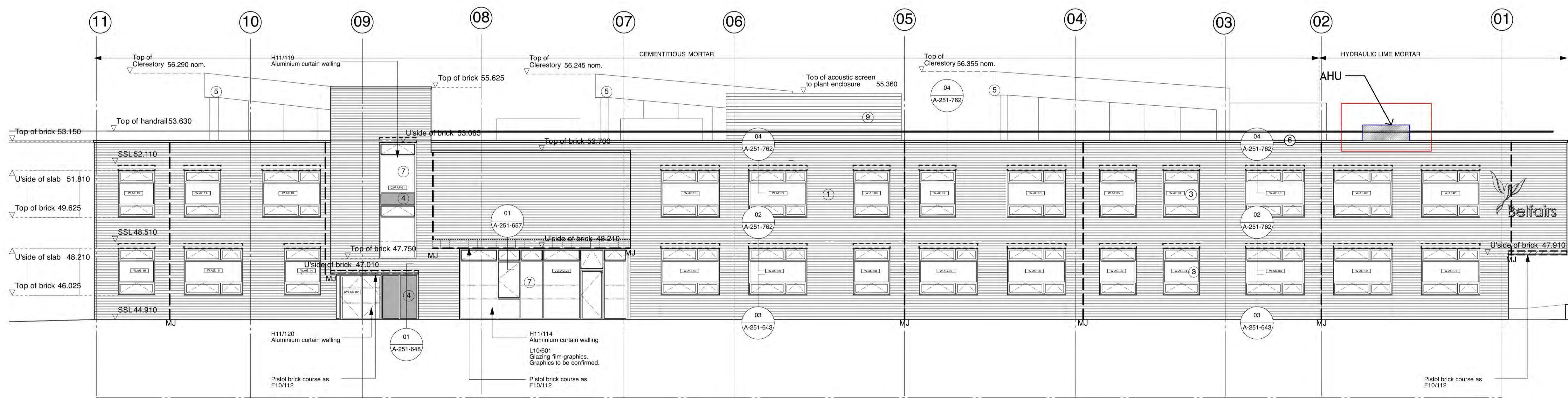
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**01 SOUTH WEST**  
Elevation

71



**03 NORTH WEST**  
Elevation

Status:  
**Planning**



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Client:  
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Part of the LEGRA Trust

Project:  
2FE Expansion  
Belfairs Academy  
Highlands Boulevard  
Leigh-On-Sea  
Essex SS9 3TG

Title:  
Proposed AHU Position on Elevations  
South West & North West

Scale @A1: Date: Drawn: Checked:  
1:100 Apr/18 Cj

Drawing no.: Revision:  
BA / P18-099-401 /



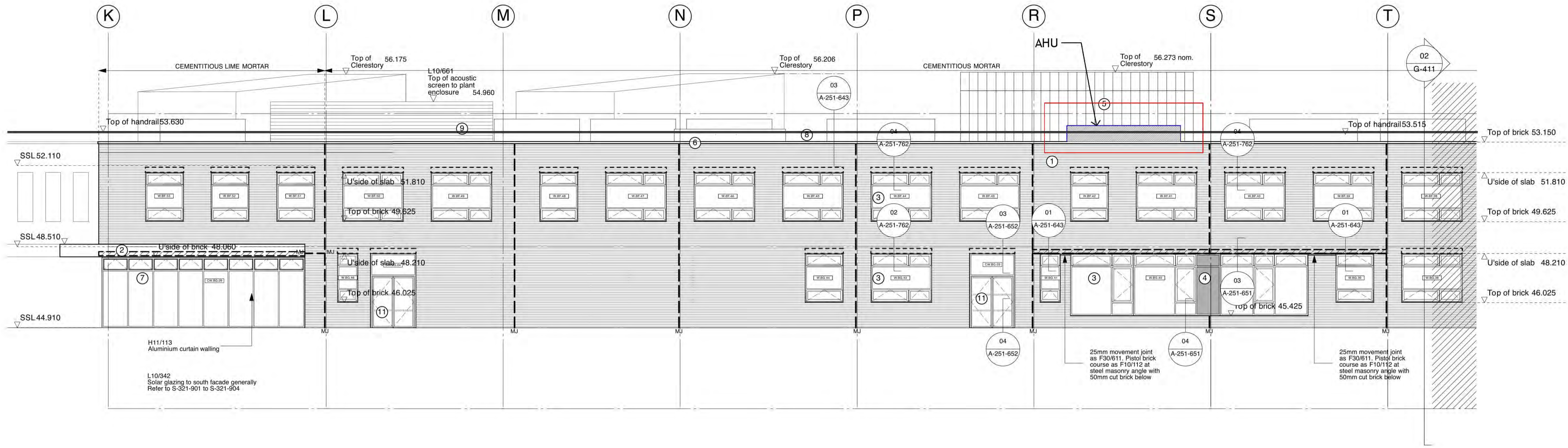
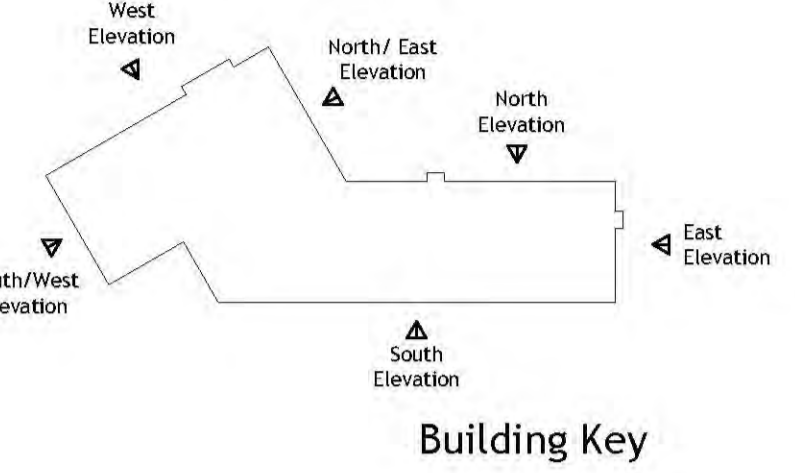
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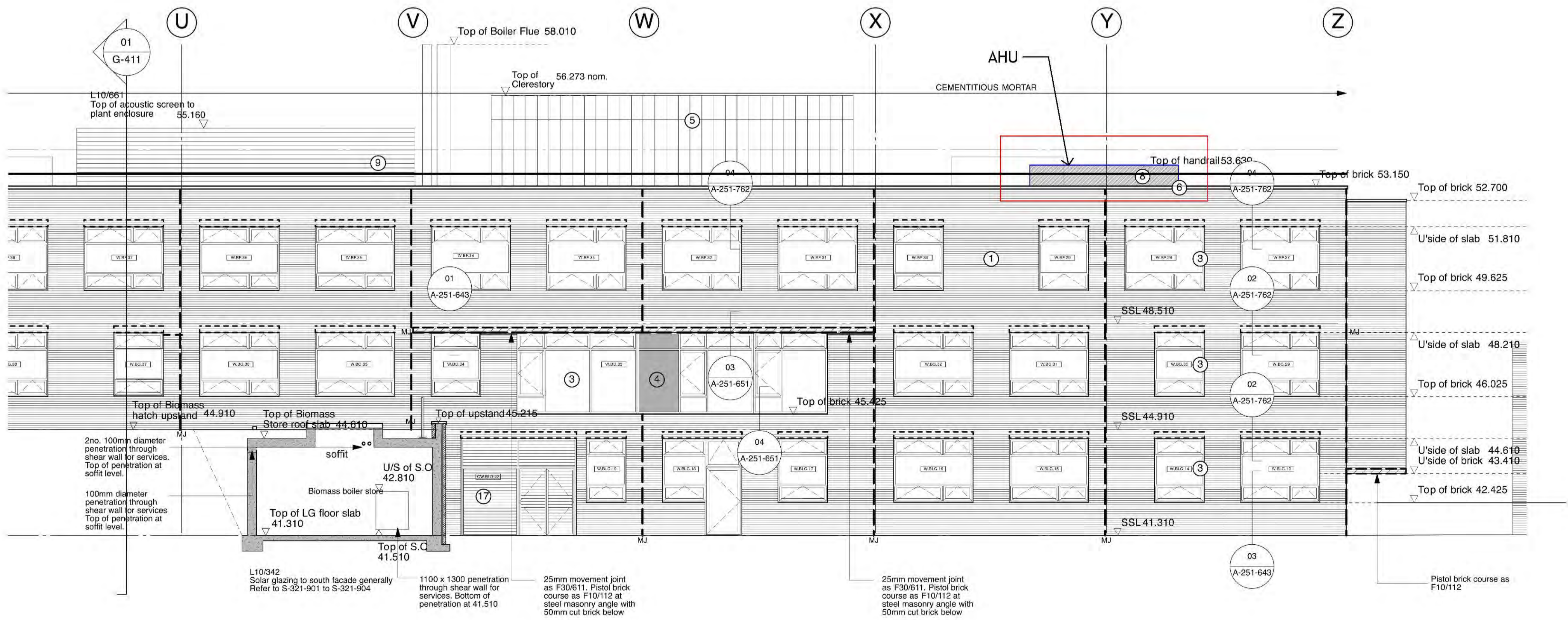
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Revisions:  
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01 SOUTH Elevation



02 SOUTH Elevation

Status:  
Planning

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Project:  
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Belfairs Academy  
Highlands Boulevard  
Leigh-On-Sea  
Essex SS9 3TG

Title:  
Proposed AHU Position on Elevations  
South

Scale @A1: 1:100 Date: Apr/18 Drawn: Cj Checked:

Drawing no.: BA / P18-099-402 Revision: /



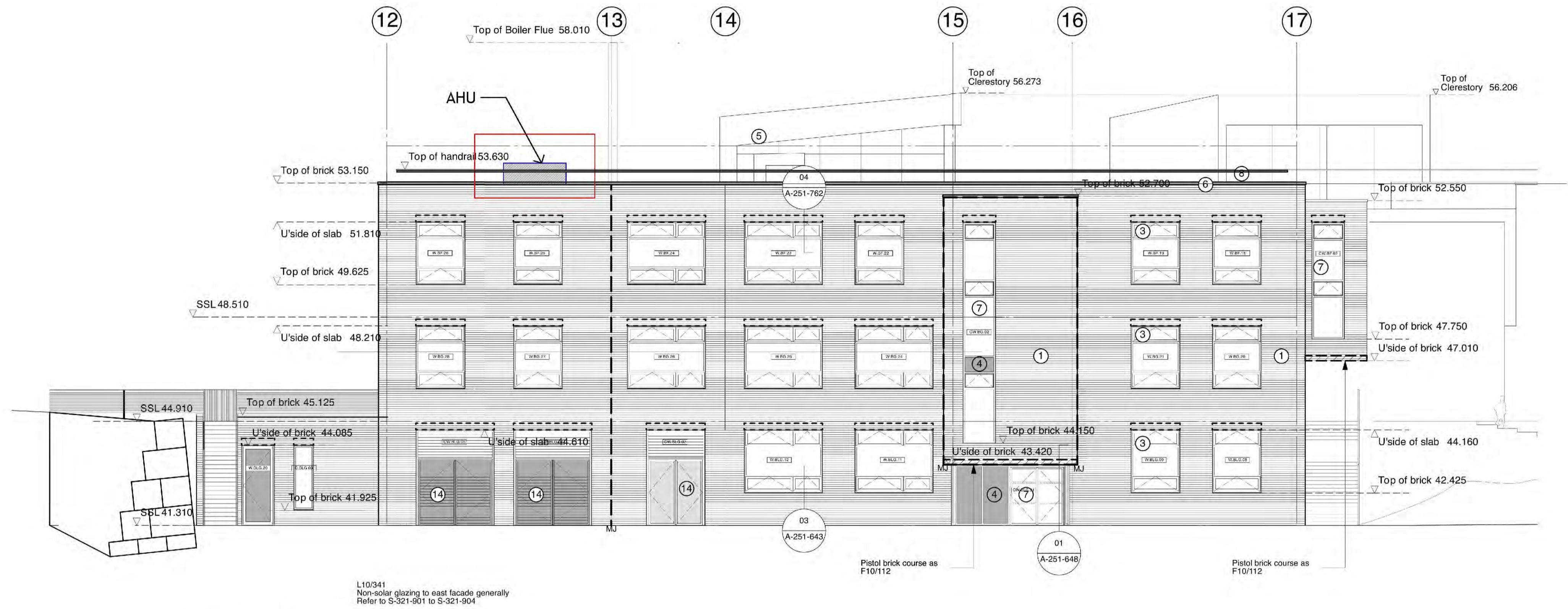
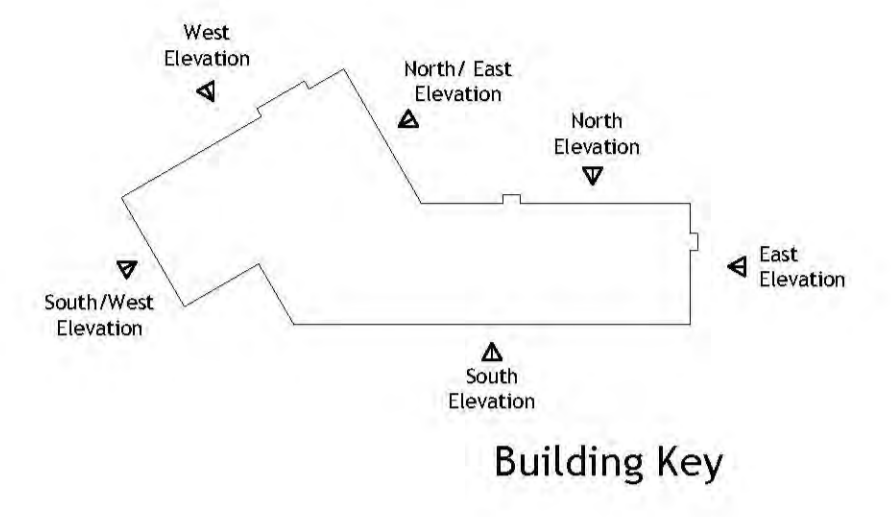
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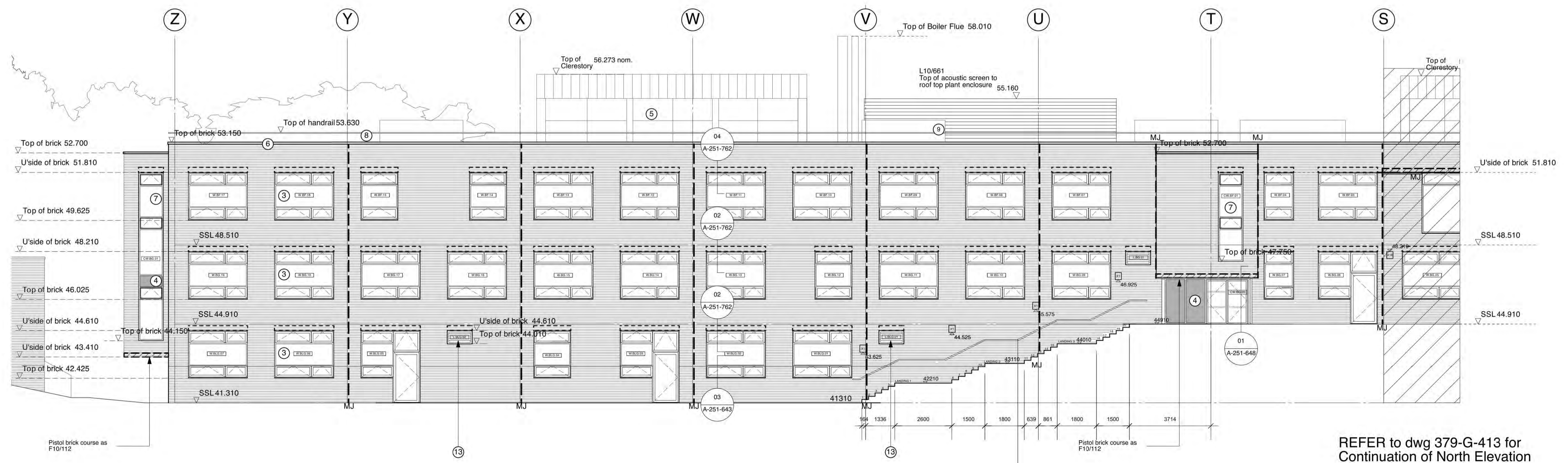
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Revisions:  
/ Issued for Planning 09/04/18



01 EAST Elevation

L10/341  
Non-solar glazing to east facade generally  
Refer to S-321-801 to S-321-904



02 NORTH Elevation

REFER to dwg 379-G-413 for Continuation of North Elevation

Status: Planning



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Client:  
Belfairs Academy  
Part of the LEGRA Trust

Project:  
2FE Expansion  
Belfairs Academy  
Highlands Boulevard  
Leigh-On-Sea  
Essex SS9 3TG

Title:  
Proposed AHU Position on Elevations  
East and North

Scale @A1: Date: Drawn: Checked:  
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Drawing no.: Revision:  
BA / P18-099-403 /



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<b>Reference:</b>	17/01180/FULM	<h1>6</h1>
<b>Ward:</b>	Kursaal	
<b>Proposal:</b>	Demolish existing building, erect four storey building comprising part commercial unit to ground floor, 14 self-contained flats with balconies, roof terrace to front and side and layout parking	
<b>Address:</b>	636 Southchurch Road, Southend-on-Sea	
<b>Applicant:</b>	Southchurch Holdings Ltd	
<b>Agent:</b>	DAP Architecture	
<b>Consultation Expiry:</b>	27.10.2017	
<b>Expiry Date:</b>	11.07.2018	
<b>Case Officer:</b>	Kara Elliott	
<b>Plan Nos:</b>	621.001.00, 621.002.00, 621.003.00, 621.200.01, 621.201.03, 621.202.02, 621.203.02, 621.204.02, 621.205.02	
<b>Recommendation:</b>	<b>Delegate to the Director of Planning and Transport or the Group Manager Planning and Building Control to GRANT PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended).</b>	



# 1 The Proposal

1.1 Planning permission is sought to demolish the existing buildings and construct a four storey building comprising part commercial unit to ground floor and 14 self-contained flats with balconies, roof terrace to front and side and layout parking.

1.2 The details of the scheme are summarised as follows:

Residential Units	4 x 1 bedroom (2 persons) 52m <sup>2</sup> - 57m <sup>2</sup> 7 x 2 bedrooms (3/4 persons) 67m <sup>2</sup> - 88m <sup>2</sup> 3 x 3 bedrooms (5/6 persons) 93m <sup>2</sup> - 111m <sup>2</sup>
Commercial Unit	152m <sup>2</sup> (A1 use)
Parking	14 car parking spaces (one per residential unit) 14 secure internal cycle parking spaces (one per residential unit)
Amenity space	60m <sup>2</sup> first and second floor balconies (one per flat, flats 1 - 12) 33m <sup>2</sup> roof terrace (flat 13) 41m <sup>2</sup> roof terrace (flat 14)
Height (max)	4 storey (10m to 13.7m)
Width	17.8m
Depth	Between 33.6m and 41.45m

1.3 The proposed development will include the following accommodation;

Plot No.	Floor	Unit Size	Part M compliance	Area (m <sup>2</sup> )
1	G/1	3 B 5 P	M4(2)	93
2	G/1	3 B 5 P	M4(2)	93
3	1	2 B 4 P	M4(2)	70
4	1	2 B 4 P	M4(2)	70
5	1	1 B 2 P	M4(2)	57
6	1	2 B 3 P	M4(2)	70
7	2	2 B 4 P	M4(2)	70
8	2	2 B 4 P	M4(2)	70
9	2	1 B 2 P	M4(2)	52
10	2	1 B 2 P	M4(2)	52
11	2	1 B 2 P	M4(2)	52
12	2	2 B 3 P	M4(2)	67
13	3	2 B 4 P	M4(3)	88
14	3	3 B 6 P	M4(2)	111



- 1.4 The proposed four storey building would have flat roofs and would have a contemporary appearance owing to its straight lines, large expanses of glazing, varying heights of projecting flat roof elements and the use of modern materials for design features such as vertical metal cladding at the top floor. Balconies are proposed to the front and east side elevations. The third floor would contain the largest accommodation with a two bedroom (four person) unit (M4(3) building regulations fully wheelchair accessible) and a three bedroom (six person) unit; each with a large private roof terrace. The commercial unit would have a door to the centre of the front elevation facing Southchurch Road with the rest glazing to the rest of the frontage, wrapping around to the east elevation.
- 1.5 In terms of access, pedestrian access for the flats would be taken from Surbiton Avenue at the side of the building to a communal entrance lobby with the option of stairs or lift access to all floors. Pedestrian walkways would be located across the west side elevation, providing access to the first and second storey flats, accessed from within the building. Vehicular access would be taken from Surbiton Avenue at the rear of the site to a car park within the site, providing parking spaces for 14 vehicles. Separate refuse and recycling storage areas for the commercial and the residential parts of the building would be provided at the east side elevation at ground floor behind gates.
- 1.6 Secure cycle parking is proposed within the lobby at ground floor, providing 14 spaces for the future occupiers. No car or cycle parking is provided for the commercial unit.

## **2 Site and Surroundings**

- 2.1 The application site amounts to 0.082 hectares and is a prominent corner position at the junction of Southchurch Road and Surbiton Avenue, Southend-on-Sea. To the east of the site on the opposite side of Surbiton Avenue is a large four storey development with commercial at ground floor and residential above. Two storey semi-detached properties are located to the rear fronting Surbiton Avenue. Rows of two storey buildings with commercial at ground floor with flats above are located opposite the site within Southchurch Road. 626 – 630 Southchurch Road is located to the west of the site and contains a three storey building consisting of a hardware shop at ground floor with residential flats above.
- 2.2 The existing building to be demolished contains an A1 shop with vacant office accommodation at first floor. The existing building has a floor area of approximately 200m<sup>2</sup>, reaches a height of 8.6 metres from ground, is approximately 8 metres wide and has an overall depth of approximately 24 metres. A small block of three lock-up garages is located to the rear of the site which will also be demolished to make way for the proposed development.
- 2.3 The wider streetscene is a mixture of scales and designs. Southchurch Road is considered to be a vibrant shopping street, with the designated secondary shopping frontage area located opposite the site. The land has a slight gradient from lower to higher ground from north to south (approximately a meter difference from the rear of the site to the front).
- 2.4 The application site is not located within a Flood Zone, a designated Shopping Frontage area or Conservation Area and does not relate to any Listed Buildings.

### 3 Planning Considerations

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

### 4 Appraisal

#### Principle of Development

**National Planning Policy Framework (NPPF); Core Strategy Policies KP1, KP2, CP1, CP2, CP4, CP8; Development Management Document Policies DM1, DM3, DM7, DM8, DM11 and the Design and Townscape Guide (2009)**

#### *Principle of Residential Development*

- 4.1 The site is previously developed land and it is therefore relevant to Core Strategy policy CP8, which supports the provision of dwellings on such land; subject to detailed considerations where it is expected that the intensification of development will play a role in meeting the housing needs of the Borough.
- 4.2 Policy DM3 states that *“the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.”*
- 4.3 Government advice currently states that all sites should be examined in order to determine their potential for redevelopment for residential purposes, maximising the use of urban land. The NPPF states that development should; *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”*. The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.
- 4.4 The first floor of the existing building is currently vacant office space; amounting to 96m<sup>2</sup>. It is therefore considered necessary to assess its loss. Outside of the designated Employment Areas (as defined within the Development Management Document), proposals for alternative uses on sites used (or last used) for employment purposes, will only be permitted where it can be demonstrated that it will no longer be effective or viable to accommodate the continued use of the site for employment purposes or if use of the site for B2 or B8 purposes gives rise to unacceptable environmental problems.
- 4.5 The applicant has stated that the first floor offices have been vacant for eight years following unsuccessful marketing campaigns. A local estate agent has confirmed this information and states that the office space is not in a lettable condition.



The benefits of the proposed development are considered to outweigh the loss of the office space. On this basis it is considered that the loss of the B1 office space is not objected to in this instance.

*Principle of A1 Use*

- 4.6 The proposed development involves the creation of an A1 unit at ground floor. Whilst the application site is not located within a Primary or Secondary Shopping Frontage Area, the proposed A1 unit would maintain an active shopping frontage at ground floor along Southchurch Road, as well as part of Surbiton Avenue.
- 4.7 This is consistent with surrounding development within Southchurch Road and is acceptable in principle.

*Dwelling Mix*

- 4.8 Policy DM7 of the Development Management Document states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough’s housing need and housing demand. A range of dwelling types would provide greater choice for people living and working in Southend and it would promote social inclusion. The Council seek to promote a mix of dwellings types and sizes as detailed below. The dwelling mix of the application is also shown in the table below;

Dwelling size: Bedrooms	1-bed	2-bed	3-bed	4-bed
Proportion of dwellings (Policy DM7)	9%	22%	49%	20%
Proposed Development (% / (units))	28.6% (4)	50% (7)	21.4% (3)	0% (0)

- 4.9 The proposed development would result in 4 x 1 bed (2 person) flats, 7 x 2 bed (3/4 person) flats and 3 x 3 (5/6 person) flats. Whilst the proposed development does not strictly accord with the dwelling mix identified in Policy DM7, it is considered that the units proposed incorporate a good mix of dwelling sizes and types; including one bedroom apartments, large 3 bedroom penthouse accommodation (suitable for families and one fully wheelchair accessible) as well as 2 no. duplex apartments (Flats 1 and 2). The proposed dwelling mix is also considered to be in accordance with the context of the proposed three storey building and similar development within the locality.
- 4.10 Paragraph 50 of the National Planning Policy Framework states that ‘*plan for a mix of housing should be based on current and future demographic trends, market trends and the needs of different groups in the community*’. Therefore, on balance, in this particular instance, the dwelling mix as proposed, whilst not strictly in accordance with policy DM7, taking into account the abovementioned factors, the market trend in the area and the fact that it is a relatively small scheme, is considered adequate.

### Affordable Housing

- 4.11 Policy CP8 of the Core Strategy explains that residential development proposals will be expected to contribute to local housing needs, including affordable housing. It states that; *“All residential developments of 10-49 dwellings will be expected to provide not less than 20% of the total number of units on site as affordable housing.”*
- 4.12 The applicant is seeking not to provide any affordable housing on viability grounds. A viability statement has been submitted with the application and independently appraised and it is accepted that the proposal cannot viably make a contribution to affordable housing.
- 4.13 It is accepted that in this instance provision of affordable housing cannot be justified as part of the development. However, this is not a positive element of the proposal. Details of the viability assessment and affordable housing provision are discussed subsequently in more detail in ‘Developer Contributions’ section of this report.
- 4.14 In light of the above, it is considered that the principle of the proposed development is acceptable. The issues relating to the design, as well as other material planning considerations, including impact on future neighbours’ amenities, living conditions of future occupiers, sustainability, planning obligations, CIL, highway safety and parking standards are further discussed below.

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

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

- 4.15 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy Policies KP2, CP4 and CP8.
- 4.16 The core planning principles of the NPPF include to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.”* Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Paragraph 64 of the NPPF states; *“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
- 4.17 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.



- 4.18 Policy DM3 states that; *“The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.”* Moreover, policy DM1 states that development should *“Add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.
- 4.19 The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant in the streetscene and development which is under scaled will appear weak and be equally detrimental (Design and Townscape Guide 2009).
- 4.20 The existing building on part of the site is not Listed, nor located in a Conservation Area. Hence its demolition to enable redevelopment is considered to be acceptable in principle.
- 4.21 The existing site is partly vacant and partly occupied by a two-storey building consisting of a shop at ground floor and vacant office accommodation above. In terms of the streetscene, to the east is a modern mixed use development of four storeys which provides retail uses at ground floor facing Southchurch Road and residential units to the rear and on the upper floors. This is one of a number of recent developments along Southchurch Road of this scale and form. To the west of the site is a more traditional development of three storeys with a flat roof. To the south of the site Surbiton Avenue contains traditional residential houses with distinctive repetitive bays and gable features.
- 4.22 The wider streetscene is a mix of scales and designs which is considered to contribute to the existing character of Southchurch Road and its role as a vibrant shopping street. There is no objection in principle to the loss of the existing building which is not considered to particularly contribute positively to the character and appearance of the application site or the wider area.
- 4.23 In terms of its scale and height, the proposed development references the scale of the block to the east. In particular, it is considered that the setbacks to the front and to the south assist in reducing the scale and mass where the site adjoins lower development and helps to integrate the mass and form of the development into the streetscene. In addition, the stepping of heights at the southern end is considered to reference the building lines of the adjacent two storey houses and reduces any dominant, bulky visual impacts at this part of the site; providing an acceptable transition between built form.
- 4.24 The large shopfront windows which wrap around the corner of the building at ground floor are considered a positive element of the proposed development as it is plainly commercial in appearance, in continuation of the streetscene and neighbouring development i.e. 662 Southchurch Road. Whilst bin stores are proposed to part of the side elevation, the ground floor ensures a good level of active frontage at street level within Southchurch Road and Surbiton Avenue.

- 4.25 Only three of the 14 vehicular parking bays will be visible from the streetscene (within Surbiton Avenue); the remaining parking spaces are located out of view from the public vista accessed via undercroft parking at the rear of the site. Whilst the three visible spaces are not ideal for large scale blocks, due to the presence of existing parking in this location and the inclusion of a small section of soft landscaping between the parking bays and the development, no objection is raised in this instance.
- 4.26 In terms of fenestration, openings are appropriately proportioned and positioned within the building and are considered to integrate into the streetscene. In terms of legibility, the pedestrian entrance is clear within Surbiton Avenue and full height windows above assist in making this part of the development a key feature.
- 4.27 The proposed materials to be used in the construction of the development have been submitted for consideration within a materials schedule including;
- External walls
- Red/brown stock brickwork
  - White Render
  - Powder coated metal cladding
- Roofs
- Single ply flat roof membrane
- Windows and Doors
- Powder coated aluminium windows and doors
- Features
- Permeable paving to parking areas (Marshalls – Driveset Tegular Priora)
- 4.28 With regard to materials, the use of red stock brickwork for the main walls with white render detailing to the projecting elements is considered acceptable and reflects materials observed nearby. The dark grey zinc coloured cladding is also not objected to and provides interest to the design features and lessens the impact of the upper floor. Aluminium powder-coated window and door frames are proposed which are also considered acceptable in this location and contribute to the contemporary appearance of the building.
- 4.29 Overall the proposed development is considered to be appropriately scaled for this location and of an appropriate design. It is therefore considered acceptable and policy compliant in these regards.

### **Impact on Residential Amenity**

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



- 4.30 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.
- 4.31 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):
- 4.32 *“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;”*
- 4.33 Due to the height of the proposed development located immediately adjacent to the neighbouring property of 11 Surbiton Avenue and the lack of openings to the north side elevation, it is considered that the development would not result in an obtrusive or overbearing form of development which causes an unacceptable sense of enclosure to the detriment of amenities enjoyed by existing residential occupiers. Nor is it found that there would be unacceptable overlooking or a loss of privacy. Furthermore, it is not considered that the proposed development will be harmful to the amenities of occupiers to the immediate north, east or west of the site taking into account the overall separation distances and given the nature and comparative impact of the existing buildings on site in terms of overall scale, height and bulk.
- 4.34 In addition, due to the proposed access remaining in the same position as the existing i.e. located at the rear adjacent to no.11, and considering that vehicular movements for the commercial use could be similar to or in excess of the movements of the occupiers of fourteen flats, it is not considered that the proposed access would result in demonstrable harm to the amenities of the neighbouring occupiers from noise and disturbance.
- 4.35 The proposed walkways for pedestrians to access the flats from the car park within the site are not considered to result in unacceptable loss of privacy or demonstrable overlooking to neighbouring dwellings due to separation distances to adjacent buildings i.e. approximately 20 metres to the side of no.626 Southchurch Road and approximately 9 metres to 630 Southchurch Road and as these areas are only for providing access i.e. are not conducive for using as private sitting out areas due to their communal use as access paths and narrow widths. Furthermore, the windows facing west largely serve non-habitable rooms.
- 4.36 The development is found to be acceptable and in compliance with the NPPF, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the guidance contained within the Design and Townscape Guide (2009) in regards to the protection of the amenities of neighbouring occupiers.

## Living Conditions for Future Occupiers / Amenity Space

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

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

- Minimum property size; 1 bedroom (1 person) 37sqm-39sqm, 1 bedroom (2 persons) 50sqm, 2 bedroom (3 persons) 61sqm, 2 bedrooms (4 persons) 70sqm, 3 bedrooms (4 persons) 74sqm, 3 bedrooms (5 person) 86sqm, 3 bedrooms (6 person) 95sqm.
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a single bedroom with a minimum width of 2.15m; and 11.5m for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

4.38 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 1.25m<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.

4.39 The internal floorspace of each flat is as follows;

Plot No.	Floor	Unit Size	Part M compliance	Area (m <sup>2</sup> )
1	G/1	3 B 5 P	M4(2)	93
2	G/1	3 B 5 P	M4(2)	93
3	1	2 B 4 P	M4(2)	70
4	1	2 B 4 P	M4(2)	70
5	1	1 B 2 P	M4(2)	57
6	1	2 B 3 P	M4(2)	70
7	2	2 B 4 P	M4(2)	70
8	2	2 B 4 P	M4(2)	70
9	2	1 B 2 P	M4(2)	52
10	2	1 B 2 P	M4(2)	52
11	2	1 B 2 P	M4(2)	52
12	2	2 B 3 P	M4(2)	67
13	3	2 B 4 P	M4(3)	88
14	3	3 B 6 P	M4(2)	111

- 4.40 Each unit would meet or exceed the national space standards and every unit would be built to building regulations M4(2) standard for 'accessible and adaptable dwellings', with the exception of flat 13 which would achieve the M4(3) standard for a fully wheelchair accessible dwelling. The development would provide good-sized accommodation for future occupiers. Furthermore, all habitable rooms will be provided with windows to provide natural light, outlook and ventilation. It is considered that the standard of accommodation is good and would not be to the detriment of the living standards of the future occupiers. This is in compliance with National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies DM1, DM3 and DM8 and the National Technical Housing Standards and advice contained within the Design and Townscape Guide.
- 4.41 It is considered that the proposed layout offers permeability for pedestrians throughout the entire site, including cycle parking within the site which is easily accessed within the ground floor lobby. It is considered that the layout of the development would provide a good living environment for future occupiers which is not cramped or contrived.
- 4.42 One of the core planning principles of the NPPF is that the planning system should *"Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"*. Policy DM8 of the Development Management Document states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space. Whilst no communal garden is provided, each unit would benefit from balconies or a large roof terrace (plots 13 and 14) which would provide an acceptable level of private amenity space and in most instances a sitting-out area.

Due to the good standard of internal accommodation, balconies or terraces for each unit and the external communal garden space described above. It is considered that the development includes acceptable private amenity spaces for the benefit of future occupiers.

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

### **Highways and Transport Issues**

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

- 4.44 Policy DM15 of the Development Management Document states: *“5. All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context. Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity”*.
- 4.45 It should be noted that the Parking Standards are expressed as a maximum and local and national guidance encourages reduction in the reliance on the car and promotes methods of sustainable transport. The adopted Vehicle Parking Standards state that at least one space should be provided for the proposed dwellings; amounting to 14 off-street parking spaces. The parking court located within the application site would provide off-street parking in satisfaction of the requirement, as well as safe and secure cycle parking within proposed building at ground floor lobby. Furthermore, the site is considered to be within a sustainable location, within short walking distance to services and facilities within Southchurch Road, as well as close to the centre of Southend which is a 15-20 minute walk away.
- 4.46 The vehicle access to serve the development will utilise the existing access on site from Surbiton Avenue, providing access to the 11 parking spaces within the site. No objections have been raised by the Councils Highway Officer in relation to the parking provision and vehicle crossover from Grosvenor Road. There is sufficient space within the site for vehicles to exit in forward gear. Furthermore, the position of the existing vehicle crossover benefits from good visibility splays in both directions and therefore is considered acceptable and not detrimental to pedestrian or highway safety. In addition, the access would remain open as per the existing situation for access to the rear of 626 – 630 Southchurch Road.



- 4.47 The existing ground floor retail unit measures 195m<sup>2</sup> and requires a maximum of 14 off-street parking spaces, as per the adopted Vehicle Parking Standards (1 space per 14m<sup>2</sup>). Currently, areas of hardstanding providing off-street parking spaces for approximately four cars are provided at the rear of the site, with three lock-up garages potentially providing a further three. A maximum of 11 spaces are required for the proposed retail unit (152m<sup>2</sup>).
- 4.48 No off-street parking is proposed for the retail unit. However, in consideration of the availability of local services and facilities within walking distance of the site, good public transport options and the benefit of providing sustainable development, it is considered that on balance, the provision of no on-site parking for the retail unit is acceptable.
- 4.49 For these reasons the development is unlikely to cause additional on street parking to the detriment highway safety and the local highway network. Furthermore, the Council's Highways Engineer does not objected to the lack of off-street parking for the retail unit.
- 4.50 The proposed development provides safe access and egress within the site and is not considered to cause additional on street parking to the detriment of highway and pedestrian safety and the local highway network. The proposed development is therefore found to be acceptable and Policy compliant in its parking and highway safety implications.

#### *Waste Management*

- 4.51 The proposed bin stores are separate for the residential and commercial uses and are to be located at the side of the building, behind lockable gates with easy access of Surbiton Avenue, in accordance with DM8 of the Development Management Document. In addition, this area would benefit from sufficient access to ensure the bins can be moved from the communal bin store and will not be obstructed. Each flat occupier will be responsible for bringing their waste down to the communal bin store and sorting the waste in to the relevant designated bins. It is considered that a waste management plan for the development should be required through a condition.

#### *Cycle storage*

- 4.52 14 cycle spaces are proposed within a secure location within the ground floor of the building. The cycle parking provision is policy compliant with policy DM15 of the Development Management Document. Whilst no cycle parking is proposed for the ground floor retail use, it is considered that due to the minor scale of the proposed floorspace for the commercial use (152m<sup>2</sup>) and the parking standard for A1 uses (food and non-food) being 1 space per 400m<sup>2</sup>, it is considered that the lack of cycle parking is acceptable in this instance. Furthermore, the application site is located within a sustainable location whereby public transport options and walking distances to a wide range of services and facilities are short.
- 4.53 Subject to the above, the proposal is considered to comply with the relevant highways policy in terms of access and level of parking provision, servicing and cycle/refuse storage.

## Sustainable Construction

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

### *Renewable Energy*

- 4.54 Policy KP2 of the Core Strategy states; “*All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources*” and that “*at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*”. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design.
- 4.55 Policy DM2 of the Development Management Document is clear that there is an identified need for increased water efficiency measures to be integrated into new developments to take account of the water resourcing issues identified in Essex. In particular, part (iv) of Policy DM2 requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. On a national level, the NPPF states that in order to support a low carbon future, Local Planning Authorities should set sustainability standards in a way consistent with the Government’s zero carbon buildings policy and adopt nationally described standards. Whilst details have not been submitted for consideration at this time, this can be dealt with by condition.
- 4.56 The applicant has submitted details stating that the roofspace will successfully provide solar PV panels in compliance with policy KP2 of the Core Strategy and policy DM2 of the Development Management Document. Whilst the calculations of the renewable energy have not been provided at this stage, it is considered that this would be adequate to address the abovementioned requirements through the imposition of a condition. In addition, the applicant states that the proposed development will be installed with highly efficient lighting and appliances as well as windows and doors. It is considered that an appropriate condition in relation to the submission of details and features could be imposed to any positive decision in order to ensure the proposed units will achieve the 10% renewable energy requirement, as set out by Policy KP2 of the Southend Core Strategy.

### *Trees and Soft Landscaping*

- 4.57 The existing site frontage is predominantly laid to hard surfacing. The existing open land to the west will be replaced by the proposed development. Three trees are proposed to be planted to the west boundary at the rear in order to soften the boundary of the site and the car parking area.



- 4.58 Small pockets of soft landscaping are proposed to the street frontage along Surbiton Avenue. It is considered that this would represent an enhancement of the quality of the site and surroundings, consistent with the objectives of the above policies relating to sustainability and to those requiring a high standard of design.

#### *Drainage (SUDS)*

- 4.59 In addition to the proposed soft landscaping areas, the proposed areas of hardstanding are confirmed to be of permeable surfaces i.e. block paving. A SuDs/Surface Water Drainage Assessment has been submitted alongside the application which states that the development will seek to reduce the surface water discharge rate by 50%. In addition, the development will utilise an existing combined sewer in the southern area of the site. Detailed hydraulic modelling has been carried out which demonstrates that the SuDs/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); in accordance with the NPPF. The proposed development would not increase the risk of flood on site or elsewhere and incorporates a sustainable drainage scheme. It is considered that a suitable condition should be imposed to any positive decision in order to ensure the development complies with the development plan policies.

#### **Community Infrastructure Levy**

- 4.60 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The resulting total CIL contribution for this is approximately £21,622.98; based on the rate applicable for CIL Charging Zone 1.

#### **Planning Obligations**

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

- 4.61 Core Strategy Policy KP3 requires that:

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

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

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

### *Affordable Housing*

- 4.62 The Council and the applicant undertook lengthy discussions during the course of the application in relation to the ability of the development to provide affordable housing. These included exploration of the applicants fully evidenced viability assessment. Since the Applicant's initial assessment was submitted (dated September 2017), and following the comments from the independently appointed assessor (BNP Paribas), the applicant has submitted information providing further analysis and evidence to support the sites' Existing Use Value; which was initially considered unreasonable. Through providing up to date sales evidence of retail, office, market housing, garage and storage units that have sold within the last six months, it is accepted that a truer reflection of the Existing Use Value has been demonstrated. The conclusions of the updated viability assessment, which has been accepted by the Council's independent viability assessor, demonstrate that the proposal would result in a deficit and thus, the proposal would be unable to support the provision of affordable housing.

