

Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 9th January, 2019

Time: 2.00 pm

Place: Committee Room 1 - Civic Suite

Contact: Tim Row - Principal Democratic Services Officer

Email: committeesection@southend.gov.uk

A G E N D A

1 Apologies for Absence

2 Declarations of Interest

3 Supplementary Report

**** Introduction

**** Reports on Pre-Meeting Site Visits

4 18/00810/FULM - 10 Fairfax Drive, Westcliff-on-Sea (Prittlewell Ward)
(Pages 7 - 82)

5 18/01963/FULM - Development Land at Priory Crescent
(St Laurence Ward) (Pages 83 - 132)

6 18/01749/FUL - 112 The Fairway, Leigh on Sea (Belfairs Ward)
(Pages 133 - 150)

7 18/02048/FUL - Clements House, 1279 London Road, Leigh on Sea
(Belfairs Ward) (Pages 151 - 172)

8 18/02094/FUL - Harcourt House and Northfield House, Baxter Avenue,
Westcliff on Sea (Victoria Ward) (Pages 173 - 236)

9 18/01527/AMDT - 11 Leigh Park Road, Leigh-on-Sea (Leigh Ward)
(Pages 237 - 282)

TO: The Chairman & Members of the Development Control Committee:

Councillor D Garston (Chairman)

Councillors B Arscott (Vice-Chairman), 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.

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DEVELOPMENT CONTROL COMMITTEE

AGENDA: 9th January 2019

| WARD | APP/REF NO. | ADDRESS |
|------------------------------|--------------------|--|
| Pre Site Plans Report | | |
| Prittlewell | 18/00810/FULM | 10 Fairfax Drive Westcliff-On-Sea |
| St Laurence | 18/01963/FULM | Development Land At Priory Crescent |
| Belfairs | 18/01749/FUL | 112 The Fairway Leigh on Sea |
| Belfairs | 18/02048/FUL | Clements House 1279 London Road |
| Victoria | 18/02094/FUL | Harcourt House And Northfield House Baxter Avenue |
| Leigh | 18/01527/AMDT | 11 Leigh Park Road Leigh-On-Sea |