### *Education*

- 4.63 Due to the increased demand for school places and impact on school capacity, as a result of the development, a financial contribution of £13,940.40 will be required prior to commencement towards the Secondary expansion of Shoeburyness High School. This matter can be dealt by completion of a S106 agreement.
- 4.64 The Section 106 contribution proposed is considered to meet the tests set out in the CIL Regulations 2010 (as amended). Without the contribution that is set out above the development could not be considered acceptable. Therefore, if the S106 agreement is not completed within the relevant timescale the application should be refused. An option to this effect is included within the recommendation in Section 9.

## **5 Conclusion**

- 5.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The loss of the existing B1 office use and the mix of units is found to be acceptable. The proposal would provide adequate amenities for future occupiers, have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the locality more widely. The highways impacts of the proposal are not considered to be such that they would cause a conflict with development plan policies. This application is therefore recommended for approval subject to completion of a S106 Agreement and to conditions.



## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework
- 6.2 Core Strategy 2007 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); 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), Policy DM11 (Employment Areas) and DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document: Design & Townscape Guide 2009
- 6.5 Supplementary Planning Document: Planning Obligations 2015
- 6.6 Community Infrastructure Levy Charging Schedule 2015
- 6.7 Supplementary Planning Document: Planning Obligations: A Guide to Section 106 and Developer Contributions 2015.

## **7 Representation Summary**

### **Design and Regeneration**

- 7.1 No objections

### **Traffic and Transportation**

- 7.2 No objections.

### **Education**

- 7.3 No objection subject to financial contribution of £13,940.40 towards the secondary expansion of Shoeburyness High School.

### **Essex and Suffolk Water**

- 7.4 Comments: Our records show that we do not have any apparatus located in the proposed development.
- 7.5 We have no objection to this development subject to compliance with our requirements; consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

### **Environmental Health**

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

## **Strategic Housing**

- 7.7 No objection raised. Further comments to be provided as part of the supplemental report.

**Officer comment: These comments were submitted prior to the accepted position demonstrating no affordable housing contribution was viable.**

## **Essex County Fire & Rescue**

- 7.8 No objection.

## **London Southend Airport**

- 7.9 No objection.

## **Environmental Health**

- 7.10 No objection subject to conditions in relation to hours of work, dust, noise emissions etc.

## **Public Consultation**

- 7.11 A site notice was displayed on site, a press advert was published and 83 letters were sent to neighbouring properties notifying them of the proposal.

- 7.12 Eight letters of representation (two from same address) were received objecting to the development for the following reasons;

- Insufficient off-street parking;
- Loss of light to neighbouring occupiers;
- No commercial parking;
- Design of scheme unacceptable;
- Overdevelopment;
- Negative impact on local business;
- Lack of boundary treatments;
- Access inadequate and detrimental to highway and pedestrian safety;
- Local residents and staff have right of way across the access;
- Impact on sewer system;
- Limited neighbour consultation;
- Loss of view;
- Difficulty accessing the side of 626 – 630 Southchurch Road;
- Inadequate tree planting and soft landscaping

- 7.13 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. Any right of way or land ownership issues are not under the jurisdiction of this application. Furthermore, it is confirmed that the consultation carried out met fully with the requirements of the law for consultations on an application of this nature.

## **8 Relevant Planning History**

- 8.1 02/00719/FUL - Use first floor office (Class B1) as training and educational centre (Class D1) – Approved 25.07.2002;
- 8.2 99/00933/OUT - Erect three storey building comprising ground floor shop and two flats over and lay out eight parking spaces at rear (amended plan) – Refused;
- 8.3 98/0464 - Erect Three Storey Building Comprising Ground Floor Shop And Three Flats Over And Lay Out Nine Parking Spaces At Rear (Amended Proposal) – Refused
- 8.4 97/0924 - Erect 3 Storey Building Comprising Ground Floor Shop And 3 Flats Over And Lay Out Parking At Rear - Refused

## **9 Recommendation**

**Members are recommended to:**

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

- **A financial contribution towards secondary education provision of £13,940.40, specifically for the secondary expansion of Shoeburyness High School.**

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

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

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

- 02 **The development shall be carried out in accordance with the approved plans: 621.001.00, 621.002.00, 621.003.00, 621.200.01, 621.201.03, 621.202.02, 621.203.02, 621.204.02, 621.205.02.**

**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 other than demolition above 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 be carried out in full accordance with the approved details before it is occupied.

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

- 04** No construction works other than demolition works shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting etc.) Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, and the initial tree planting and tree staking details. The hard landscaping shall be implemented in full accordance with the approved details before any of the development is first occupied or brought into use. The soft landscaping shall be implemented in the first planting season following occupation of the development.

**Reason:** In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy DPD1 and policies DM1 and DM3 of the Development Management DPD 2015.

- 05** No part of the development shall be occupied until space has been laid out within the site in accordance with drawing 621.200.00 for 14 cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking spaces shall be permanently retained thereafter only for the parking of occupiers to the development and their visitors.

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

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

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

- 07 Secure, covered cycle parking spaces for 14 cycles to serve the residential development shall be provided in accordance with drawing no. 621.200.00 prior to first occupation of the development and shall be permanently retained for cycle parking 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.**

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

- i) the parking of vehicles of site operatives and visitors**
- ii) loading and unloading of plant and materials**
- iii) storage of plant and materials used in constructing the development**
- iv) the erection and maintenance of security hoarding**
- v) measures to control the emission of dust and dirt during construction**

- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site**
- vii) measures to limit noise and disturbance.**

**Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.**

- 09 The Sustainable Urban Drainage (SuDs) measures as set out on pages 16 and 17 the supporting SuDS Assessment carried out by Ardent dated June 2017 shall be implemented (and thereafter managed) before any of the development is first occupied and brought into use and be maintained as such thereafter.**

**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 and Policy DM2 of the 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 must be submitted to and agreed in writing prior to first occupation of any part of the development hereby approved by the Local Planning Authority and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.**

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

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

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

- 12 Before the development is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that flats 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14 hereby approved comply with the Building Regulation M4(2) 'accessible and adaptable dwellings' standard and flat 13 hereby approved complies with the Building Regulation M4(3) 'wheelchair user dwellings' standard.**

**Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, Core Strategy (2007) policy KP2, Development Management Document (2015) policies DM2 and DM8 and the Design and Townscape Guide.**

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

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



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

**Reason: To safeguard the privacy and amenities of occupiers of residential properties and the future occupiers of the proposed residential dwellings, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and The Design and Townscape Guide (2009).**

- 15 Prior to occupation of the development hereby approved, details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting to be included in the scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken in accordance with the approved details before it is occupied and retained in perpetuity.**

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

- 16 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force, the ground floor A1 retail unit hereby permitted shall not benefit from a change use to any other use without the receipt of express planning permission from the local planning authority.**

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

- 17** Prior to the commencement of the development, other than for, demolition, groundworks and site preparation works, a full scheme of the measures to be incorporated in the development to mitigate the impact of noise from road traffic, the activities of uses neighbouring the site and any other relevant sources of noise on the future occupiers of the new dwellings in the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved scheme of noise mitigation measures in its entirety before the first occupation of the development.

**Reason:** To ensure that the amenities of the occupiers of the development are not prejudiced by noise and in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and The Design and Townscape Guide (2009).

- 18** No extraction and ventilation equipment for the proposed development shall be installed until and unless full details of its location, design and technical specifications and a report detailing any mitigation measures proposed in respect of noise and odour impacts has been submitted to, and approved in writing by, the Local Planning Authority. The installation of extraction equipment shall be carried out in full accordance with the approved details and specifications and any noise and odour mitigation measures undertaken in association with the agreed details before the extraction and ventilation equipment is brought into use. With reference to British Standards BS4142 the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dB(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:** To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Design and Townscape Guide (2009).

- (c)** In the event that the planning obligation referred to in part (a) above has not been completed before 11.07.2018, or an extension of this time as may be agreed by the Director of Planning and Transport or Group Manager (Planning & Building Control), authority is delegated to the Director of Planning and Transport or the Group Manager (Planning and Building Control) to refuse planning permission for the application on the grounds that the development will not secure the necessary contributions to education provision. As such, the proposal would be contrary to Policies KP2, KP3 and CP6, of the development plan.

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

detailed analysis is set out in a report on the application prepared by officers.

## **INFORMATIVES**

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

---
- 2** The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.
- 3** This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a financial contribution towards secondary education.
- 4** Please note that advertisements i.e. fascia signage for the commercial unit will require separate advertisement consent. Details can be found at [https://www.planningportal.co.uk/info/200130/common\\_projects/4/adverts\\_and\\_signs](https://www.planningportal.co.uk/info/200130/common_projects/4/adverts_and_signs)
- 5** 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.



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# SOUTHCHURCH RD.

AS EXISTING: SITE LOCATION PLAN.

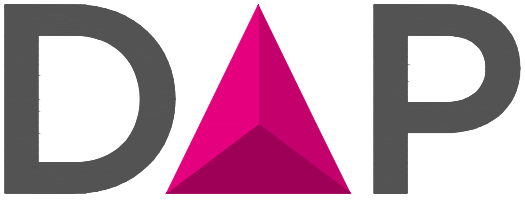
SCALE BAR 1:1250



PROJECT  
MIXED-USE DEVELOPMENT

DRAWING  
AS EXISTING SITE LOCATION PLAN

CLIENT  
SOUTHCHURCH HOLDINGS LTD



ADDRESS  
636 SOUTHCHURCH ROAD  
SOUTHEND-ON-SEA  
ESSEX  
SS1 2PT

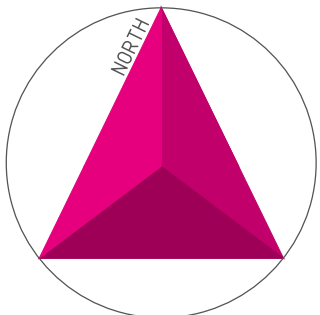
ARCHITECTURE LTD

a. 3 + 5 Hospital Approach  
The Millars  
Chelmsford  
ESSEX, CM1 7FA

e. studio@daparchitecture.co.uk

t. (0844) 854 9007

w. www.daparchitecture.co.uk



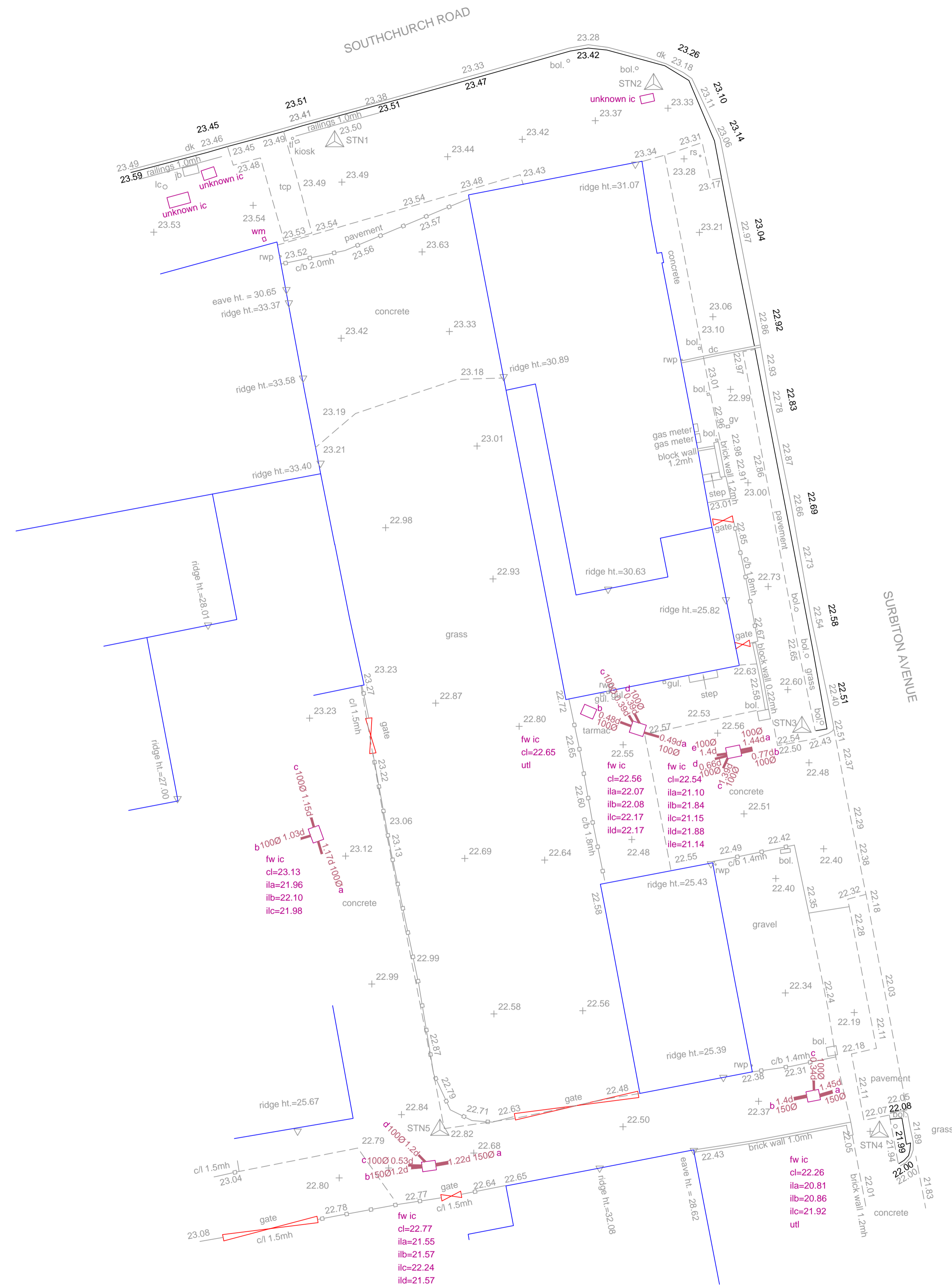
DATE	SCALE	DRAWN BY	CHECKED BY	PROJECT No.	DWG No.	REVISION
01.02.2017	1:1250 @A4	JB	JB			
ISSUE STATUS				621.001.00		
103				PLANNING		
CHELMSFORD		LONDON		BIRMINGHAM		

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105



**LEGEND:**

UTILITIES	
ELECTRIC	11kV
LOW VOLTAGE ELECTRIC	230V
STREET LIGHTING CABLES	11kV
11kV ELECTRIC	11kV
33kV ELECTRIC	33kV
66kV ELECTRIC	66kV
132kV ELECTRIC	132kV
LV HV ELECTRIC	LV HV
LPG GAS MAINS	LPG
MP GAS MAINS	MP
IP GAS MAINS	IP
LPG GAS MAINS	LPG
MP GAS MAINS	MP
IP GAS MAINS	IP
WATER MAIN	W
WATER TRUNK MAIN	WTM
BT	BT
BT TRUNK	BT TRUNK
COMMUNICATIONS	C
FIBRE OPTIC	FO
FOUL DRAINAGE	F
SURFACE DRAINAGE	SD
CL PIPELINE	CL
HEATING UTILITY	H
UNKNOWN UTILITY	U
EST	EST

**UTILITIES FROM RECORDS**

Utilities from records are shown with (R)

ELECTRIC FROM RECORDS	(ER)
WATER MAIN FROM RECORDS	(WMR)
OVERHEAD ELECTRIC	(OHE)
OVERHEAD BT	(HTO)

**SURVEY ABBREVIATIONS**

av	AVR VALVE	il	INVERT LEVEL
bb	BELISHA BEACON	jb	JUNCTION BOX
bs	BORSHOLE	lc	LAMP COLUMN
bul	BOLLARD	mlr	MARKER
bm	BENCH MARK	nb	NAME BOARD
cd	CABLE DUCT	ns	ROAD SIGN
cl	CORING LEVEL	sl	SUMP LEVEL
dc	DRAINAGE CHANNEL	sp	SIGN POST
dk	DROP KERB	sv	SLUICE VALVE
dp	DOWN PIPE	tp	TACTILE PAVING
ep	ELECTRIC POLE	t	TRAFFIC LIGHT
fr	FIRE HYDRANT	tp	TELEGRAPH POLE
fp	FEEDER PILLAR	tl	TOP OF PIPE LEVEL
gv	GAS VALVE	ul	UNABLE TO LIFT
gul	GULLY	wl	WATER LEVEL
ic	INSPECTION CHAMBER	wo	WASHOUT VALVE

**TOPOGRAPHICAL LINETYPES**

SURFACE CHANGE	---	Fences are shown that
BUILDING LINE	—	BT
TOP OF KERB	—	3 Bar 3 BAR FENCE
BOTTOM OF KERB	—	bw BARBED WIRE FENCE
DROP KERB	—	cb CLOSE BOARDED FENCE
CANOPY	—	cl CHAIN LINK
EDGE OF VERGE	—	ef ELECTRIC FENCE
RAILINGS	—	hf HERRAS FENCE
TOP OF BANK	—	pf PALLSADE FENCE
BOTTOM OF BANK	—	sf SECURITY FENCE

**SYMBOLS**

SURVEY STATION	—
TOP/BOTTOM OF BANK	—
GATE	—
RIDGE/EAVE HEIGHT	—
TREE	—

The contractor must check and verify all site and building dimensions, levels, utilities, drainage details and connections prior to commencing work.

The accuracy of the digital data is the same as the plotting scale implies. All dimensions are in metres unless otherwise stated. Do not scale from this drawing.

All below ground details including drainage, voids and services have been identified from above ground and therefore all details relating to these features including; sizes, depth, description etc will be approximate only. All critical dimensions and connections should be checked and verified prior to starting work by means of open excavations.

REV.	DESCRIPTION	BY	CRD.	APP.	DATE



SITE ADDRESS: SOUTHCHURCH ROAD  
SOUTHEND-ON-SEA, SS1 2QS

TITLE: EXISTING SITE LAYOUT

DATE	SURVEYED	DRAWN	CHECKED	APPROVED
12/05/2017	AA	AA	JO	MH

SCALE AT A1:	DRAWING NO:	REVISION:
1:125	DW2018-046	



**SurvaTec Limited**  
UTILITY AND LAND SURVEYING

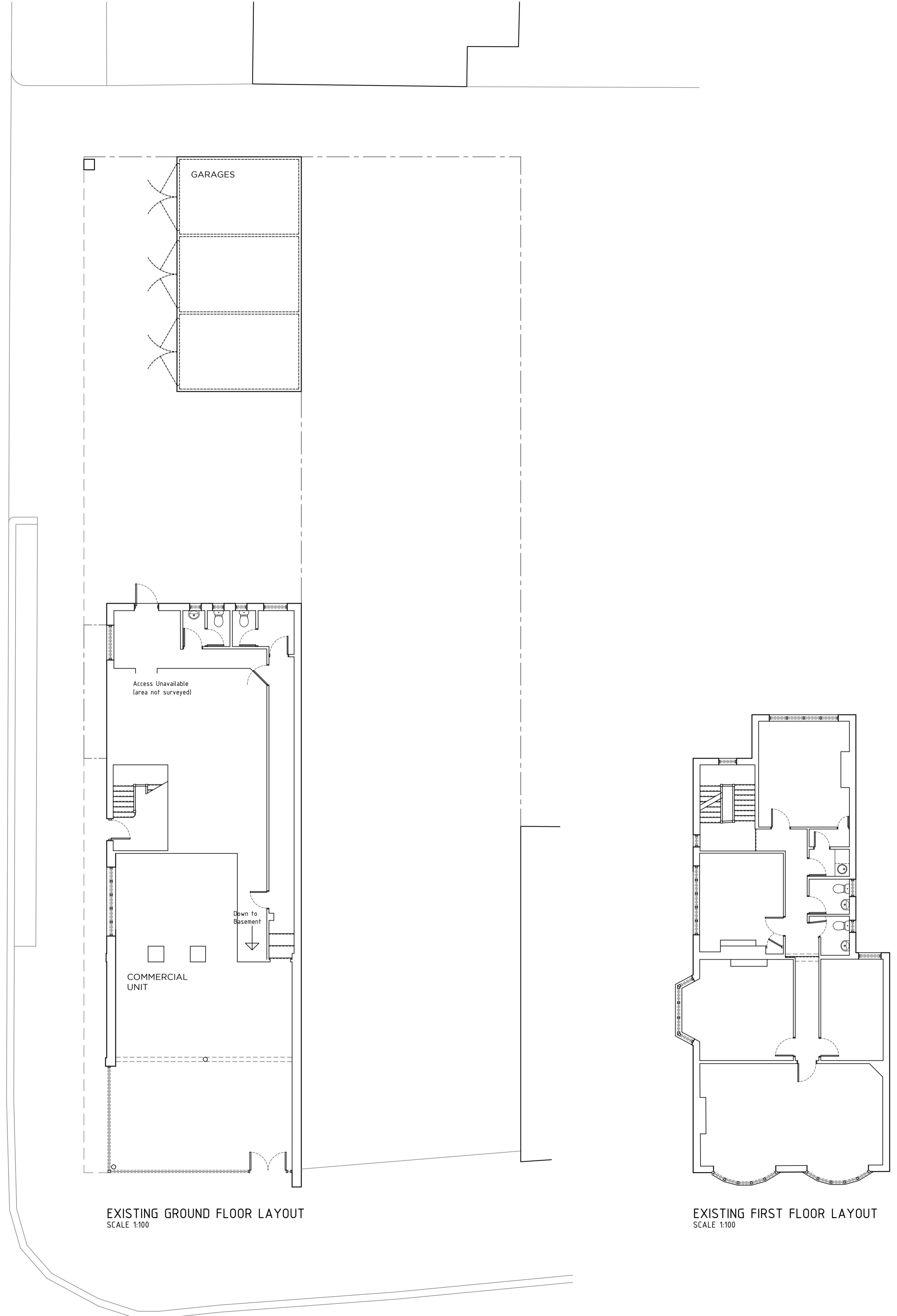
Focusing on the detail  
The Old School House, Colchester Road,  
Wakes Colne, Colchester, Essex, CO6 2BY

T 01787 698 014 E info@survatec.com

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# 636 SOUTHCHURCH ROAD, SOUTHEND-ON-SEA.

MIXED USE SCHEME: RESIDENTIAL + COMMERCIAL



SITE LOCATION PLAN  
SCALE 1:1250

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107

**DAVID PLANT**  
 ARCHITECTURE LTD

PROJECT  
 RESIDENTIAL DEVELOPMENT

DRAWING  
 AS EXISTING  
 LAYOUT PLANS + SITE PLAN

CLIENT  
 COUSINS HOLDINGS LTD

ADDRESS  
 636 SOUTHCHURCH ROAD  
 SOUTHEND-ON-SEA  
 ESSEX  
 SS1 2PT

DATE 26.10.2016 SCALE 1:100 @ A1 DRAWN BY GF CHECKED BY GF

PROJECT No. 621. DWG No. 002.00 REVISION

**621. 002.00**

ISSUE STATUS  
 EXISTING

e studio@daparchitecture.co.uk t (0844) 854 9007  
 www.daparchitecture.co.uk

LONDON BIRMINGHAM ESSEX



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# 636 SOUTHCHURCH ROAD, SOUTHEND-ON-SEA.

MIXED USE SCHEME



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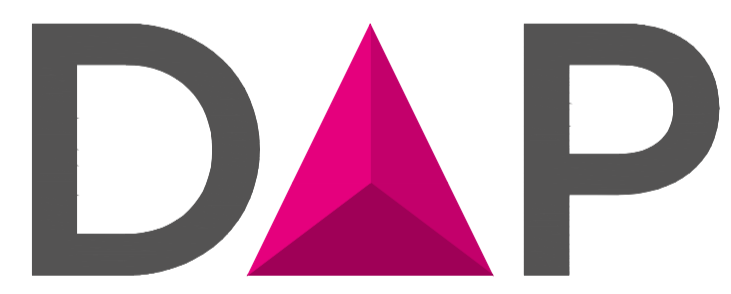
AS EXISTING: STREET-SCENE AA (ALONG SOUTHCHURCH ROAD).

109

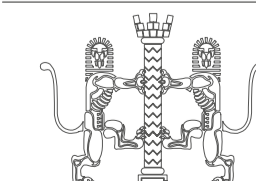


AS EXISTING: STREET-SCENE BB (ALONG SURBITON AVENUE).

AS EXISTING: REAR ELEVATION



ARCHITECTURE LTD  
 PROJECT  
 RESIDENTIAL DEVELOPMENT  
 DRAWING  
 AS EXISTING ELEVATIONS  
 CLIENT  
 SOUTHCHURCH HOLDINGS LTD  
 ADDRESS  
 636 SOUTHCHURCH ROAD  
 SOUTHEND-ON-SEA  
 ESSEX  
 SS1 2PT  
 DATE 04.08.17 SCALE 1:100 @ A1 DRAWN BY LD CHECKED BY JB  
 PROJECT No. 621.003.00 DWG No. REVISION  
 ISSUE STATUS  
 EXISTING

 a. 3 + 5 Hospital Approach  
 The Millers  
 Chelmsford  
 ESSEX, CM1 7FA  
 e. studio@daparchitecture.co.uk  
 t. (0844) 854 9007  
 w. www.daparchitecture.co.uk

CHELMSFORD LONDON BIRMINGHAM

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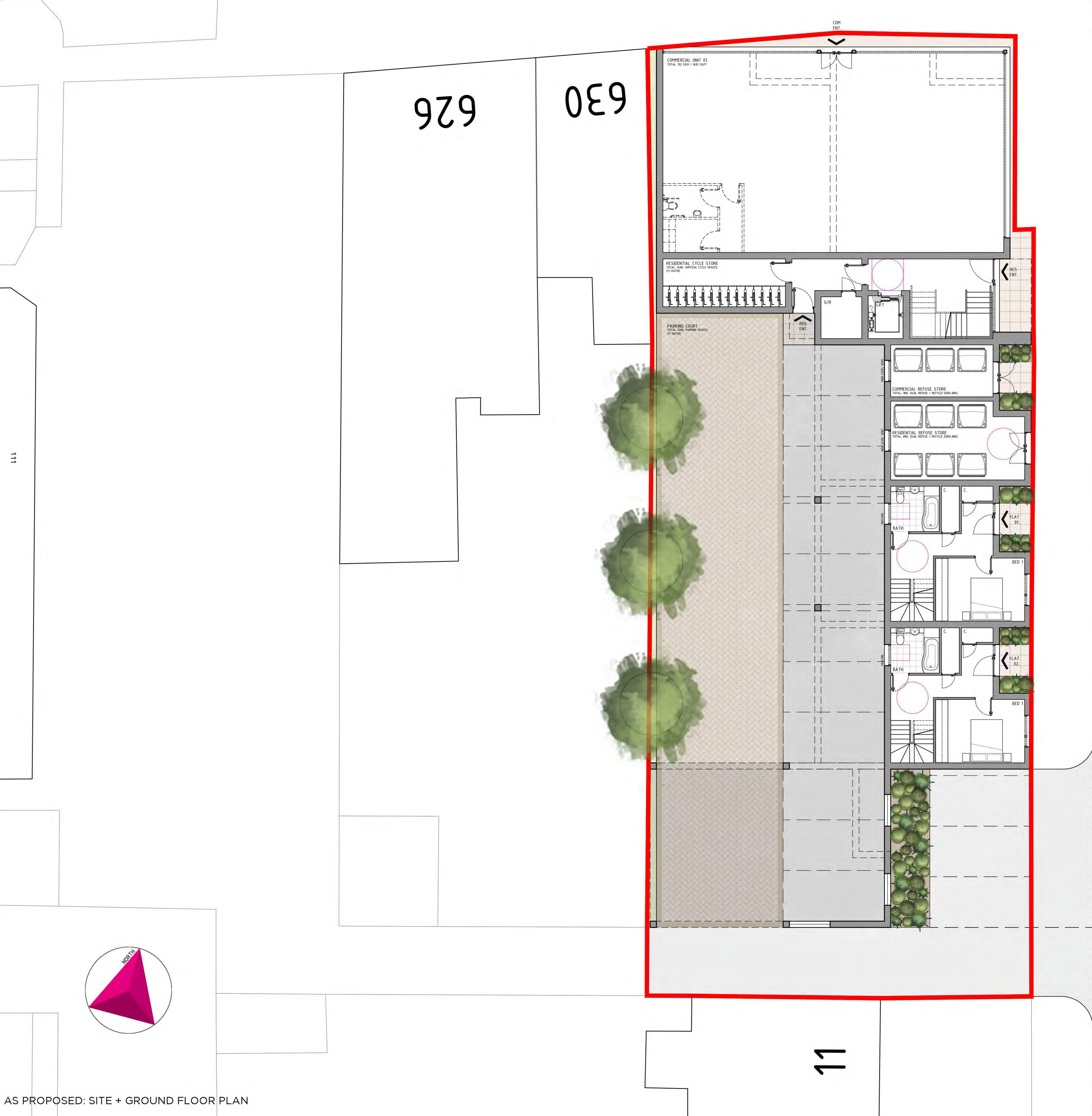


# 636 SOUTHCHURCH ROAD, SOUTHEND-ON-SEA.

MIXED-USE SCHEME: 152SQ.M COMMERCIAL SPACE + 14NO. RESIDENTIAL APARTMENTS.



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SURBITON AVENUE

2

11

AS PROPOSED: SITE + GROUND FLOOR PLAN

REV.	DESCRIPTION	DATE
<b>ARCHITECTURE LTD</b> PROJECT <b>RESIDENTIAL DEVELOPMENT</b>		
DRAWING <b>AS PROPOSED</b> <b>SITE + GROUND FLOOR PLAN</b>		
CLIENT <b>SOUTHCHURCH HOLDINGS LTD</b>		
ADDRESS <b>636 SOUTHCHURCH ROAD</b> <b>SOUTHEND-ON-SEA</b> <b>ESSEX</b> <b>SS1 2PT</b>		
DATE	SCALE	DRAWN BY
24.05.18	1:100 @ A1	LD
PROJECT No.	DWG No.	CHECKED BY
		JB
<b>621. 200.01</b>		
ISSUE STATUS <b>RIBA STAGE 3: PLANNING</b>		
a. 3 + 5 Hospital Approach The Millers Chelmsford ESSEX, CM1 7FA e. studio@daparchitecture.co.uk t. (0844) 854 9007 w. www.daparchitecture.co.uk		
CHELMSFORD	LONDON	BIRMINGHAM



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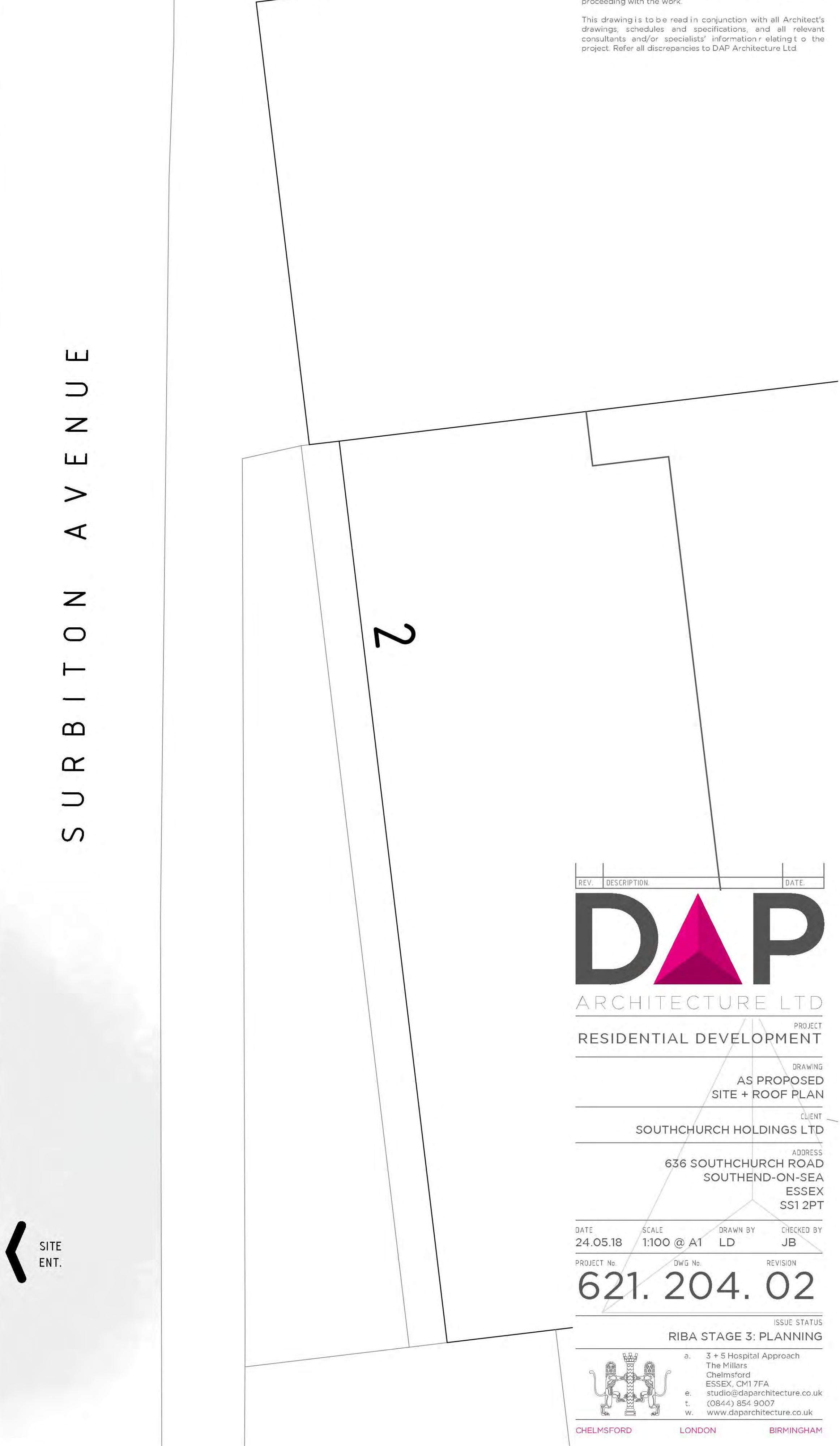
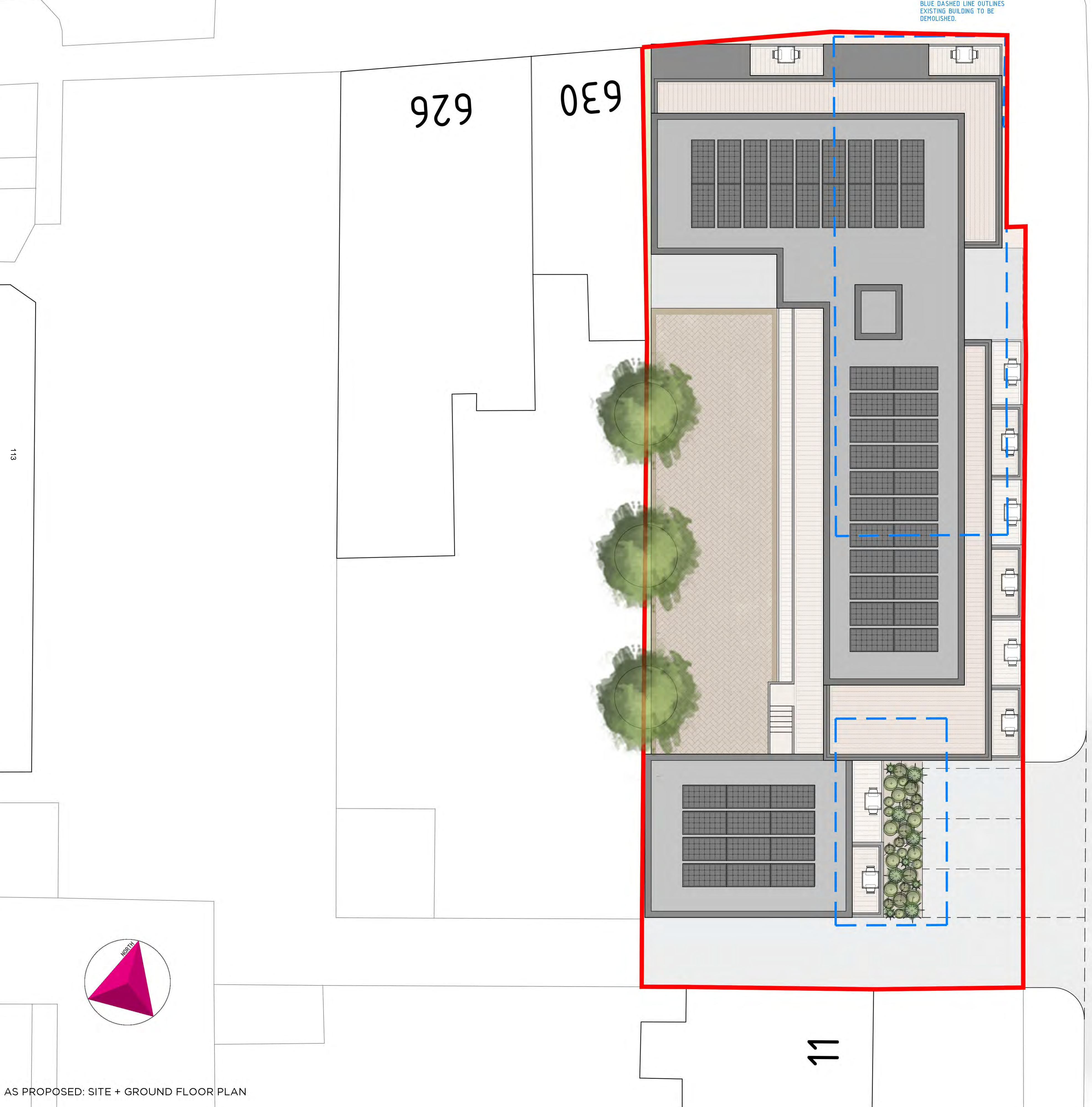


# 636 SOUTHCHURCH ROAD, SOUTHEND-ON-SEA.

MIXED-USE SCHEME: 152SQ.M COMMERCIAL SPACE + 14NO. RESIDENTIAL APARTMENTS.



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AS PROPOSED: SITE + GROUND FLOOR PLAN

REV.	DESCRIPTION	DATE
<b>ARCHITECTURE LTD</b> PROJECT <b>RESIDENTIAL DEVELOPMENT</b>		
DRAWING <b>AS PROPOSED SITE + ROOF PLAN</b>		
CLIENT <b>SOUTHCHURCH HOLDINGS LTD</b>		
ADDRESS <b>636 SOUTHCHURCH ROAD                  SOUTHEND-ON-SEA                  ESSEX                  SS1 2PT</b>		
DATE	SCALE	DRAWN BY
24.05.18	1:100 @ A1	LD
PROJECT No	DWG No	CHECKED BY
621.204.02		JB
ISSUE STATUS <b>RIBA STAGE 3: PLANNING</b>		
a. 3 + 5 Hospital Approach The Millers Chelmsford ESSEX, CM1 7FA e. studio@daparchitecture.co.uk t. (0844) 854 9007 w. www.daparchitecture.co.uk		
CHELMSFORD	LONDON	BIRMINGHAM



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# 636 SOUTHCHURCH ROAD, SOUTHEND-ON-SEA.

MIXED-USE SCHEME: 152SQ.M COMMERCIAL SPACE + 14NO. RESIDENTIAL APARTMENTS.



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STREET-SCENE AA (ALONG SOUTHCHURCH ROAD).

15



STREET-SCENE BB (ALONG SURBITON AVENUE).

AS PROPOSED: STREET-SCENES

REV.	DESCRIPTION	DATE
<b>DAP</b> ARCHITECTURE LTD		
PROJECT RESIDENTIAL DEVELOPMENT		
DRAWING AS PROPOSED STREET-SCENES		
CLIENT SOUTHCHURCH HOLDINGS LTD		
ADDRESS 636 SOUTHCHURCH ROAD SOUTHEND-ON-SEA ESSEX SS1 2PT		
DATE 24.05.18	SCALE 1:100 @ A1	DRAWN BY LD
PROJECT No 621.203.02	DWG No	CHECKED BY JB
REVISION		
ISSUE STATUS RIBA STAGE 3: PLANNING		
a. 3 + 5 Hospital Approach The Millers Chelmsford ESSEX, CM1 7FA e. studio@daparchitecture.co.uk t. (0844) 854 9007 w. www.daparchitecture.co.uk		
CHELMSFORD	LONDON	BIRMINGHAM



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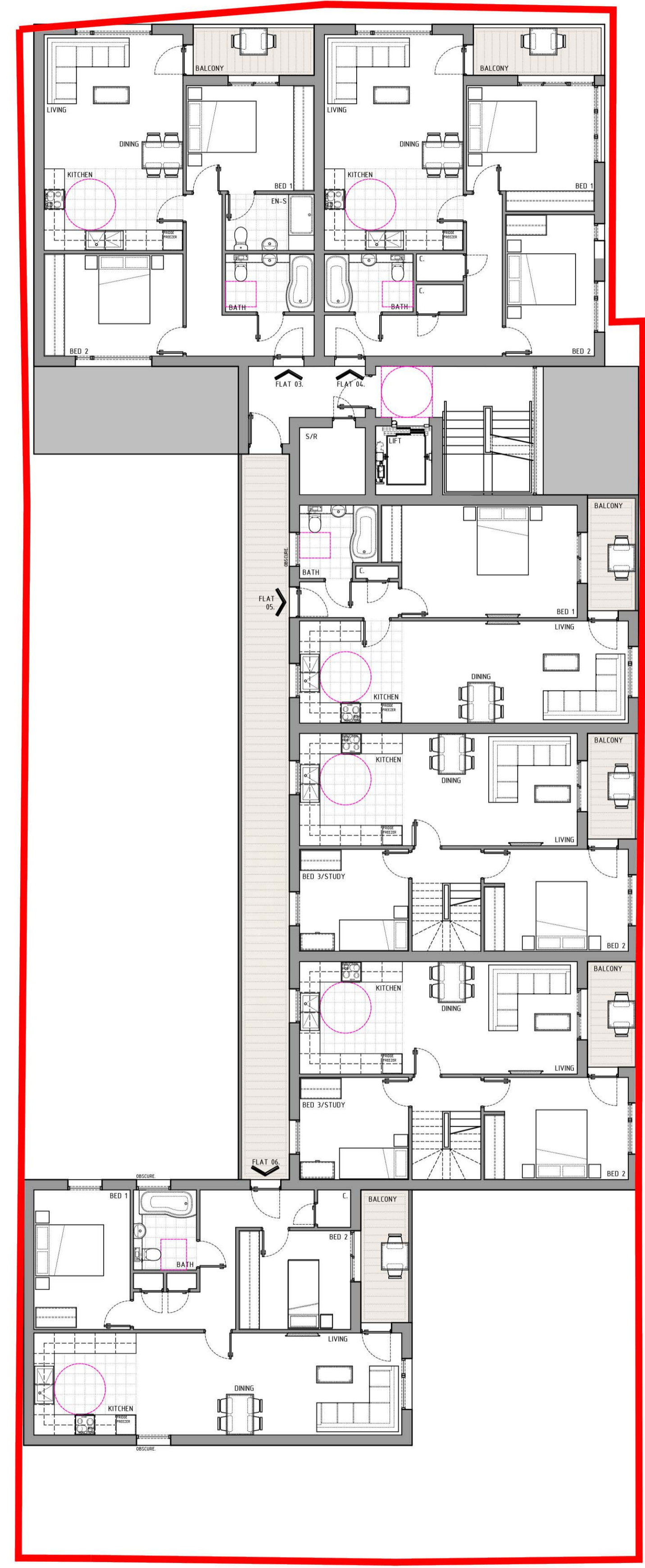
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MIXED-USE SCHEME: 152SQ.M COMMERCIAL SPACE + 14NO. RESIDENTIAL APARTMENTS.

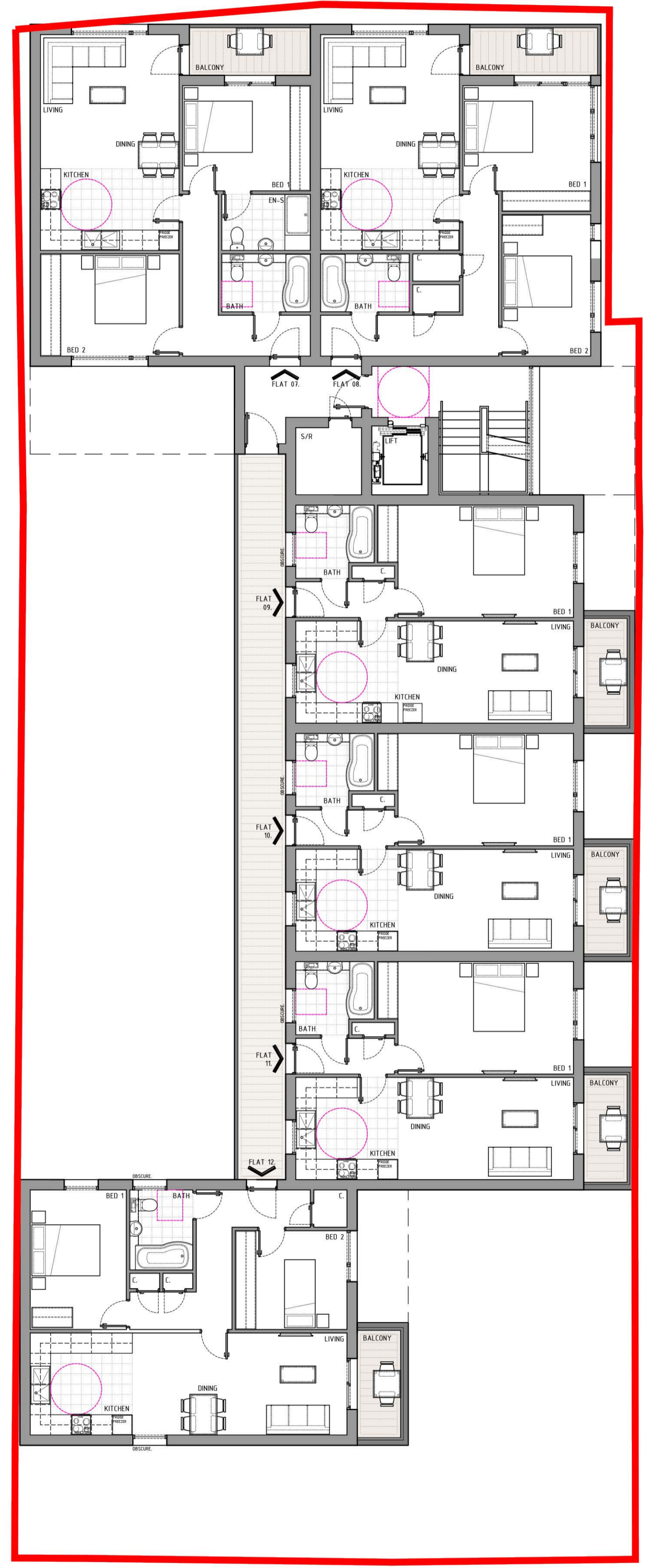


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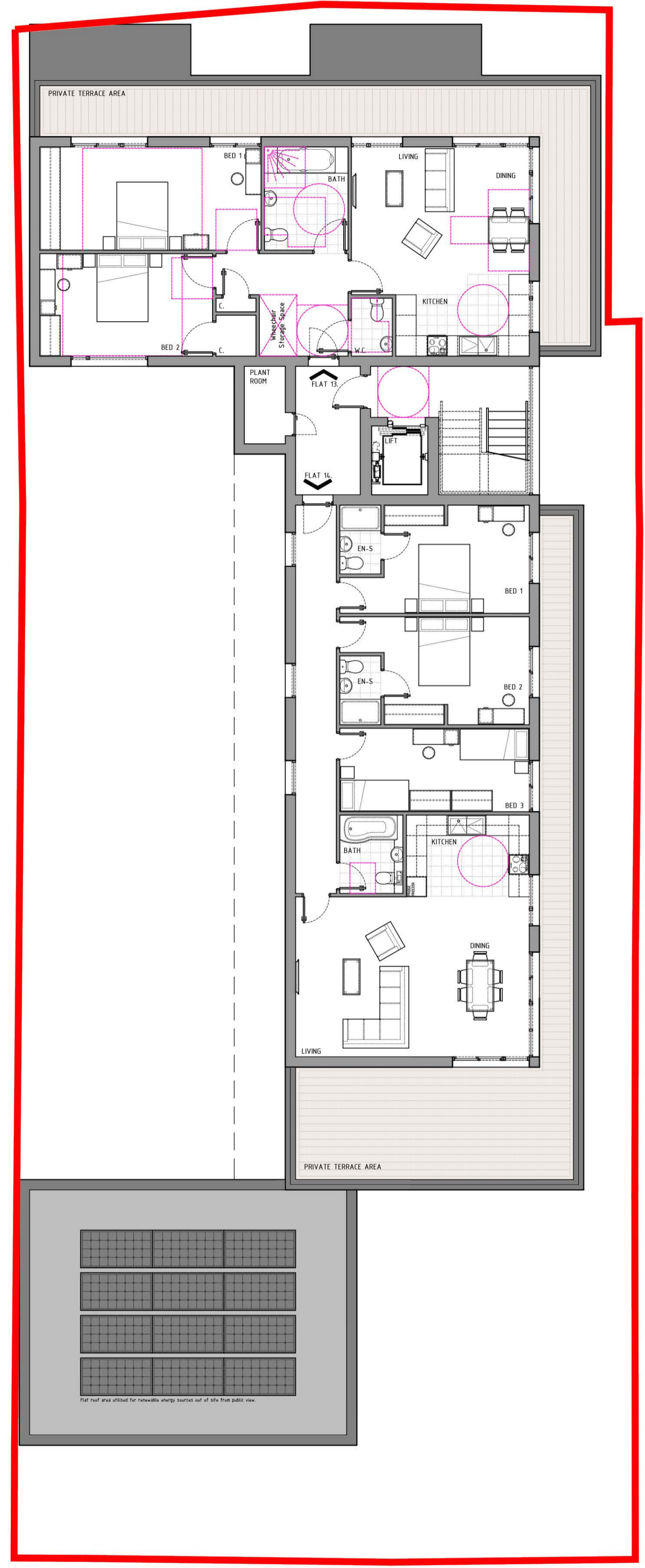
117



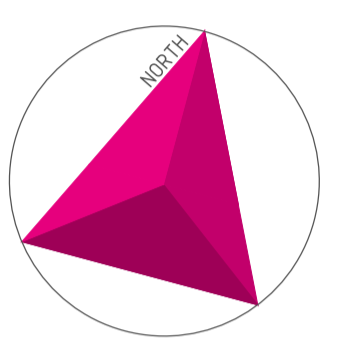
FIRST FLOOR PLAN



SECOND FLOOR PLAN



THIRD FLOOR PLAN



REV.	DESCRIPTION	DATE
PROJECT <b>RESIDENTIAL DEVELOPMENT</b>		
DRAWING <b>AS PROPOSED UPPER FLOORS PLAN</b>		
CLIENT SOUTHCHURCH HOLDINGS LTD		
ADDRESS 636 SOUTHCHURCH ROAD SOUTHEND-ON-SEA ESSEX SS1 2PT		
DATE	SCALE	DRAWN BY
29.05.18	1:100 @ A1	LD
PROJECT No.	DWG No.	REVISION
<b>621. 201. 03</b>		
ISSUE STATUS <b>RIBA STAGE: PLANNING</b>		



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# 636 SOUTHCHURCH ROAD, SOUTHEND-ON-SEA.

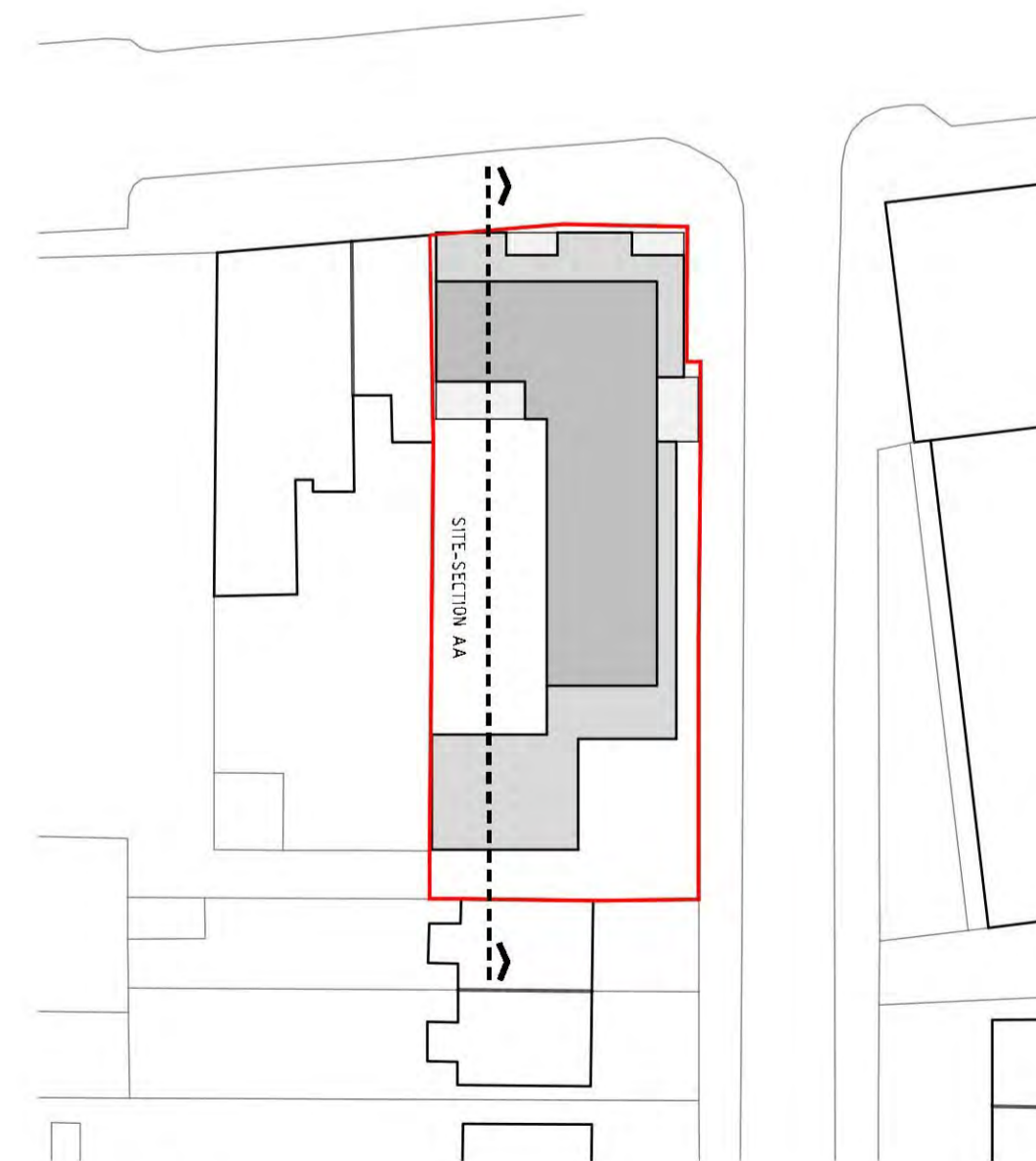
MIXED-USE SCHEME: 152SQ.M COMMERCIAL SPACE + 14NO. RESIDENTIAL APARTMENTS.

SCALE BAR 1:100



SITE-SECTION AA

AS PROPOSED: SITE-SECTION.



KEY PLAN

SCALE BAR 1:500



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NO.	DESCRIPTION	DATE



ARCHITECTURE LTD

PROJECT  
RESIDENTIAL DEVELOPMENT

DRAWING  
AS PROPOSED  
SITE-SECTION

CLIENT  
SOUTHCHURCH HOLDINGS LTD

ADDRESS  
636 SOUTHCHURCH ROAD  
SOUTHEND-ON-SEA  
ESSEX  
SS1 2PT.

DATE	SCALE	DRAWN BY	CHECKED BY
24.05.18	1:100 @ A2	LD	JB

PROJECT No.	DWG No.	REVISION
621.	205.	02

ISSUE STATUS  
RIBA STAGE 3: PLANNING

a. 3 + 5 Hospital Approach  
The Millers  
Chelmsford  
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# 636 SOUTHCHURCH ROAD, SOUTHEND-ON-SEA.

MIXED-USE SCHEME: 152SQ.M COMMERCIAL SPACE + 14NO. RESIDENTIAL APARTMENTS.



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FRONT ELEVATION



SIDE ELEVATION

121



SIDE ELEVATION



REAR ELEVATION

REV.	DESCRIPTION	DATE	
<b>ARCHITECTURE LTD</b> PROJECT RESIDENTIAL DEVELOPMENT DRAWING AS PROPOSED ELEVATIONS CLIENT SOUTHCHURCH HOLDINGS LTD ADDRESS 636 SOUTHCHURCH ROAD SOUTHEND-ON-SEA ESSEX SS1 2PT			
DATE	SCALE	DRAWN BY	CHECKED BY
24.05.18	1:100 @ A1	LD	JB
PROJECT No.	DWG No.	REVISION	
<b>621. 202. 02</b>			
ISSUE STATUS <b>RIBA STAGE 3: PLANNING</b>			
a. 3 + 5 Hospital Approach The Millers Chelmsford ESSEX, CM1 7FA e. studio@daparchitecture.co.uk t. (0844) 854 9007 w. www.daparchitecture.co.uk			
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<b>Reference:</b>	18/00629/AMDT	<h1>7</h1>
<b>Ward:</b>	West Shoebury	
<b>Proposal:</b>	Application to vary condition 02 (approved plans) Various alterations to elevations (Minor Material Amendment of Planning Permission 16/02194/FULM dated 05.04.2017)	
<b>Address:</b>	Shoeburyness High School, Caulfield Road, Shoeburyness Southend-On-Sea, Essex, SS3 9LL	
<b>Agent</b>	The Draughtsman Architectural Ltd	
<b>Applicant:</b>	Shoeburyness High School	
<b>Consultation Expiry:</b>	17.05.2018	
<b>Expiry Date:</b>	23.07.2018	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	Location Plan, SHS/NAK/02 Revision N, SHS/NAK/04 Revision M; SHS/NAK/03 Revision N, SHS/NAK/05 Revision C, SHS/NAK/06 Revision C, SHS/NAK/07 Revision C	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



## 1 The Proposal

- 1.1 Planning permission is sought to demolish existing outbuildings and a classroom and erect a two storey block to form classrooms and a dining hall with a balcony to the west elevation at first floor and to form 26 additional parking spaces fronting Caulfield Road.
- 1.2 The proposed two storey building is 43m wide x 20.4m-28.8m deep x 9.8m high. The overall design is of a contemporary style with glazing and cladding referencing existing school buildings including the adjacent sports hall.
- 1.3 The building will provide 10 new classrooms, a new kitchen with dining area and assembly hall to accommodate additional pupils by 2018. The new building will cover a footprint of 1100sqm with an overall total floor area of 2280sqm including a cantilevered footprint.
- 1.4 The Design and Access Statement accompanying this application states that currently there are 1697 students that attend the school currently. The local authority has requested the school accommodate an additional 150 pupils in the school by 2022, beginning in 2018. The anticipated total number of students at Shoeburyness High School within a 5 year period (2018-2022) will therefore amount to 1847.
- 1.5 The Councils Education Officers state the proposal is funded by the Local Authority as part of the Department for Education's Basic Need Grant Funding that is allocated to all Local Authorities where a short fall of school places is identified and state:

*“As the only secondary school in Shoeburyness they are facing increasing demand and are full in all year groups. This project will enable the school to increase their pupil numbers to meet local demand by adding new classrooms and expanding the dining facilities. The current dining facilities are undersized for the current pupil numbers. This means that the school has to allow the older years to go off site during the lunch break, which is not recommended by the Department for Education (DfE), so that all pupils can access a meal in the time allowed. The new dining facilities will be large enough to serve all pupils including the additional number generated by the expansion”.*

- 1.6 This proposal is an amended proposal following the grant of planning permission for a similar scheme in 2017, reference 16/02194/FULM. The proposed changes are as follows:
  - Change of window design for the classrooms introducing a brick plinth and access doors at ground floor on the east and west elevations and shortening the windows at first floor east elevation.
  - Install a louvered kitchen extract grille on the south elevation measuring 5.8m x 1.2m
  - Install and extract grille to the west elevation behind the canopy measuring 3.5m x 1m
  - Introduction of plant room door and ladder to roof void plant on south elevation.
  - Inclusion of fire escape stair from kitchen via adjacent existing flat roof on the south elevation
  - Removal of porthole windows to the wcs
  - Introduction of a glass canopy to the main entrance doors on the north elevation



- The addition of one small window to the ground floor staff room on the east elevation.

1.7 It is also noted that an Approval of Details application reference 17/01243/AD has been approved in relation to the following conditions imposed on the original application

- condition 06 (details of cycle parking),
- condition 07 (details of external lighting),
- condition 08 (details of renewable energy),
- condition 09 (details of Asbestos),
- condition 11 (details of construction mitigation)
- condition 12 (details of SUDs)

The current proposal does not include any changes to the details approved as part of these conditions.

1.8 The building is currently under construction.

## **2 Site and Surroundings**

2.1 Shoeburyness High School is accessed off Caulfield Road. The site is laid out with the school campus buildings located towards the southern side of the site with its associated sports facilities and playing fields to the north of the site. To the immediate north is Shoebury Sports Centre and the surrounding area is residential in character.

2.2 The site does not fall within an environmentally sensitive area, such as site of Special Scientific Interest, Special Protection Areas or international conservation sites.

2.3 The proposed building will be located on a hardstanding area currently occupied by outbuildings which are used as classrooms.

## **3 Planning Considerations**

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

## **4 Appraisal**

### **Principle of Development**

**National Planning Policy Framework (2012), Core Strategy (2007) policies KP1, KP2, CP3, CP4 and CP6; Development Management Document (2015) policies DM1, DM2, DM3 and DM15 and the Southend Design and Townscape Guide (2009)**

4.1 Policy CP6 of the Core Strategy advocates the need to improve educational facilities to ensure that support is made to meet the needs of the local community. The proposed development will provide improvement of the facilities available at Shoeburyness High School, thus the principle is in accordance with Policy CP6 of the Core Strategy. The principle of the development sought was previously found to be acceptable under application 16/02194/FULM.

Furthermore the changes sought are considered to be such that they represent a minor material amendment to the previous consent.

## **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 Southend Design and Townscape Guide (2009).**

- 4.2 The proposal seeks to erect a 2 storey building to the west side of the existing school to accommodate 10 new classrooms and kitchen and dining facilities. The building will be located on existing hardstanding and will result in the removal of one outbuilding. The existing single storey outbuildings to the north, west and south of the site are to be retained. The overall design of the building is contemporary with a box like form including a curved roof form referencing the adjacent sports hall. The building is well detailed particularly to the west side overlooking the sports fields where the significant glazing and feature balcony with brise soleil adds interest and breaks up the overall mass. This aspect will be visible in longer public views across the playing fields. The other public view is of the north elevation which includes the main entrance. To the east side facing the school the proposal again includes significant glazing and this is welcomed. To the south there is limited detail but this is hidden from public view so less of a concern in terms of impact on the character and appearance of the surrounding area.
- 4.3 The current proposal seeks minor amendments to the design following the initial consent in 2017 reference 16/02194/FULM. The detailed list of changes is noted in Section 1 above. The changes are sought to make the building more accessible and to facilitate the operation of the kitchen.
- 4.4 The introduction of a brick plinth and doors to the classrooms will enable direct access to the external areas making the classrooms more user friendly and improving fire escape options. The proposed brick plinth references the design detail on the proposed side elevations so will not appear out of place within the overall design. The proposal to introduce a glazed canopy to the main entrance on the north elevation will improve the legibility of the entrance and is welcomed.
- 4.5 There is also no objection to the removal of the porthole wc windows on the north elevation or the insertion of a small window to the staff room on the east elevation as these changes are compatible with the overall design.
- 4.6 In relation the alterations to the service areas of the building, the proposed changes are required to enable the kitchen to operate and are relatively low key given that the main extraction equipment is located within the building. It is, however, considered that the proposed additions, including the grilles and access doors, should be powder coated to match the building to reduce their visual impact. This can be achieved via condition.
- 4.7 The proposal also includes the addition of a fire escape staircase to the south elevation. This includes a door to the first floor accessing onto the adjacent flat roof and a metal staircase and enclosure from the west side of the flat roof to ground level. This addition is required as part of the fire safety strategy. The proposal is rather utilitarian in design however it is located away from the public frontages and will therefore have a minimal impact on the overall design.



- 4.8 In all other respects including the details of the proposed materials, the proposal remains the same as the design previously approved under reference 16/02194/FULM. Therefore subject to conditions, the proposed development is considered to relate satisfactorily to the character and appearance of the existing school buildings and will provide a positive addition to the school. The proposal is therefore considered in accordance with the NPPF, policies KP2 and CP4 of the Core Strategy, policies DM1 and DM3 of the Development Management, and the Design and Townscape Guide.

### **Traffic and Transportation**

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

- 4.9 The existing vehicle access to the school is from Caulfield Road to the south. The transport statement accompanying initial application reference 16/02194/FULM states that at present there are 130 parking spaces currently provided at the school, with 24 in the front car parking area, 80 on the school service road and 20 permitted parking spaces in the rear car park and 6 additional grass parking spaces. The existing cycle storage facilities at the site accommodate 100 cycles.
- 4.10 The 2016 application sought to provide additional spaces for students, increasing the number from 1697 to 1847 and a new parking area was proposed to the Caulfield Road frontage. This was previously considered to be acceptable. This is unchanged in the current application. The footprint, facilities and parking provision remain the same as the 2016 application and therefore the parking provision as previously agreed is considered to be acceptable. The proposal is policy compliant in this regard.

### **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).**

- 4.11 Policy DM1 of the Development Management Document supports the need for any new development to protect the amenity of the site, immediate neighbours and the surrounding area with regard to privacy, overlooking, outlook, noise and disturbance and the sense of being overbearing.
- 4.12 The appraisal of the impact on the amenities of neighbouring properties within the 2016 application commented that the new building will be set in the centre of the school site and will be 52m away from the rear elevations of properties to the south of the building in Caulfield Road. This was considered sufficient to mitigate against any potential harm in terms of being overbearing or resulting in the loss of privacy, sense of enclosure, overlooking or noise and disturbance. The 2016 application also concluded that there are no residential properties to the north, west and east that will be affected by the proposed development.

- 4.13 The current application is seeking to make a few changes to the south elevation including the introduction of a fire escape door and staircase, an access door to the roof void plant area to be accessed by ladder and a large grille to serve the kitchen plant. The internal arrangement remains similar to the previously approved proposal with the kitchen located at first floor at the southern end of the building.
- 4.14 It is noted that several objections have been received from occupiers of the houses in Caulfield Road concerned about overlooking from the fire door, which they consider could be wedged open, as well as potential noise from the extract grille. As noted above the proposed building is over 52m from the rear elevations of these properties and more than 25m from their rear boundaries. These distances are far greater than that which would normally be required to ensure that the amenity of neighbours is not materially harmed. It is therefore considered that the current proposal would not give rise to unacceptable levels of overlooking towards properties to the south. It is nevertheless also noted that the door would function as a fire exit only and therefore would normally remain closed and the stairs unused except in the case of an emergency.
- 4.15 In relation to potential noise and odour nuisance from the proposed extract grilles again the separation distance is considered sufficient to ensure that this should not give rise to unacceptable impact on neighbouring properties and this view is upheld by the Council's Environmental Health Officer who has not raised any objection to this proposal or the previous application in this respect.
- 4.16 In light of the above, the proposal is considered to satisfy Policies KP2 and CP4 of the Core Strategy and Policies DM1 and DM3 of the Development Management Document.

## **Renewable Energy**

**National Planning Policy Framework (2012); Core Strategy (2007) policy KP2; Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide (2009).**

- 4.17 Policy KP2 of the Core Strategy states:

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

- 4.18 The 2016 application was accompanied by an energy statement by MH Energy Consultants dated and further statement by Silcock Dawson and Partners dated June 2017. These documents demonstrate that at least 10% of the projects energy will be provided by solar panels covering an area of 99 sqm on the roof. These details were considered acceptable and approved as part of the original condition number 08 (application ref 17/01243/AD) which related to renewable energy. The current application is not seeking any revision to this element of the proposal.



- 4.19 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 statement by Barter Hill dated July 2017 has previously been submitted to demonstrate that the surface water flows from the site are not affected by the proposed development. This comments that the surface water runoff from the new building will discharge into a geo-cellular soakaway and that the new parking area will have permeable paving. It concludes that there should be no impact from surface water flooding to the surrounding area. This document was considered sufficient to discharge the original condition number 12 (application ref 17/01243/AD) of the previous application which related to sustainable drainage. The current application is not seeking any revision to this element of the proposal. The proposal is considered to be compliant with policy KP2 of the Core Strategy of the Development Management Document.

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

- 4.20 Although this application is CIL liable, given the development is a new teaching block, in this instance the chargeable amount has been calculated as a zero rate as applicable due to the school is registered with Local Education Authority and makes no profit.

## **5 Conclusion**

- 5.1 In light of the above, the amended proposed development is considered to be acceptable and policy compliant. The development is agreed in principle, represents a minor material amendment and will provide an improved education facility. The design and scale of the proposed development relates satisfactorily to the existing school buildings and will not harm neighbour amenity. The increased number of students and members of staff will have limited impact on the highway network as demonstrated by the transport statement and the number of parking spaces provides a policy compliant scheme.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework (2012)
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Traffic and Highways), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure)
- 6.3 Development Management Document (2015) policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (Effective and Efficient Use of Land), DM15 (Sustainable Transport Management)
- 6.4 Southend Design & Townscape Guide (2009).
- 6.5 Community Infrastructure Charging Levy (2015)

## 7 Representation Summary

### Environmental Health

7.1 No objections or comments.

#### *Recommended Informative*

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

### Children and Learning

7.2 This amendment will improve on the original planning approval and enhance pupil's experience at the school in a positive way.

### Traffic and Transportation

7.3 There are no highway objections to this proposal no additional staff are to be employed and the travel plan demonstrates students attending the school use public transport. The increase of 26 parking bays will help to reduce on street parking within the area of the school.

### Public Consultation

7.4 A site notice displayed on the 24<sup>th</sup> April 2018 and 38 neighbours notified of the proposal. 3 parties objected to the proposal raising the following concerns:

- Information submitted inadequate to allow the proper assessment of the proposal.
- Development has commenced.
- Amendments not necessary.
- The proposed kitchen fire escape door and access will overlook the properties in Caulfield Road. There is a concern that this will be wedged open in hot conditions and staff may smoke on this fire escape.
- Unacceptable noise and odour impacts from the development.
- Visual intrusion impacts unacceptable.
- Unacceptable loss of privacy from the development.

**[Officer Comment: These concerns are noted and they have been taken into account in the assessment of the application (see paras 4.11-4.16 of this report). However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.]**

## 8 Relevant Planning History

8.1 Demolish existing outbuildings and classroom, erect two storey block to form classrooms and dining hall with balcony to west elevation at first floor and form 26 additional parking spaces - granted (16/02194/FULM)



- 8.2 Application for approval of details pursuant to condition 06 (details of cycle parking), condition 07 (details of external lighting), condition 08 (details of renewable energy), condition 09 (details of Asbestos), condition 11 (details of construction mitigation) and condition 12 (details of SUDs) of planning permission 16/02194/FULM dated 05.04.2017 – granted (17/01243/AD)
- 8.3 Install 15 lamp posts and four security cameras (Amended Proposal) (Retrospective) - Granted (16/01243/FULM)
- 8.4 Form first floor extension above existing dining hall - Granted (16/00934/FUL)
- 8.5 Erect two storey block to form classrooms, physical education and performing arts storage- Granted (13/00528/FULM)
- 8.6 Retain relocatable classrooms - Granted (99/0465)

## **9 Recommendation**

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

- 01 The development hereby permitted shall be begun not later than 5<sup>th</sup> April 2020.**

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

- 02 The development hereby permitted shall be carried out in accordance with the approved plans Location Plan, SHS/NAK/02 Revision N, SHS/NAK/04 Revision M; SHS/NAK/03 Revision N, SHS/NAK/05 Revision C, SHS/NAK/06 Revision C, SHS/NAK/07 Revision C**

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

- 03 The development shall be carried out in accordance with the details set out in the materials and landscaping schedule received on the 22.02.2017 and as approved under application ref 16/ 02194/FULM including north elevation- main wall panels Trespa Meteon colour silver grey, windows Comar 5Pi window system colour white, face brickwork to lower wall Ibstock 65mm Bristol Buff, Face brickwork to lower wall 65mm Staffs Slate Blue engineering brick; east elevation-, brick fashion wall panels to be Trespa Meteon in silver grey, winter grey, pure white; face brickwork to lower wall Ibstock 65mm 0657 Bristol buff multi, face brickwork to lower wall Ibstock 65mm Staffs Slate Blue engineering brick, entrance portal white painted sand and cement render; south elevation-main wall panels to be Trespa Meteon colour silver grey; west elevation- windows to be Comar 5Pi window and door system, colour white, exposed steelwork carried out in accordance with BS 5493; brise soleil aluminium aerofoil profile powder coated white; curved roof Kingspan panels product KS1000CR colour grey, soffit and fascia to be white powder coated plastol sheet profile to suit curved roof radius, glass balustrading to be toughed clear glass and tubular stainless steel frame before the building is occupied unless otherwise agreed in writing by the local planning authority.**

**Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of surrounding locality. This is as set out in the Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1 and the Southend Design and Townscape Guide (2009).**

- 04 The ventilation grilles and fire escape doors on the south and west elevations shall be powder coated to match the colour of the agreed wall materials (Trespa Meteor colour silver grey south elevation and white to the west elevation) before the building is occupied.**

**Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of surrounding locality. This is as set out in the Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1 and the Southend Design and Townscape Guide (2009).**

- 05 All planting in the approved landscaping as shown on drawings 'SHS/NAK/006 Revision C and the materials and landscaping schedule received on the 22.02.2017, shall be carried out within the first planting season of first occupation of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the local planning authority.**

**Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the local environment and biodiversity in accordance with Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1 and the Southend Design and Townscape Guide (2009).**

- 06 Prior to the occupation of the building, 26 car parking spaces shall be provided at the site in accordance with drawing SHS/NAK/06 Revision C, and shall thereafter be permanently retained only for the parking of staff and visitors. Permeable materials shall be used for the hardstanding area.**

**Reason: In the interests of highway management and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) policy KP2, CP3 and CP4, DPD2 Development Management Document (2015) policy DM15, and the Southend Design and Townscape Guide (2009).**

- 07 Parking facilities for 50 cycle and associated cycle enclosure shall be provided in accordance with details approved under the application with local planning authority reference 17/01243/AD and drawing references SHS/NAK/07 Revision C, SHS/NAK/12 Revision F and SHS/NAK/1 Revision F. The cycle parking shall be implemented prior to the first occupation of the building hereby approved and retained for cycle parking in perpetuity thereafter.**



**Reason:** To ensure that satisfactory secure bicycle parking is provided in the interests of sustainability, amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

- 08** External lighting at the site shall only be provided in accordance with details approved under the application with local planning authority reference 17/012431/AD and drawing reference 170086E700T1 and Electrical Services Specification carried out by Silcock Dawson and Partners dated June 2017.

**Reason:** To protect the amenities of neighbouring properties and the general environmental quality in accordance with, National Planning Policy Framework (2012), Core Strategy (2007) policy KP2 and CP4, and Development Management Document (2015) policy DM1.

- 09** 99 square metres of solar panels shall be provided on the roof of the building in accordance with details approved under application local planning authority reference 17/01243/AD and drawing reference SHS/NAK/12 Revision E and energy report carried out by Silcock Dawson and Partners dated June 2017 and prior to the first occupation of the building and these shall be retained in perpetuity thereafter.

**Reason:** In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007).

- 10** Asbestos removal at the site shall be carried out in accordance with details approved under application reference 17/01243/AD and as detailed in the asbestos survey carried out by Microtect (Air) Limited) reference C1306/05. This must be implemented prior to the occupation of the building.

**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 (2015).

- 11** Demolition and construction hours shall be restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday. No demolition or construction shall be carried out on Sundays or Bank Holidays.

**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 (2015).

- 12** Mitigation measures to minimise and/or control noise and potential fugitive dust emissions resulting from the works shall be carried out in accordance with details approved under application reference 17/01243/AD and as detailed in the construction method statement dated July 2017 and associated mitigation measures contained within the dust management plan carried out by ASHE.

**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 (2015).

- 13 Sustainable drainage measures shall be carried out at the site in accordance with details approved under application with local planning authority reference 17/012431/AD and as detailed in the drainage strategy dated July 2017 carried out by Barter Hill and the associated maintenance schedule prior to the first occupation of the building and these shall be retained in perpetuity thereafter.**

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

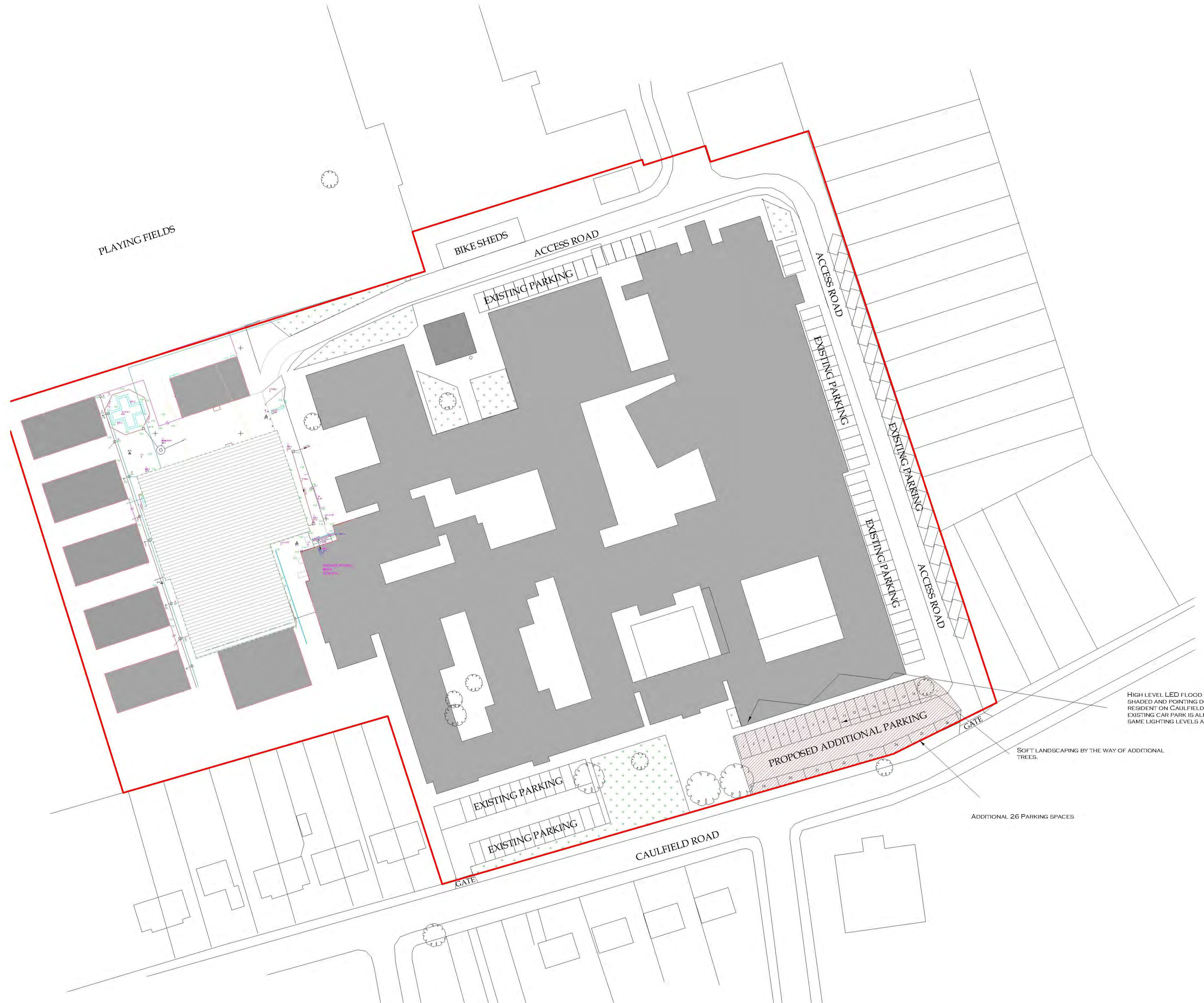
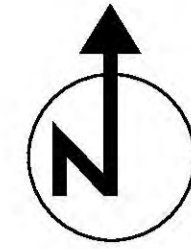
#### **Informatives**

- 01 You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero due to the specific nature of the use.**
- 02 You are advised that the development hereby approved is likely to require approval under Building Regulations. Our Building Control Service can be contacted on 01702 215004 or alternatively visit our website [http://www.southend.gov.uk/info/200011/building\\_control](http://www.southend.gov.uk/info/200011/building_control) for further information.**
- 03 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.**
- 04 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.**

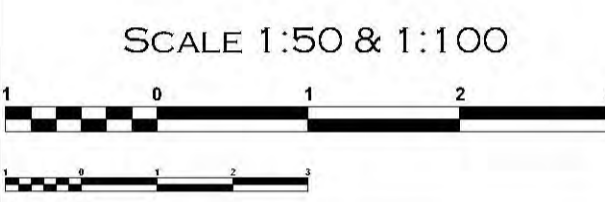
**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the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



**PROPOSED PLANS**



**NOTES**  
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PROCESS  
 PLANNING PERMISSION

**The Draughtsman**  
 ARCHITECTURAL  
 E-MAIL: NICK@THEDRAUGHTSMAN.CO.UK  
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DRAWN BY  
 N. KENNEY  
 01702 295653

CLIENT  
 SHOEURNESS HIGH SCHOOL

SITE ADDRESS  
 CAULFIELD ROAD  
 SHOEURNESS  
 ESSEX SS3 9LL

DEVELOPMENT  
 PROPOSED CLASSROOMS & DINING HALL

DRAWING TITLE  
 SITE PLAN

SCALE SHEET A1  
 1:500

DATE  
 06/02/2017

DWNG No  
**SHSINAK/06**

REV  
**B**

JOB No  
**623**

**partner**  
**LABC**



SITE PLAN 1:500

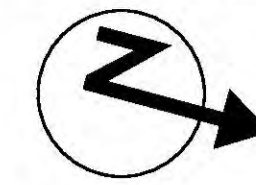
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**PROPOSED PLANS**



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PROPOSED GROUND FLOOR LAYOUT  
 1:100