DEVELOPMENT CONTROL COMMITTEE

DEVELOPMENT CONTROL COMMITTEE

INTRODUCTION

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

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

Background Papers

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

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

DEVELOPMENT CONTROL COMMITTEE

Use Classes

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

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

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

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

DEVELOPMENT CONTROL COMMITTEE

SITE VISIT PROTOCOL

1. Necessity

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

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

2. Selecting Site Visits

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

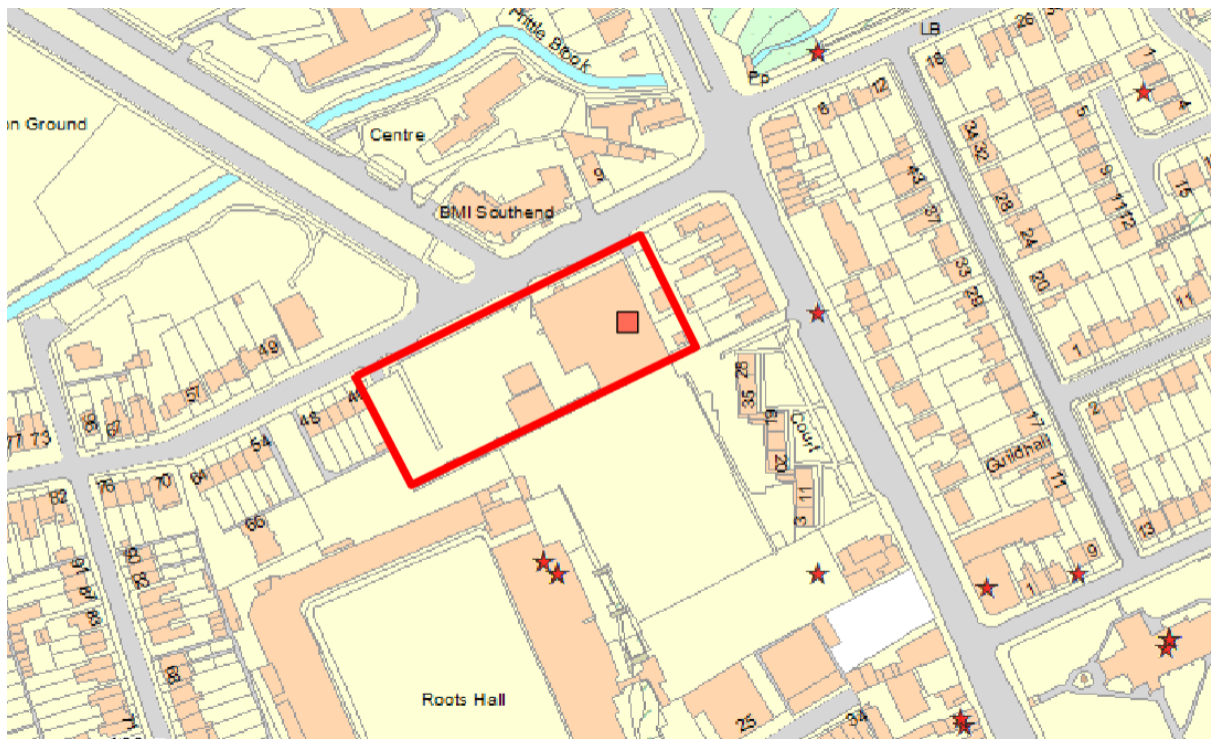
3. Procedures on Site Visits

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

Version: April 2016

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| | | |
|-----------------------------|--|----------|
| Reference: | 18/00810/FULM | 4 |
| Ward: | Prittlewell | |
| Proposal: | Demolish existing buildings, erect three blocks of three, four and five storeys comprising of 92 self-contained flats with balconies and parking at ground floor level, landscaping, amenity space, associated works including highway alterations and alteration of existing access onto Fairfax Drive (Amended Proposal) | |
| Address: | 10 Fairfax Drive, Westcliff-on-Sea, Essex, SS0 9AG | |
| Applicant: | Weston Homes PLC | |
| Agent: | N/A | |
| Consultation Expiry: | 06.09.2018 | |
| Expiry Date: | 16.01.2019 | |
| Case Officer: | Charlotte White | |
| Plan Nos: | WH181/17/P/35.01, WH1XX/17/P/05.01, AP234-P008 Rev E, AP234-P009 Rev E, AP234-P010 Rev E, WH181/18/P/05.02, AP234-P002 Rev E, AP234-P003 Rev E, AP234-P004 Rev F, AP234-P005 Rev E, AP234-P006 Rev E, AP234-P007 Rev E, AP234_201, PL1610.1.GA.300 01, PL1610.1.G1.301 01, PL1610.1.GA.302 01, PL1610.1.GA.200 01, PL1610.1.GA.201 01, PL1610.1.GA.101 02, PL1610.1.GA.102 02, PL1610.1.GA.100 02, PL1610.1.GA.202 01, PL1610.1 Planting schedule, 170429-TK07 Rev. A, 170429-05 Rev. C. | |
| Recommendation: | Delegate to the Director of Planning and Transport or the Group Manager Planning and Building Control to GRANT PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended). | |



1 The Proposal

- 1.1 The application proposes to demolish the existing buildings on the site and to erect 3 blocks of flats, varying between 2 and 5 storey in height, totalling 92 units (40x1-bed, 48x2-bed and 4x3-bed), together with associated surface parking for 92 vehicles, a ratio of one per unit. The proposal includes amenity space, landscaping and associated works. This is a stand-alone development but the applicant has provided explanatory comments on how the scheme might tie in to a wider redevelopment of the adjacent Roots Hall site should one come forward.
- 1.2 In terms of its overall form, a single, five storey building (Block C) would sit directly opposite the junction of Fairfax Drive and Prittlewell Chase flanked by two further buildings; Block A/B to the west (2 to 4 storeys) which continues the form of the existing residential terrace and then returns into the depth of the site and Block D/E to the east, which is 4 to 5 storeys which addresses the street frontage and then returns into the depth of the site. Blocks A/B and D/E would step up in height rearward by a storey. Between these buildings a one-way loop road would wrap behind Block C with the main vehicular entrance to its east by the existing Prospects House entrance, and the exit further to its west, close to the existing service yard access. The one-way access will utilise and improve two of the existing access points.
- 1.3 The proposed buildings are set back to follow the established building line along Fairfax Drive and to provide street frontage landscape and tree planting. 92 surface and undercroft parking spaces are provided within the site. Areas of amenity space are provided in two enclosed, landscaped, courtyard gardens to the eastern and western flanks of the development and two first floor raised amenity decks are proposed on the eastern and western sides of the development above the undercroft parking areas.

- 1.4 Materials include dark and light facing brick, textured masonry, cladding, clear glazed windows, glazed balconies, spandrel panels and aluminium louvres. The bricks proposed constitute Istock Leicester Weathered Multi red bricks, Istock Leicester yellow multi stock, with textured masonry detailing, Rockpanel grey cladding panels (RAL 7016), UPVC grey windows (RAL 7016), spandrel panels (RAL 7016) and aluminium louvres (RAL 7016).
- 1.5 Hard landscaping materials include macadam surfacing, granite sett paving, granite slabs, granite setts, natural stone stepping stones and gravel. The access road will be finished in macadam with the surface parking spaces finished with granite sett paving. To the front of the site there will be tree planting, lawn and evergreen hedge planting. Trees will be provided throughout the site.
- 1.6 The first floor amenity decks will include timber seating and macadam paths, gravel garden ornamental shrub and groundcover planting, lawn, ornamental shrub and herbaceous planting, evergreen hedge planting and semi-mature tree planting. The ground floor courtyards include timber seating, bespoke timber pergolas, granite slabs and granite sets with lawn, evergreen hedge planting, ornamental shrub and herbaceous planting and semi-mature tree planting.
- 1.7 The amended planning statement submitted states: *'Affordable housing will be provided on site as part of the development. 9 units are proposed to be affordable shared ownership within blocks A/B.'* As such affordable housing at a level of 10% is proposed with 7x 1-bed and 2x 2-bed shared ownership offered.
- 1.8 The application is supported by a Planning Statement, Design and Access Statement, Transport Assessment, Travel Plan, Extended Phase 1 Habitats Report, Archaeological Desk Based Assessment, Environmental Noise Assessment Contaminated Land Survey, Energy Report, Flood Risk Assessment/Drainage Strategy, sustainability energy statement, construction method statement, pre-construction information, Statement of community involvement, car park management and waste strategy, water efficiency calculator, report on ground investigation, phase II ground investigation and generic risk assessment report, construction phase health and safety plan and viability assessment.
- 1.9 The application was subject of a call in request to the Development Control Committee by Cllr D Garston.
- 1.10 An appeal was lodged against non-determination of a similar planning application under reference 17/01115/FULM. The appeal is yet to be determined. At the Development Control Committee on 4th April 2018 the Committee resolved that had an appeal for non-determination not been submitted, Members would have resolved to grant planning permission subject to the completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended). The main changes proposed as part of this application include:
- Rather than below ground car parking, surface and undercroft parking is now proposed.
 - The height of the rear sections of blocks A/B and D/E have been increased by approximately 1.2m to provide additional 3rd floor flats at the rear of block A/B and additional 4th floor flats at the rear of block D/E and will be extended slightly.

- A total of 92 units are still proposed, however, the dwelling mix has changed from 41x 1-bedroom units, 47x 2-bedroom units and 4x 3-bedroom units to 40x 1-bed, 48x 2-bed and 4x 3-bed under this current proposal.
- Reorganisation of some of the internal spaces including the removal of internal changes in levels between floors within blocks A/B and D/E
- The affordable housing offer has been reduced from a policy compliant 30% to 10% and a viability assessment has been submitted with this current application.
- It is no longer to proposed to provide a physical barrier in the highway of Fairfax Avenue to physically prevent right turns into the site.

2 Site and Surroundings

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

2.5 The site lies within Flood Risk Zone 1 (low risk).

3 Planning Considerations

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

4 Appraisal

Principle of the development

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2, CP6, CP8; Development Management Document (2015) Policies DM1, DM3, DM5, DM7, DM10, DM11 and DM15, the Design and Townscape Guide (2009), Southend Central Area Action Plan (SCAAP) (2018) Policies PA8, DS2 and DS3.

4.1 The Core Strategy confirms that the primary focus of regeneration and growth within Southend is in Southend Town Centre and the Central Area. The Southend Central Area Action Plan (SCAAP) provides a more detailed and comprehensive planning policy framework for the town centre, to guide future development decisions.

4.2 The application site is brownfield land within the Southend Central Area. It is also part of the 4.24ha Roots Hall, Victoria Avenue site identified within the 2017 Strategic Housing Land Availability Assessment identified for residential development.

4.3 Policy PA8 sets principles for development in the Victoria Gateway Neighbourhood Policy Area, of which the application site forms part. This policy confirms that the Council will look favourably on high quality developments which can demonstrate that they will contribute to the transformation of this area into a vibrant community, integrated with the surrounding neighbourhood and set within a remodelled built form, of a quality that befits this key gateway to the Town Centre.

4.4 Policy PA8 also seeks to conserve existing landmark buildings and ensure that new development respects views to and from them, their setting and character, in line with Policy DS3: Landmarks and Landmark Buildings.

- 4.5 Policy DS2 confirms that new development within Southend Central Area will be expected to demonstrate that it is compatible with and/or enhances Key Views of St Mary's Church. Policy DS3 confirms that the Council will seek to conserve landmarks and landmark buildings as identified in Table 2 and Appendix 3 from adverse impact by: a) encouraging the provision of open spaces and public realm improvements which provide views to landmarks or landmark buildings or enhance their setting; b) resisting adverse impacts of new development by virtue of excessive height, massing or bulk; and c) ensuring development proposals respect views, setting and character.
- 4.6 Policy KP1 of the Core Strategy seeks the provision of additional homes within the Town Centre. Policies KP2 and CP4 of the Core Strategy seek development that makes the best use of land and is sustainably located. Policy CP1 of the Core Strategy states that permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.
- 4.7 Policy CP2 seeks to support the Town Centre as a regional centre including mixed-use development. A stated aim of Policy CP3 is to reduce reliance on the car in new development. Policy CP8 of the Core Strategy identifies the need for 6,500 homes to be delivered within the whole Borough between 2001 and 2021 and seeks that 80% or more of residential development be provided on previously developed land. Policy DM1 of the Development Management Document seeks to promote successful places.
- 4.8 Policy DM1 seeks design quality that adds to the overall quality of an area and respects the character of a site and its local context. Policy DM3 seeks to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification. Policy DM7 states that the Council will seek to support a range of dwelling sizes and types to meet the needs of people with a variety of different lifestyles and incomes. Through Policy DM8 the Council seeks appropriate flexibility and dimensions within internal accommodation to meet the changing needs of residents. Policy DM10 seeks to promote sustainable economic growth by increasing the capacity and quality of employment land, floor space, and jobs through new development. Policy DM15 states that development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.
- 4.9 The proposal would involve the loss of a potential employment-generating land use. However the site is not a designated 'employment-generating' use further to Policy DM11. Loss of the D1 training centre use came about as part of the former Prospects College relocation, in part funded by the sale of this site. Taking the above into consideration, including that there has been no net loss of educational space it is not considered that there is any requirement to safeguard the site as a community facility under Policy CP6.

- 4.10 The principle of using this brownfield land for residential purposes is therefore considered acceptable under Policies KP1, KP2, CP4, CP6 and CP8.
- 4.11 The principle of the form and nature of the application site's redevelopment and strategic impact also needs to be considered having regard to the effect on landmark views of St Mary's Church, required under Policies DS2 and DS3. It is considered that although a development of the scale sought would be seen generally in the context of St Mary's, the local topography here is such that, with land rising southwards away from the application site, the new built form on this site would not, in principle, cause an adverse effect on views of the church when seen from vistas around the application site notably from Fairfax Drive and from further beyond in Prittlewell Chase to the north. It is not considered that the scheme would harm the setting of the listed building.
- 4.12 The application site has been subject of past, comprehensive proposals which sought to regenerate the Roots Hall stadium site together with land around its periphery, including the current application site. All related permissions for such wider redevelopment have expired. However submission of a further planning application, specifically for redevelopment of the existing Roots Hall stadium site, is anticipated in association with the current separate planning application under consideration for a new replacement football stadium and associated development at Fossetts Farm (17/00733/FULM).
- 4.13 It would be preferable to consider the redevelopment and wider regenerative role of the current application site simultaneously with further redevelopment proposals for the Roots Hall site. However it is considered that this cannot be insisted upon nor can the Council reasonably withhold determination of the current application on that basis. This is because the proposals presented here for the Prospects College site are entirely self-contained i.e. they do not rely upon the adjacent Roots Hall site for any fundamental design components such as access. Furthermore the essential form and layout of this proposal have been designed so as not to rely upon, nor to materially prejudice, the redevelopment potential of the adjacent Stadium site. For example habitable rooms in this proposed development would not rely on outlooks across site boundaries to the south. Equally the Roots Hall site is sufficiently large that any constraints created by the prior redevelopment and presence of new buildings within the current application site could be addressed through design.
- 4.14 Commenting on how the scheme might tie in to the wider redevelopment of the Roots Hall site, the applicants' Planning and Design and Access Statements confirm that this proposal is the first phase of a potential wider redevelopment ultimately encompassing the Roots Hall site and St Mary's Court. Although this is not an element being assessed under this application, the applicants demonstrate how the lay out of their proposed development has given consideration to the possibility of a wider masterplan for the Roots Hall site in future. The applicant states that this ensures that the redevelopment of Roots Hall will not be prevented by this development and that the two can be satisfactorily integrated.