SCALE 1:50 & 1:100

PROCESS  
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 HIGH SCHOOL

SITE ADDRESS  
 CAULFIELD ROAD  
 SHOE BURNNESS  
 ESSEX SS3 9LL

DEVELOPMENT  
 PROPOSED  
 CLASSROOMS &  
 DINING HALL

DRAWING TITLE  
 PROPOSED GROUND  
 FLOOR LAYOUT

SCALE SHEET A1  
 1:100

DATE  
 06/02/2017

DWNG NO  
**SHS/NAK/02**

REV  
**B**

JOB  
 No **623**

**partner**  
**LABC**

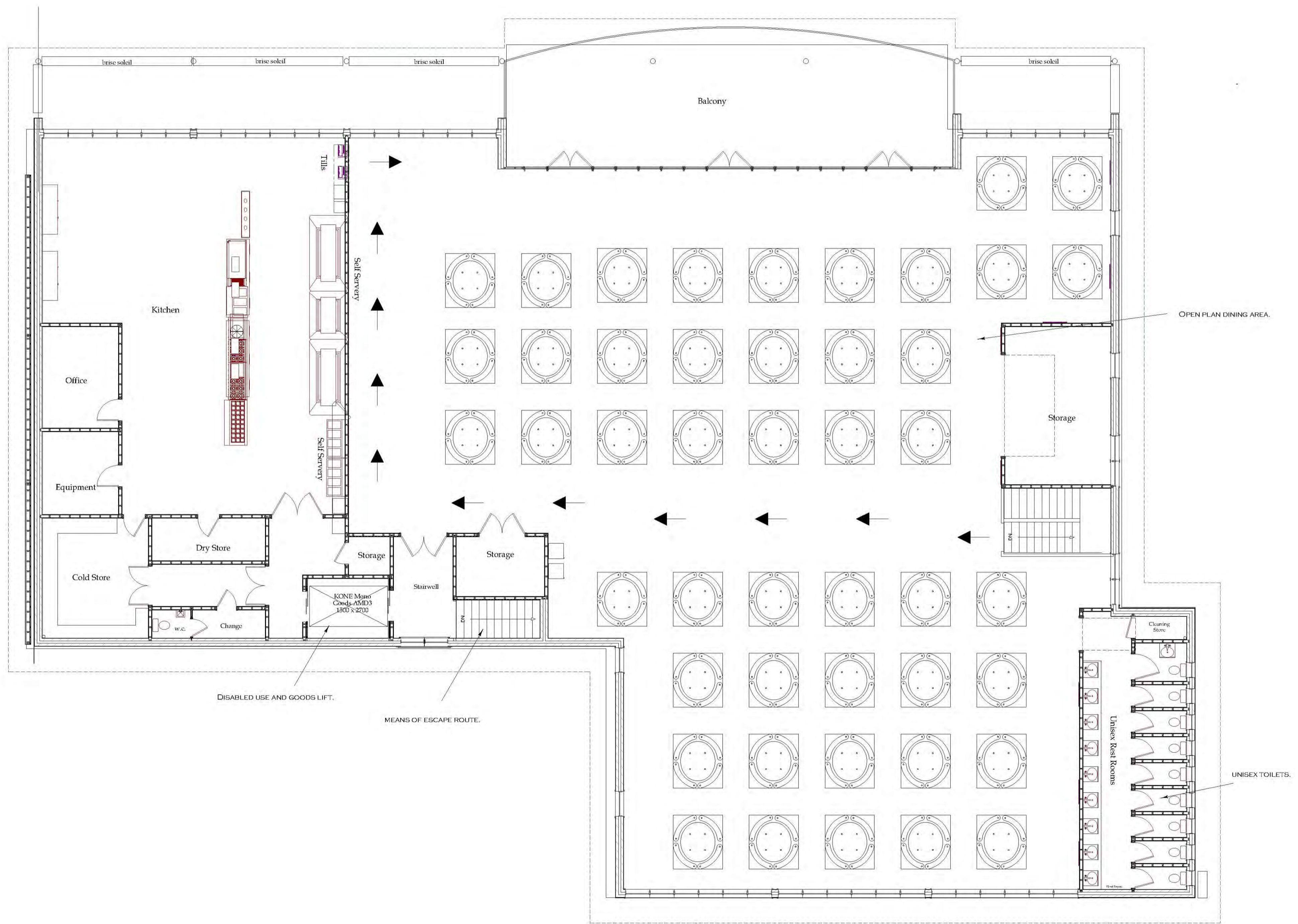
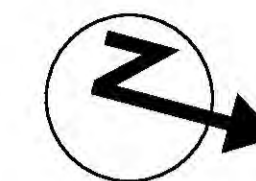




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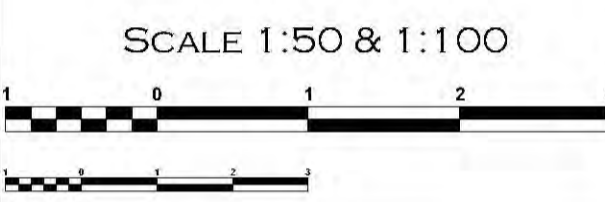


**PROPOSED PLANS**



PROPOSED FIRST FLOOR LAYOUT 1:100

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DEVELOPMENT  
 PROPOSED  
 CLASSROOMS &  
 DINING HALL

DRAWING TITLE  
 PROPOSED FIRST  
 FLOOR LAYOUT

SCALE SHEET A1	DATE
1:100	06/02/2017

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JOB No	623	

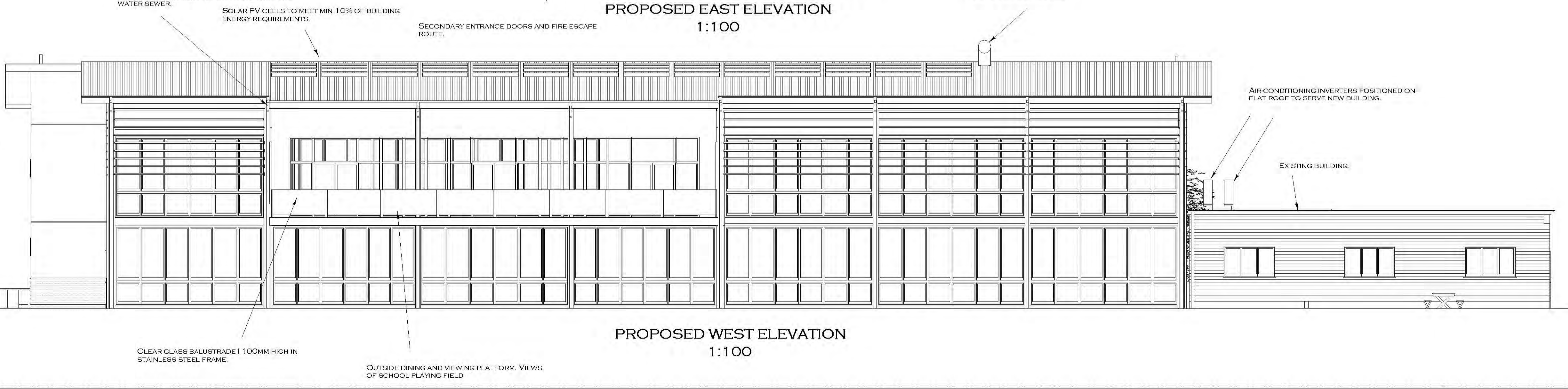
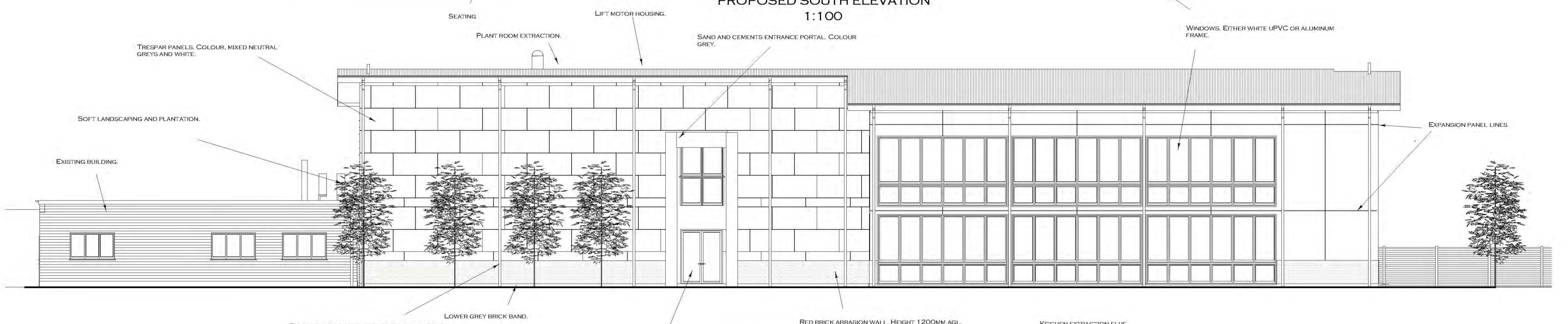
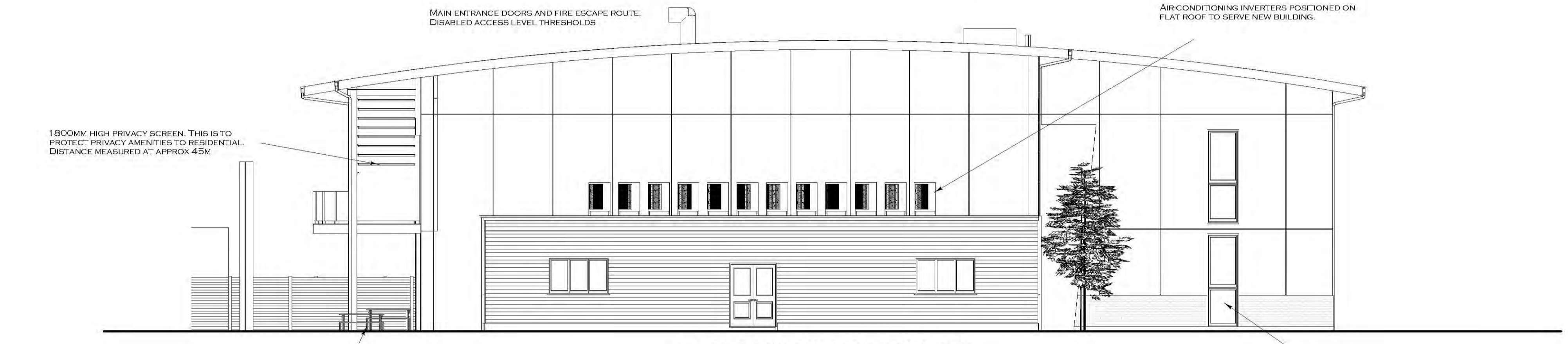




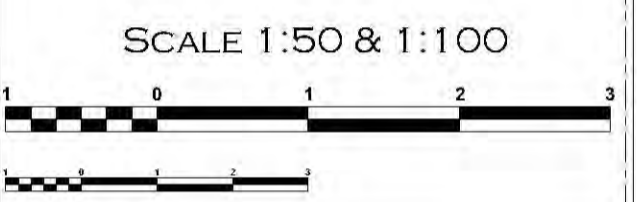
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DEVELOPMENT  
 PROPOSED CLASSROOMS & DINING HALL

DRAWING TITLE  
 PROPOSED ELEVATIONS

SCALE SHEET A1  
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DATE  
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REV  
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**623**

**partner**  
**LABC**



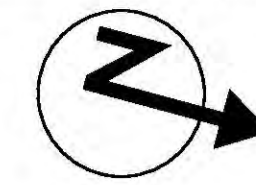
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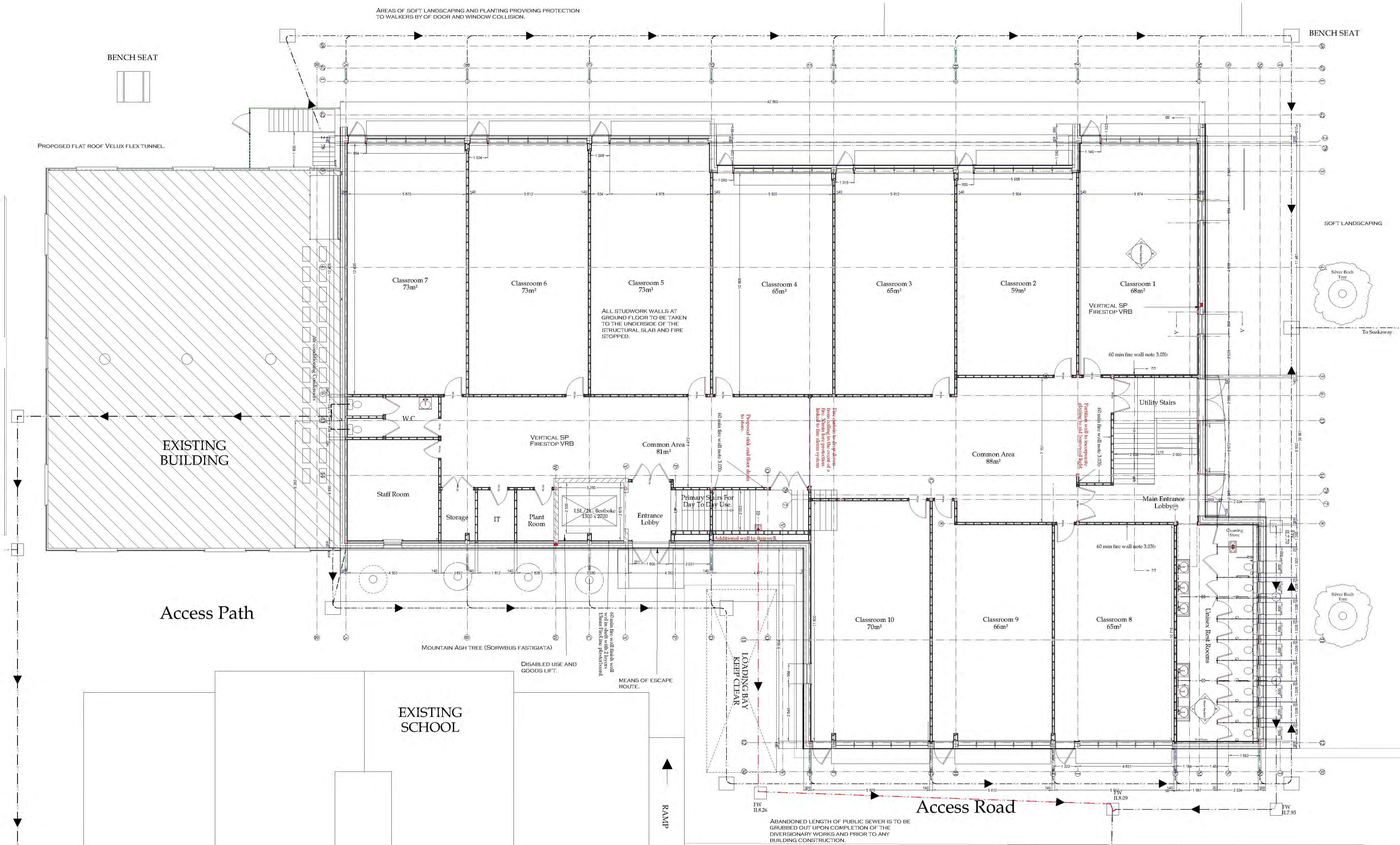
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**CAULFIELD ROAD  
 SHOEBURNESS  
 ESSEX SS3 9LL**

DEVELOPMENT  
**PROPOSED CLASSROOMS & DINING HALL**

DRAWING TITLE  
**PROPOSED GROUND FLOOR LAYOUT**

SCALE SHEET A1  
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DATE  
 22/03/2018

DWNG No  
**SHS/NAK/2**

REV  
**N**

JOB No  
**623**

PROPOSED GROUND FLOOR LAYOUT  
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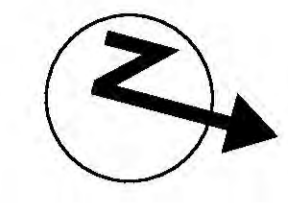
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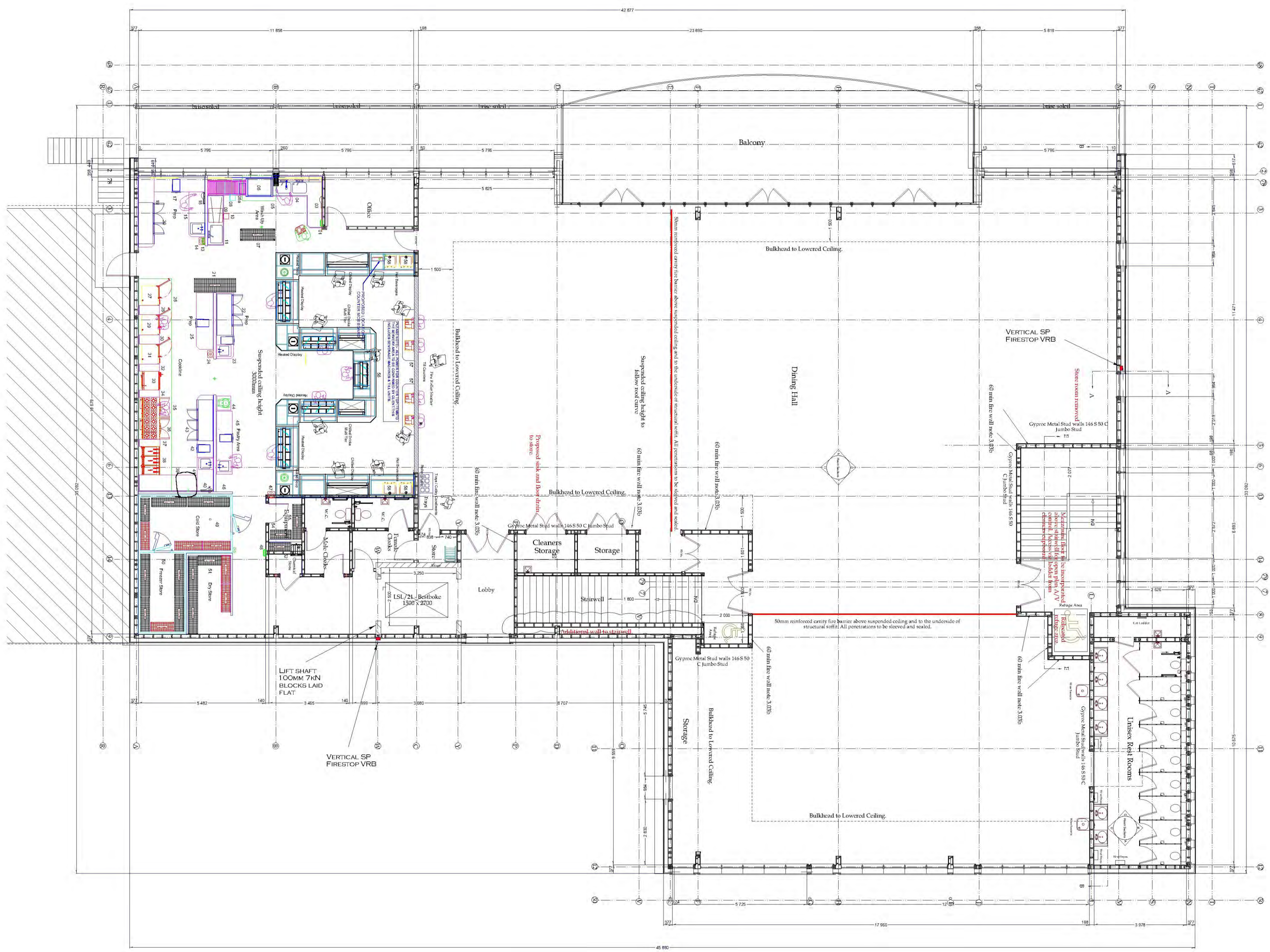
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PROPOSED PLANS



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PROPOSED FIRST FLOOR LAYOUT 1:100

SCALE 1:50 & 1:100

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DEVELOPMENT  
**PROPOSED CLASSROOMS & DINING HALL**

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**PROPOSED FIRST FLOOR LAYOUT**

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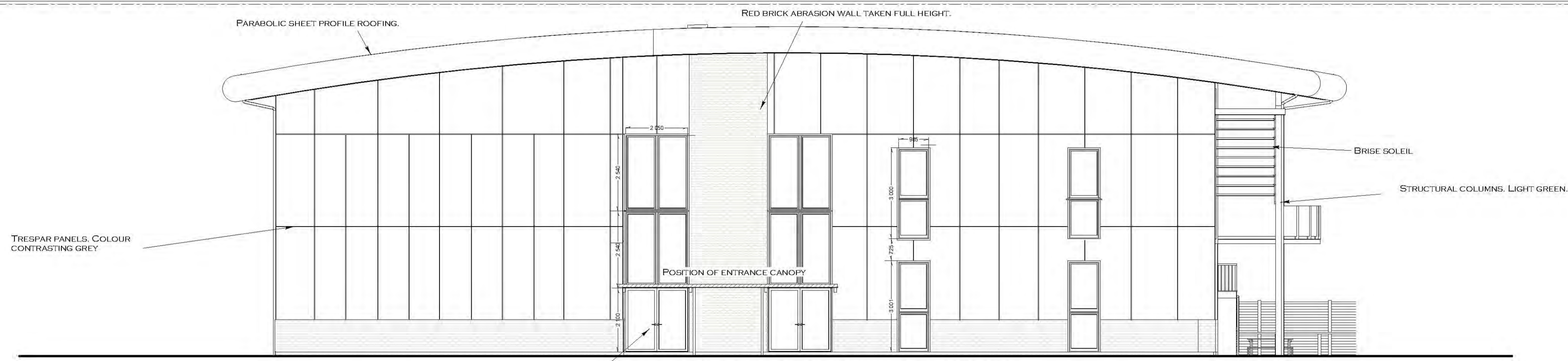
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JOB No	<b>623</b>	



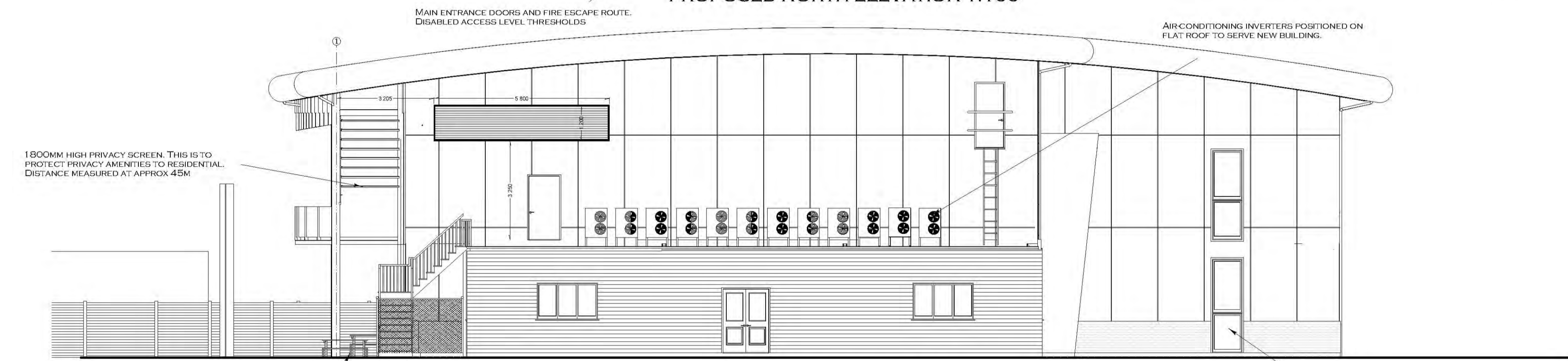
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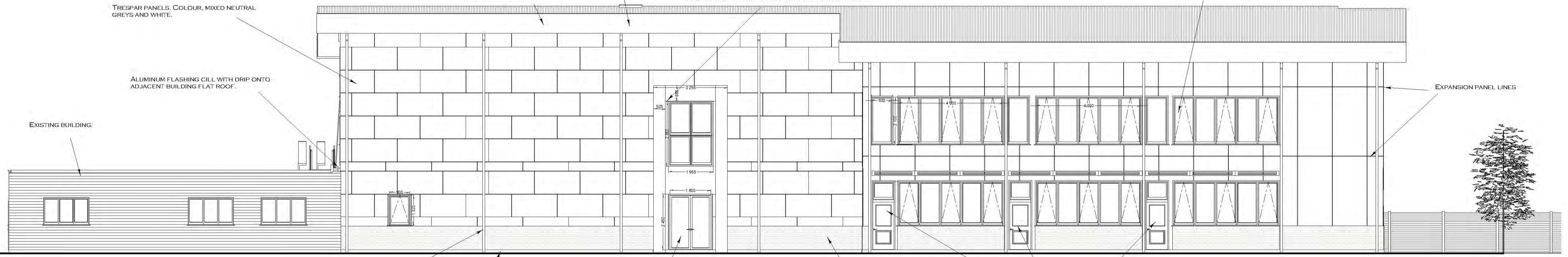
# PROPOSED PLANS



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PROPOSED SOUTH ELEVATION 1:100

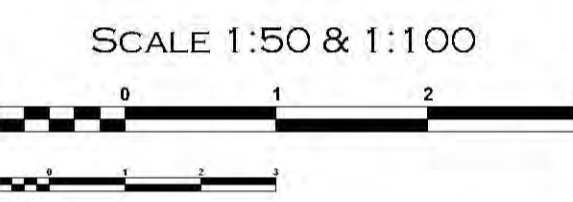


PROPOSED EAST ELEVATION 1:100



PROPOSED WEST ELEVATION 1:100

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DEVELOPMENT  
PROPOSED CLASSROOMS & DINING HALL

DRAWING TITLE  
PROPOSED ELEVATIONS

SCALE SHEET A1  
1:100  
DATE  
23/02/2018

DWNG No  
SHSINAK/4  
JOB No  
623  
REV  
M  
partner  
LABC

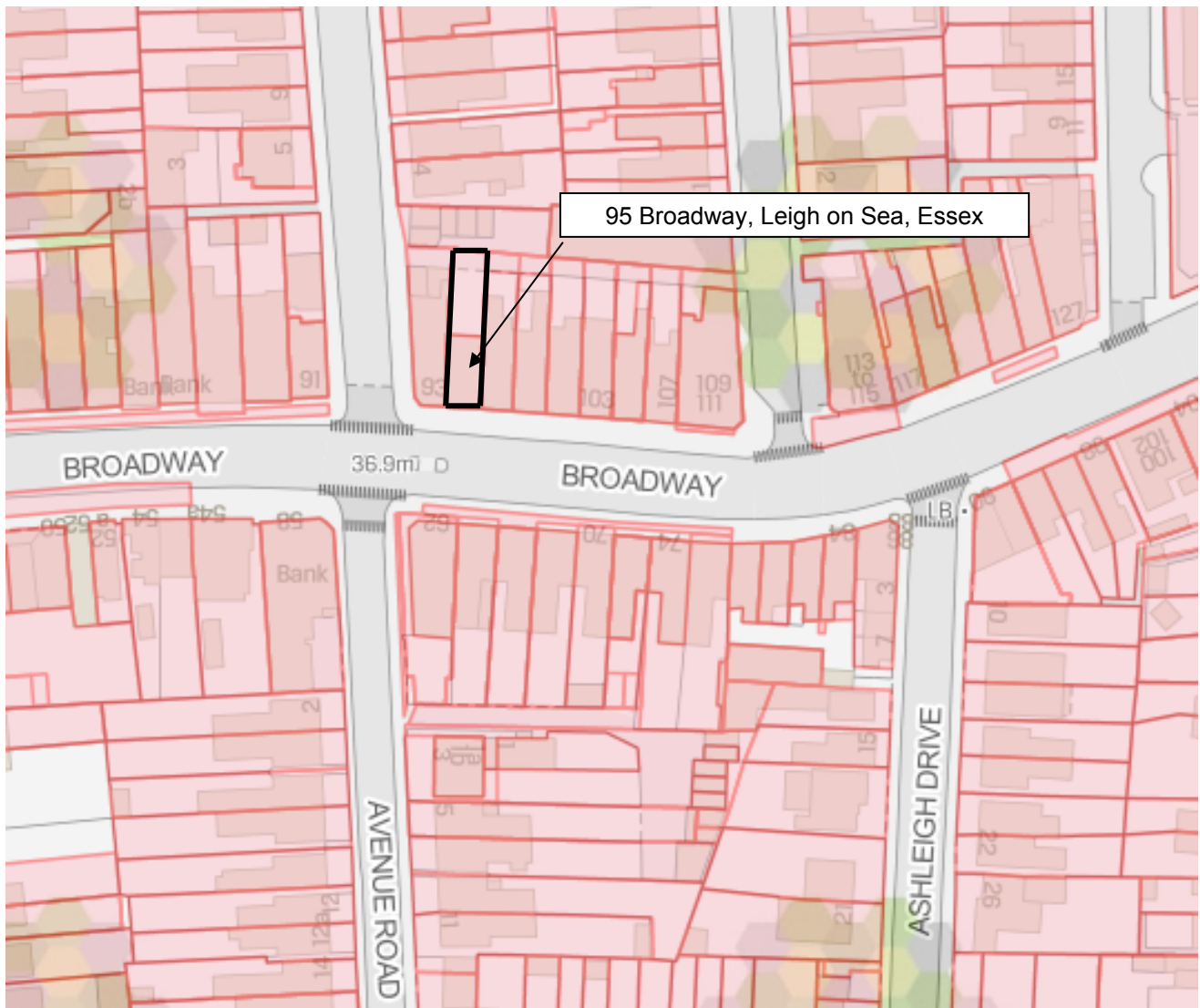
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<b>Reference:</b>	15/00224/UNAU_B	<h1>8</h1>
<b>Ward:</b>	Leigh	
<b>Breaches of Control</b>	Without planning permission, the replacement of the existing wooden framed windows at first, second and third floor level in the front elevation with Upvc windows. (Conservation Area)	
<b>Address:</b>	Flats above 95 Broadway, Leigh on Sea, Essex. SS9 1PG	
<b>Case Opened:</b>	16 <sup>th</sup> September 2015	
<b>Case Officer:</b>	Steve Jones	
<b>Recommendation:</b>	<b>AUTHORISE ENFORCEMENT ACTION</b>	



## **1 Site and Surroundings**

- 1.1 The property is located within the centre of an Edwardian street block within the shopping parade of Leigh Broadway. It is a 4 storey block and is prominent in the streetscene. At the Ground Floor is a shop currently trading as a charity shop. At first floor is a self-contained flat. At second floor is a further self-contained flat. At 3<sup>rd</sup> Floor is a self-contained loft flat.
- 1.2 The block has a mix of window designs between the different units, including bay windows with timber sashes and wide runs of timber casements set within feature masonry surrounds, but as a group the terrace has a symmetrical arrangement and this is part of its special character.
- 1.3 Some Upvc windows are evident within this block but these are generally at roof level and these appear to be historic. Nevertheless these instances of Upvc windows are considered to have a negative impact on the character of the Conservation Area and are illustrative of the harm such features cause to the heritage asset.
- 1.4 The property is sited within Leigh Cliff Conservation Area. It is not located within the Leigh Cliff Article 4 area (which protects windows), not because windows in the Broadway are not important to the historic character of the Conservation Area, but because the flats and shops in this location have no permitted development rights to make such changes. Therefore the Article 4 is not needed to control inappropriate changes within the commercial area as express planning permission is needed.

## **2 Lawful Planning Use**

- 2.1 The lawful planning use of the flats are as dwellings within Class C3 of the Town and Country Planning Use Classes Order 1987 (as amended)

## **3 Present Position**

- 3.1 In September 2015 it came to the services attention that Upvc windows had allegedly been installed without consent.
- 3.2 On 5<sup>th</sup> November 2015 a site visit was conducted by Enforcement staff and photos of the south elevation showing the Upvc windows were taken.
- 3.3 On 5<sup>th</sup> November 2015 a check was made with Land Registry and details of the freeholder of the building were established.
- 3.4 On 10<sup>th</sup> November 2015 Enforcement staff wrote to the freeholder advising of the breach of planning controls and asking that the recently installed Upvc windows be replaced with suitable wooden sliding sash windows.
- 3.5 On 13<sup>th</sup> November 2015 the freeholder emailed Enforcement staff advising that they had sought advice and concluded that replacing like for like was 'ok' and no permission was required.



- 3.6 On 17<sup>th</sup> May 2015 Enforcement staff emailed the freeholder advising that the replacement windows were not 'like for like'
- 3.7 On 24<sup>th</sup> February 2017 Enforcement staff emailed the freeholder advising that no retrospective planning application had been received and asking for their intentions to resolve the issue.
- 3.8 On 1<sup>st</sup> March 2017 the freeholder emailed Enforcement staff advising they had contacted the agents who managed the refurbishment for their comments and advice.
- 3.9 On 3<sup>rd</sup> March 2017 the freeholder emailed Enforcement staff to advise they were meeting with the managing agents and architects on site on 16<sup>th</sup> March 2017 and will update afterwards.
- 3.10 On 21<sup>st</sup> March 2017 Enforcement staff emailed the freeholder asking for an update following the site meeting mentioned in the email of 3<sup>rd</sup> March 2017.
- 3.11 On 22<sup>nd</sup> March 2017 the freeholder emailed Enforcement staff advising that they were away until April but they were awaiting architect's comments.
- 3.12 On 22<sup>nd</sup> March 2017 Enforcement staff emailed the freeholder reminding them that initial contact about this matter was 16 months previous and that should have given them sufficient time to replace the windows in a style and material in keeping with the character of the conservation area.
- 3.13 On 3<sup>rd</sup> April 2017 the freeholder emailed Enforcement staff stating that they did take advice at the time they were in receipt of the initial letter but decided not to follow it as there were similar windows east and west of the property. (Upvc) They added that in their opinion they had done a sympathetic and responsible job in bringing the building back into a modern habitable state.
- 3.14 On 6<sup>th</sup> April 2017 Enforcement Staff emailed the freeholder asking for evidence of the previously installed windows such as photographs, stock condition survey or installation invoices indicating what materials the previous windows were constructed from to enable an assessment to be made against the current installation.
- 3.15 On 11<sup>th</sup> April 2017 the freeholder emailed Enforcement Staff a number of documents including photographs a 'specification of works' report and an 'Energy' report. The text of the email indicates that the 3<sup>rd</sup> floor window was already a Upvc window when the current freeholder took ownership on 29<sup>th</sup> July 2014. The 1<sup>st</sup> and 2<sup>nd</sup> floor windows are revealed to have been non opening timber casement windows which were in poor condition.
- 3.16 On 13<sup>th</sup> April 2017 Enforcement staff emailed the freeholder highlighting that the 'specification of works' document at page 14 refers to defective wood windows and the 'Energy' report at page 4 recommends the fitting of secondary glazing or the replacement or improvement of frames. There is no mention of replacement with Upvc windows. The freeholder was further reminded that the property lies within a Conservation area and as the properties are flats they do not benefit from Permitted

### Development Rights.

The freeholder was invited to submit a retrospective planning application should they wish to retain the current window installation. They were advised that the invitation to submit an application was not an indication that the application will be given consent as each application is considered on its individual merit. Alternatively the windows should be removed and replaced with windows matching the originals.

- 3.17 On 3<sup>rd</sup> May 2017 the freeholder emailed Enforcement staff advising that they hadn't made a planning application due to the cost running into 'many thousands'
- 3.18 On 3<sup>rd</sup> May 2017 Enforcement staff emailed the freeholder advising that if a planning application is not received within 28 days the matter would be reported to the next available Development Control Committee seeking authority for enforcement action.
- 3.19 On 19<sup>th</sup> May 2017 Enforcement staff emailed the freeholder attaching documents detailing images of timber casement windows which would be considered appropriate for the Conservation area.
- 3.20 On 27<sup>th</sup> June 2017 Enforcement staff emailed the freeholder advising that a recent application by a householder in a Leigh Conservation Area to retain Upvc windows was refused and asking for an update with regards to the replacement of their windows.
- 3.21 On 28<sup>th</sup> June 2017 The freeholder emailed Enforcement staff advising the submission of a planning application was imminent.
- 3.22 On 3<sup>rd</sup> July 2017 a retrospective planning application was received under reference 17/01144/FUL to replace the windows to second and third floor.
- 3.23 On 18<sup>th</sup> July 2017 Enforcement staff emailed the freeholder asking why the application didn't cover the windows to the first floor.
- 3.24 On 18<sup>th</sup> July 2017 the freeholder emailed Enforcement staff advising they do not own the first floor.
- 3.25 On 24<sup>th</sup> July 2017 the freeholder emailed Enforcement staff further advising that they own the freehold to the entire building but the first floor flat is sold on a long term lease. They stated 'The first floor flat owner took it upon themselves without contacting myself to change the windows'
- 3.26 On 25<sup>th</sup> July 2017 Enforcement staff sent a letter to the lessee of flat 1, 95 Broadway at that address and the alternative address recorded at Land Registry asking that they make contact.
- 3.27 On 25<sup>th</sup> July 2017 Enforcement staff emailed the freeholder advising of the above action and informing them that any formal enforcement action taken will affect the freeholder and anyone else having an interest in that property. As such, any breach of planning controls by flat 1 will impact on them. They were advised to seek advice as to whether to include floor 1 in the current planning application.



- 3.28 On 26<sup>th</sup> July 2017 Enforcement staff received a phone call from the lessee of the first floor flat. They confirmed that they did replace the windows independently of the freeholder but took advantage of using the same company as had already been commissioned to supply and fit the windows to the 2<sup>nd</sup> and third floors. Staff informed them that they would send them a formal letter advising what action should be taken.
- 3.29 On 26<sup>th</sup> July 2017 Enforcement staff sent a letter to the lessee of the 1<sup>st</sup> floor flat advising of the unauthorised development in respect of the replacement Upvc windows and further advising that a planning application to retain them would not likely be approved and they should be replaced.
- 3.30 On 24<sup>th</sup> August 2017 the Retrospective Planning application submitted by the freeholder, to retain the Upvc windows to second and third floor flats was refused for the following reason
- 3.31 *'The windows, by reason of their detailed design, materials and opening mechanism, are harmful to the character and appearance of the individual property and the street scene in the wider Leigh Cliff Conservation Area of which it forms a part. The development 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, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015); and advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Cliff Conservation Area Appraisal 2010'*
- 3.32 The decision notice contained the following advice note;
- 3.33 *'The applicant is advised that an installation of traditional timber casement windows, similar to the adjacent property, which could include slimline double glazing, would be considered more acceptable but these will require a revised planning application. If you require further advice regarding this please contact the Council's Conservation Officer.'*
- 3.34 On 27<sup>th</sup> September 2017 Enforcement staff emailed the freeholder reminding them that the retrospective planning application to retain the Upvc windows to the 2<sup>nd</sup> and third floors, under reference 17/01144/FUL had been refused on 24<sup>th</sup> August 2017, advising that they had 12 weeks to appeal this decision from the date of the Decision Notice should they wish to do so. They were asked to keep the Enforcement staff updated with their decision.
- 3.35 On 9<sup>th</sup> October 2017 Enforcement staff emailed the freeholder due to the lack of update, to advise that the matter would be reported to the Development Control Committee to seek to authorise the issuance of an Enforcement Notice.
- 3.36 On 9<sup>th</sup> October 2017 the freeholder emailed Enforcement staff stating they will be submitting a planning application to replace the windows with timber.
- 3.37 On 9<sup>th</sup> October 2017 Enforcement staff emailed the freeholder advising the intended report to Development Control Committee to seek enforcement authority would be put back to enable them to submit an amended planning application.

- 3.38 On 24<sup>th</sup> November 2017 a planning application was received under reference 17/02084/FUL to remove the unauthorised Upvc windows to first, second and third floor front elevation and replace with slimline double glazed timber casement windows.
- 3.39 On 18<sup>th</sup> January 2018 the above planning application was conditionally approved.
- 3.40 On 10<sup>th</sup> May 2018 Enforcement staff emailed the freeholder asking for timescales for the replacement of the windows as the currently installed Upvc windows still amounted to a planning breach.
- 3.41 On 21<sup>st</sup> May 2018 the freeholder emailed Enforcement staff stating they were away and would reply fully within a couple of days.
- 3.42 On 24<sup>th</sup> May 2018 Enforcement staff emailed the freeholder asking for an urgent update.
- 3.43 As of 30<sup>th</sup> May 2018 no reply had been received.

#### **4 Appraisal**

- 4.1 Policy CP4 of the Core Strategy requires development to safeguard and enhance the historic environment, including Conservation Areas. Policy DM5 of the Development Management Document also requires that all new development within a Conservation Area should preserve or enhance its character.
- 4.2 There is no permitted development right to change windows within flats. Therefore, as with the residential properties within the Leigh Cliff Article 4 Direction area, proposals for replacement windows within the conservation area will require planning permission. Applicants need to demonstrate that the proposed replacements will preserve or enhance the historic character of the conservation area.
- 4.3 Leigh Cliff Conservation Area has generally retained a high proportion of its original features including timber windows. These make an important contribution to the character and significance of the conservation area. A few windows in the Broadway were changed to UPVC many years ago most likely prior to the designation of the Article 4 Direction. It is noted that a number of recent installations of Upvc windows in the street have been subject to enforcement action and have been reinstated with timber replacements.
- 4.4 95 Broadway has replaced all the windows to the front with new Upvc casement style windows. Prior to this the property had its original timber casements at first and second floor. The materials for the dormer are unclear. Even if the previously installed window was Upvc then this has been replaced as part of the more recent refurbishment and is regarded as new development. These timber windows matched others in the block and were considered to make a positive contribution to the character of the conservation area.



- 4.5 The unauthorised Upvc windows are very visible from the public realm and are noticeably different from the timber windows in the adjacent properties. Although the replacement Upvc windows are of a casement design, differences are apparent in their design detailing as well the different appearance of the materials. In particular the thickness of the windows is significantly greater making them appear heavy and less refined and at odds with others in the block. The joins within the plastic frame are evident at the corners; these would normally be concealed behind paintwork on timber frames. There is a clear difference between the Upvc windows and the other timber casements in the block and it is considered that this difference has contributed to an erosion of historic character and significance of the heritage asset. An application to retain these windows was refused because it was considered that they had a detrimental impact on the character of the conservation area.
- 4.6 It is acknowledged that there are a number of Upvc window installations in the area which were carried out many years ago and are now immune from enforcement by virtue of the time constraints imposed by Section 171B of the Town and Country Planning Act 1990 (as amended). The presence of other, unsuitable replacement windows does not justify the insertion of additional harmful examples which further harm the character of the area.
- 4.7 An exact date for the installation of these Upvc windows cannot be established but is suspected to be sometime between late 2014 and September 2015. In order to prevent the current unauthorised installation of Upvc windows becoming immune from enforcement action it is considered necessary that an Enforcement Notice is issued before the development can be claimed to be over 4 years old.
- 4.8 Bearing in mind the owner has planning permission to install suitable replacements it is therefore considered expedient to pursue enforcement action to secure the unauthorised windows removal.
- 4.9 Taking enforcement action in this case may amount to an interference with the owner/occupiers Human Rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area. In this particular case it is considered reasonable, expedient and proportionate and in the public interest to pursue enforcement action to require the removal of the unauthorised Upvc windows.

## **5 Relevant Planning History**

- 5.1 3/7/2017 Reference 17/01144/FUL – Replace windows to second and third floor flats with Upvc windows to front (Retrospective) – Refused
- 5.2 24/11/2017 Reference 17/02084/FUL - Remove unauthorised Upvc windows to first, second and third floor front elevation and replace with slimline double glazed timber casement windows. – Conditionally approved.

## **6 Planning Policy Summary**

- 6.1 The National Planning Policy Framework (NPPF) 2012.

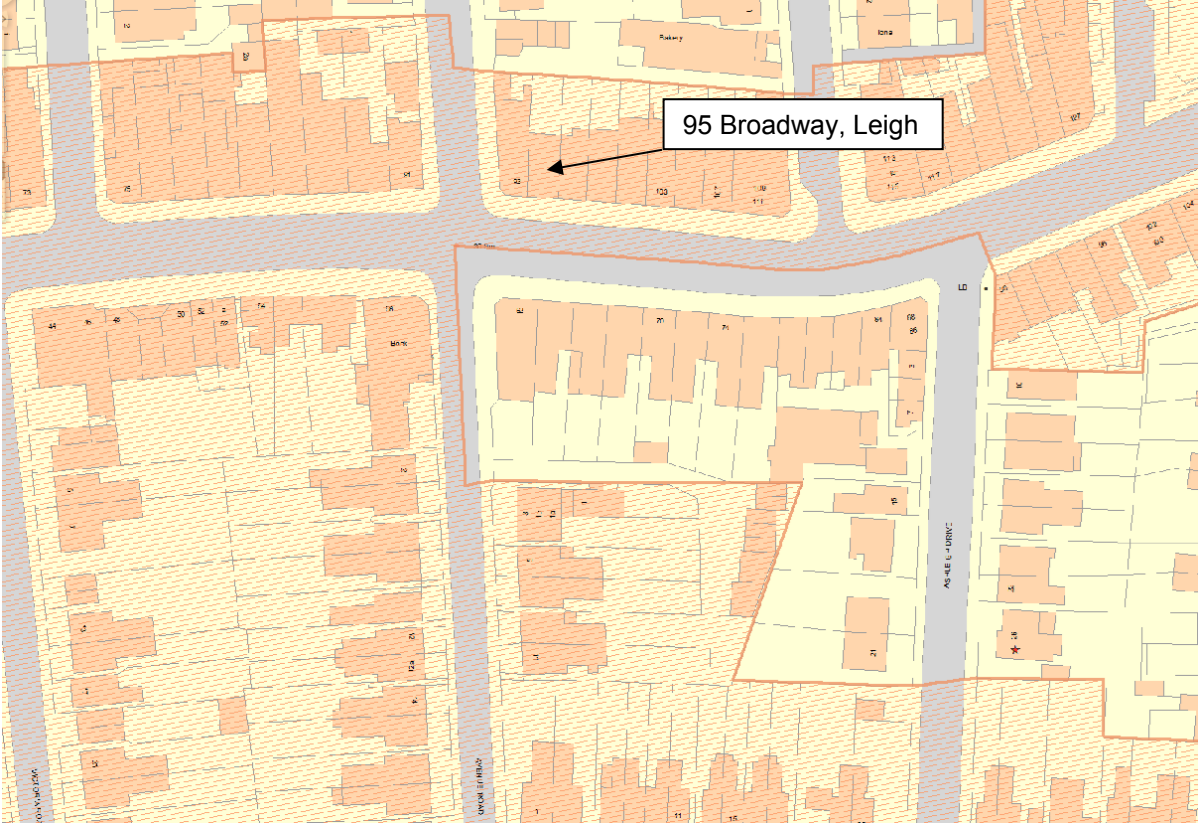
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 6.3 Development Plan Document 2: Development Management Document Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM5 (Southend-on-Sea's Historic Environment).
- 6.4 Design and Townscape Guide 2009 (SPD1)

## **7 Recommendation**

- 7.1 **Members are recommended to AUTHORISE ENFORCEMENT ACTION** to secure the removal of the unauthorised Upvc framed windows installed to the first second and third floor front elevation of this property on the grounds that they harm the character and appearance of the property and the streetscene by reason of their unsympathetic materials and discordant frame thickness to the extent that they are detrimental to the character and appearance of the Leigh Cliff Conservation area contrary to the National Planning Policy Framework, Policies CP4 and KP2 of the Southend-on-Sea Core Strategy, Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document and the advice contained within the Council's Design and Townscape Guide.
- 7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.
- 7.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case, research and quotes are possibly still required to be obtained and any time delay in manufacture and installation is likely to be dictated by the suppliers lead time. It is considered that a compliance period of 3 months is deemed reasonable.



Appendix 1 – Leigh Cliff Conservation Area Boundary

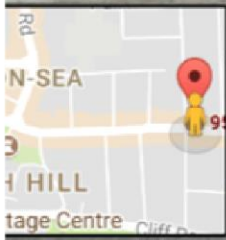


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62 Broadway  
Southend-on-Sea, England  
Google, Inc.  
Street View - Jun 2014



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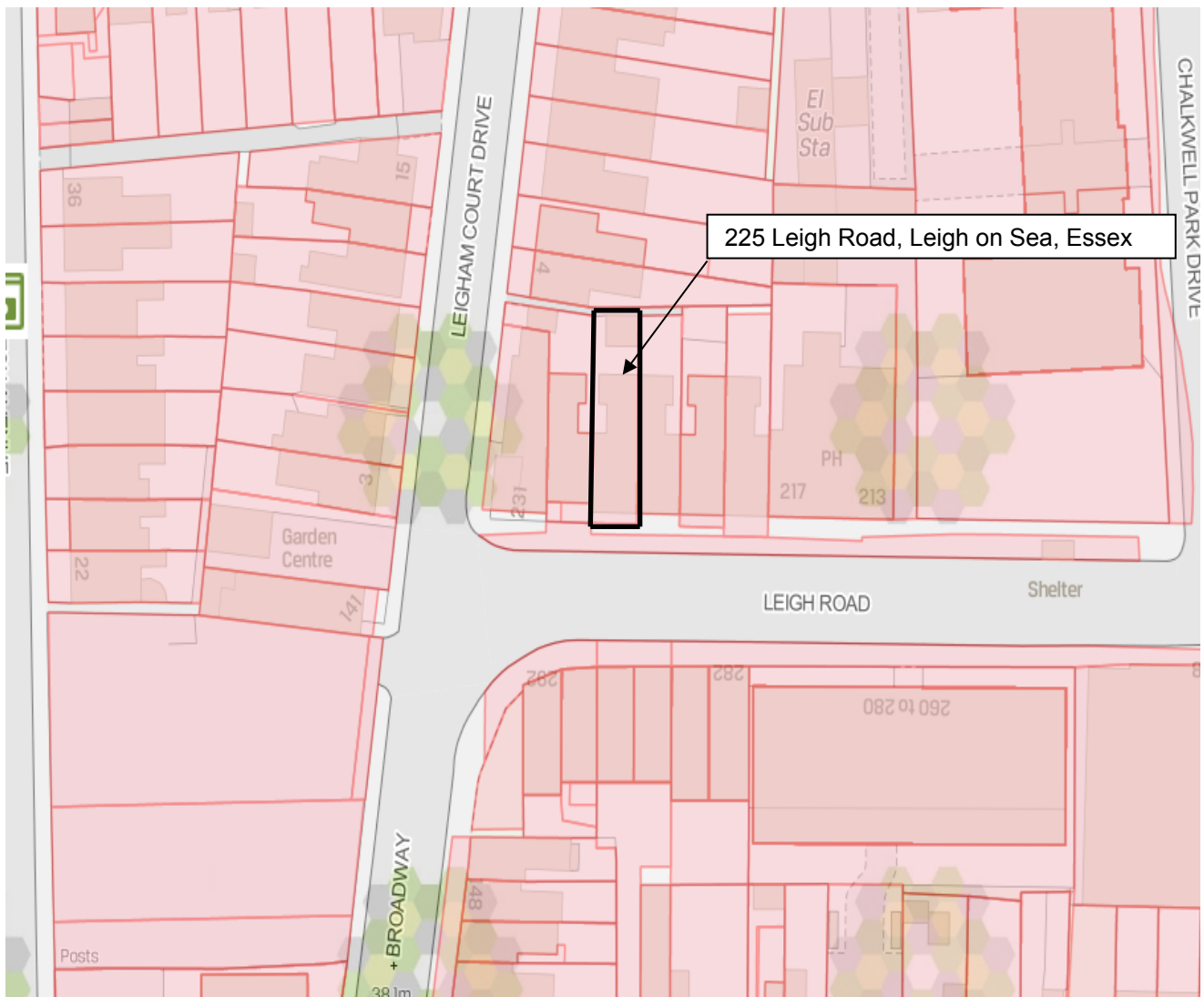




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<b>Reference:</b>	15/00278/UNAU_B	<h1>9</h1>
<b>Ward:</b>	Leigh	
<b>Breaches of Control</b>	Without planning permission, the formation of a flat to the rear of shop premises	
<b>Address:</b>	Rear of 225 Leigh Road, Leigh on Sea, Essex. SS9 1JA	
<b>Case Opened:</b>	9 <sup>th</sup> December 2015	
<b>Case Officer:</b>	Steve Jones	
<b>Recommendation:</b>	<b>AUTHORISE ENFORCEMENT ACTION</b>	



## **1 Site and Surroundings**

- 1.1 The site is located within a mixed commercial and residential area. It is situated within the Leigh District Centre as identified in the Development Management Document.
- 1.2 The site is the rear of a shop on the primary shopping frontage, together with its rear yard.
- 1.3 Access to the property is obtained via a narrow rear alley and gate. The alley runs along between a garage and a domestic property at no 4 Leigham Court Drive.

## **2 Lawful Planning Use**

- 2.1 The lawful planning use of the ground floor is as a nail bar (Retail) within Class A1 of the Town and Country Planning Use Classes Order 1987 (as amended)

## **3 Present Position**

- 3.1 On 6<sup>th</sup> December 2015 an initial complaint was received alleging that premises had been sub-divided forming a flat to the rear.
- 3.2 On 20<sup>th</sup> January 2016 Enforcement staff attended the property but could not gain access through a locked gate.
- 3.3 On 27<sup>th</sup> September 2017 Enforcement staff reviewed the case to ascertain if the issue had been resolved.
- 3.4 On 27<sup>th</sup> September 2017 Enforcement staff received an email from the complainant stating that they had moved from the area but the 'subletting' was still taking place as of 30<sup>th</sup> June 2017.
- 3.5 On 4<sup>th</sup> October 2017 Enforcement staff visited and established the property consisted of a kitchen/lounge area, a small bedroom and a small toilet and shower room. The owner explained at that time that they had created a separate living unit from the nail bar by having a dividing wall built between them sometime in 2014.
- 3.6 On 4<sup>th</sup> October 2017 Enforcement staff emailed the owner setting out the legislation as it applied when the residential unit was created in 2014. Staff summarised by saying *'In summary I believe you should have made an application for 'Prior Approval' to the Local Planning Authority. As you cannot make a retrospective 'Prior Approval' application you will need to make a full planning application.'*
- 3.7 A series of emails followed but in essence the owner confirmed they would be making a full Retrospective Planning Application to retain the flat.
- 3.8 On 14<sup>th</sup> November 2017 Enforcement staff emailed the owner asking for timescales for the submission of a planning application.
- 3.9 On 15<sup>th</sup> November 2017 a Retrospective Planning Application was received under reference 17/02025/FUL to 'Change the use to part of ground floor shop (Class A1) to self-contained flat (Class C3) (Retrospective)'



- 3.10 On 6<sup>th</sup> March 2018 the above planning application was refused for the following reasons;
- 3.11 *Having taken all material planning considerations into account, it is found that the proposed development is unacceptable and contrary to the objectives of the relevant development plan policies and guidance. The development by reason of its siting and access results in a form of development out of keeping with the grain and character of the surrounding area and in conflict with the principles of good design. The dwelling provides insufficient internal space and thus offers a low amenity for future occupiers. Although the site is accessibly located, sufficient garden ground is available, the amenities of neighbours is maintained satisfactorily, and parking implications are acceptable, these positive aspects do not outweigh the material harm caused by the development as identified above. For the above reasons, the proposed development is unacceptable and fails to comply with planning policy*
- 3.12 On 13<sup>th</sup> April 2018 Enforcement staff emailed the owner reminding them that the planning application had been refused and asking if they intend to appeal the decision or return the flat to shop use.
- 3.13 On 13<sup>th</sup> April 2018 the owner emailed Enforcement staff advising of their intention to appeal the decision and asking for further guidance.
- 3.14 On 13<sup>th</sup> April 2018 Enforcement staff emailed the owner advising that some guidance could be given but also advising that some of the issues raised in the officers report do not appear to be capable of being easily overcome. e.g. The size of the flat.
- 3.15 On 18<sup>th</sup> April 2018 the owner emailed Enforcement staff asking if it would be acceptable to remove the fixed wall separating the nail bar and the flat but retaining the use of the flat as residential.
- 3.16 On 18<sup>th</sup> April 2018 Enforcement staff emailed the owner advising they should consider an application for a 'Certificate of Lawful Development' if they believe they could prove an uninterrupted use of the flat for residential purposes for over 4 years.
- 3.17 On 18<sup>th</sup> April 2018 the owner emailed Enforcement staff and attached a survey dated April 2007 which was prepared for valuation purposes.
- 3.18 On 18<sup>th</sup> April 2018 Enforcement staff emailed the owner stating;
- 3.19 *'The survey works against you as it does not describe a residential unit to the ground floor. In fact it uses the term 'office'.*
- 3.20 On 18<sup>th</sup> April 2018 the owner emailed Enforcement staff advising that Council Tax was only charged on the separate flat since 2016.
- 3.21 On 18<sup>th</sup> April 2018 Enforcement staff emailed the owner advising that a planning application under reference 98/0604 to 'Erect extension at side and single storey rear extension to provide living accommodation.' was refused in 1998.

- 3.22 Enforcement staff further advised that the owner seek professional guidance on this matter as 'you may not be able to prove the use of the property as residential over a sufficient period to make it immune from enforcement action in which case Enforcement staff will be left with no alternative than to issue an Enforcement Notice if the property is not converted back into shop use.'
- 3.23 On 18<sup>th</sup> April 2018 the owner emailed Enforcement staff attaching the sales advert for the premises.
- 3.24 On 18<sup>th</sup> April 2018 Enforcement staff emailed the owner stating;
- 3.25 'The advert states SHOP + 2 BEDROOM ACCOMMODATION. It further describes the shop area with 'former' studio flat to rear.' They did that as there is no planning permission for a flat at this location. The Accommodation element of the advert relates solely to the first floor. Even if the word 'formally' was not present I note you did not take ownership until July 2015 which is within the 4 year period required.
- 3.26 On 18<sup>th</sup> April 2018 Enforcement staff emailed the owner reiterating the need to seek professional, independent advice.
- 3.27 On 18<sup>th</sup> April 2018 the owner emailed Enforcement staff advising they had submitted an application for a Certificate of Lawful Development.
- 3.28 On 19<sup>th</sup> April 2018 the Local Planning Authority received an Application for a Certificate of Lawful Development in respect of this site under reference 18/00722/CLE. The application was invalid on receipt.
- 3.29 On 25<sup>th</sup> May 2018 Enforcement staff emailed the owner reminding them of the invalid application and asking if it was their intention to continue with it.
- 3.30 No response was received to the above email.
- 3.31 On 29<sup>th</sup> May 2018 Enforcement staff emailed the owner advising that authority for formal enforcement action would be sought on the basis that the earlier planning application was refused and it was considered doubtful that sufficient evidence could be produced to evidence that the flat had been in continuous use for the past 4 years to gain approval for a Certificate of Lawful Development. The owner was advised that the only route available to them to avoid enforcement would be to return the residential unit back into space used by the shop (Class A1)
- 3.32 On 29<sup>th</sup> May 2018 the owner emailed Enforcement staff advising that further documentation had been sent to the Local Planning Authority in support of the application for a Certificate of Lawful Development.

#### **4 Appraisal**

- 4.1 The conversion of a retail unit (Class A1) to residential (Class C3) at ground floor level cannot be carried out under Permitted Development Rights.
- 4.2 The site is not within a Conservation Area nor is it subject of any Article 4 Direction.



- 4.3 It is considered that the reduction in floor area to the retail shop associated with the flat conversion may have impacted on the scope for employment levels at the premises however the degree of impact if any is unlikely to be quantifiable and on this basis it was considered that it would not be reasonable to refuse planning permission on the basis of a loss of employment space.
- 4.4 The principle of development is therefore considered acceptable as a matter of broad principle at this location subject to the details of the proposal, considered below.
- 4.5 The following sections summarise the basis on which the retrospective planning application, ref 17/02025/FUL was found to be unacceptable and in conflict with policy when the retrospective planning application was determined under delegated powers.
- 4.6 **Design and Impact on the Character of the Area National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)**
- 4.7 The introduction of small flats in the area is considered acceptable given the more densely built-up district centre environment. A small flat is consistent in principle with the grain of the built environment in the district centre location.
- 4.8 The access to the flat is however made via the very narrow unlit rear alley which is situated between rear gardens and alongside a domestic garage and vehicular access. There would be no means of access available to the flat from Leigh Road due to internal alterations to the ancillary accommodation retained for the ground floor commercial unit. This relationship of self-contained accommodation to the street is considered unsatisfactory from a personal security point of view and in conflict with the prevailing grain of development in which dwellings benefit from an appropriate street frontage and access.
- 4.9 The consequence of the unauthorised flat is overdevelopment and inappropriate development of the site, conflicting with the objectives of the above mentioned development plan policies and guidance relating to design and character and which seek to maintain or improve the character and quality of the residential environment.
- 4.10 **Living Conditions for Future Occupiers National Planning Policy Framework, Development Management Document (2015) Policies DM1, DM3 and DM8, The National Technical Housing Standards DCLG (2015) and guidance contained within the Design and Townscape Guide (2009)**
- 4.11 The flat (25.8sqm) does not meet the Nationally Described Space Standards which specify a 1 bed, 1 person dwelling should be at least 37sqm in floor area. The bedroom area falls short of the described standard by 0.6sqm.

- 4.12 The dwelling has a limited outlook with one rear window, and one bedroom window facing on to a tightly constrained yard space. It appears from the site visit conducted by the planning officer that the use of the space as living accommodation has required overspill of domestic appliances and storage into the yard area and the shed.
- 4.13 The Council's Design and Townscape Guide states. "Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development".
- 4.14 Having regard to the prevailing characteristics of the area it is considered that there is sufficient and reasonable amenity space for the purposes of occupiers, given the character of the surroundings. However the overspill of normally-internal domestic apparatus into the yard and living space in the shed is indicative of inappropriate internal space and a cramped overdevelopment that offers an insufficient standard of amenity for occupiers.
- 4.15 This is considered unacceptable in this instance and the flat does not provide sufficient benefits to mitigate this shortfall.
- 4.16 It is considered that the implications for living conditions of future occupiers are unacceptable and contrary to the objectives of the above mentioned development plan policies and guidance.
- 4.17 **The case for enforcement action**  
In light of the unacceptable nature of the development and the identified harm which conflicts with policy objectives, it is considered expedient to pursue enforcement action to secure the removal of the flat and the return of the floor space to retail use. This takes into account that the owner has not appealed the refused retrospective planning application or meaningfully pursued a Certificate of Lawfulness application to a successful outcome.
- 4.18 Taking enforcement action in this case may amount to an interference with the owner/occupiers Human Rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area. In this particular case it is considered reasonable, expedient and proportionate and in the public interest to pursue enforcement action to require the removal of the flat.

## **5 Relevant Planning History**

- 5.1 98/0604: Erect extension at side and single storey rear extension to provide living accommodation. - Refused.
- 5.2 17/02025/FUL; Change of use to part of ground floor shop (Class A1) to self-contained flat (Class C3)(Retrospective) – Refused. For the below reasons



- 5.3 The proposed development by virtue of its position and access arrangement is a poor standard of design. This fails to maintain or improve the character and quality of the residential environment, which is unacceptable and contrary to the National Planning Policy Framework, Policies KP1, KP2, CP4 and CP8 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).
- 5.4 Due to its substandard internal space and cramped layout, the dwelling fails to provide a satisfactory standard of habitable accommodation in accordance with the requirements of the National Technical Housing Standards (2015) and fails to provide satisfactory levels of amenity for future occupiers. This is unacceptable and contrary to the objectives of the National Planning Policy Framework; Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); and Policies DM1, DM3 and DM8 of the Council's Development Management Document.

## 6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (NPPF) 2012.
- 6.2 The Southend-on-Sea 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), CP8 (Dwelling Provision)
- 6.3 The Southend-on-Sea ~~Development Management Document~~ (2015) Policies DM1 (Design Quality) DM2 (Efficient use of resources), DM3 (The Efficient and Effective Use of Land) DM8 (Residential Standards) DM10 (Employment Sectors) DM11 (Employment Areas) DM13 (Shopping Frontage Management outside the Town Centre) DM15 (Sustainable Transport Management)
- 6.4 Design and Townscape Guide 2009 (SPD1)

## 7 Recommendation

- 7.1 **Members are recommended to AUTHORISE ENFORCEMENT ACTION** to secure the cessation of the unauthorised flat use on the grounds highlighted at Paras 5.3 & 5.4.
- 7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.
- 7.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case it is considered that a compliance period of 3 months is deemed reasonable.

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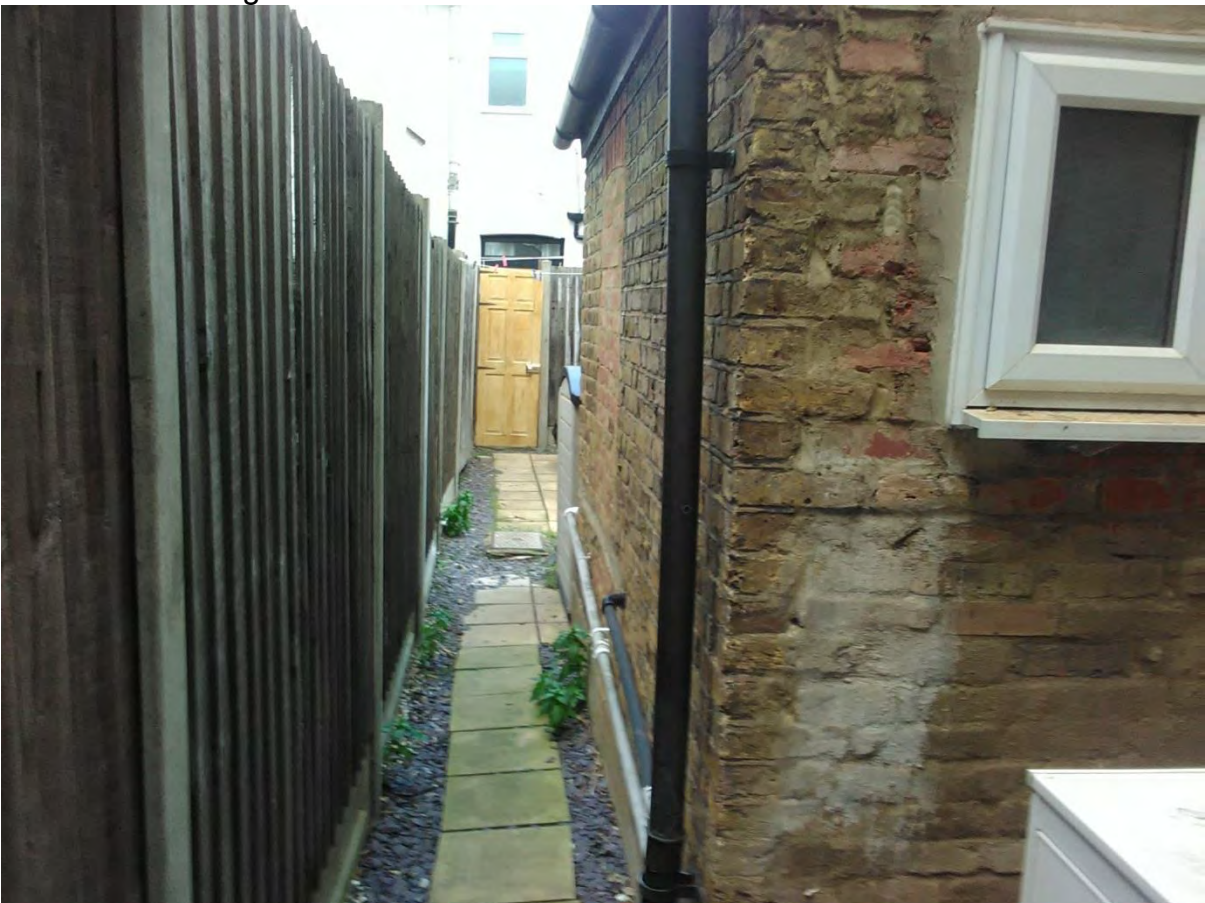
Front of building 'Roseate'  
Entrance alleyway is between garage and house on left







Door to garden within entrance alley  
View from within garden







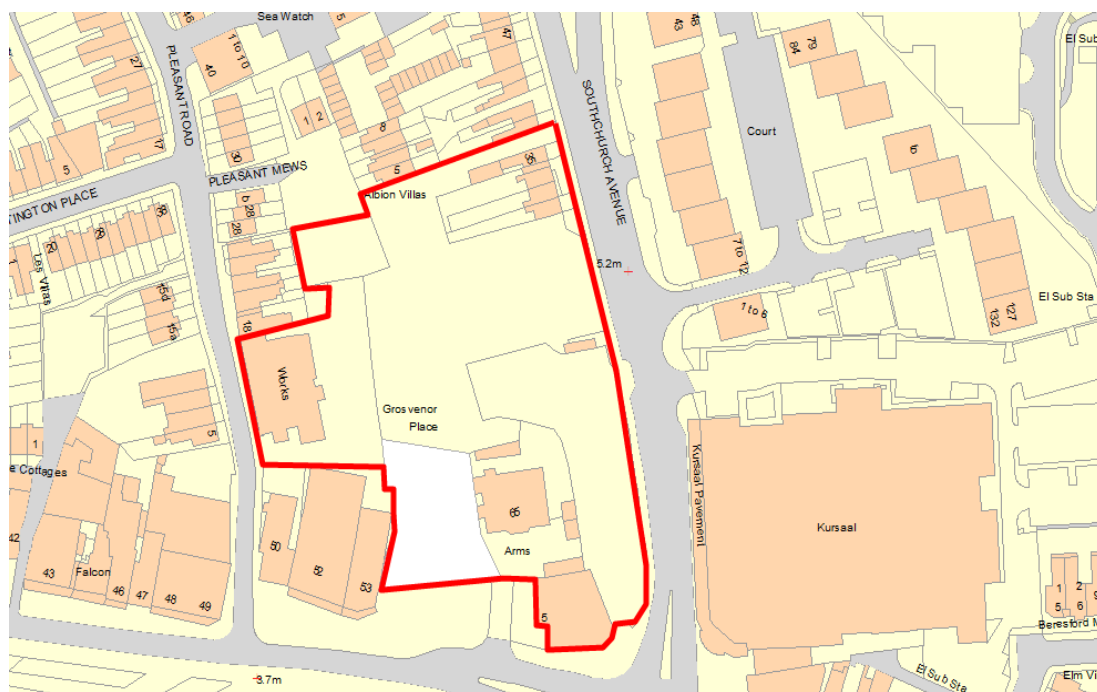
The garden. Small wooden extension to flat; outbuilding in foreground



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<b>Reference:</b>	18/01060/DOV5	<h1>10</h1>
<b>Application Type:</b>	Deed of Variation within 5 years	
<b>Ward:</b>	Kursaal	
<b>Proposal:</b>	Modification of planning obligation (Section 106 agreement) dated 22nd July 2015 pursuant to application 14/01462/FULM to allow variations to Clauses 1.1, 6.1, 6.2, 7.1 & 7.2 of the Second Schedule so that the obligations set out in these clauses do not apply prior to commencement but are triggered at a later phase of the construction process.	
<b>Address:</b>	Marine Plaza Land between Southchurch Avenue and Pleasant Road fronting Marine Parade, Southend-on-Sea	
<b>Applicant:</b>	Mr Larry Fentiman of Goldfield Developments Ltd	
<b>Agent:</b>	Christopher Wickham of Christopher Wickham Associates	
<b>Consultation Expiry:</b>	n/a	
<b>Expiry Date:</b>	22 <sup>nd</sup> June 2018	
<b>Case Officer:</b>	Amanda Rogers	
<b>Recommendation:</b>	<b>Delegate to the Director of Planning and Transport or Group Manager for Planning and Building Control to AGREE A MODIFICATION OF THE PLANNING OBLIGATION dated 22<sup>nd</sup> July 2015 pursuant to application 14/01462/FULM</b>	



## 1 The Proposal

- 1.1 Planning permission was granted on 22<sup>nd</sup> July 2015 to *“Demolish existing building and erect 282 self-contained flats in six blocks (comprising: one 14 storey block, one 9 storey block, one 5/6 storey block, one 4/6 storey block, two 2/4 storey blocks), erect 2717sqm of commercial floorspace (A1, A3 and D2 uses), layout 318 underground parking spaces, landscaping, cycle/motorcycle/refuse storage, formation of vehicular access from Southchurch Avenue and Pleasant Road”*.
- 1.2 This permission was subject to a Section 106 (S.106) agreement dated 22<sup>nd</sup> July 2015 to secure the following:
- Provision of affordable housing (84 flats including 58 rented and 26 shared ownership; 32x1bed, 27x2bed, 25x3bed)
  - **Education contribution £160,334**
  - **Relocation of CCTV**
  - Highway works to be carried out under a Section 38 / 278 agreement
  - Public art to the value of £150,000
  - Travel Packs/Travel Plan
  - **Other monetary contributions towards tree planting, pedestrian signage, changes to signal timings, real-time bus information signs, bus shelters, new taxi rank layout, TRO, relocation of traffic speed system and car parking signs**
- 1.3 Under section 106A of The Town and Country Planning Act 1990 (as amended) (TCPA) the applicant has requested variations to Clauses 1.1, 6.1, 6.2, 7.1 & 7.2 of the Second Schedule of the S.106 agreement dated 22<sup>nd</sup> July 2015 so that the obligations set out in these clauses do not apply prior to commencement but are triggered at a later phase of the Construction Programme (see paragraph 4.2 for details). On submission, the proposed variations were stated as follows:
- a) education contribution – proposed to pay £75,000.00 on completion of phase 3, £45,000.00 on completion of phase 4, £40,334.00 on completion of phase 5
  - b) relocation of existing CCTV – to be completed prior to commencement of Phase 2
  - c) other monetary contributions as set out in the Sixth Schedule of the S.106:
    - i. £10,000 off site planting – proposed to pay on completion of phase 2
    - ii. £40,000 pedestrian signage – proposed to pay on completion of phase 2
    - iii. £2,000 changes to signal timings – proposed to pay on completion of phase 2
    - iv. £36,000 4 x AVL displays, real time information – proposed to pay on completion of phase 2
    - v. £10,000 2 x bus shelters – proposed to pay on completion of phase 2
    - vi. £1,000 taxi rank layout – proposed to pay on completion of phase 2
    - vii. £10,000 traffic regulation orders – proposed to pay on completion of phase 2
    - viii. £30,000 relocate traffic speed system – proposed to pay on completion of phase 2
    - ix. £25,000 car parking signs – proposed to pay on completion of phase 2



The affordable housing, highway works to be carried out under a Section 38 / 278 agreement, public art and Travel Packs/Travel Plan requirements set out in the S.106 and above remain unchanged.

1.4 The following information has been submitted in support of the application:

- Schedule of section 106 costs and proposed phasing of payments
- Construction Programme

## **2 Site and Surroundings**

2.1 The application site, which has an area of 1.1036 hectares, is located within the established commercial central seafront area at the junction of Marine Parade and Southchurch Avenue. It includes a western frontage onto Pleasant Road. A large proportion of the site comprises open land that is used for car parking. The Marine Parade frontage includes buildings used as a fast food outlet, amusement arcades and a public house. The Pleasant Road frontage is occupied by a former sweet factory, and there is a short terrace of four houses on the north-eastern corner of the site fronting onto Southchurch Avenue. Three of these houses are derelict. Existing buildings on the site range between one and three storeys in height.

## **3 Planning Considerations**

3.1 The material planning consideration in respect of this application is whether or not the S.106 contributions set out in paragraph 1.3 can be paid at a later date whilst still allowing the Council sufficient time to deliver the infrastructure required to support the development.

3.2 Section 106A of the TCPA allows for an application to be made to a local authority to consider a proposed modification or discharge of a planning obligation.

3.3 Planning obligations can be renegotiated at any point, where the local planning authority and developer wish to do so. A planning obligation is enforceable as a contract and whether it is varied or not is at the local authority's discretion. Where there is no agreement to voluntarily renegotiate, and the planning obligation is over 5 years old, an application may be made to the local planning authority to change the obligation where it "*no longer serves a useful purpose*" or would continue to serve a useful purpose in a modified way (see Section 106A of the TCPA). However, as this application to modify the S106 agreement has been made within 5 years of completion, this statutory test is not applicable.

3.4 The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 (as amended) set out the procedure for dealing with applications to modify or discharge a planning obligation that is more than 5 years old. However, these Regulations do not apply to requests to modify a planning obligation that is dated less than 5 years ago, which is the case in this instance. As such, an application form and public consultation is not required.

## 4 Appraisal

**The National Planning Policy Framework (NPPF) and Planning Practice Guidance (NPPG), Southend Core Strategy (2007) policies KP1, KP2, KP3, CP3, CP4 and CP6; Development Management Document (2015) policy DM1, DM3 and DM15; and A Guide to Section 106 & Developer Contributions (2015)**

4.1 Paragraph 205 of the NPPF states the following:

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

4.2 The Construction Programme submitted in support of this application sets out the following proposed phasing of the development:

**Phase 1 Enabling Works**

6 months

16<sup>th</sup> July 2018 to 31<sup>st</sup> December 2018

**Phase 2 Car Park and Commercial Units**

20 months

1<sup>st</sup> January 2019 to 31<sup>st</sup> August 2020

**Phase 3 Residential Block A and B, and Commercial Units**

30 months

1<sup>st</sup> September 2020 to 28<sup>th</sup> February 2023

**Phase 4 Residential Block C, D and E**

15 months

1<sup>st</sup> January 2023 to 31<sup>st</sup> March 2024

**Phase 5 Residential Block F and Commercial Units**

15 months

1<sup>st</sup> February 2024 to 30<sup>th</sup> April 2025 (Project Completion)

The applicant has agreed to the phasing forming part of the modified S.106 agreement albeit may be in a simpler and less detailed form than the Construction Programme submitted. In principle this is acceptable providing the Construction Programme/Phasing Plan included in any Deed of Variation is sufficiently detailed to ensure S.106 contributions are made at an appropriate time to ensure infrastructure delivery.

4.3 Consideration needs to be given to whether the proposed changes in the S.106 contribution payment arrangements would prejudice the Council's ability to deliver the supporting infrastructure for this development. It is considered reasonable to negotiate triggers to suit both the Council's requirement to have time to deliver supporting infrastructure and the applicant's need to ensure the scheme's cashflow allows for payment of the sums at the specified time.



- 4.4 Since submission, the applicant has now made a more favourable proposal in respect of the education contribution in the interests of simplicity. This to make the education payment in its entirety prior to completion of Phase 3. In this instance, on the basis of comments from the School Development Manager and Parks, it is considered reasonable to accept the education contribution prior to completion of Phase 3 and the off-site planting contribution prior to completion of Phase 2. It is also considered reasonable to require the relocation of the CCTV camera on the highway prior to commencement of Phase 2 (i.e. after the enabling works and at the same time as the highway works are due to commence). However, the proposal to make the remaining Traffic/Highway related contributions on completion of Phase 2 was not considered acceptable. Sufficient time must be allowed after payment for the Council to coordinate and advertise any highway changes that maybe required (Traffic Regulation Orders, Taxi Ranks, Bus Stops etc). This is to ensure that all infrastructure is in place in order for members of the public to access when the commercial units are complete and ready for occupation at the end of Phase 2. Therefore, officers have renegotiated on this point and the applicant has agreed to payment of the Traffic/Highway related contributions prior to commencement of works in Phase 2.
- 4.5 The affordable housing, highway works to be carried out under a Section 38 / 278 agreement, public art and Travel Packs/Travel Plan requirements remain unchanged from the original S.106 agreement.

## 5 Conclusion

- 5.1 On the basis of the above, it is considered that sufficient justification has been provided to allow the following modifications to the Second Schedule of the Section 106 agreement dated 22<sup>nd</sup> July 2015 pursuant to application 14/01462/FULM:
- a) Clause 7.1 and 7.2 – education contribution – £160,334 payable **prior to completion of Phase 3**
  - b) Clause 1.1 – relocation of existing CCTV complete – to be completed **prior to commencement of Phase 2**
  - c) Clause 6.1 and 6.2 – other monetary contributions as set out in the Sixth Schedule of the S.106:
    - i. £10,000 off site planting – payable **prior to completion of Phase 2**
    - ii. £40,000 pedestrian signage – payable **prior to commencement of Phase 2**
    - iii. £2,000 changes to signal timings – payable **prior to commencement of Phase 2**
    - iv. £36,000 4 x AVL displays, real time information – payable **prior to commencement of Phase 2**
    - v. £10,000 2 x bus shelters – payable **prior to commencement of Phase 2**
    - vi. £1,000 taxi rank layout – payable **prior to commencement of Phase 2**
    - vii. £10,000 traffic regulation orders – payable **prior to commencement of Phase 2**
    - viii. £30,000 relocate traffic speed system – payable **prior to commencement of Phase 2**
    - ix. £25,000 car parking signs – payable **prior to commencement of Phase 2**

- 5.2 The applicant has agreed to the following additional terms of any Deed of Variation in that it would need:- (i) to refer to the details for each phase as set out in the programme, (ii) to secure the sequential implementation of each phase, and (iii) to require that each subsequent phase could not commence until the previous phase was complete. These requirements would only need to apply to the phases where particular obligations are triggered.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework (NPPF) 2012 and National Planning Practice Guidance (NPPG).
- 6.2 Development Plan Document 1 (2007): Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance) and CP6 (Community Infrastructure).
- 6.3 Development Management Document (July 2015): Policy DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management).
- 6.4 Supplementary Planning Document 2: A Guide to Section 106 & Developer Contributions (2015).

## **7 Representation Summary**

- 7.1 **School Development Manager:** No objection to the proposed changes in payment schedule.
- 7.2 **Traffic & Highways:** Objection as Section 106 monies for the highway works will be required before commencement of works in phase 2. This is necessary to allow time to co-ordinate and advertise any highway changes that maybe required (Traffic Regulation Orders, Taxi Ranks, Bus Stops etc). This is to ensure that all infrastructure is in place in order for members of the public to access.
- 7.3 **Parks:** No objection to off-site planting taking place after completion of Phase 2.

## **8 Public Consultation**

- 8.1 None required (see paragraph 3.4 above).

## **9 Member Comments**

- 9.1 Councillor D Norman: Request for application to be referred to Development Control Committee for determination.



## 10 Relevant Planning History

- 10.1 6<sup>th</sup> June 2018 (16/01723/DOV5): Modification of planning obligation **refused** for the following reason:- *“Council policies require residential development proposals to make sustainable use of land and resources, and are expected to contribute to local housing needs including affordable housing provision. The proposed modification fails to make optimum and sustainable use of the land, which would have a significantly detrimental effect in terms of the delivery of affordable housing, for which there is a recognised need in the Borough. This is unacceptable and contrary to the National Planning Policy Framework (March 2012) and the objectives of policy KP2, KP3, and CP8 of the Council’s Core Strategy (December 2007).”*
- 10.2 22<sup>nd</sup> July 2015 (14/01462/FULM): Conditional planning permission granted to *“Demolish existing building and erect 282 self-contained flats in six blocks (comprising: one 14 storey block, one 9 storey block, one 5/6 storey block, one 4/6 storey block, two 2/4 storey block), erect 2717sqm of commercial floorspace (A1, A3 and D2 uses), layout 318 underground parking spaces, landscaping, cycle/motorcycle/refuse storage, formation of vehicular access from Southchurch Avenue and Pleasant Road”*.

## 11 Recommendation

- 11.1 Members are recommended to delegate to the Director of Planning and Transport or Group Manager for Planning and Building Control to **AGREE A MODIFICATION OF THE PLANNING OBLIGATION** dated 22<sup>nd</sup> July 2015 pursuant to planning application 14/01462/FULM to allow variations to Clauses 1.1, 6.1, 6.2, 7.1 & 7.2 of the Second Schedule so that the obligations set out in these clauses do not apply prior to commencement but are triggered at a later phase of the construction process (including education payment, relocation of CCTV, off-site planting payment and payments relating to traffic/highway works – see paragraph 5.1 for details).

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rev	date	description

**STOCK WOOLSTENCROFT**

The Pump House  
 19 Hooper Street  
 London E1 6BU  
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 e: info@stockwool.co.uk  
 ARCHITECTURE + URBANISM

client  
**Crestbury Developments LTD**

project  
**MARINE PLAZA**

drawing  
**SITE LAYOUT PLAN**

scale: 1:500 @ A1  
 cad file: 3202\_GA MASTER  
 date: July 2014  
 drawn: AT/HH/AT  
 checked: JS

project no	drawing no	revision
<b>3202</b>	<b>PL002</b>	

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185



STEPPED ACCESS TO SOUTHCHURCH AVENUE

BLOCK B ENTRANCE FOYER

PODIUM LEVEL COMMERCIAL UNIT

PUBLIC ART CANOPY STRUCTURES

BLOCK A ENTRANCE

PODIUM LEVEL COMMERCIAL UNIT

STEPS TO PODIUM

LIFT ACCESS TO PODIUM

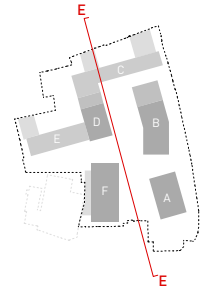
PUBLIC TERRACES WITH ART CANOPY STRUCTURES

COMMERCIAL UNITS ON MARINE PARADE

BLOCK C

BLOCK B

BLOCK A



NOTES:  
For building materials refer to drawings PL20 - PL26.  
Position and number of art canopies are shown for illustrative purposes.