- 4.15 Therefore the effect of this site's development on the future development potential of the Roots Hall site is primarily an issue to be addressed at the appropriate time by the designers of any future redevelopment proposals submitted for the Roots Hall site. Whether such a proposal comes forward in practice is a matter for the respective site developers. Officers do not consider that this issue alone would constitute a materially defensible reason for opposing the principle of this site's redevelopment in its self-contained form or for the residential purposes proposed.
- 4.16 In the above regards, the considerations relevant to the principle of the development are not materially different from the position resolved by the Development Control Committee in April 2018 that such redevelopment of this site would be acceptable and policy compliant.

Housing mix

- 4.17 To create balanced and sustainable communities in the long term, it is important that future housing delivery meets the needs of households that demand private market housing and also those who require access to affordable housing. Providing dwellings of different types, including tenure and sizes, helps to promote social inclusion by meeting the needs of people with a variety of different lifestyles and incomes. A range of dwelling types provides greater choice for people seeking to live and work in Southend and will therefore also support economic growth. So the Council seeks to ensure that all residential development provides a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing, to reflect the borough's housing need and housing demand. Policy DM7 of the Development Management Document requires all residential development to provide a mix of dwelling size and type.
- 4.18 The Strategic Housing Market Assessment (SHMA) has identified a shortage of family accommodation in Southend, despite an acute demand for this type of dwelling. Consequently, to address this shortfall and meet demand, residential development proposals will normally be expected to incorporate suitable family accommodation. The provision of high quality, affordable family homes is an important strategic housing priority in Southend and the Core Strategy highlights a need to retain a stock of larger family housing.
- 4.19 Policy DM7 states:

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

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

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

and the Council's preferred Affordable Dwelling Mix is :

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

4.21 The proposal comprises the following:

| Size/ No bedrooms | 1 Bed | 2 Bed | 3 Bed | 4 Bed |
|--------------------------|--------------|--------------|--------------|--------------|
| Proportion of dwellings | 44% | 52% | 4% | 0% |

4.22 The mix proposed under reference 17/01115/FULM which Members resolved to grant planning permission for, had an appeal on non-determination not have been submitted was:

| Size/ No bedrooms | 1 Bed | 2 Bed | 3 Bed | 4 Bed |
|--------------------------|--------------|--------------|--------------|--------------|
| Proportion of dwellings | 45% | 51% | 4% | 0% |

4.23 It is proposed to provide 10% affordable housing (9 dwellings) which would comprise shared ownership (7 x 1-bed and 2 x 2 bed units) within block A/B.

4.24 The proposed dwelling mix does not exactly reflect the Council's preferred dwelling mix. However, a mix of units is provided. It is also noted that Members resolved to grant planning permission, had the appeal against non-determination not have been submitted under reference 17/01115/FULM which provided a very similar housing mix (45% 1-bed units, 51% 2-bed units and 4% 3-bed units). Taking account of the site context and nature of development proposed, it is considered that the above mix, which includes an element of larger 3 bedroom units capable of family occupation plus over 50% two bed roomed units, would make a satisfactory and policy compliant contribution to the Council's housing policy objectives. The affordable housing contribution proposed is considered below.

4.25 It is therefore considered that the principle of this form of development at this location is acceptable in light of the above policies and the SCAAP. Detailed matters are considered specifically below.

Design, regeneration, the impact on the character of the area and heritage

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2, CP4; Development Management Document (2015) Policies DM1, DM3 and DM5, Southend Central Area Action Plan (2018) Policies PA8, DS2 and DS3 and the advice contained within the Design and Townscape Guide (2009).

- 4.26 Paragraph 124 of the NPPF states *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*
- 4.27 The need for good design is reiterated in Policies KP2 and CP4 of the Core Strategy DM1 and DM3 of the Development Management Document and in the Design and Townscape Guide.

Scale and massing

- 4.28 The application site is on the edge of a main transport corridor leading to the Town Centre. The mix of land uses and varying topography here have created a mixed pattern of building types, formats, scale and massing with no overall single distinctive urban grain. Development to the south and east is represented mainly by the stadium site and predominantly two storey commercial buildings in Victoria Avenue, south of which are four storey flats. To the west, Fairfax Drive contains modest two storey housing to its south side next to the site and opposite this moving towards the west on the north side of Fairfax Drive.
- 4.29 Immediately opposite the site the street scene setting is wider and more open and spacious in aspect, reflecting the major intersection between Fairfax Drive and the dual carriage way of Prittlewell Chase where a two storey clinic on its eastern corner has massing which is equivalent to a three storey residential building. As well as rising significantly towards the south, the land levels rise westward more modestly along Fairfax Drive. When seen from a distance, development on the application site would sit at the base of these surrounding, predominantly rising land levels and surrounding built form which varies in scale and character. This has been a significant consideration for officers when assessing the visual impact of the new development and its effect on the prevailing character of the surroundings.
- 4.30 With the exception of its relationship to No 40 Fairfax Drive and the terrace towards its west, the proposed development would not sit immediately next to existing built form which would otherwise set a more marked constraint for scale or design. The site is some 120m wide. Within this area of varied character, building forms and masses, officers consider that the site is capable of establishing its own identity and making a transformative visual contribution within the street scene. The site width enables the development to achieve a scale, massing and layout relationship between the proposed new buildings on the site itself without jarring with characteristic features of interest such as the wide setting of the intersection, the green setting of the dual carriageway or the strategic backdrop view of St Mary's Church.
- 4.31 The proposed central pavilion (Block C), maximum plan dimensions 22.4m x 23.4m is five storeys (15.4m max) in height and incorporates two, four-storey wings projecting over main entrances either side, each some 12.5m in height.