A 16.01.2015 Depth of balconies to Blocks A & F extended by 200mm. Glazing to Blocks A & F continues across slab edge. Material clarification through introduction of colour. Upper parapet to Blocks A & F remodelled to form continuous capping piece. Treatment to car-park screens modified.

rev	date	description



The Pump House 19 Hooper Street  
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Client  
**Crestbury Developments Ltd**

Project  
**MARINE PLAZA**

Drawing  
**Elevation/Section E  
Block A, B & C**

Status  
**PLANNING**

Scale: 1:200 @ A1  
CAD File: Section E  
Date: January 2015  
Drawn: HH/AT/AT  
Checked: JS

Project No	Drawing No	Revision
<b>3202</b>	<b>PL205</b>	<b>A</b>

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COMMERCIAL UNITS ON MARINE PARADE

PODIUM LEVEL COMMERCIAL UNITS AND TERRACE

BLOCK F ENTRANCE FOYER

BLOCK D ENTRANCE FOYER

Rainwater run-off attenuation tank

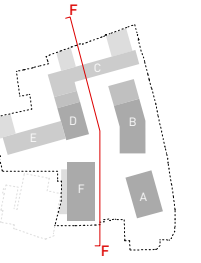
BLOCK F

BLOCK D

BLOCK C



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**NOTES:**  
For building materials refer to drawings PL20 - PL26.

A 16.01.2015 Depth of balconies to Blocks A & F extended by 200mm.  
Glazing to Blocks A & F continues across inter-floor spandrels.  
Material clarification through introduction of colour.  
Upper parapet to Blocks A & F remodelled to form continuous capping piece.

rev	date	description

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The Pump House 19 Hooper Street  
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Client  
**Crestbury Developments Ltd**

Project  
**Marine Plaza**

Drawing  
**Elevation/Section F  
Block D & F**

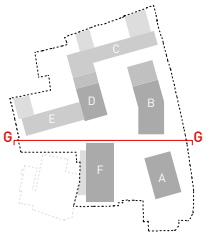
Status  
**PLANNING**

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CAD File: Section F  
Date: January 2015  
Drawn: HH/AT/AT  
Checked: JS

Project No	Drawing No	Revision
<b>3202</b>	<b>PL206</b>	<b>A</b>

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**NOTES:**  
 For building materials refer to drawings PL20 - PL26.  
 Position and number of art canopies are shown for illustrative purposes.



SOUTHCHURCH AVENUE      CYCLE STORAGE      BLOCK A ENTRANCE FOYER      PUBLIC ART CANOPY STRUCTURES      BLOCK F ENTRANCE FOYER      ACCESS TO REFUSE      RAMP ACCESS TO PODIUM      PLEASANT ROAD

BLOCK A

BLOCK F



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A 16.01.2015    Depth of balconies to Blocks A & F extended by 200mm. Glazing to Blocks A & F continues across slab edge. Material clarification through introduction of colour. Upper parapet to Blocks A & F remodelled to form continuous capping piece.

rev	date	description



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Client  
**Crestbury Developments Ltd**

Project  
**MARINE PLAZA**

Drawing  
**Elevation/Section G  
 Block A & F**

Status  
**PLANNING**

Scale: 1:200 @ A1  
 CAD File: Section A  
 Date: January 2015  
 Drawn: HH/AT/AT  
 Checked: JS

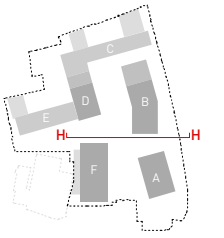
Project No	Drawing No	Revision
<b>3202</b>	<b>PL207</b>	<b>A</b>

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**NOTES:**  
For building materials refer to drawings PL20 - PL26.  
Position and number of art canopies are shown for illustrative purposes.

rev	date	description
A	16.01.2015	Material clarification through introduction of colour.



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Client  
**Crestbury Developments Ltd**

Project  
**MARINE PLAZA**

Drawing  
**Elevation/Section H  
Block B & D**

Status  
**PLANNING**

Scale: 1:200 @ A1  
CAD File: Section H  
Date: January 2015  
Drawn: HH/AT/AT  
Checked: JS

Project No	Drawing No	Revision
<b>3202</b>	<b>PL208</b>	<b>A</b>

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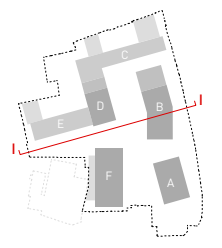


PLEASANT ROAD      BLOCK E ENTRANCE      PEDESTRIAN AND VEHICLE RAMP      PODIUM LEVEL SHARED AMENITY      PODIUM LEVEL COMMERCIAL UNITS      PEDESTRIAN AND VEHICLE RAMP TO SOUTHCHURCH AVENUE      SOUTHCHURCH AVENUE

BLOCK E      BLOCK D      BLOCK B



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**NOTES:**  
For building materials refer to drawings PL20 - PL26.  
Position and number of art canopies are shown for illustrative purposes.

A 16.01.2015 Material clarification through introduction of colour. Levels modified in Block E to address flood issues.  
rev date description



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Client  
**Crestbury Developments Ltd**

Project  
**MARINE PLAZA**

Drawing  
**Elevation/Section I  
Block B, D & E**

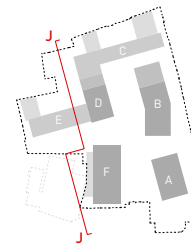
Status  
**PLANNING**

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CAD File: Section I  
Date: January 2015  
Drawn: HH/AT/AT  
Checked: JS

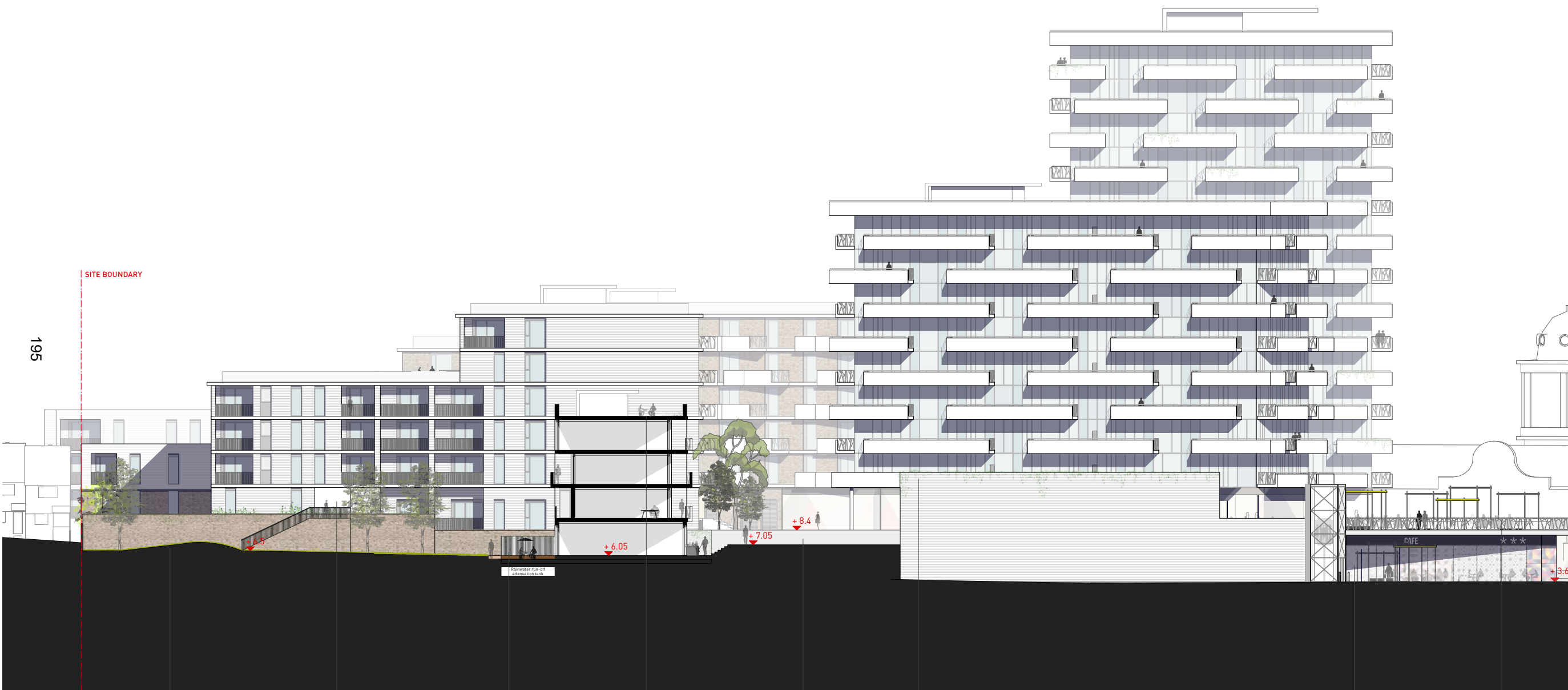
Project No	Drawing No	Revision
<b>3202</b>	<b>PL209</b>	<b>A</b>

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**NOTES:**  
 For building materials refer to drawings PL20 - PL26.  
 Position and number of art canopies are shown for illustrative purposes.



A 16.01.2015 Depth of balconies to Blocks A & F extended by 200mm. Glazing to Blocks A & F continues across slab edge. Material clarification through introduction of colour. Upper parapet to Blocks A & F remodelled to form continuous capping piece. Levels modified in Block E to address flood issues.

rev	date	description
A		ADJUSTED FOLLOWING REVISIONS TO THE POSITION OF MARINE PARADE STAIRCASE & LIFT

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The Pump House 19 Hooper Street  
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Client  
**Crestbury Developments Ltd**

Project  
**MARINE PLAZA**

Drawing  
**Elevation/Section J  
 Block F, D & E**

Status  
**PLANNING**

Scale: 1:200 @ A1  
 CAD File: Section J  
 Date: January 2015  
 Drawn: HH/AT/AT  
 Checked: JS

Project No	Drawing No	Revision
3202	PL210	A

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<b>Reference:</b>	<b>18/00874/AMDT</b>	<b>11</b>
<b>Ward:</b>	<b>Kursaal</b>	
<b>Proposal:</b>	<b>Application to vary condition Number(s): 02, 08, 14, 17, 21, 22, 23, 24, 40 and 41(revised wording to pre-commencement conditions in relation to timing of the submission of details) of planning permission 14/01462/FULM dated 22.07.2015</b>	
<b>Address:</b>	<b>Marine Plaza Land Between Southchurch Avenue And Pleasant Road Fronting Marine Parade Southend-On-Sea</b>	
<b>Applicant:</b>	<b>Mr Larry Fenttiman of Goldfield Developments Limited</b>	
<b>Agent:</b>	<b>Christopher Wickham Assocs</b>	
<b>Consultation Expiry:</b>	<b>6<sup>th</sup> June 2018</b>	
<b>Expiry Date:</b>	<b>13<sup>th</sup> August 2018</b>	
<b>Case Officer:</b>	<b>Charlotte Galforg</b>	
<b>Plan Nos:</b>	<b>PL101C, PL102C, PL103A, PL104A, PL105A, PL106A, PL107A, PL108A, PL109A, PL110A, PL111A, PL112A, PL113A, PL114A, PL115A, PL116A, PL117B, PL201A, PL202A, PL203A, PL204A, PL205A, PL206A, PL207A, PL208A, PL209A, PL210A, PL25A, PL26A.</b>	
<b>Recommendation:</b>	<b>Delegate to the Director of Planning and Transport or the Group Manager Planning and Building Control to GRANT PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (As Amended).</b>	



# 1 The Proposal

## Background

- 1.1 Planning permission was granted on 22nd July 2015 to “Demolish existing building and erect 282 self-contained flats in six blocks (comprising: one 14 storey block, one 9 storey block, one 5/6 storey block, one 4/6 storey block, two 2/4 storey blocks), erect 2717sqm of commercial floorspace (A1, A3 and D2 uses), layout 318 underground parking spaces, landscaping, cycle/motorcycle/refuse storage, formation of vehicular access from Southchurch Avenue and Pleasant Road” (ref 14/01462/FULM).
- 1.2 This permission was granted subject to a number of pre-commencement planning conditions (“pre-commencement condition” means a condition imposed on the grant of a planning permission which must be complied with before any building or other operation comprised in the development is begun) and the applicant is now seeking to amend the wording of these conditions to allow details to be submitted in an appropriate phased basis in accordance with the phasing plan that has been submitted for separate approval as a requirement of Condition 40 of the above permission.
- 1.3 The application would not change the overall contributions of the obligations in the S106 Agreement which accompanied the original application, including those relating to affordable housing. Neither would it extend the time limit allowed for implementation of the development. This matter is explored further below.
- 1.4 The proposed Phasing is as follows:

### Phase 1 Enabling Works

6 months

16th July 2018 to 31st December 2018



## **Phase 2 Car Park and Commercial Units**

20 months

1st January 2019 to 31st August 2020

## **Phase 3 Residential Block A and B, and Commercial Units**

30 months

1st September 2020 to 28th February 2023

## **Phase 4 Residential Block C, D and E**

15 months

1st January 2023 to 31st March 2024

## **Phase 5 Residential Block F and Commercial Units**

15 months

1st February 2024 to 30th April 2025 (Project Completion)

### **Proposed changes to the conditions**

#### 1.5 Condition 02: Submission of details of Materials

##### Existing wording

No development shall take place until samples of the materials to be used on all the external elevations, including balconies, fenestration, and on any screen/boundary walls and fences, and on any external access way, driveway, forecourt or parking area, steps and podium have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.

##### Proposed variation

Prior to the commencement of any phase other than phase 1, samples of the materials to be used on all the external elevations, including balconies, fenestration, and on any screen/boundary walls and fences, and on any external access way, driveway, forecourt or parking area, steps and podium to be constructed as part of that phase shall be submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.

#### 1.6 Condition 08: Submission of details of acoustic insulation to residential units

##### Existing wording

Prior to commencement of development details of acoustic insulation to the residential units against road traffic noise, including both building elements and ventilation arrangements including purge ventilation to comply with the building regulations shall be submitted to and approved by the LPA. The development shall be carried out in accordance with the approved details.

##### Proposed variation

Prior to the commencement of construction of the residential blocks above podium level (Phases 3, 4 & 5), details of acoustic insulation to the residential units against road traffic noise, including both building elements and ventilation arrangements including purge ventilation to comply with the building regulations, shall be submitted to and approved by the LPA.

The development shall be carried out in accordance with the approved details.

1.7 Condition 14: Submission of details of hard and soft landscape works

Existing wording

No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved unless otherwise agreed in writing by the local planning authority. These details shall include, for example:-

- i. proposed finished levels or contours;
- ii. means of enclosure;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.

This shall include details of details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established and details of measures to enhance biodiversity within the site.

Proposed variation

Prior to the commencement of any phase other than phase 1, full details of both hard and soft landscape works for that phase shall be submitted to and approved in writing by the local planning authority. The works shall be carried out as approved unless otherwise agreed in writing by the local planning authority. These details shall include, for example:-

- i. proposed finished levels or contours;
- ii. means of enclosure;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.

This shall include details of details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established and details of measures to enhance biodiversity within the site.

1.8 Condition 17: Submission of details of a design code for the shopfronts of the commercial units.

Existing wording

Prior to commencement of development a design code for the shopfronts of the commercial units shall be submitted to and approved by the LPA, the code shall include details of but shall not be limited to, glazing, doors, signage locations and form, shuttering, lighting and materials. The development shall be carried out in accordance with the approved details.

Proposed variation

Prior to the commencement of phase 2, a design code for the shopfronts of the commercial units shall be submitted to and approved by the LPA, the code shall include details of but shall not be limited to, glazing, doors, signage locations and form, shuttering, lighting and materials. The development shall be carried out in accordance with the approved details.

- 1.9 Condition 21: Submission of details of balconies to internal elevations of the development

Existing wording

Prior to commencement of development details of the balconies to the internal elevations of the development shall be submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.

Proposed variation

Prior to the commencement of any phase involving the construction of residential units, details of the balconies to the internal elevations for that phase of the development shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 1.10 Condition 22: Submission of details of balconies privacy screens

Existing wording

Prior to commencement of development details of balcony privacy screens shall be submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.

Proposed variation

Prior to the commencement of any phase involving the construction of residential units, details of balcony privacy screens for that phase of the development shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 1.11 Condition 23: Submission of details of the balustrade to the podium

Existing wording

Prior to commencement of development details of the balustrade to the podium shall be submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.

Proposed variation

Prior to the commencement of phase 3, details of the balustrade to the podium shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 1.12 Condition 24: Submission of details of the design and materials of the car park gates



Existing wording

Prior to commencement of development details of the design and materials of the car park gates and screen shall be submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.

Proposed variation

Prior to the commencement of any phase of the development involving the construction of car park gates, details of the design and materials of the car park gates and screen shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 1.13 Condition 40: Submission of details of the structural design, appearance and method of operation of the car park flood gate

Existing wording

Prior to commencement of development details of the structural design, appearance and method of operation to the car park flood gate shall be submitted to and approved by the Local Planning Authority, the development shall be implemented in accordance with the approved details and permanently maintained thereafter.

Proposed variation

Prior to the commencement of any phase of the development involving the construction of the car park flood gates, details of the structural design, appearance and method of operation to the car park flood gates shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details and permanently maintained thereafter.

- 1.14 Condition 41: Submission of a Flood Response Plan

Existing wording

Prior to commencement of development a Floor [sic] Response Plans should be submitted to and approved by the Local Planning Authority. The approved Plan shall be implemented in the event of flooding.

Proposed wording

Prior to commencement of development a Floor [sic] Response Plans should be submitted to and approved by the Local Planning Authority. The approved Plan shall be implemented in the event of flooding.

- 1.15 The application was called in to be considered by Committee by Cllrs McMahon and Mulroney

## **2 Site and Surroundings**

- 2.1 The application site, which has an area of 1.1036 hectares, is located within the established commercial central seafront area at the junction of Marine Parade and Southchurch Avenue. It includes a western frontage onto Pleasant Road. A large proportion of the site comprises open land that is used for car parking. The Marine Parade frontage includes buildings used as a fast food outlet, amusement arcades and a public house. The Pleasant Road frontage is occupied by a former sweet factory, and there is a short terrace of four houses on the north-eastern corner of the site fronting onto Southchurch Avenue. Three of these houses are derelict. Existing buildings on the site range between one and three storeys in height.

## **3 Planning Considerations**

- 3.1 The principle of redevelopment of the site for commercial and residential uses, specifically 282 flats has previously been accepted under application ref 14/01462/FULM, as has the size, scale and mass of the development, the impact of the development on traffic generation and highways safety and amount of parking provision. The permitted scheme was intended to be carried out in phases however the detail of the phasing had not been finalised at the time of the permission. The amount of development and footprint of the building remains unchanged and therefore the impacts of the development remain the same as that previously considered to be acceptable. The application would not change the overall contributions of the obligations in the S106 Agreement which accompanied the original application, including those relating to affordable housing. Neither would it extend the time limit allowed for implementation of the development.
- 3.2 The only matters which now fall to be considered are, therefore, the impacts of the proposed revision to the timing of submission of information in relation to the conditions as discussed above.

## **4 Appraisal**

- 4.1 Planning conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development.
- 4.2 Paragraph 206 the National Planning Policy Framework states “Planning conditions should only be imposed where they are:
- necessary;
  - relevant to planning and;
  - to the development to be permitted;
  - enforceable;
  - precise and;
  - reasonable in all other respects.”

The policy requirement above is referred to as “the 6 tests”.

- 4.3 It is necessary to consider whether the proposed changes to would still ensure the development would take place in an acceptable form and meet the 6 tests.
- 4.4 It is clear that construction of the development will be phased, in accordance with details set out in para 1.4. The applicant has submitted details of the proposed Phasing and this phasing is controlled by condition.
- 4.5 In light of the proposed phased construction, it is considered that it would be unreasonable to require the details required by conditions 02, 08, 14, 17, 21, 22, 23, 24, 40 and 41 to be submitted for the entire development prior to commencement. Furthermore the proposed wording of the amended conditions, subject to minor changes to address typographical areas, ensures that for each phase and for the development as a whole: the character and appearance of the development and the surrounding area (including the nearby Listed and Locally Listed Buildings and Conservation Area; the standard of landscaping; impact on neighbours and future occupiers; and highway safety will all be satisfactorily maintained as will suitable protection of occupiers and the surrounding development should flooding occur. Thus the conditions as amended would still adequately mitigate any adverse impact of the development and ensure the development would take place in an acceptable manner. For these reasons the amendments to the conditions as proposed as considered to be acceptable and policy compliant.

#### **Developer contributions**

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

- 4.6 The Core Strategy Police KP3 requires that:

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

*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.”*

The above addresses the specific mitigation for Marine Plaza for matters not addressed within the Regulation 123 Infrastructure List.



4.7 Permission 14/01462/FULM was subject to a Section 106 (S.106) agreement dated 22nd July 2015 to secure the following:

- Provision of affordable housing (84 flats including 58 rented and 26 shared ownership; 32x1bed, 27x2bed, 25x3bed)
- Education contribution £160,334,
- Relocation of CCTV
- Highway works to be carried out under a Section 38 / 278 agreement
- Public art to the value of £150,000
- Travel Packs/Travel Plan
- Other monetary contributions towards tree planting, pedestrian signage, changes to signal timings, real-time bus information signs, bus shelters, new taxi rank layout, TRO, relocation of traffic speed system and car parking signs

4.8 These requirements will not change as a result of the amendments to the conditions which are now proposed, however an application to modify the terms of the S106 Agreement relating to application 14/01462/FULM (18/01060/DOV5) is currently under consideration to take account of the proposed Phasing arrangements. It is considered reasonable to negotiate triggers to suit both the Council's requirement to have time to deliver supporting infrastructure, while not seeking obligations before they are needed. For the reasons set out in the report relating to application 18/01060/DOV5 the proposed modifications are considered acceptable and the S106 agreement in relation to this application would be based on the details submitted in relation to 18/01060/DOV5 as follows:

- **Clause 7.1 and 7.2 – education contribution – £160,334 payable prior to completion of Phase 3**
- **Relocation of CCTV to be completed prior to commencement of Phase 2**
- **Highway works to be carried out under a Section 38 / 278 agreement**
- **Public art to the value of £150,000**
- **Travel Packs/Travel Plan**
- **Other monetary contributions towards:**
  - i. **£10,000 off site planting – payable prior to completion of Phase 2**
  - ii. **£40,000 pedestrian signage – payable prior to commencement of Phase 2**
  - iii. **£2,000 changes to signal timings – payable prior to commencement of Phase 2**
  - iv. **£36,000 4 x AVL displays, real time information – payable prior to commencement of Phase 2**
  - v. **£10,000 2 x bus shelters – payable prior to commencement of Phase 2**
  - vi. **£1,000 taxi rank layout – payable prior to commencement of Phase 2**
  - vii. **£10,000 traffic regulation orders – payable prior to commencement of Phase 2**
  - viii. **£30,000 relocate traffic speed system – payable prior to commencement of Phase 2**

**ix. £25,000 car parking signs – payable prior to commencement of Phase 2**

- 4.9 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. Therefore if the S106 agreement is not completed within the relevant timescale the application should be refused. An option to this effect is included within the recommendation in Section 10.

**Community Infrastructure Levy Regulations**

- 4.10 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.

- 4.11 As this application has been made pursuant to Section 73 of the Town and Country Planning Act 1990 and the original permission was granted permission before a CIL Charging Schedule took effect, Community Infrastructure Levy (CIL) Regulation 128A applies. In this instance there will be no CIL charge on this permission as there is no net increase in floorspace between the original permission and the S73 permission.

**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 principle of development, the proposed mix of units is found to be acceptable. The proposal would provide adequate amenities for future occupiers, have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene, adjacent Listed and Locally Listed Buildings and Conservation Area and the locality more widely. The highways impacts of the proposal are considered to be acceptable. The revised wording for the conditions would still ensure that they meet the relevant planning objectives. This application is therefore recommended for approval subject to conditions following the completion of a S106 Agreement.

## **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; 2. Ensuring the vitality of town centres; 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. 12. Conserving and enhancing the historic environment.
- 6.2 Core Strategy (2007) Policies: KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development); CP2 (Town Centre and Retail Development); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); 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 DM4 - Tall and Large Buildings; Policy DM5: Southend-on-Sea’s Historic Environment; Policy DM6 - The Seafront Policy DM7 – Dwelling Mix, Size and Type; Policy DM8 – Residential Standards; Policy DM10 – Employment Sectors ;Policy DM11: Employment Areas; Policy DM14: Environmental Protection; Policy DM15 – Sustainable Transport Management.
- 6.4 Southend and Central Area Action Plan (SCAAP) (2018): In particular policies: Policy DS1: A Prosperous Retail Centre; Policy DS3: Landmarks and Landmark Buildings ; Policy DS4: Flood Risk Management and Sustainable Drainage; Policy DS5: Transport, Access and Public Realm; Policy CS1: Central Seafront Policy Area Development Principles; Opportunity Site (CS1.3): Marine Plaza; Policy CS2: Nature Conservation and Biodiversity.
- 6.5 Design & Townscape Guide (2009).
- 6.6 Planning Obligations (2010)
- 6.7 CIL Charging Schedule 2015, Regulation 123 List
- 6.8 National Housing Technical Standards 2015

## **7.0 Representation Summary**

- 7.1 **Natural England** - Natural England currently has no comment to make on the variation of the above conditions.
- 7.2 **Essex Police** - Essex Police have no specific comment at this time. However, we would like to invite the developers to contact us with a view to discussing crime prevention through environmental design.



7.3 **Waste Management** – no comments in relation to the proposed amendments.

7.4 **Environmental Health** – No comments regarding proposed amendments.

## 8.0 **Public Consultation**

8.1 Site notices displayed and Press notice published.

8.2 No responses received.

## 9.0 **Relevant Planning History**

9.1 6<sup>th</sup> June 2018 (16/01723/DOV5): Modification of planning obligation **refused** for the following reason:- *“Council policies require residential development proposals to make sustainable use of land and resources, and are expected to contribute to local housing needs including affordable housing provision. The proposed modification fails to make optimum and sustainable use of the land, which would have a significantly detrimental effect in terms of the delivery of affordable housing, for which there is a recognised need in the Borough. This is unacceptable and contrary to the National Planning Policy Framework (March 2012) and the objectives of policy KP2, KP3, and CP8 of the Council’s Core Strategy (December 2007).”*

9.2 22<sup>nd</sup> July 2015 (14/01462/FULM): Conditional planning permission granted to *“Demolish existing building and erect 282 self-contained flats in six blocks (comprising: one 14 storey block, one 9 storey block, one 5/6 storey block, one 4/6 storey block, two 2/4 storey block), erect 2717sqm of commercial floorspace (A1, A3 and D2 uses), layout 318 underground parking spaces, landscaping, cycle/motorcycle/refuse storage, formation of vehicular access from Southchurch Avenue and Pleasant Road”.*

Current applications:

9.3 18/01060/DOV5 - Modification of planning obligation (Section 106 agreement) dated 22<sup>nd</sup> July 2015 pursuant to application 14/01462/FULM to allow variations to Clauses 1.1, 6.1, 6.2, 7.1 & 7.2 of the Second Schedule so that the obligations set out in these clauses do not apply prior to commencement but are triggered at a later phase of the construction process.

9.4 18/00861/AD - Application of approval of details pursuant to conditions 07 (Construction Traffic Management Plan) 44 (Phasing Programme Report) of planning permission 14/01462/FULM dated 22.07.2015

9.5 18/00801/AD - Application of approval of details pursuant to condition 42 (Scheme of investigation: archaeological watching brief) of planning permission 14/01462/FULM dated 22.07.2015

9.6 18/00950/AD - Application for approval of details pursuant to condition 37 (details of foul water strategy) and condition 38 (details of SUDs) of planning permission 14/01462/FULM dated 22.07.2015

**10. Recommendation**

**Members are recommended to:**

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

- (a)
- Provision of affordable housing (84 flats including 58 rented and 26 shared ownership; 32x1bed, 27x2bed, 25x3bed)
  - Education Contribution: £160,334 payable prior to completion of Phase 3
  - Relocation of CCTV to be completed prior to commencement of Phase 2
  - Highway works to be carried out under a Section 38 / 278 agreement
  - Public art to the value of £150,000
  - Travel Packs/Travel Plan
  - Other monetary contributions towards:
    - i. £10,000 off site planting – payable prior to completion of Phase 2
    - ii. £40,000 pedestrian signage – payable prior to commencement of Phase 2
    - iii. £2,000 changes to signal timings – payable prior to commencement of Phase 2
    - iv. £36,000 4 x AVL displays, real time information – payable prior to commencement of Phase 2
    - v. £10,000 2 x bus shelters – payable prior to commencement of Phase 2
    - vi. £1,000 taxi rank layout – payable prior to commencement of Phase 2
    - vii. £10,000 traffic regulation orders – payable prior to commencement of Phase 2
    - viii. £30,000 relocate traffic speed system – payable prior to commencement of Phase 2
    - ix. £25,000 car parking signs – payable prior to commencement of Phase 2
- (b) The Director for Planning and Transport or the Group Manager (Planning & Building Control) be authorised to determine the application upon completion of the above obligation, so long as planning permission when granted and the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:

**01 The development shall be begun no later than 22<sup>nd</sup> July 2018**

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

- 02** Prior to the commencement of any and each phase other than phase 1, samples of the materials to be used on all the external elevations, including balconies, fenestration, and on any screen/boundary walls and fences, and on any external access way, driveway, forecourt or parking area, steps and podium to be constructed as part of that phase shall be 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 surrounding area, the adjacent listed and locally listed buildings and the Kursaal Conservation Area.

- 03** The development shall not be occupied until 328 parking spaces have been provided on hardstandings within the curtilage of the site, 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 for the parking of occupiers, staff and visitors to the development.

**Reason:** To ensure that adequate car parking is provided and retained to serve the development.

- 04** Prior to first occupation of the development a waste management plan and service plan for the development shall be submitted to and agreed by the Local Planning Authority, waste management and servicing of the development shall thereafter be carried out in accordance with the approved details.

**Reason:** to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area.

- 05** Prior to first occupation of the development a car park management plan for the development shall be submitted to and agreed by the Local Planning Authority, waste management and servicing of the development shall thereafter be carried out in accordance with the approved details.

**Reason:** To ensure that the car parking is satisfactorily managed in the interests of traffic management and highway safety.

- 06** Prior to first occupation of the development 356 cycle parking spaces shall be provided within secure covered parking stores, the details of which shall have previously been submitted to and agreed by the LPA. The agreed cycle parking spaces shall be permanently retained for the cycle parking of occupiers, staff and visitors to the property.

**Reason:** In order to ensure that sufficient and satisfactory cycle parking is available to meet the needs of occupiers and users of the development.



- 07** Prior to commencement of development a Construction Traffic Management Plan, including but not limited to: details of routing, signage, scheduling of deliveries, construction hours, on site recycling measures, use of local labour, shall be submitted to and agreed by the Local Planning Authority, construction shall be carried out in accordance with the approved details.

**Reason:** to ensure that the construction is satisfactorily managed in the interests of traffic management and highway safety and to protect the amenities of surrounding occupiers.

- 08** Prior to the commencement of construction of the residential blocks above podium level (Phases 3, 4 & 5), details of acoustic insulation to the residential units against road traffic noise, including both building elements and ventilation arrangements including purge ventilation to comply with the building regulations, shall be submitted to and approved by the LPA. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the construction is satisfactorily managed in the interests of traffic management and highway safety and to protect the amenities of surrounding occupiers.

- 09** The residential development shall not be occupied until extract ventilation, filtration and deodorising equipment and laundry extract ducts have been installed in accordance with a scheme including details of the predicted acoustic performance of the system, ducting runs and of discharge points, which shall have previously been submitted to and approved by the local planning authority. The equipment as installed shall be retained in good working order at all times thereafter.

**Reason:** In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area.

- 10** The commercial development shall not be occupied until extract ventilation, filtration and deodorising equipment and laundry extract ducts have been installed in accordance with a scheme including details of the predicted acoustic performance of the system, ducting runs and of discharge points, which shall have previously been submitted to and approved by the local planning authority. The equipment as installed shall be retained in good working order at all times thereafter.

**Reason:** In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area.

- 11** With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment should be at least 5dB(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 surrounding occupiers and to protect the character and visual amenities of the area.

- 12.** All deliveries and collections shall take place between: 07:00-19:00hrs Monday to Friday; and 08:00-13:00hrs Saturday; with no deliveries on Sundays or Bank Holidays.

**Reason:** In order to protect the amenities of occupiers of the development surrounding occupiers.

**13** Decontamination

**1. Site Characterisation**

No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property, existing or proposed, including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;

**2. Submission of Remediation Scheme**

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 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 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**3. Implementation of Approved Remediation Scheme**

The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority.

**4. Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted

on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

#### **5. Long Term Monitoring and Maintenance**

No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must both be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in that scheme and when The remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to the Local Planning Authority.

**Reason:** To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters.

- 14.** Prior to the commencement of any phase other than phase 1, full details of both hard and soft landscape works for that phase shall be submitted to and approved in writing by the local planning authority. The works shall be carried out as approved unless otherwise agreed in writing by the local planning authority. These details shall include, for example:-
- i. proposed finished levels or contours;**
  - ii. means of enclosure;**
  - iii. car parking layouts;**
  - iv. other vehicle and pedestrian access and circulation areas;**
  - v. hard surfacing materials;**
  - vi. minor artefacts and structures e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.**

This shall include details of details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established and details of measures to enhance biodiversity within the site.

**Reason:** In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping.



15. A Landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscape management plan shall be implemented as approved.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping.

16. Prior to first occupation of the development renewable energy measures set out in the Energy Statement by Xc02 energy dated February 2015 and plan ref 3202 PL117B shall be implemented and shall be permanently retained thereafter.

Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources.

17. Prior to the commencement of phase 2 of the development, a design code for the shopfronts of the commercial units shall be submitted to and approved by the LPA, the code shall include details of but shall not be limited to, glazing, doors, signage locations and form, shuttering, lighting and materials. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area.

18. Prior to installation of any shopfront, details of the design and materials, glazing, doors, signage locations and form and lighting, shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area.

19. Prior to installation of any shopfront, details of the design and materials, glazing, doors, signage locations and form and lighting, shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area.

20. Prior to installation details of any shutters to the commercial units shall be submitted to and approved by the Local Planning Authority. The shutters shall be installed and retained in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area.

21. Prior to the commencement of any phase of the development involving the construction of residential units, details of the balconies to the internal elevations for that phase of the development shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area.

22. Prior to the commencement of any phase of the development involving the construction of residential units, details of balcony privacy screens for that phase of the development shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area.

23. Prior to the commencement of phase 3, details of the balustrade to the podium shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area

24. Prior to the commencement of any phase of the development involving the construction of car park gates, details of the design and materials of the car park gates and screen shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area

25. Prior to first occupation of the development details of the control mechanism for the podium vehicular access shall be submitted to and approved by the Local Planning Authority the development shall be carried out in accordance with the approved details.

Reason: In order to protect the character and visual amenities of the area.

26. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any order revoking and re-enacting that Order with or without modification, no advertisement shall be displayed on the buildings without the prior written consents of the Local Planning Authority.

Reason: In the interest of the visual amenities of the area.

**27** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no structures such as canopies, fences, loggias, trellises or satellite or radio antennae are allowed to be installed within the development or on the buildings unless otherwise agreed in writing by the local planning authority.

**Reason:** In order to protect the character and visual amenities of the development and the adjacent listed and locally listed buildings and the Kursaal Conservation Area.

**28** Prior to installation of any external lighting to the building; details of the external lighting of the building, including direction, siting, and hours of illumination and an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light, shall be submitted to and approved by the LPA and the development shall be carried out in strict accordance with the approved lighting scheme. No additional external lighting shall be installed on the building without the prior approval of the LPA.

**Reason:** In the interest of the visual amenities and character of the area, adjacent listed and locally listed buildings and the Kursaal Conservation Area and to protect the amenities of surrounding occupiers and to protect to adjacent SSSI.

**29** The delivery and refuse collection hours to the premises shall be restricted to between 7am and 7pm and Monday to Friday; 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.

**Reason:** In order to the protect the amenities of surrounding residents.

**30** The permitted hours for noise beyond the site boundary due to construction and demolition site works including loading and unloading are Monday to Friday 7.30 a.m. to 6.00 p.m. and Saturday 8.00 a.m. to 1.00 p.m. and not at all on Sundays or Bank Holidays. Noise from construction site activity shall not occur beyond the site boundary at any other time.

**Reason:** In order to the protect the amenities of surrounding residents.

**31** During any Construction and Demolition there shall be no burning of waste material on the site.

**Reason:** In order to the protect the amenities of surrounding residents.

**32** The mitigation measures with regard demolition, earthworks, construction and trackout of the Construction phase of the development, set out at section 8.6 of the Environmental Statement submitted September 2014 in support of application 14/01462/FULM shall be implemented during development.



**Reason: To minimise the environmental impact of the development and that demolition, construction, earthworks and trackout is satisfactorily managed in the interests of traffic management and highway safety and to protect the amenities of surrounding occupiers.**

- 33 The mitigation measures with regard to piling, lighting, storage and movement of materials, drainage, and tree and scrub clearance set out at section 6.1142 to 6.1220 of the Environmental Statement submitted September 2014 in support of application 14/01462/FULM shall be implemented during development.**

**Reason: To minimise the environmental impact of the development and to minimise the risk of harm to a protected species.**

- 34 The mitigation measures in relation to Construction Noise and Construction Vibration set out at section 9.5 of the Environmental Statement submitted September 2014 in support of application 14/01462/FULM shall be implemented during development.**

**Reason: To minimise the environmental impact of the development and that construction is satisfactorily managed to protect the amenities of surrounding occupiers.**

- 35 The Commercial floorspace hereby approved can only be used as A1 shops A3 Restaurants and cafes, or D2 Assembly and Leisure and for no other purpose including any within Classes A, B1, C3 or D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).**

**Reason: Planning permission for unrestricted use within Classes A, B1, C3 or D1 cannot be granted in this case because the development would fail to comply with Core Strategy 2007 policies KP1, CP1 and CP2.**

- 36 A maximum of 687sqm of commercial floorspace hereby approved shall be used for A1 retail use unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: Planning permission for unrestricted retail cannot be granted in this case because the development it would fail to comply with Core Strategy 2007 policies KP1, CP1 and CP2.**

- 37 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.**

**Reason: To prevent environmental and amenity problems arising from flooding.**

**38 Development shall not commence until a surface water drainage scheme in line with that detailed in the revised Flood Risk Assessment undertaken by SLR Consulting Limited, referenced 407.04361.00002 and dated January 2015, and Indicative Drainage Layout drawing no 003, dated January 2013, is submitted to and approved in writing by the local planning authority. The scheme shall be implemented before the development is completed in accordance with the approved details.**

**The scheme shall:**

**Fully investigate the feasibility of infiltration SuDS as a preference and provide evidence to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on the ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow. Provide 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 that 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. In addition, full design details, including cross sections of any proposed infiltration or attenuation features will be required. Provide attenuation storage to cater for the 1 in 100 year critical duration rainfall event including allowance for climate change over the lifetime of the development without causing nuisance or damage. Calculations should be provided to demonstrate the functionality of each drainage feature. Provide calculations of the piped network performance in the 1 in 30 year rainfall event to show no above ground flooding, and in the 1 in 100 year rainfall event including climate change to provide details of the volumes of flooding from each pipe, if any. Provide sufficient information to demonstrate that people and property will be kept safe from flooding, with consideration given to exceedance flows and overland flow routing from on and off site sources, in accordance with CIRIA C635. Provide details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development. Detail who will maintain each element of the surface water system for the lifetime of the development by submission of a maintenance schedule. Fully investigate the impacts of tide locking on the site and model a surcharge outfall scenario if required. Discharge to Anglian Water sewer shall be at the maximum agreed rate of 22l per second. Provide confirmation that Anglian Water accepts the surface water discharge proposed to both manhole 0251 and 9151 detailed in the Indicative Drainage Layout Drawing referenced 003, dated January 2015. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**

**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.**

- 39 The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) prepared by SLR Consulting Limited referenced 407.04361.00002, dated January 2015 and approved as part of application 14/01462/FULM and the following mitigation measures detailed within the FRA: Finished ground floor levels of the residential development are set no lower than 6.05 meters above Ordnance Datum (AOD). Finished first floor levels of the residential unit and Podium level are set no lower than 8.4 meters above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**

**Reason: To prevent environmental and amenity problems arising from flooding.**

- 40 Prior to the commencement of any phase of the development involving the construction of the car park flood gates, details of the structural design, appearance and method of operation to the car park flood gates shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details and permanently maintained thereafter.**

**Reason: To prevent environmental and amenity problems arising from flooding.**

- 41 Prior to commencement of development a Flood Response Plan should be submitted to and approved by the Local Planning Authority. The approved Plan shall be implemented in the event of flooding.**

**Reason: To prevent environmental and amenity problems arising from flooding.**

- 42 a) No development shall take place until a written scheme of investigation for a programme of archaeological work has been submitted to and approved in writing by the local planning authority. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. (b) The archaeological work and development must then be carried out in accordance with the approved scheme. A written report of the investigation and findings must be produced, showing that the archaeological work and development has been carried out in accordance with the approved scheme.**



Copies of the written report of the investigation and findings must be sent to Southend Borough Council, Essex County Council and English Heritage.  
(c) No part of the new building can be used until the local planning authority has provided written confirmation that the archaeological fieldwork and development has been carried out in accordance with the approved scheme.

**Reason:** To avoid damage to archaeological remains

- 43 Unless otherwise agreed in writing the development hereby permitted shall be carried out in accordance with the following approved plans submitted with application 14/01672/FULM: PL101C, PL102C, PL103A, PL104A, PL105A, PL106A, PL107A, PL108A, PL109A, PL110A, PL111A, PL112A, PL113A, PL114A, PL115A, PL116A, PL117B, PL201A, PL202A, PL203A, PL204A, PL205A, PL206A, PL207A, PL208A, PL209A, PL210A, PL25A, PL26A.

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

- 44 The Development shall be phased as follows and as shown on the plan submitted under the application with LPA ref 18/00861/AD:

Phase 1 Enabling Works  
Phase 2 Car Park and Commercial Units  
Phase 3 Residential Block A and B, and Commercial Units  
Phase 4 Residential Block C, D and E  
Phase 5 Residential Block F and Commercial Units

Each phase shall be completed in its entirety in accordance with the phasing plan approved under application with the application with LPA ref 18/00861/AD before the next subsequent phase commences unless otherwise agreed in writing with the local planning authority.

**Reason:** In the interests of visual and general amenity, highway safety and to ensure a coordinated development.

c) In the event that the planning obligation referred to in part (a) above has not been completed by 13<sup>th</sup> August 2018 the Director of Planning and Transport or Group Manager (Planning & Building Control) be authorised to refuse planning permission for the application on the grounds that the development will not i) provide for improvements to the public highway and the public realm within the vicinity of the site; ii) provide an effective means of enforcing/delivering a Travel Plan; iii) provide for a satisfactory provision of public art and iv) provide for a satisfactory method of servicing the development vi) provide for affordable housing or education accommodation to serve the needs of local residents. As such, the proposal would not make a satisfactory contribution towards the quality of the built environment within the vicinity of the site, would cause traffic congestion and fail to encourage sustainable modes of transport and be to the detriment of highway safety, would not contribute to affordable housing provision and is likely to place increased pressure on public services and

infrastructure to the detriment of the general amenities of the area.

**Informatives:**

- 01 **As this application has been made pursuant to Section 73 of the Town and Country Planning Act 1990 and the original permission was granted permission before a CIL Charging Schedule took effect, Community Infrastructure Levy (CIL) Regulation 128A applies. You are advised that in this instance there will be no CIL charge on this permission as there is no net increase in floorspace between the original permission and the S73 permission.**
- 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.**
- 03 **Compliance with this decision notice does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. Contact 01702 215005 for more information.**
- 04 **The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2013 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services Department, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ZG.**
- 05 **For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to - Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from [www.DEFRA.Gov.UK](http://www.DEFRA.Gov.UK).**
- 06 **The developer should also consider control measures detailed in Best Practice Guidance "The control of dust and emissions from construction and demolition".  
[http://www.london.gov.uk/thelondonplan/guides/bpg/bpg\\_04.jsp](http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp)**
- 07 **The developer should ensure the enclosed car parking areas are adequately naturally or mechanically ventilated to disperse exhaust fumes.**

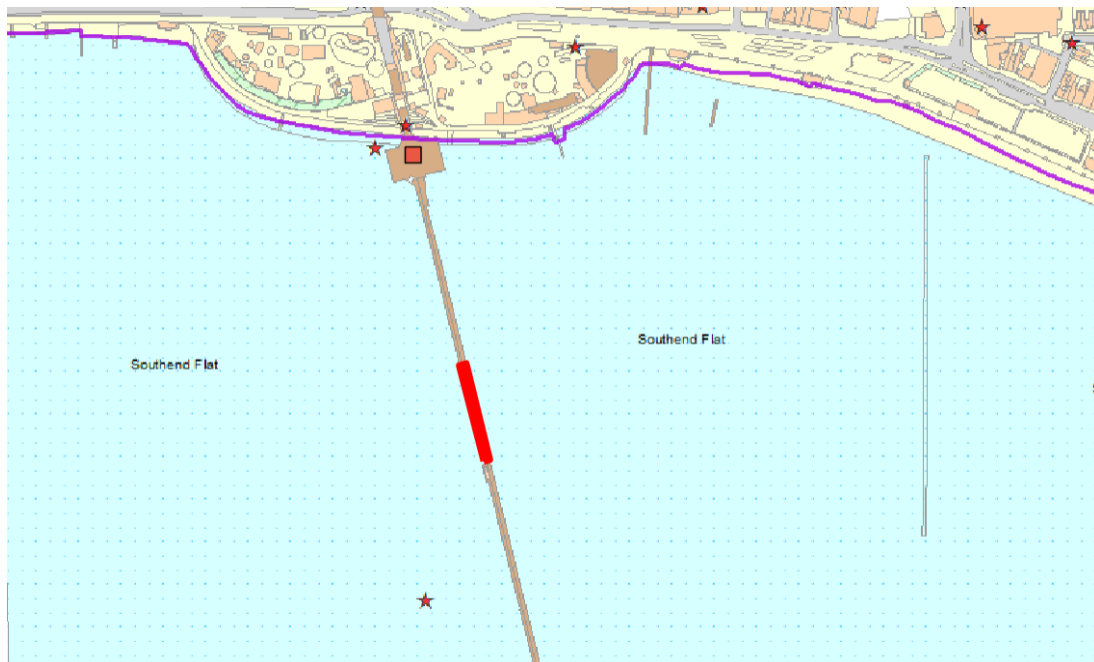
- 08 Please note that if you require a crane or pilling rig to construct the proposed development, this will need to be safeguarded separately and dependent on the location may be reinstatement in height and may also require full co coordination with the Airport Authority
- 09 The applicant is reminded that this permission does not bestow compliance with the Licensing Act 2003. Applicants should contact the Council's Licensing Team for more advice on 01702 215005.
- 10 Water Supplies - the applicant or architect is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters tel 01376 576342.
- 11 Details of the shopfronts and advertisements to the commercial buildings should follow the approved Design Code for these elements.
- 12 Hard landscaping materials to the Marine Parade, Southchurch Avenue and Pleasant road frontages of the development shall match those of the existing City Beach scheme.
- 13 An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.
- 14 Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.
- 15 Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.
- 16 The Flood Response Plan (FRP) shall include details of what should be done in the event of surface water flooding.
- 17 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 highways works, affordable housing provision, contributions for education, public art, off site tree planting and additional highways works and submission of a Travel Plan



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

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<b>Reference:</b>	1. 18/00443/ADV 2. 18/00758/LBC	<h1>12</h1>
<b>Ward:</b>	Milton	
<b>Proposal:</b>	1. Install two vinyl banners to East and West elevations of Pier 2. Install two vinyl banners to East and West elevations of Pier (Listed Building Consent)	
<b>Address:</b>	The Pier, Western Esplanade, Westcliff-on-Sea, Essex, SS1 1EE	
<b>Applicant:</b>	Southend United Football Club	
<b>Agent:</b>	PowerHaus Consultancy	
<b>Consultation Expiry:</b>	31 <sup>st</sup> May 2018	
<b>Expiry Date:</b>	26 <sup>th</sup> June 2018	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	Location Plan, Location Plan Banner Position, 13451A-BA01B (Full Banner Artwork), 13451A-BA01B (Proposed Banner Image View 1), 13451A-BA01B (Proposed Banner Image View 2), 13451A-BA01B (Proposed Banner Image View 3)	
<b>Recommendation:</b>	<b>1. REFUSE ADVERTISEMENT CONSENT</b> <b>2. REFUSE LISTED BUILDING CONSENT</b>	





## **1 The Proposal**

- 1.1 This application is seeking Advertisement Consent and Listed Building Consent to install two banners, one each side of the pier. The proposed banners would be 100m wide x 6m in height and a few mm deep. They would be located 200m out towards the estuary from the pier platform and be hung from the deck facing outwards to the east and west. The advertisements would be made of blue and white vinyl.
- 1.2 The supporting documentation states that the purpose of the banners is to promote the development proposals for the relocation of Southend United Football Stadium (application reference 17/00733/FULM). The advertisement consent application form states that consent is sought for the banners to be in place until June 2020. It is intended to clean the banner once a year.
- 1.3 A number of visual images, a Heritage Statement and a copy of the listing description have been submitted to support these applications.

## **2 Site and Surroundings**

- 2.1 The Pier is situated at the junction of Pier Hill and Western Esplanade at the southern end of the High Street. It projects approximately 1.33 miles south into the estuary. The northern end of the pier includes a modern entrance that enables public access on two levels to the decked walkway and pier train. The pier is one of Southend's key tourist attractions and an important part of the heritage of the town.
- 2.2 A wooden pier was first erected on the site in 1830. This was replaced by the present cast iron structure in 1889 and subsequently extended in 1897 and 1929. Whilst the original buildings have now gone, the historic substructure largely remains and is a key element of its historic character. The geometric patterning of the ironwork can clearly be seen from the shore and is a distinctive landmark feature in the view from both Western Esplanade and Marine Parade. The pier can also be seen in longer views to both the east and west including as far away as Leigh Cliffs and Thorpe Bay. It is the history of the pier and its remaining historic fabric which contributes most to its significance. The pier is a grade II listed building.
- 2.3 The surrounding mudflats are designated as a RAMSAR site, SSSI and Local Nature Reserve. To the north the site adjoins Clifftown Conservation Area which includes a number of listed buildings along Royal Terrace and Marine Parade which look out over the estuary and the pier. The site falls within Southend Central Area Action Plan Central Seafront Policy Area and the pier is identified as opportunity site CS1.1.

### **Planning Considerations**

- 3.1 The only considerations in relation to the advertisement consent application are those related to amenity and public safety. The only consideration in relation to the listed building application is the impact of the proposal on the character and significance of the listed building.

## 4 Appraisal

### Design and Impact on the Character and appearance of the Listed Building and Amenity

**National Planning Policy Framework (2012) Core Strategy (2007) policies KP2 and CP4; Development Management Document (2015) Policies DM1, DM3 and DM5, Southend Central Area Action Plan (2018) policies DS2, DS3 and CS1 and the Southend Design and Townscape Guide (2009).**

- 4.1 In determining this application the Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 4.2 Paragraph 129 of the NPPF states that: *‘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 minimise conflict between the heritage asset’s conservation and any aspect of the proposal.’*
- 4.3 In relation to development within Conservation Areas and within the setting of listed buildings policy DM5 (Historic Buildings) states that *“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.”* This stance is consistent with NPPF paragraph 134.
- 4.4 Southend Central Area Action Plan (SCAAP) recognises the importance of the pier in its strategic objectives. The Action plan makes a commitment to:
- 12.celebrate and enhance the setting of Southend’s unique heritage assets, such as the Grade II listed Pier, to ensure these assets are appropriately conserved and enhanced and continue to form an integral part of how Southend Central Area is experienced by those who live, work and visit the area.*
- 4.5 The importance and iconic status of the pier as a landmark for the town and in key views is also recognised in SCAAP policies DS2 and DS3 where it states:

#### *Policy DS2: Key Views*

*‘New development within Southend Central Area will be expected to demonstrate that it is compatible with and/or enhances Key Views of Southend Pier... including views from Royal Terrace and Clifftown Parade towards the pier.’*

*Policy DS3 Landmarks and Landmark Buildings*

*'The Council will seek to conserve landmarks and landmark buildings [ including the pier] ... 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;*
- c. ensuring development proposals respect views, setting and character.'*

- 4.6 The proposal is seeking to hang two 100m x 6m vinyl banners from the pier deck for a period of approximately 2 years. The proposed banners would be located 200m from the shore platform towards the estuary.
- 4.7 The pier is Southend's most famous and recognisable landmark and an important part of the history of the town. Although the buildings on the pier have evolved over the years (following a number of fires), the structural ironwork below the deck, dates from the 1889-1897 and is still substantially complete. This ironwork is considered to be an important part of the remaining historic fabric of the pier and is prominent in views from the shore from a wide range of viewpoints.
- 4.8 The applicant's heritage statement comments that the proposed banners would not obstruct views from the pier deck or obscure any other aspects of interest so would not impact on the significance or cause harm to the listed building. The statement acknowledges that the proposal would obscure part of the cast iron lower structure causing some limited temporary visual impact from the shore but they regard this impact to be moderate.
- 4.9 Officers find that the visuals submitted with the application demonstrate that the proposal will have a significant adverse visual impact on views of the historic pier ironwork and on the wider views and setting of the pier and this will be the case for a period of 2 years. As noted above, the ironwork is an important aspect of the historic fabric of the pier and the views of this feature in particular, and also of the wider pier structure, from the esplanade to the east and west of the site, are specifically recognised as being important views of this listed building in the SCAAP. This impact will also be apparent in the medium and longer views of the pier including from the adjacent conservation area, and associated listed terraces to the north, and also from longer views along the foreshore. It is therefore considered that the proposal will have a significant and detrimental impact on the pier itself, the setting of the pier and on the views of the listed building from other designated heritage assets.
- 4.10 The submitted heritage statement also comments that as the banners are only temporary the proposal would not have any long term impacts on the pier. However, this is not the view of the Council's Pier Engineers. Given its age and the hostile conditions in the estuary, the historic ironwork is now very fragile. Indeed there have been a number of recent applications to stabilise and replace various components of the substructure to safeguard the future of this historic fabric.



The Engineers working on this project in conjunction with the Council have raised significant concerns about the potential loading that this proposal will place on the already fragile pier structure. They also note in their response that the banners will be partially below the water level during much of the time. Their main concern is that the wind and tide loading pushing the banner against the historic ironwork, is likely to do significant damage to the substructure behind the banners. There is therefore the potential for this proposal to cause considerable harm to the historic fabric of the listed building which is a significant concern.

- 4.11 The various harms and adverse impacts identified are found to represent a significant adverse amenity impact from the proposed advertisement.
- 4.12 The reason given for the proposal is to promote the planning application for the relocation of Southend United Football Club. This is not considered to be a public benefit and as such it does not outweigh the negative impacts that the proposal would have on the character, views and setting of the listed building or the potential damage it could cause to the historic ironwork. This proposal is therefore considered to be unacceptable in principle and contrary to the policies noted above.

### **Public Safety**

- 4.13 The proposal does not front the public highway but would be very visible from the Western Esplanade and Marine Parade. The Council's Highways Officer has confirmed that there would be no implications for highway safety. The proposal is compliant in regards to public safety.

## **5 Conclusion**

- 5.1 Whilst it is considered that there would not be a detrimental impact in terms of public safety, the proposed advertisement would, by reason of the impact on the public views and setting of the pier, have a detrimental impact on the visual amenity of the heritage assets and the wider area which is not outweighed by any other public benefits. The advertisement consent application is therefore unacceptable and contrary to the National Planning Policy Framework (2012), policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM5 of the Development Management Document (2015), policies DS3, DS4 and CS1 of the Southend Central Area Action Plan (2018) and the advice contained within the Southend Design and Townscape Guide (2009).
- 5.2 The proposed works would, by reason of the impact on the public views and setting of the pier and the likely damage to the historic ironwork on the pier, cause significant material harm to the character and significance of the listed building which is not outweighed by any other public benefits. The listed building consent application is therefore unacceptable and contrary to the National Planning Policy Framework (2012), policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM5 of the Development Management Document (2015), policies DS3, DS4 and CS1 of the Southend Central Area Action Plan (2018) and the advice contained within the Southend Design and Townscape Guide (2009).

## **6 Planning Policy Summary**

- 6.1 The National Planning Policy Framework (2012)
- 6.2 Core Strategy (2007) Policies KP1 Spatial Strategy, KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance)
- 6.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM5 (Southend-on-Sea's Historic Environment)
- 6.4 Southend Central Area Action Plan (2018) Policies CS1 (Central Seafront Policy Area Development Principles), DS2 (Key Views). DS3 (Landmark Buildings)
- 6.5 The Southend Design and Townscape Guide (2009)

## **7 Representation Summary**

### **Historic England**

- 7.1 Given that the pier is a grade II listed building Historic England have declined to comment on this application and refer the Council to the in house specialist advisor, however, it is noted that they have recognised that the substructure as important historic fabric (see ironwork repairs applications in 2017, 2016, 2015, 2014 and 2010).

### **Property Services Engineer (including Pier Maintenance)**

- 7.2 The installation of a banner on either side of the pier will certainly introduce additional lateral loading on the pier stem and the effects of this would need to be assessed. Given that the pier structure would never have been designed for such loading and its current variable condition, it is unlikely that the structure could withstand this loading without damage.

The proposed area is outside of the current Anchor Bay Phase 1 renovation works so wouldn't directly interfere with this phase, however, given the duration is for 2 years it could cause problems with any future maintenance works.

It is noted is that the banner is proposed as being 6m high and not protruding above deck level. Given that the level of the deck is around +5.3m OD, the highest the banner could be installed is probably around +5m OD, which would mean it would extend down to -1m OD (i.e. below mean sea level). Given that there is at most 1.5m clearance between the underside of the deck and the Highest Astronomical tide, the lower parts of the sign would be underwater for much of the time, which in addition to introducing loading also does seem to rather limit its usefulness as an advertisement and when exposed at low tide would be rather unsightly. Based on the PLA's published bed levels there is probably around 6m clearance between underside of deck and Southend flats so the signs would practically fill the entire side elevation from bed to deck.

No details have been provided as to whether the banner is fire retardant. This may also be a concern given the history of the pier and public access to the banner.

**[Officer Comment: If the proposal were found to be acceptable in all other respects, a condition could be imposed to require the use of a fire retardant material.]**

Overall there is a concern that the proposal will cause significant loading on the historic structure of the pier which cause damage to its historic structure.

### **Parks**

- 7.3 Parks have raised major concerns about the durability of the banner. They comment that if it is damaged by beach users (it would be accessible by beach users when the tide is in and also may be a target by beach users when the tide is out) or by the elements (UV, wind and salt water – what are the effects of these on Vinyl?), there would be nothing to stop broken segments of the banner from entering the water, which could potentially have a major, disastrous effect on wildlife and the marine environment, through entanglement, ingestion and pollution.

**[Officer Comment: This is noted but not directly relevant to the impact on the listed building itself.]**

### **Highways**

- 7.4 There are no highway objections to this proposal.

### **Essex Wildlife Trust**

- 7.5 No comments received.

### **Natural England**

- 7.6 No comments received.

### **Public Consultation**

- 7.7 Two site notices were displayed and a press notice published. Two responses have been received objecting to the application for the following reasons:

- The proposal will look tacky and harm the character and views of this landmark
- There are already too many adverts for the football club application which are ruining views of the town
- The proposal will have a detrimental impact on the tourist trade
- There is no public benefit to this proposal merely commercial gain.
- A listed building should not be used for this purpose.
- The football club application is nothing to do with the foreshore.
- The proposal could set a precedent for other large scale adverts on the pier.



## 8 Relevant Planning History

- 8.1 The site has extensive planning history. Those relevant to this application are:
- 8.2 17/01914/LBC - Various repairs and maintenance to include continued ironwork replacement, pile cap refurbishment, bearing refurbishment and joint articulation, refurbishment of timber deck boards and lateral restraint connection refurbishment (Listed Building consent) – granted
- 8.3 17/01775/LBC and 17/01829/BC3 – demolish existing toilet block, erect single storey building forming public toilets and observation deck at the pier head – pending consideration.
- 8.4 17/01664/LBC – refurbish 4 existing public shelters on pier (listed building consent) – granted 2017.
- 8.5 17/00614/LBC - Replacement of pier pile caps to pier structure (Listed Building Consent) (Part Retrospective) - granted.
- 8.6 16/01397/LBC - Emergency works to repair or replace pile caps to pier structure (Listed Building Consent) - granted 2016.
- 8.7 15/01378/LBC – Emergency works to repair and strengthen the lower timber deck at the southwest corner of the pier head (Listed Building Consent) - granted 2015.
- 8.8 15/00758/LBC – various repairs and maintenance to the Prince George extension (Listed Building Consent) – granted 2015.
- 8.9 14/01841/LBC - Structural repairs to Pier (Listed Building Consent) - granted 2015.
- 8.10 10/01563/LBC Structural repairs to Pier (Listed Building Consent) - granted 2010.
- 8.11 05/01685/LBC Remove fire damaged structural steel units, timber decking and debris. Replace with new structural steel units and timber decking (Listed Building Consent) - granted 2006.

## 9 Recommendation

- 9.1 **MEMBERS are recommended to REFUSE ADVERTISEMENT CONSENT 18/00443/ADV for the following reason:**

- 01 **The proposed advertisements would, by reason of their impact on the public views and setting of the pier, have a detrimental impact on the visual amenity of the designated heritage assets and wider area which is not outweighed by any other public benefits. The advertisement consent application is therefore unacceptable and contrary to the National Planning Policy Framework (2012), policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM5 of the Development Management Document (2015), policies DS3, DS4 and CS1 of the Southend Central Area Action Plan (2018) and the advice contained within the Southend Design and Townscape Guide (2009).**

**9.2 MEMBERS are recommended to REFUSE LISTED BUILDING CONSENT 18/00758/LBC for the following reason:**

- 01 The proposed works would, by reason of their impact on the setting of the pier and likely harm to the historic ironwork on the pier, cause significant material harm to the character and significance of the listed building which is not outweighed by any other public benefits. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM5 of the Development Management Document (2015), Policies DS3, DS4 and CS1 of the Southend Central Area Action Plan (2018) and the advice contained within the Southend Design and Townscape Guide (2009).**

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SITE LOCATION PLAN  
AREA 25 HA  
SCALE 1:2500 on A4  
CENTRE COORDINATES: 588521, 184786



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## FULL BANNER ARTWORK



Size 100m L x 6m H (Approximate Height)

## ARTWORK MESSAGE AREAS



Size 40m L x 6m H (Approximate Height)

Message repeated twice along full length of banner



Size 20m L x 6m H (Approximate Height)

Message repeated once at centre of banner



Project: Southend Pier Banner Artwork  
Drawing Number: 13451A-BA01B  
Date: April 2018  
File: 13541A Southend Pier Banner B01B

4 St John's North, Wakefield, WF1 3QA  
T: 01924 332056 F: 01924 290072  
name@vectordc.com

**vector**  
design concepts



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PROPOSED BANNER IMAGE VIEW 01



PART A

Project: Southend Pier Banner Artwork  
Drawing Number: 13451A-BA01B  
Date: April 2018  
File: 13541A Southend Pier Banner B01B

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PROPOSED BANNER IMAGE VIEW 02



PART B

Project: Southend Pier Banner Artwork  
Drawing Number: 13451A-BA01B  
Date: April 2018  
File: 13541A Southend Pier Banner B01B

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PROPOSED BANNER IMAGE VIEW 03



PART B

Project: Southend Pier Banner Artwork  
Drawing Number: 13451A-BA01B  
Date: April 2018  
File: 13541A Southend Pier Banner B01B

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<b>Reference:</b>	18/00690/FUL	<h1>13</h1>
<b>Ward:</b>	Shoeburyness	
<b>Proposal:</b>	Change of use from Light Industrial (Class B1) to Dance and Theatre School (Class D1 & D2) and layout 10 parking spaces	
<b>Address:</b>	38 Towerfield Road, Shoeburyness, Southend-On-Sea, Essex	
<b>Applicant:</b>	Mrs Wendy Headford	
<b>Agent:</b>	The Draughtsman Ltd	
<b>Consultation Expiry:</b>	22 <sup>nd</sup> May 2018	
<b>Expiry Date:</b>	9 <sup>th</sup> July 2018	
<b>Case Officer:</b>	Scott Davison	
<b>Plan Nos:</b>	TR/NAK/01, TR/NAK/02 & Location Plan	
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>	



## 1 The Proposal

- 1.1 This application seeks planning permission to change the use of 38 Towerfield Road from Light Industrial (Class B1) to a Dance and Theatre School (Class D1 & D2) and to layout 10 parking spaces.
- 1.2 The proposal is to change to the use of the existing building from an Engineering Workshop and Offices to a Dance and Theatre School. The submitted plans show a two storey building to the front of the site that would be retained as offices and toilets and the two workshop sections to the rear of the site which would be used as activity rooms. The dance school (Junior Masters Performing Arts School) presently operates from premises at Rayleigh Weir and it is intended to relocate to the application site. The business currently employs the equivalent of 6 full time staff.
- 1.3 The applicant has confirmed that there would be classes for adult fitness, yoga, health and mother and babies between the hours of 9am and 3.30pm on weekdays. The main times for the various dance, acting, singing and musical theatre classes as well as gymnastics would be after school times starting from 3.30pm running until 9.30pm. The sessions around 3.30pm are aimed at younger children and last approximately 30-45 mins. It is intended that larger classes would start after 5.30pm and sessions later in the evening extend to 1 hour in duration. The class sizes at the present site vary from as few as 4 children up to 10 – 25 children dependent on the type of class being run. Classes run concurrently, with differing genres being taught in each studio and it is not unusual for children to attend two or more classes which follow on. The applicant has confirmed that the majority of classes are held after 5.00pm when most units on the industrial estate will have closed and this would help avoid any parking conflict. The use of the site on Saturdays would be from 9am until about 5pm. No classes are scheduled for Sundays however the site would be used for rehearsals as and when needed as well as for exam classes, or one to one sessions.
- 1.4 The submitted plans show that 10 parking spaces are proposed within the application site. Four of these spaces will be located within the existing forecourt to the front of the site. To the side of the property is a wall and a set of gates and a further six car parking spaces will be provided behind the gates as tandem spaces along the shared boundary with No.40 Towerfield Road.
- 1.5 It should be noted that the applicant was granted a personal permission in February 2018 for a very similar proposal described as a “change of use from light industrial (Class B1(c)) to dance and theatre school (Class D1)”, erect new entrance to front and single storey front and side extension at 1A Stock Road (Ref 17/01332/FUL). The applicant has confirmed that she no longer intends to implement that particular permission however she is aware of the relevant policies and policy requirements and supporting information required to justify this type of application.
- 1.6 The applicant has submitted limited marketing information in support of the application and this has been provided by the most recent occupier of the site; AMJ Precision. This includes an email dated September 2015 providing a quotation to AMJ for the sale of the business, a copy of a letter to AMJ dated March 2016 confirming formal instruction for the sale of the business. A letter and email dated



March 2017 confirming that AMJ had withdrawn their instruction to sell the business and a letter from a property agent providing a quotation to AMJ for the sale of the premises.

## **2 Site and Surroundings**

- 2.1 The site is located on the northern side of Towerfield Road between its junction with Towerfield Close and Elm Road. The existing building on the site is a semi-detached industrial unit with a two storey flat roof building to the front of the site used as offices and finished in yellow brick, render and cladding. To the rear of the two storey block is an attached brick warehouse/workspace with a shallow pitched roof. The building was last used as an engineering workshop & offices but has been vacant since 2018.
- 2.2 The site is located on an Industrial Estate and the surrounding buildings are industrial units of a similar age and two storey scale.
- 2.3 The site is located within a designated industrial estate allocated as an Employment Area within the Core Strategy and Development Management Document. The site is located within Flood Zone 2 and 3.

## **3 Planning Considerations**

- 3.1 The main issues for consideration include the principle of the change of use, the impact on the design of the existing building and wider street scene, any impact on neighbours, traffic and transport implications, flood risk and CIL implications.

## **4 Appraisal**

### **Principle of Development**

**National Planning Policy Framework, Policies KP1, KP2 and CP1, CP4 and CP6, CP7 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM10, DM11 and DM15 of the Southend-on-Sea Development Management Document (2015)**

- 4.1 Government guidance with regard to planning matters is set out in the National Planning Policy Framework (NPPF). The NPPF states that there are three dimensions to sustainable development. These are economic, social and environmental.
- 4.2 In relation to the economic strand of the definition of sustainable development, paragraph 3 of the NPPF states that the planning system will contribute to building a strong competitive economy by *'ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure'*.
- 4.3 Paragraph 17 states that planning should *"be genuinely plan-led"*. Paragraph 161 states *"the existing and future supply of land available for economic development and its sufficiency and suitability to meet the identified needs. Reviews of land available for economic development should be undertaken"*.

- 4.4 Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 4.5 Policy KP1 seeks sustainable development by focussing appropriate regeneration and growth towards Priority Urban Areas and the main industrial/employment areas which includes Towerfield Road.
- 4.6 Policy CP1 of the Core Strategy states that *“The Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas.”* and 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 The Towerfield Road Industrial Estate is identified as an employment growth area in the Development Management Document. Policy DM11 of the Development Management Document states that the Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas. Section 2 of policy DM11 relates to the use of designated employment areas and states:

*“The Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas shown on the Policies Map and described in Policy Table 8. Proposals that fall outside of a Class B employment use will only be granted permission where:*

*2A the development proposal is a ‘sui generis’ use of a similar employment nature, which is compatible with and will not compromise the operating conditions of the Employment Area; or*

*2B. the development proposal is in conformity with a planning brief, or similar planning policy document, that has been adopted by the Borough Council for the concerned site, which sets out other appropriate uses; or*

*2C. it can be demonstrated to the Council’s satisfaction that:*

- i) there is no long term or reasonable prospect of the site concerned being used for Class B purposes\*, and*
- ii) the use is compatible with and will not compromise the operating conditions for other employment uses or the potential future use of neighbouring sites for employment uses; and*
- iii) the alternative use cannot be reasonably located elsewhere within the area it serves\*\*; and*
- iv) the use will not give rise to unacceptable traffic generation, noise,*

*odour or vehicle parking.*

*2D. it can be shown that the development will be a complementary and supporting use, which is both subservient and ancillary to the principal employment uses and serves the day-time needs of the estate's working population and will not result in a material change to the Class B character and function of the area.*

*\*This should include a minimum 2 year active marketing exercise where the vacant site / floorspace has been offered for sale or letting on the open market at a realistic price and that no reasonable offers have been refused. In exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable. Appendix 4 sets out the information to be provided in relation to marketing and market demand.*

*\*\* The Borough Council will make a judgement about the extent of the area based upon the site concerned and the proposed use.*

- 4.8 In addition Appendix 4 of the Development Management Document provides the following information on the requirements for a robust marketing assessment:

*PART A - Marketing*

*In instances where policies require marketing information to be submitted, the following details will be used to assess the acceptability, or otherwise, of the information submitted and any marketing undertaken.*

*Marketing evidence requires demonstration of an active marketing campaign for a continuous 2 year period, whilst the premises were vacant\*, which has shown to be unsuccessful.*

*Marketing must be through a commercial agent at a price that genuinely reflects the market value of the lawful use. It must be shown to the council's satisfaction that marketing has been unsuccessful for all relevant floorspace proposed to be lost through redevelopment or Change of Use.*

*Active marketing should include all of the following:*

- 1. A visible advertisement board posted in a prominent location on site, including relevant contact information (subject to advertising consent, if required);*
- 2. Registration of property with at least one commercial property agent and continuously advertised on the agent's website;*
- 3. Property details and information available to enquirers on request;*
- 4. Property marketed at a reasonable price reflecting market conditions, including in relation to use, condition, quality and location of the premises/ site;*
- 5. Property marketed for the appropriate use or uses as defined by the relevant planning policy.*

*Sufficient detailed information is required to be submitted alongside any planning application to demonstrate compliance with the above criteria. Additionally, information should be submitted regarding:*



- i. the number and details of enquiries received;*
- ii. the number of viewings;*
- iii. the number, type, proposed uses and value of offers received;*
- iv. reasons for refusal of any offer received, and/or reasons why any offers fell through;*
- v. the asking price and/or rent that the site or property has been offered at, including a professional valuation from at least three agents to confirm that this is reasonable;*
- vi. the length of marketing period, including dates, and*
- vii. the length of the vacancy period.*

- 4.9 It is also noted that a number of evidence base documents for the Local Plan are relevant to this application as they include more detailed surveys and studies of the Borough's Employment Areas. The Southend-on-Sea Survey of Key Employment Areas (September 2013) states that of the 52 premises within Towerfield Industrial Estate, of these premises 49 (94%) were in use for B use classes and 5 units were vacant equating to 9.6%. This is a low vacancy rate in comparison to some of the other employment areas in the Borough and is one of the better performing industrial estates within the Borough. It should be noted that this survey is currently being updated and draft survey data from late 2017 shows that of the 60 units, 59 were noted as having a B class use (98.3%) and that vacancy rate has risen slightly to 7 units (11.7%).
- 4.10 In relation to Towerfield Road Industrial Estate the 2010 Employment Land Review 2010 (appendix 3.2) gave the following description: *"The site is located in the centre of Shoeburyness and is currently in a mixed quality condition with modern and older post war B2/B8 units. Premises appear in reasonable use for employment purposes, however there are some vacant units being marketed. The site has been developed over time but is considered in reasonable condition and suitable for continued employment use"*. The Market Appraisal of the site in the ELR stated: *Reasonable location and average quality stock appear to lead to continuing demand for Towerfield Road. There could be continued low levels of vacancy due to lower rental values and flexibility of premises leading to slightly higher turnover. Currently the site will primarily support existing employment rather than providing floorspace to facilitate growth.*
- 4.11 The Employment Land Review stated that the Towerfield Road Industrial Estate was an Employment site that should be retained and protected for employment uses: It therefore should continue to be protected from loss in the first instance. These aspirations are addressed in Policy DM11 of the Development Management Document which identifies the site as an Employment Growth Area.
- 4.12 Therefore a change of use for a building in this area will only be granted where it conforms to one of the four criteria 2A-2D in policy DM11 above. The proposed development falls outside Criteria 2A, 2B and 2D as it relates to a use falling within Use Classes D1/D2 which is not ancillary to, supportive of or similar to an employment use that falls within Class B and the site is not supported by an adopted planning brief. Criterion C is therefore the only applicable potential exception to the policy. The policy states that all the four criteria within part 2C must be met. These criteria are examined below.

- 4.13 In relation to criteria 2Ci) and Appendix 4 of the Development Management Document the applicant has provided an email from a company dated September 2015 providing a quotation for sale of the Engineering business for £699,885. A copy of letter from March 2016 has been provided which confirmed the formal instruction to market the sale of the business. The submitted evidence during the period March 2016 – March 2017 relates to the sale of the business as opposed to the sale of the property. No information has been provided demonstrating whether any enquiries were received. A further email and correspondence dating from March 2017 confirmed that the agent had been de-instructed and the business would be withdrawn for sale. The applicant has provided a letter dated March 2017 from a new estate agent confirming details of quotation and information relating to an instruction to market the property from April 2017 initially for £415,000. The applicant stated in an email in May 2018 that they were in the process of buying the property and it is understood that the property has now been sold to the applicant.
- 4.14 Research on the Internet confirmed that the property was historically advertised online and that the property has been sold. Details of estate agent particulars of the site were also available on-line. A “for sale” board at the premises was erected at the property during the short period it was remarketed. However it has only been vacant since April 2018.
- 4.15 In relation to the other requirements of Appendix 4, no information has been provided regarding valuations of the property. This contrasts with the information provided for the application at 1a Stock Road 17/01332/FUL where two independent valuations were provided. No information has been submitted as to whether there were any queries about the property, accompanied viewings or offers relating to the period 2016-2017 in which the business was marketed for sale or during 2017-2018 when the property was marketed. Again this contrasts markedly with the information supplied with application at 1a Stock Road (ref: 17/01332/FUL) where the agent confirmed details of the level of interest from prospective buyers, including accompanied visits and a number of offers on the property.
- 4.16 In relation to the suitability of the site for industrial use, no comment has been made as to whether the site is no longer suitable for industrial use. However there is evidence to suggest the unit on the estate was well used. The information supplied for the 1a Stock Road application (Ref: 17/01332/FUL) noted that the selling agent had expressed concerns regarding the desirability of a unit of this age in the market place for industrial users.
- 4.17 The submitted marketing information does not state whether there has been any interest in this property. The submitted evidence appears to relate to the sale of the existing business during March 2016 – March 2017 rather the sale of the property. The business was removed from the market in March 2017 and the property on its own was only remarketed and vacant from April 2017. This means that it was only actively marketed for 12 months in the last 2 years during part of which it occupied.
- 4.18 It is therefore considered that the applicant has not demonstrated that there is no long term of reasonable prospect of the site concerned being used for Class B purposes and criteria 2C i) of policy DM 11 has not been met.

- 4.19 In regard to criteria 2C ii), which relates to the compatibility of the scheme with surrounding operators, it is considered that the proposed dance and theatre school would not compromise the operation of the neighbouring units, wider industrial estate or its future potential for employment uses. It is therefore considered that criteria ii) can be met.
- 4.20 Criteria 2C iii) requires the applicant to demonstrate that the proposed use cannot reasonably be located elsewhere in within the area it serves. In response to this the applicant has not submitted any supporting information with this application. It is however noted that during consideration of application 17/01332/FUL (see paragraph 1.5); the applicant stated that she had been seeking premises in the area since the 1990s and had viewed a large number of buildings during this time. Many of these were dismissed because they were too expensive or lacked parking. Offers were made on other buildings but fell through. The current building at Rayleigh Weir was secured towards the end of the 1990s but this was seen as a temporary home only. This building is now in need of significant and costly repairs. The applicant was recently successful in gaining planning permission for permission for a D1 use on an alternative B1 Unit on the Stock Road Industrial Estate (Ref: 17/01332/FUL). However the applicant informed that Council that she would no longer be going ahead with development at the Stock Road site.
- 4.21 The site presently has two large open rooms both with reasonable floor to ceiling heights required for this type of use. The applicant has not demonstrated that this kind of building can only be found within an industrial estate. It is noted that there are other similar businesses located throughout the Borough and wider catchment area in a variety of locations many of which are outside employment areas. It is therefore considered that the applicant has not demonstrated that this use could not be located outside an industrial estate.
- 4.22 Finally criteria 2C iv) requires that the development should not give rise to unacceptable traffic generation, noise, odour or vehicle parking. It is noted that the impact on traffic and highways is discussed in more detail below, however, the Council's Highway Officer has not objected to the proposal and it is generally considered that the proposed use would be able to meet this criteria. There is a concern about the turning area not being sufficiently wide to allow vehicles to manoeuvre effectively however this could be overcome if the parking bay sizes were increased and could be secured by a planning condition.
- 4.23 Overall it is considered that the applicant has supplied significantly less supporting information for this application in comparison to the application (Ref: 17/01332/FUL) -Change of use from light industrial (Class B1(c)) to dance and theatre school (Class D1) where the applicant was granted a personal permission. It is also considered that the proposal does not meet the policy criteria which would justify the loss of the existing B1 use of the unit. Therefore the proposal is found by officers to be contrary to policy DM11.
- 4.24 Finally policy CP7 of the Core Strategy seeks to support provision of sport and recreation facilities for children, young people and the wider community. It is acknowledged the provision of a dance/theatre school facility would be a possible benefit of the use including the supply of sport and community facilities, however, this is not considered to outweigh the objection to the in principle loss of the employment use in the circumstances of this case.



- 4.25 The applicant is aware that the proposal is contrary to Policy DM11 however in contrast to the 1a Stock Road application, the applicant has not sought a personal permission for the proposed change of use; i.e. that the site would return to the previous B use if the applicant was no longer running the proposed business. As with the previous application at 1a Stock Road. It is acknowledged that the applicant has done valued work with the local community through her business not only with the dance school but also work with Southend Hospital to help children with mobility difficulties, blind and deaf children and amputees to strengthen muscles and improvement their movement.
- 4.26 However it is considered on balance that the case for 'exceptional circumstances' has not been justified to an extent where this overrides the policy position on the protection of employment (B use class) uses in this case.

### **Design and Impact on the Streetscene**

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

- 4.27 The existing building is a two storey light industrial building with a brick and rendered appearance. No extensions and alterations to the building are proposed to enable the change of use.
- 4.28 The buildings on the industrial estate are a mix of modern and older post war units and are comparable in scale and appearance to application building. These are not judged to be of any particular style or design merit. It is not considered that the development would adversely impact the character and appearance of the Industrial estates and the proposal is considered to be acceptable and compliant with policy objectives in this respect.

### **Impact on Neighbouring Properties**

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

- 4.29 Policy DM1 of the Development Management DPD states that development should "*Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.*"
- 4.30 Paragraph 17 of the National Planning Policy Framework seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 4.31 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the

amenities, appeal and character of residential areas.

- 4.32 Policy DM3 of the Development Management Document seeks to support sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.
- 4.33 There are no residential properties close to the site. Immediately to the east, west and south are industrial premises and to the north are railway sidings. It is possible that the dance/theatre school may use amplified music in the classes however any assessment of the potential noise nuisance needs to be balanced against that which could arise from the existing lawful use as an industrial unit. As such it is considered that the proposed use would not result in a material increase in noise and disturbance when compared with the lawful use of the site, to such a degree as would warrant a refusal of planning permission. The impact on neighbours is considered to be acceptable in all regards.

### **Traffic and Transport Issues**

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

- 4.34 Policy DM15 of the Development Management Document requires that all development should meet the off-street parking standards. For commercial development the standards are maximum standards.
- 4.35 The submitted plans show 10 parking spaces are proposed within the application site. 4 of these spaces will be located on the within the existing forecourt to the front of the site. To the side of the property is a wall and a set of gates and a further 6 car parking spaces would be provided behind the gates as tandem spaces along the shared boundary with No.40 Towerfield Road. The applicant has confirmed that the business currently employs the equivalent of 6 full time staff, there will be 5 studios at the site and potentially there could be 5 classes at any one time with the number of children in each class ranging from classes of 4 children up to class sizes of between 10 – 25 children, however this is dependent on the type of class being run. Classes run concurrently, with differing genres being taught in each studio and it is not unusual for children to attend two or more classes which follow on. The applicant has indicated that the facility is unlikely to run at full capacity i.e. 5 classes of 25 children running at the same time.
- 4.36 The Vehicle Parking Standards by Use Class is set out in the Development Management Document. There is not a definitive space standard for the proposed use however for a D1 (school) use the requirement would be 1 space per 15 students. With 5 studios a maximum of 25 children there would potentially be 125 children and a requirement of 9 spaces. For a D2 (Other) uses, the parking requirement would be 1 space per 20 square metres and the floorspace of the building is 133 square metres and therefore a requirement for 7 spaces. The application site would provide 10 parking spaces.