All of the proposed buildings, particularly the central pavilion, will appear significantly taller than existing buildings in the Fairfax Drive street scene but the latter is purposely designed to form the focal point in long views of the site from Prittlewell Chase with adjoining new buildings subservient to the scale of that primary Block C.

- 4.32 To the east, proposed four and five storey Block D/E (max 15.4m height) steps down to 3 storeys (9.5m in height) in response to the scale of the existing buildings on the Victoria Avenue frontage.
- 4.33 To the west, proposed three and four storey Block A/B (max 12.5m height) steps down to 2 storeys (6.4m height) to form a visual continuation of the existing flat-roofed residential terrace commencing at 40 Fairfax Drive.
- 4.34 Seen in this context the proposed 2 to 5 storey scale is considered to be complimentary to the surrounding built environment and not excessive in scale, particularly when the surrounding topography is considered. In regards to its essential scale, mass and form the development now proposed is materially the same, especially in respect of streetscene impact, as the previous scheme considered to be acceptable by the Development Control Committee. The increased height of the rear elements of blocks A/B and D/E over and above that proposed under reference 17/01115/FULM are contextually modest and acceptable. It is considered that the scales of the individual blocks and proposed disposition of built form within the development would strike an acceptable balance between achieving compatibility with the lower neighbouring buildings at the site margins whilst enabling a suitably higher density development which sets its own character and identity without materially harming the setting of the street scene.

Layout, building arrangement and external materials

- 4.35 Some 44 of the 92 on-site car parking spaces are proposed within two areas of undercroft to the rear of the site. Unlike the previous application (17/01115/FULM) these car park areas are no longer sunken into the ground, as a result the rear elements of the buildings have been increased by approximately 1.2m compared to the previous scheme. The deck forming the roof of the car parks and the landscaped courtyard gardens are now more elevated than the previous scheme and will be some 2m above the natural ground level to the east of the site and some 0.3m above the natural ground levels to the west. The raised deck at block B would be some 1.6m above the adjoining ground level at the adjoining football club car park and the raised terrace at block D would be some 0.6m above the ground level at the adjoining football club car park.
- 4.36 Given the varying character of the site's setting, in particular the currently inharmonious composition of the streetscape to the eastern part of Fairfax Drive, the design of the proposal is predicated on the basis that there are no particularly strong architectural precedents in the locality except that there is a predominance of white painted render in the street scene. It is in this context that the applicant proposes a contemporary architectural approach to the design. External finishes incorporate a dark facing brick and a contrasting light coloured brick to reflect the wide use of render but to achieve future durability.

This also references the two short Fairfax Drive terraces of flat roofed houses on the site's western boundary which retain a common compositional theme comprising central projecting square bays with setback main entrances between.

- 4.37 All of the new blocks will be set back to broadly follow the established building line along Fairfax Drive. This respects the relationship with the existing two storey terrace to the west and enables introduction of an enhanced zone of street frontage landscape and avenue tree planting which is welcomed. An element of on street, surface car parking will be included towards the rear of the site so the development would maintain a strong, positive, landscaped street frontage, uninterrupted by car parking.
- 4.38 Viewed comprehensively it is considered that the resulting massing, design, layout and use of external materials would both complete the missing street frontage over this significant section of Fairfax Drive and is suitably responsive to the mixed character of uses and buildings around the site and its gateway location. The arrangement of new buildings also enables the opening up of views south to the Roots Hall future development site, St Mary's Church and the town centre and beyond. The above is therefore considered to comply with Policies KP2, CP4, DM1, DM3, DS2 and DS3 and is consistent with the layout, building arrangement and external materials found acceptable in the previous scheme and is therefore acceptable.
- 4.39 The Archaeology desk top study submitted in support of the application concludes that the site has a low theoretical archaeological potential and does not identify any need for additional mitigation measures.
- 4.40 The development is therefore acceptable and policy compliant in the above regards.

Impact on amenity of future occupiers and neighbours to the development

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2, CP4, CP8; Development Management Document (2015) policies DM1, DM3, DM8, Southend Central Area Action Plan (2018) Policy PA8 and the guidance contained within the Design and Townscape Guide (2009) and the National Technical Housing Standards (2015)

- 4.41 Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments *'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...'*
- 4.42 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on future and surrounding occupiers.
- 4.43 Policy DM1 of the Development Management Document requires that development provide an internal and external layout that takes account of all potential users.

Living conditions for future occupiers

- 4.44 Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents.
- 4.45 Delivering high quality homes is one of the Government's requirements within the NPPF. From the 1st October 2015 Policy DM8 of the Development Management Document has been superseded by the National Housing Standards concerning internal floor space standards.
- 4.46 It is considered that most weight should be given to the Technical Housing Standards of which the parts relevant to the proposal are:
- Minimum size requirements for 1 bedroom 2 bed space units of some 50sqm, for 2 bedroom 3 bed space units of some 61sqm, for 2 bedroom 4 bed space units of some 70sqm, requirement for 3 bedroom 5 person units of some 86sqm and the requirement for 3 bedroom 6 person units of some 95sqm.
 - Minimum floor area for bedrooms to be no less than 7.5sqm for a single bedroom with a minimum width of 2.15m; and 11.5sqm for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
 - Floor space with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floor space shall be counted.
 - A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

Weight should also be given to the content of Policy DM8 which states the following standards in addition to the national standards.

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home.

Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.

- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

- 4.47 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations which requires accessible and adaptable dwellings. It is considered that these standards should now provide the basis for the determination of this application.
- 4.48 The schedule of room units sizes supplied with the application demonstrates that all of the proposed development will meet the National Technical standards for individual unit and bedroom sizes. The development is acceptable and policy compliant in this respect.
- 4.49 However, not all blocks are served by lifts to all floors. Like in application reference 17/01115/FULM, block A/B will not be served by a lift which is a negative aspect of the proposal as these units would not be accessible for all residents regardless of disability or tenure.
- 4.50 During the previous application under reference 17/01115/FULM concerns were raised that block A/B which contained the affordable housing did not contain a lift. Officers initially approached this issue concluding that, in principle, it was not achieving a tenure-blind position and was therefore unacceptable. Extensive discussion took place with the applicants as to why they are opting not to accede to officers' request that they incorporate a lift in block A/B. Supported by independent responses provided by the Registered Social Landlords (RSLs) with whom the applicants have been engaged as potentially occupying the finished development, the applicants explain that they find that provision of lifts has a direct impact on service charges of their schemes. The RSLs' position is that where schemes are 3 storey or below (as is the case with Block A/B), they seek to avoid the provision of a lift, given the initial capital costs of the lift (and the lift shaft and pit) as well as the ongoing future maintenance costs that this introduces. On schemes of more than 3 storeys, the RSLs responded that they would be happy for a lift provision as the extra cost and maintenance of the lift can be shared between a higher number of homes, reducing the service charge costs. They also state that they would typically request that any wheelchair homes are located on ground level. It is noted that the Council's development plan policies on this issue make it clear that exceptions to meeting accessibility standards can be made on grounds of viability in certain cases (Policy DM8 refers).
- 4.51 In response to the Council's concerns and the RSLs' response the mix of accommodation, officers previously suggested that the proposed layout within block A/B be further adjusted to re-locate those units oriented more to families and those adaptable for wheelchair users to the ground floor of the block. However the applicant previously decided to retain the proposal as submitted under reference 17/01115/FULM.

Officers have remaining concerns that the absence of a lift creates a lesser degree of accessibility for the affordable housing units and other units in block A/B but given the explanation given by the RSLs; the fact that Block A/B is no higher than three storeys; and the position that the operational/ tenant cost argument that was previously, robustly posited by the applicants and their RSL partner, it is considered that the absence of a lift in Block A/B would be unlikely to be sustainable as a solitary reason for refusal for the proposal if it is otherwise deemed acceptable in all other regards. It is also the case that the absence of a lift did not form a reason for opposing the previous application.

- 4.52 All habitable rooms will be provided with sufficient windows and openings to provide adequate light, ventilation and outlook. Secondary windows have been introduced to the south facing elevations of Block A/B and D/E to improve natural day lighting levels for those units closest to the Roots Hall Stadium boundary.
- 4.53 The proposal has a good level of access for all units to outdoor amenity space through private balconies and semi-private landscaped communal amenity space. The majority of units benefit from a private balcony or roof terrace suitable for seating, dining and drying clothes and are positioned conveniently, connecting to the dining/living rooms of each unit.
- 4.54 In addition to the individual balcony/terrace provision above, future residents will have access to approximately 750 sq.m of semi-private communal amenity space, provided in enclosed gardens next to blocks A/B and D/E, plus a communal roof terrace on the 5th floor of the central block, C. The gardens are split into different levels, landscaped to promote a degree of privacy between different users, benefit from natural surveillance from habitable rooms, and contribute to the urban greening of the area. The development is some 100m walking distance from the Priory Park entrance and the local play area and some 130m from the recreation ground located off Prittlewell Chase. The total provision of outdoor amenity space for residents is considered acceptable and compliant with the objectives of Policies CP8, DM3 and DM8. In these regards the proposal is materially unchanged from the previous scheme.
- 4.55 The Noise Assessment submitted in support of the application has considered the site's prevailing noise climate and assesses potential noise impacts that may affect the proposed development and its future occupiers. The assessment concludes that standard double glazing will address any potential noise concerns related to road traffic noise, predominantly in Fairfax Drive and would achieve the relevant internal standard in British Standard 8233. The main outdoor amenity areas will be enclosed by blocks A and B and blocks D and E which will act as sound barriers, ensuring acceptable noise levels are achieved within these amenity areas. The same applies to the development's relationship to the southern (stadium) boundary. The Noise Assessment's conclusions have been reviewed by the Council's Environmental Health Service and have been found to be acceptable subject to the conditions incorporated at the end of this report.