- 4.37 The Council's Highways Officer notes that the applicant has provided information relating to the type of activities that would be provided during the day which would not a significant impact on the surrounding area. From 3.30pm classes would be for school aged children which again would not have a detrimental impact upon the surrounding highway network as most of the other industrial sites close at approximately 5.30pm so pick up and drop off would not cause parking related issues within the surrounding area. The existing use and the proposal are comparable in traffic generation terms and due to the timings of classes this contrasts with the peak times for the industrial estate and therefore it is likely that there will be on street parking provision available in the surrounding area.
- 4.38 The Council's Highway Officer notes that a total of 10 car parking spaces have been provided of which, 6 have been provided to the side of the building. The turning area is only 5m in width and a width of 6m is usually required to allow vehicles to manoeuvre effectively. However if the applicant increased the parking bay sizes to 5.5m this would help when vehicles are using the parking bays. The applicant should be encouraged to provide secure cycle parking, alternative travel options and a Travel Plan. If the proposal were to be found to be acceptable it is considered that these items could be required by way of a condition.
- 4.39 It is therefore considered that the proposed provision of 10 spaces is sufficient to serve this development in this location and there are no highway objections to this proposal which is acceptable and policy compliant. The applicant

#### **Flood Risk**

#### **National Planning Policy Framework (2012), Core Strategy (2007) Policies KP1 and KP2**

- 4.40 Paragraph 103 of the NPPF states:

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

- *Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- *Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems."*

- 4.41 Policy KP1 of the Core Strategy in respect of flood risk states:

*"Where the Environment Agency's Flood Zone Maps or other considerations, including the South Essex Strategic Flood Risk Assessment, indicate that a risk of flooding may remain, all development proposals shall be accompanied by a detailed flood risk assessment appropriate to the scale and nature of the development and the risk. Development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk*



*management options which safeguard the biodiversity importance of the foreshore and/or effective sustainable drainage measures.”*

- 4.42 Policy KP2 of the Core Strategy states that all new development should contribute to economic, social, physical and environmental regeneration in a sustainable way and this must be achieved in ways which apply a sequential approach to the location and siting of development, particularly having regard to the need to avoid or appropriately mitigate flood risk. Additionally new development should include appropriate measures in design, layout, operation and materials to avoid flood risk.
- 4.43 The application site is located within Flood Zone 2/3 and a flood risk assessment is normally required for developments in flood zone 2 or 3 including a change of use. The applicant has not submitted a flood risk assessment with this application. A change in use may involve an increase in flood risk if the vulnerability classification of the development is changed. In this instance the change of use from an industrial use to assembly/leisure will not increase the vulnerability classification of the development from ‘less’ to ‘more’ vulnerable.
- 4.44 Notwithstanding the absence of a flood risk assessment, the floor levels of the proposed development do not appear to be set any lower than existing levels. Details of the finished floor levels, flood proofing of the proposed development and a flood evacuation plan could be secured via a planning condition.

## **Community Infrastructure Levy**

### **CIL Charging Schedule 2015**

- 4.45 In this instance, CIL Regulation 42 (Exemption for Minor Development) applies as the development is only a commercial change of use and the proposal is therefore not CIL liable.

## **5 Conclusion**

- 5.1 The applicant has failed to demonstrate that there is no long term or reasonable prospect of the site being used for B class uses, and that the proposed use cannot reasonably be located elsewhere within the area that it serves. On this basis it is concluded that the use of the premises as proposed would undermine the employment growth area and the long term availability of employment-generating development in the Borough. On balance, there are found to be no material planning considerations of sufficient weight to outweigh the harm caused by this conflict with development plan policy. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP1, KP2 and CP1 of the Core Strategy (2007) and Policies DM3 and DM11 of the Development Management Document (2015).

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework (2012)
- 6.2 The Southend-on-Sea Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development Principles) CP1 (Employment Generating Development). CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) CP6

(Community Infrastructure) CP7 (Sport, Recreation and Green Space)

- 6.3 The Southend-on-Sea Development Management Document (2015): Policies DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land) DM10 (Employment Sectors) DM11 (Employment Areas) DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: The Southend-on-Sea Design & Townscape Guide (2009)
- 6.6 CIL Charging Schedule 2015
- 6.7 Southend on Sea Employment Land Review May 2010

## **7 Representation Summary**

### **Transport & Highways**

- 7.1 There are no highway objections to this proposal. Highways note that the applicant provided information relating to the type of activities that would be provided during the day which would not a significant impact on the surrounding area. From 3.30pm classes would be for school aged children which again would not have a detrimental impact upon the surrounding highway network as most of the other industrial sites close at approximately 5.30pm so pick up and drop off would not cause parking related issues within the surrounding area. The existing use and the proposal are comparable in traffic generation terms and due to the timings of classes this contrasts with the peak times for the industrial estate and therefore it is likely that there will be on street parking provision available in the surrounding area.
- 7.2 A total of 10 car parking spaces have been provided and 6 have been provided to the side of the building. The turning area alongside the building is only 5m in width. An area of 6m is usually required to allow vehicles to manoeuvre effectively however if the applicant increased the parking bay sizes to 5.5m this would help when vehicles are using the parking bays. The applicant should also provide secure cycle parking, a travel plan and alternative travel options.

### **Environmental Protection**

- 7.3 No objection to the proposal. The site is located within the middle of an industrial estate and the nearest noise sensitive residential property is located approximately 118m away. Environmental Protection considered that it is unlikely that residential properties will be affected by noise in the form of amplified music from this site. There is a commercial premises that shares a party wall with the site. Noise and vibration may occur from activities within the premises. Therefore, the applicant's attention should be drawn to the informative below. Any issues will be considered under statutory nuisance provisions.
- 7.5 Environmental Protection notes that application does not state if any mechanical extraction, ventilation or air conditioning plant is required. If any plant is to be added it would need to be carefully located and designed in order to prevent causing nuisance. The internal arrangements within the premises may be changed and taking into consideration the age of the premises, the applicant's attention should be drawn to their duty to manage asbestos. Finally to avoid the occurrence

of nuisance from lighting, appropriate measures shall be taken.

- 7.5 Conditions relating to external lighting, construction hours and burning of waste during any demolition and construction have been suggested. Informatives relating to the duty to manage asbestos and noting that compliance with a decision notice would not bestow compliance with other regulatory frameworks have also been suggested.

### **Parks**

- 7.6 No comments received.

### **Public Consultation**

- 7.7 A site notice was posted and three neighbours have been notified. No responses have been received.
- 7.8 The application has been called in to Committee by Cllr Hadley.

## **8 Relevant Planning History**

- 8.1 No planning history for this site
- 8.2 It should be noted that the applicant was granted a personal permission dated 7th February 2018 for a similar proposal described as a change of use from light industrial (Class B1(c)) to dance and theatre school (Class D1), erect new entrance to front and single storey front and side extension at 1A Stock Road (Ref 17/01332/FUL). Aside from the actual location, both the approved scheme at Stock Road and proposal are both located on Industrial Estates. The key difference between two schemes appears to be that the approved Stock Road scheme would have 3 studios whereas the Towerfield Road application would have 5 studios.

## **9 Recommendation**

### **9.1 REFUSE PLANNING PERMISSION for the following reasons:**

**01 The applicant has failed to demonstrate that there is no long term or reasonable prospect of the site being used for B class uses, and that the proposed use cannot reasonably be located elsewhere within the area that it serves. On this basis it is concluded that the use of the premises as proposed would undermine an employment growth area and the long term availability of employment-generating development in the Borough. There are found to be no material planning considerations of sufficient weight to outweigh the harm caused by this conflict with development plan policy. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP1, KP2 and CP1 of the Core Strategy (2007) and Policies DM3 and DM11 of the Development Management Document (2015).**

**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the**



**proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application and therefore, the proposal is not considered to be sustainable development. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future.**

#### **Informatives**

**01 You are advised that as the proposed development at your property 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](http://www.southend.gov.uk/cil) for further details about CIL.**



# Site Location Plan 1:1250

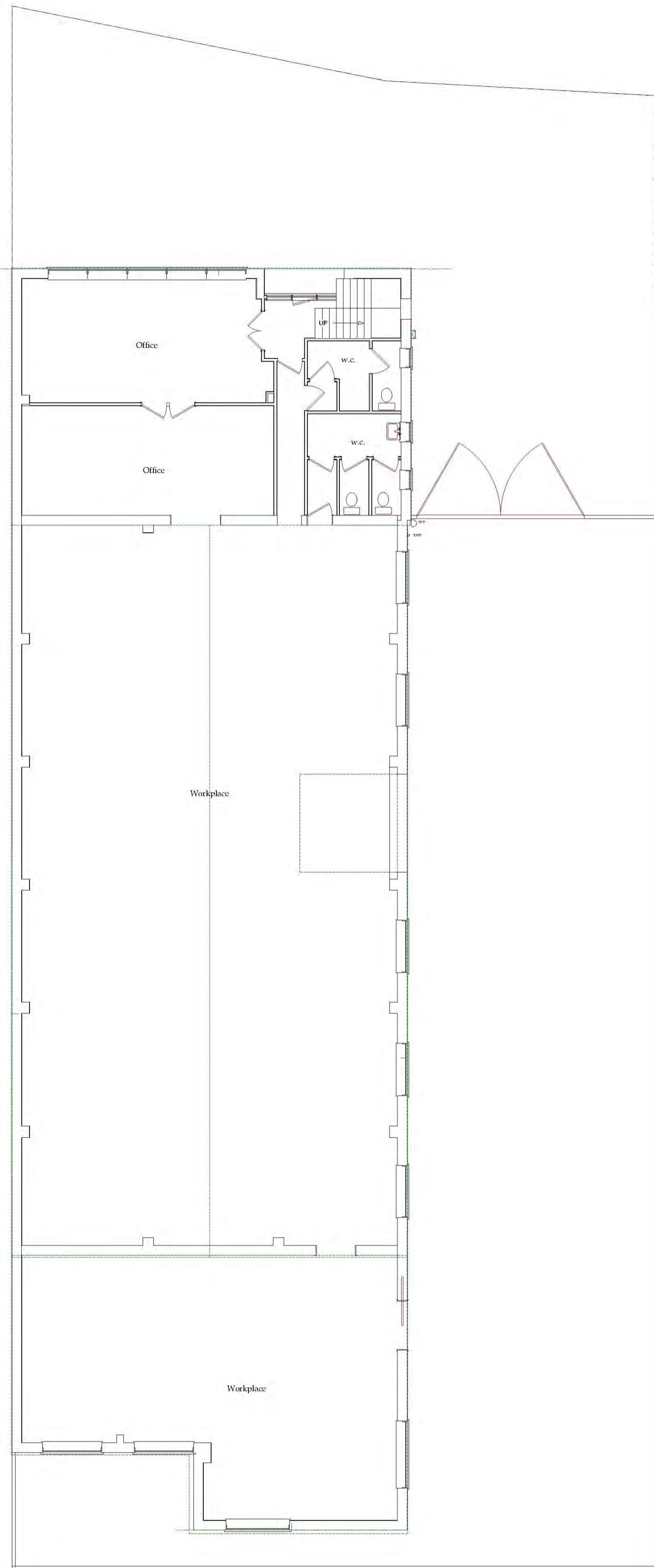




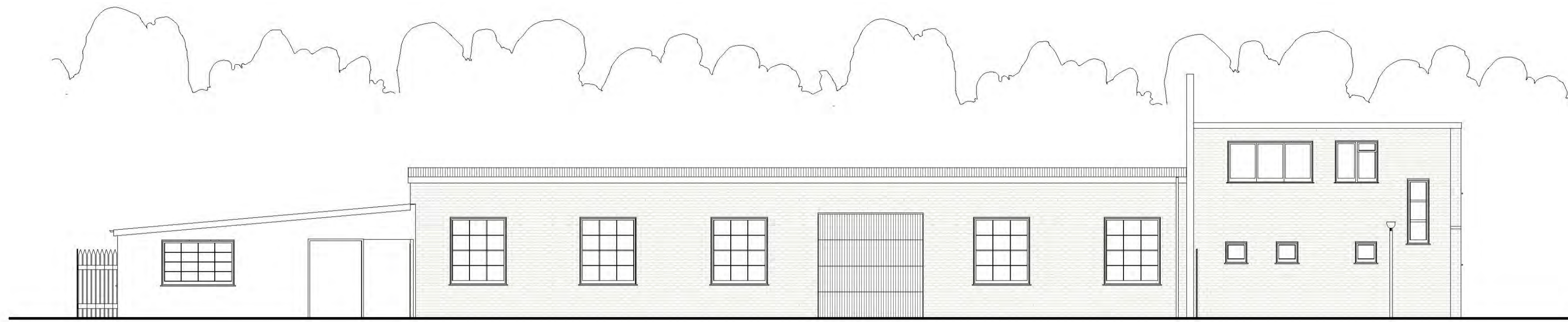
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**EXISTING PLANS**



EXISTING GROUND FLOOR LAYOUT 1:100

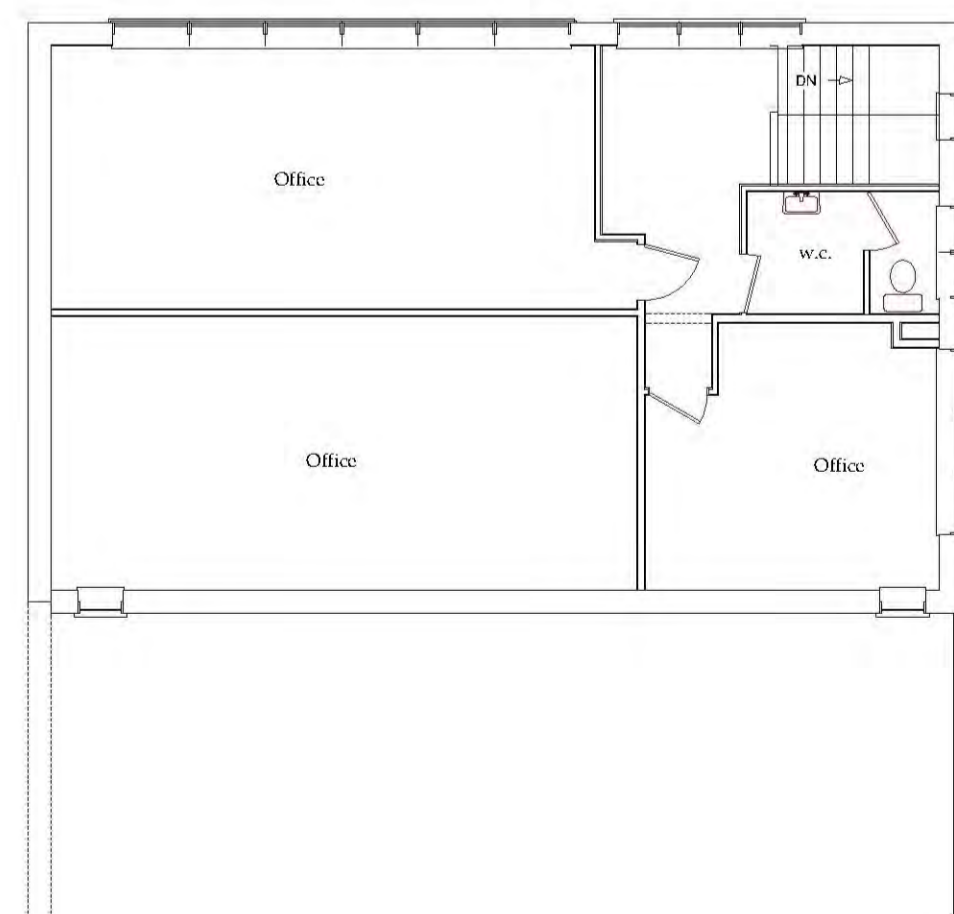


EXISTING NORTH ELEVATION 1:100



EXISTING WEST ELEVATION 1:100

EXISTING EAST ELEVATION 1:100



EXISTING FIRST FLOOR LAYOUT 1:100

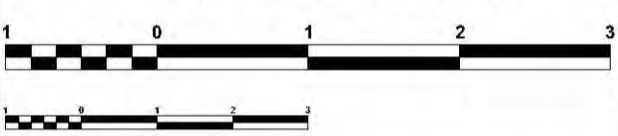


SITE & ROOF PLAN 1:500

**NOTES**

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SCALE 1:50 & 1:100



PROCESS  
PLANNING PERMISSION

**The Draughtsman**  
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HEADFORD

SITE ADDRESS  
38 TOWERFIELD ROAD  
SHOEBURYNESSESS  
ESSEX SS3 9QT

DEVELOPMENT  
PROPOSED CHANGE OF  
USE FROM  
B1 TO D1 & D2

DRAWING TITLE  
EXISTING &  
PROPOSED LAYOUT &  
ELEVATIONS

SCALE SHEET A1  
1:500 &  
1:100

DATE  
12/04/2018

DWNG No  
**TRINAK/01**

REV

JOB No  
**775**

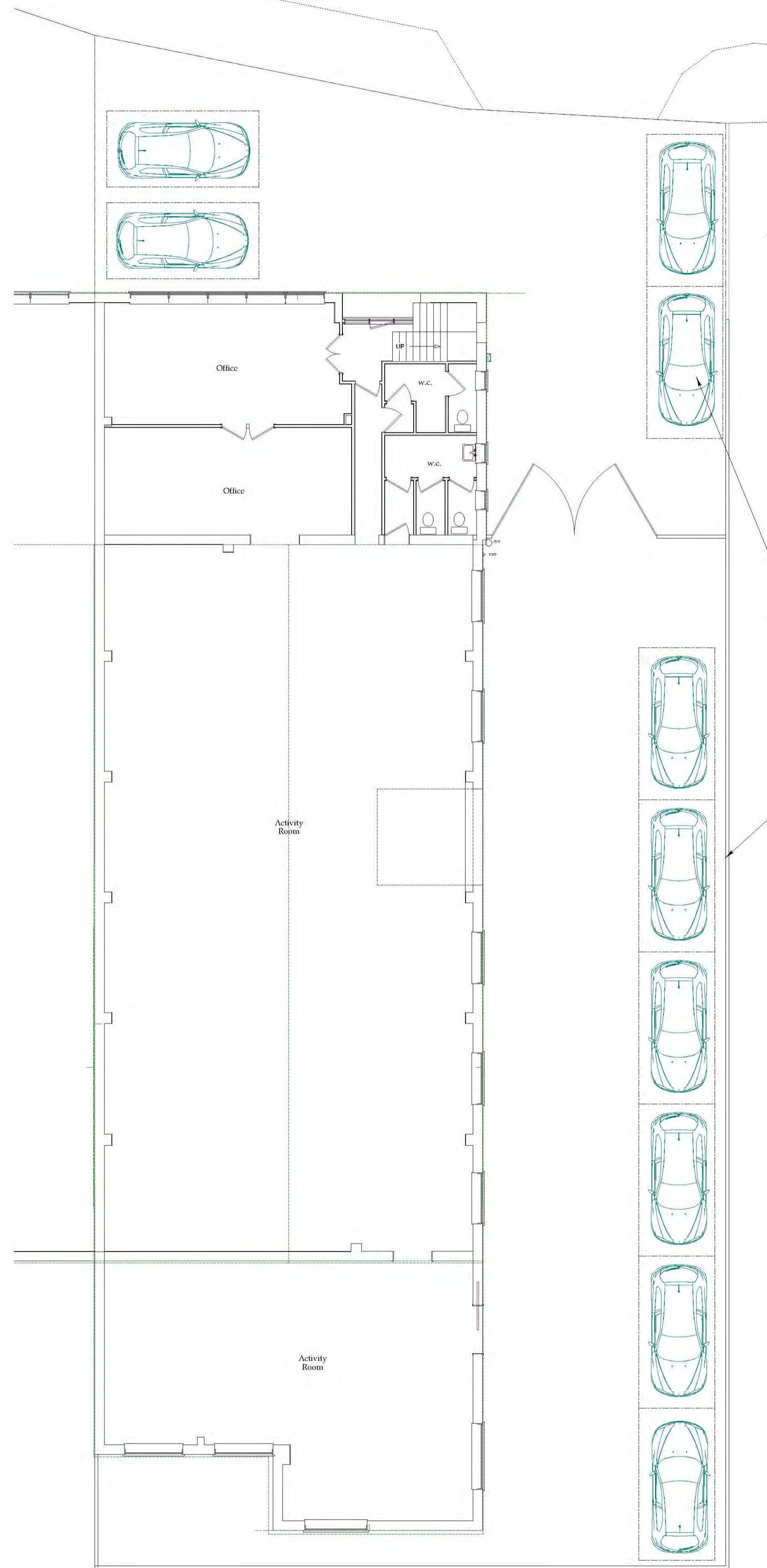
partner  
**LABC**



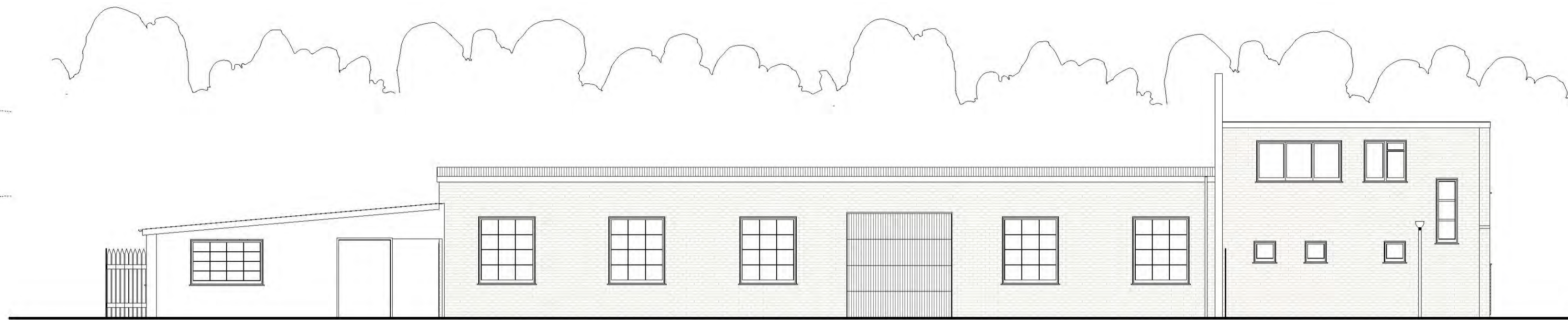
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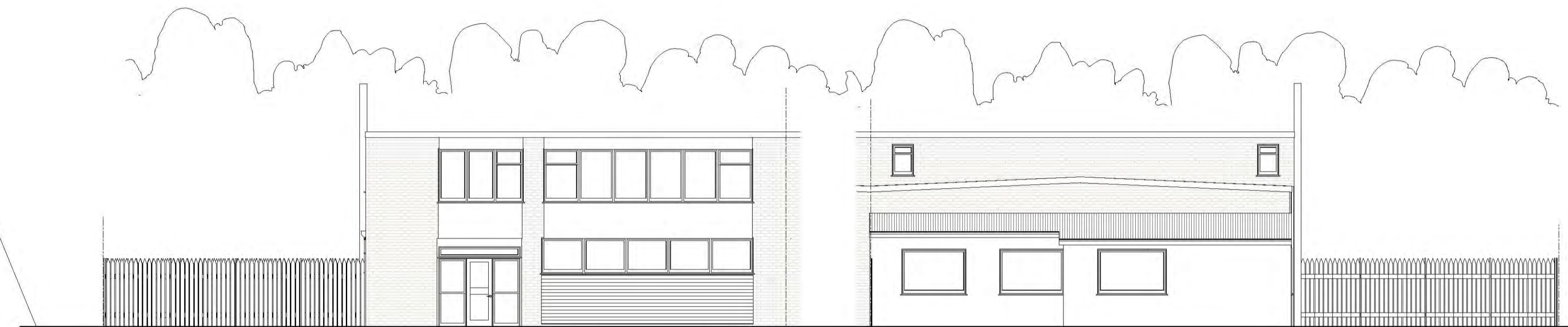
**PROPOSED PLANS**



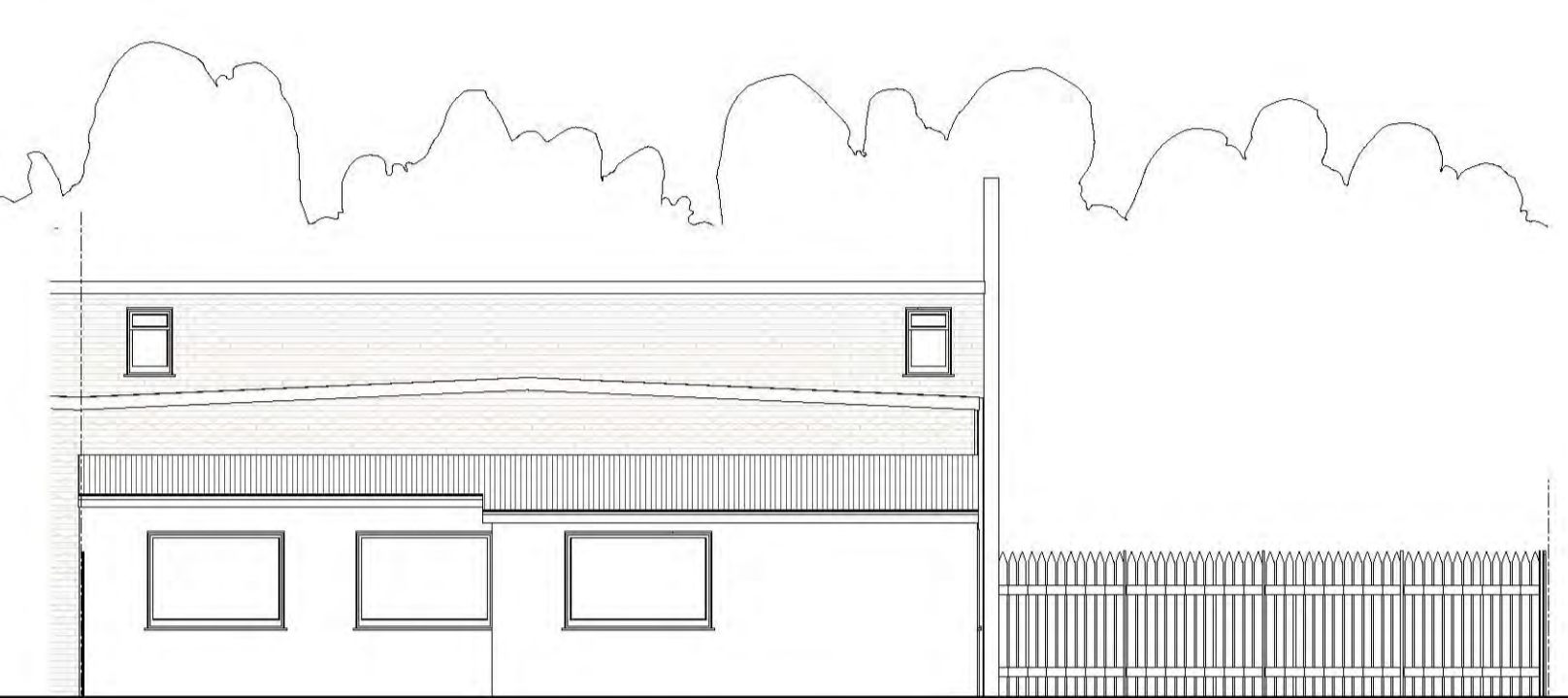
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PROPOSED NORTH ELEVATION  
1:100

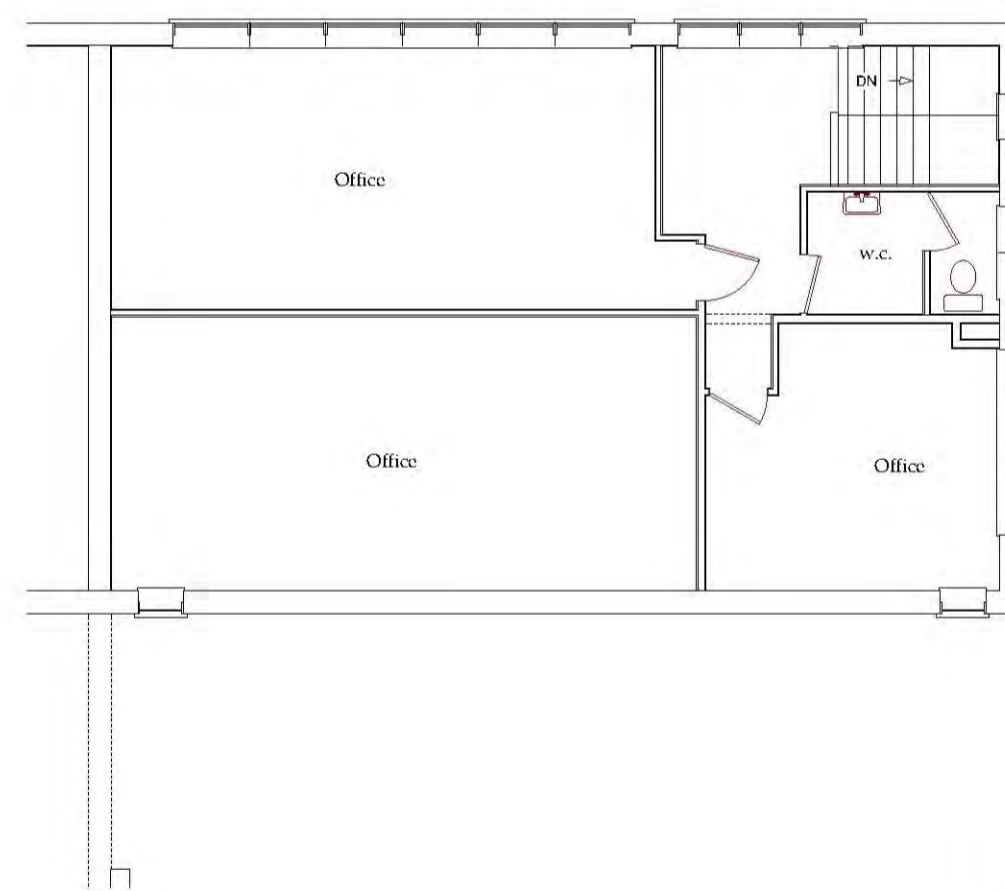


PROPOSED WEST ELEVATION  
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PROPOSED EAST ELEVATION  
1:100

PROPOSED PARKING



PROPOSED FIRST FLOOR LAYOUT  
1:50

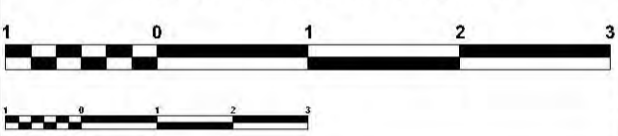


PROPOSED IMAGE

**NOTES**

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SCALE 1:50 & 1:100



PROCESS

PLANNING PERMISSION

**The Draughtsman**  
ARCHITECTURAL  
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DRAWN BY

N. KENNEY  
01702 295653

CLIENT

MRS WENDY  
HEADFORD

SITE ADDRESS

38 TOWERFIELD ROAD  
SHOEBURYNESSESS  
ESSEX SS3 9QT

DEVELOPMENT

PROPOSED CHANGE OF  
USE FROM  
B1 TO D1 & D2

DRAWING TITLE

PROPOSED  
LAYOUT &  
ELEVATIONS

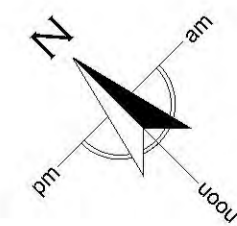
SCALE SHEET A1 DATE

1:50 &  
1:100 12/04/2018

DWNG No REV

TRINAK/02

JOB No 775





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<b>Reference:</b>	18/00942/DOV	<h1>14</h1>
<b>Application Type:</b>	Deed of Variation	
<b>Ward:</b>	Milton	
<b>Proposal:</b>	Modification of Section 106 agreement dated 30/06/2011 (as amended by Deed of Variation dated 22/06/2016) pursuant to planning permission 10/02012/EXTM, to extend the payment provisions in relation to the Education, Bus Infrastructure and Warrior Square Contributions.	
<b>Address:</b>	Part Of Former Keddies Building And Maitland House, Chichester Road, Southend-On-Sea, Essex	
<b>Applicant:</b>	Mr D Samuels of Broadway Estates Ltd	
<b>Agent:</b>	Mr D Jarman of Hobbs Parker Property Consultants LLP	
<b>Consultation Expiry:</b>	14 <sup>th</sup> June 2018	
<b>Expiry Date:</b>	20 <sup>th</sup> June 2018	
<b>Case Officer:</b>	Amanda Rogers	
<b>Recommendation:</b>	<b>Delegate to the Director of Planning and Transport or Group Manager for Planning and Building Control to AGREE A MODIFICATION OF THE PLANNING OBLIGATION dated 30<sup>th</sup> June 2011 (as amended by Deed of Variation dated 22<sup>nd</sup> June 2016) pursuant to application 10/02012/EXTM</b>	





## 1 The Proposal

- 1.1 Planning permission was granted on 30<sup>th</sup> June 2011 (10/02012/EXTM) to extend the time limit for permission 07/01276/FULM, to erect an 11 storey extension over the existing 4 storey building, erect 2 floors over the existing 11 storey building and convert the extended building into 98 self-contained flats.
- 1.2 This permission was subject to a Section 106 (S.106) agreement 30<sup>th</sup> June 2011 (as amended by Deed of Variation dated 22<sup>nd</sup> June 2016) to secure the following:
- **Bus Infrastructure Contribution** – outstanding invoice for £29,241 dated 16<sup>th</sup> November 2017 (interest to be added at 4% above base lending rate of Barclays Bank Plc from date due to date of payment)
  - **Education Contribution** – outstanding invoice for £25,841 dated 16<sup>th</sup> November 2017 (interest to be added at 4% above base lending rate of Barclays Bank Plc from date due to date of payment)
  - **Warrior Square Contribution** – outstanding invoice for £38,988 dated 16<sup>th</sup> November 2017 (interest to be added at 4% above base lending rate of Barclays Bank Plc from date due to date of payment)
  - Affordable Housing (12x1bed flats, 5x2bed flats)
  - Public art to the value of £16,321
  - Travel Plan
  - Travel Plan monitoring contribution of £3,000
  - S106 monitoring fee £4,607 paid 16/07/2014

In the case of financial contributions these are all subject to inflation as set out in the S.106. Those highlighted in **bold** are the subject of this application. The affordable housing, public art, Travel Plan, Travel Plan monitoring contribution and S.106 monitoring fee requirements set out in the S.106 and above remain unchanged.

- 1.3 Under section 106A of The Town and Country Planning Act 1990 (as amended) (TCPA) the applicant has requested the following variations:
- Clause 3.1 of the Second Schedule of the S.106 – Education Contribution payable within 60 months of Commencement of Development (as opposed to 28 days from the date of Commencement of Development previously agreed)
  - Clause 6.1 of the Second Schedule of the S.106 – Bus Infrastructure Contribution payable within 60 months of Commencement of Development (as opposed to 24 months previously agreed)
  - Clause 7.1 of the Second Schedule of the S.106 – Warrior Square Contribution payable within 14 days of completion of any Deed of Variation pursuant to this application (as opposed to 24 months previously agreed)
  - Clause 5.2 of the Deed of Variation dated 22<sup>nd</sup> June 2016 – the construction of the structural frame of the 11 storey extension comprised within the Development shall not commence before 1<sup>st</sup> June 2019 (as opposed to 1<sup>st</sup> June 2016 previously agreed)

## 2 Site and Surroundings

- 2.1 The application site is within the town centre and includes offices, a hotel and other commercial floorspace.
- 2.2 A technical start was made on the development following approval of pre-commencement conditions on 27<sup>th</sup> June 2014, in that preparation works were undertaken to allow installation of a canopy over the ground floor entrance, thus development is considered to have commenced. It is on this basis that an invoice has been issued seeking payment of the Education, Bus Infrastructure and Warrior Square Contributions as the S.106 payment triggers have passed.

## 3 Planning Considerations

- 3.1 The material planning consideration in respect of this application is whether or not the S.106 contributions set out in paragraph 1.3 can be paid at a later date whilst still allowing the Council sufficient time to deliver the infrastructure required to support the development.
- 3.2 Section 106A of the TCPA allows for an application to be made to a local authority to consider a proposed modification or discharge of a planning obligation.
- 3.3 Planning obligations can be renegotiated at any point, where the local planning authority and developer wish to do so. A planning obligation is enforceable as a contract and whether it is varied or not is at the local authority's discretion. Where there is no agreement to voluntarily renegotiate, and the planning obligation is over 5 years old, an application may be made to the local planning authority to change the obligation where it "*no longer serves a useful purpose*" or would continue to serve a useful purpose in a modified way (see Section 106A of the TCPA).
- 3.4 The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 (as amended) set out the procedure for dealing with applications to modify or discharge a planning obligation that is more than 5 years old.

## 4 Appraisal

**The National Planning Policy Framework (NPPF) and Planning Practice Guidance (NPPG), Southend Core Strategy (2007) policies KP1, KP2, KP3, CP3, CP4 and CP6; Development Management Document (2015) policy DM1, DM3 and DM15; and A Guide to Section 106 & Developer Contributions (2015)**

- 4.1 Paragraph 205 of the NPPF states the following:

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

- 4.2 In support of the submission, the applicant has submitted a detailed covering letter and provisional viability information setting out how the scheme is currently considered unviable to deliver. Due to financial concerns relating to the deliverability of the approved scheme, the applicant has requested until 1<sup>st</sup> June 2019 (60 months from Commencement of the Development) to make the Education and Bus Infrastructure Contributions. As a compromise offer, mindful of the fact that the debt has now been outstanding for some time, the applicant has also stated that the Warrior Square Contribution would be paid within 14 days of the completion of any Deed of Variation agreed. This proposal is to allow the applicant time to resolve financial matters.
- 4.3 Consideration needs to be given to whether the proposed changes in the S.106 contribution payment arrangements would prejudice the Council's ability to deliver the supporting infrastructure for this development. It is considered reasonable to negotiate triggers to suit both the Council's requirement to have time to deliver supporting infrastructure and the applicant's need to ensure the scheme's cashflow allows for payment of the sums at the specified time.
- 4.4 In this instance, it is considered reasonable to agree the proposed changes to the S.106 agreement as the development will not go ahead until at least 1<sup>st</sup> June 2019 and therefore the infrastructure need to support the development has not yet arisen. If the S.106 contributions towards education and bus infrastructure are paid before works commence on the structural frame of the extension, ample time will be available to the Council to deliver this supporting infrastructure for the development.
- 4.5 The affordable housing, public art, Travel Plan, Travel Plan monitoring contribution and S.106 monitoring fee remain unchanged from the original S.106 agreement.

## **5 Conclusion**

- 5.1 On the basis of the above, it is considered that sufficient justification has been provided to allow the following modifications to the Section 106 agreement dated 30<sup>th</sup> June 2011 (as amended by Deed of Variation dated 22<sup>nd</sup> June 2016) pursuant to planning permission 10/02012/EXTM:
- Clause 3.1 of the Second Schedule of the S.106 – Education Contribution payable within 60 months of Commencement of Development
  - Clause 6.1 of the Second Schedule of the S.106 – Bus Infrastructure Contribution payable within 60 months of Commencement of Development
  - Clause 7.1 of the Second Schedule of the S.106 – Warrior Square Contribution payable within 14 days of completion of any Deed of Variation pursuant to this application
  - Clause 5.2 of the Deed of Variation dated 22<sup>nd</sup> June 2016 – the construction of the structural frame of the 11 storey extension comprised within the Development shall not commence before 1<sup>st</sup> June 2019

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework (NPPF) 2012 and National Planning Practice Guidance (NPPG).



- 6.2 Development Plan Document 1 (2007): Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance) and CP6 (Community Infrastructure).
- 6.3 Development Management Document (July 2015): Policy DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management).
- 6.4 Supplementary Planning Document 2: A Guide to Section 106 & Developer Contributions (2015).

## 7 Representation Summary

- 7.1 None received.

## 8 Public Consultation

- 8.1 Site notice posted.

## 9 Relevant Planning History

- 9.1 22<sup>nd</sup> June 2016 (14/01054/DOV): Modification of planning obligation dated 30<sup>th</sup> June 2011 pursuant to application 10/02012/EXTM to allow payments to be made within 24 months of commencement of development – **agreed**.
- 9.2 30<sup>th</sup> June 2011 (10/02012/EXTM): Conditional planning permission granted to *“Erect 11 storey extension over existing 4 storey building, erect 2 floors over existing 11 storey building, convert extended building into 98 flats (application to extend the time limit for implementation following planning permission 07/01276/FULM granted 31/03/2008)”*.
- 9.3 31<sup>st</sup> March 2008 (07/01276/FULM): Conditional planning permission granted to *“Erect 11 storey extension over existing 4 storey building, erect 2 floors over existing 11 storey building, convert extended building into 98 flats (Amended Proposal)”*.

## 10 Recommendation

- 10.1 Members are recommended to delegate to the Director of Planning and Transport or Group Manager for Planning and Building Control to **AGREE A MODIFICATION OF THE PLANNING OBLIGATION** dated 30<sup>th</sup> June 2011 (as amended by Deed of Variation dated 22<sup>nd</sup> June 2016) pursuant to planning permission 10/02012/EXTM to secure the following provisions:
- Clause 3.1 of the Second Schedule of the S.106 – Education Contribution payable within 60 months of Commencement of Development
  - Clause 6.1 of the Second Schedule of the S.106 – Bus Infrastructure Contribution payable within 60 months of Commencement of Development
  - Clause 7.1 of the Second Schedule of the S.106 – Warrior Square Contribution payable within 14 days of completion of any Deed of Variation

pursuant to this application

- Clause 5.2 of the Deed of Variation dated 22<sup>nd</sup> June 2016 – the construction of the structural frame of the 11 storey extension comprised within the Development shall not commence before 1<sup>st</sup> June 2019



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