Impact on neighbouring occupiers' amenity

- 4.56 Policies DM1 and DM3 of the Development Management Document and Policy CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours as protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 4.57 The proposed development is laid out in a conventional rectilinear manner. Its principal aspect is to the north onto Fairfax Drive with return, main building frontages facing towards the eastern and western boundaries and inwards to the site between these respective blocks. The rear elevation of Block C would be some 20m from the southern boundary shared with the Roots Hall Stadium site.
- 4.58 A minimum distance of 11m would exist between main habitable rooms and the eastern boundary. The adjoining buildings here fronting Victoria Avenue contain ground floor commercial and residential flats above. In addition there exists, between the rear of the Victoria Avenue properties and the application site, an access route some 3m wide such that it is considered that no materially harmful levels of overlooking or invasion of privacy would result.
- 4.59 A distance of 13.5m would be retained between west facing habitable rooms and the nearest residential boundary (40 Fairfax Drive). No 40 has no main flank windows and has a single storey rear addition. This property would experience a changed relationship with the application site which is currently comparatively open so there is potential for an increased perception of overlooking as the new development projects back across four floors into this western part of the site with a number of westward facing habitable room windows and balconies. However those windows and balconies are designed to primarily overlook the new development's amenity area. Furthermore, due to the design and layout, south facing balconies in the new development, screened to their sides, would to a material extent, mitigate the effect of westward overlooking from windows and balconies in the internal corner of Block A/B.
- 4.60 The oblique relationship between habitable rooms/ balconies further into the southern depth of the site would achieve a minimum distance of some 18m between balconies serving the new flats and the rear wall of No 40 Fairfax Drive. It is considered that block A/B would not unduly dominate the rear garden scene and rear outlook of houses to the west. Nor would any levels of direct overlooking be so significant as to represent material harm warranting refusal on privacy grounds. In these regards the current proposal is materially similar to the previous scheme.
- 4.61 The alteration to remove the semi-basement parking to the rear of the site would result in the amenity decks and their visibility screens being higher than the previous scheme. The amenity deck would be located some 2m above the natural ground level to the west and some 0.3m above the natural ground level to the east. However, the deck at block A/B would be adjacent to the vehicle hire company storage site rather than the gardens of the adjoining dwellings and the raised amenity deck to block D/E would not be significantly higher than the natural ground level to the east of the site and there is an intervening access road between the site and the nearest dwellings to the east. No material harm would result so the development is acceptable and policy compliant in this respect.

- 4.62 An overshadowing plan has been provided within the Design and Access Statement which indicates that the dwellings to the west would suffer some early morning overshadowing and the dwellings to the east would suffer some overshadowing late afternoon. However, given the limited extent and time of such overshadowing it is not considered that this would result in any material harm to the residential amenity of the adjoining residents. Whilst there would be some overshadowing caused between the blocks, this would also be for limited periods of the day and it is considered that sufficient levels of day light would be provided within the development. The development is therefore acceptable and policy compliant in this respect.
- 4.63 Subject to incorporation of a privacy screen strategy designed to prevent material invasion of privacy the proposed roof terraces are considered to be acceptable. Such a strategy can be secured through a planning condition.
- 4.64 Planning conditions are also recommended to control the development's impact on neighbours arising from construction/ demolition operating hours, construction method and similar environmental considerations.
- 4.65 Subject to the conditions described above and reflected in Section 10 of this report, the development's impact on the amenity of future occupiers and neighbours to the development is therefore considered acceptable and compliant with policy objectives.

Traffic and Transportation

National Planning Policy Framework (2018), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) Policy DM15 of the Southend-on-Sea Development Management Document (2015), Southend Central Area Action Plan (2018) Policy PA8 and the guidance contained within the Design and Townscape Guide (2009)

- 4.66 Policy CP3 of the Core Strategy (2007) seeks to widen travel choice and improve road safety. Policy DM15 of the Development Management Document states that one off-street parking space should be provided for each flat.

Access

- 4.67 The four existing vehicular accesses into the site will be replaced with two new priority junctions in Fairfax Drive and there will be 4 pedestrian and cycle accesses into the site. Vehicular circulation will be one way with traffic entering via the eastern access and leaving via the western access. The eastern access will be limited to left-turn movements only to remove risk of conflict between traffic waiting to turn right from Fairfax Drive into Prittlewell Chase and traffic waiting to turn right into the application site or right out of the application site. Previously a physical barrier was proposed in Fairfax Drive to physically prevent this manoeuvre. This application no longer seeks to provide a physical barrier, but this manoeuvre will be prevented with a traffic regulation order and the shape of the junction of the eastern entrance to the site has been designed to make any right hand turns difficult. As such, the access arrangements, whilst different to the 2017 application are still considered acceptable and will not result in any harm to highway safety in this respect.

- 4.68 The car park management and waste strategy states '*A stage 1 Road Safety Audit has been completed which has been demonstrated using swept path analysis that large vehicles can exit in one manoeuvre onto Fairfax Drive in either direction. Proximity to existing junctions and traffic islands have all been assessed and considered acceptable.*'
- 4.69 The Highways Team have raised no objection to the access proposed, and have commented that signage and road markings to reinforce the one way system will be required throughout the site. The access proposed is therefore acceptable and policy compliant in this respect.

Traffic generation

- 4.70 Consideration has been given to the previous use of the site which included Prospects College and a vehicle hire company. All previous uses generated a significant number of daily vehicle movements using a similar western egress onto Fairfax Drive as the proposed development. When comparing the previous uses with the proposed use there is an increase in the vehicle movements generated as a result of the development. The Transport Assessment submitted concludes that the development would result in de minimis (i.e. minimal) change in the performance of local junctions and provides safe and suitable access to the application site and the Highways Team have confirmed that this is not considered to have a detrimental impact upon the public highway in the vicinity and surrounding areas of the site. It is also noted that the site is located in a sustainable location with good links to bus and rail services and is in close proximity and the Prittlebrook cycle route network that provides wider access to the town centre and Leigh on Sea.

Car Parking

- 4.71 Policy DM15 of the Development Management Document requires the provision of 1 parking space per 1 and 2+ bedroom flats. The development provides 92 (one to one) parking spaces in line with the Council's policy including 10 spaces for disabled users conveniently dispersed within the layout. The provision will also incorporate installed electric charging and future electric charging points.
- 4.72 The proposal has been amended to include a raised table formal square designed to prevent indiscriminate parking within the access road circulation route intended to deter vehicles from parking inappropriately within the development site, as failure to control parking within the site may otherwise lead to large vehicles such as refuse freighters having difficulty access the site. This application has been submitted with a parking management scheme which makes a commitment to control and prevent parking within the access roads on the site. The development is therefore acceptable and policy compliant in this respect.
- 4.73 The application has been submitted with a car park management and waste strategy which indicates that the car parking spaces will be marked out with floor markings with lighting of the undercroft element via sensors. Spaces will be provided and allocated to specific residents with spaces allocated for use by specific apartments. The management company will control the use of the spaces by non-residents and guests. Parking within the internal access roads will not be permitted which will be controlled by the management company.

The Highways Team has raised no objection to the car park management and waste strategy submitted.

Cycle Parking

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

Servicing/ refuse

- 4.75 The Transport Statement submitted indicates that the internal street layout is designed to enable refuse collection vehicles to reach within 25m of the bin storage areas. Refuse collection vehicles are able to safely enter, travel through and leave the application site in a forward gear. The car park management and waste strategy states that *'Integrated within the development are appropriate waste and recycling stores, located conveniently adjacent the block entrances at ground floor. Residents will therefore carry their refuse a short distances...each storage area will be sized to accommodate relevant capacity for the respective block. The proposed layout allows access to all areas necessary for refuse vehicle collection from the internal service road.'*
- 4.76 Refuse storage is provided within each residential block. The application has been submitted with a waste management plan which is considered adequate and acceptable. The development is therefore acceptable and policy compliant in this respect.

Travel Plan

- 4.77 The application has been submitted with a Travel Plan. The Travel Plan includes measures such as providing notice boards with travel information, appoint a travel plan co-ordinator prior to the occupation of the development, provide travel information packs, undertake reviews of the Travel Plan. These are acceptable. The Highways Team has raised no objection to the Travel Plan submitted.

Construction Method Statement

- 4.78 The application has been submitted with a pre-construction information report which provides details of the construction process including details of site hoardings, indicates that all deliveries will be booked to prevent 'stacking' of lorries on the side access roads, with designated areas for deliveries and storage of materials. The report states that no construction works or delivering will take place outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturdays. Wheel washing areas will be established at the entrances to the site. Dust will be minimised on the site by providing good quality access tracks and dampening down when necessary. There will be no burning on site. Loading and unloading will take place within the site. These proposals are considered to be satisfactory in principle and the Highways Team have commented that this document is acceptable. A condition can be imposed requiring the development to be undertaken in accordance with this document.

Conclusion

- 4.79 Having regard to the applicant's detailed application and the information and supporting documents supplied it is considered that the proposal will not have a detrimental impact on the local highway network. Whilst no physical barrier will now be provided in Fairfax Avenue this will be prevented with a traffic regulation order and the eastern access has been designed to prevent right hand turns into the site. No highway objections are raised. The applicant will be required to enter into the appropriate highway agreement to carry out all work on the public highway. A financial sum associated with any Traffic Regulation Order deemed necessary in association with the highway works which would involve carriageway /footpath realignment and road markings to prevent right turn movements in association with the development, is covered by the Section 106 agreement heads of terms described below.

Sustainable Construction

National Planning Policy Framework (2018), Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM2 of the Southend-on-Sea Development Management Document (2015), Southend Central Area Action Plan (2018) Policy PA8 and the guidance contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 4.80 Policy KP2 of the Core Strategy states that *"All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide"*.
- 4.81 The submitted proposals are supported by an Energy Statement which is intended to support and explain how the scheme responds to the requirements of the local council and Building Regulations. It acknowledges that there is a specific policy requirement from this Council for new developments to reduce CO2 emissions by 10% using renewable technologies. The Energy Statement has taken a different approach to this Council's core strategy stating that the applicants wish to take a *fabric first* approach to meet the majority of the 10% reduction in CO2 and then utilise renewable energy technology if necessary.
- 4.82 Using this *fabric first* approach the development would concentrate on reducing the heating demand through a highly efficient building fabric meaning the amount of CO2 produced by space heating will be decreased rather than constructing an inefficient building with a high heat demand counteracted by renewable energy technologies. The applicants state that the Energy Statement thus demonstrates compliance with Building Regulations ADL1A 2013 and a 10% reduction in CO2 site wide.

- 4.83 However this approach would deliver only 2.99% through renewable technology (photovoltaics) itself, a level which falls materially below with the Council's 10% policy threshold. Notwithstanding the merits of the applicants fabric first approach and as there is scope for additional photovoltaics to be accommodated within the development, a condition is recommended to secure 10% through renewable technologies so complying with the Council's policy. Subject to this the proposal would be acceptable in this regard.
- 4.84 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. The application has been submitted with a flood risk assessment and surface water drainage strategy which states that the site is at medium risk of surface water flooding which means that each year this site has a chance of flooding between 1% and 3.3%. The report concludes that providing the mitigation advice regarding potential flooding from off-site surface water is followed, the site is considered to be at low risk of flooding from all sources. Mitigation proposed includes that the building entrances and finished floor levels should be raised a minimum of 300mm above existing ground levels which falls away from buildings which would minimise the risk of any minor localised ponding or overland surface water from entering the buildings. The report notes that the re-development of the site will decrease the impermeable area at the site and would therefore decrease surface run-off produced by the site.
- 4.85 The indicative SuDS proposed include the use of attenuation crates prior to off-site discharge and the use of pervious pavements. However, the submitted report indicates that this is only indicative and that the final choice of SuDS treatment can be decided at detailed design stage. The SuDS will also need to be maintained by the site owner.
- 4.86 Subject to a condition requiring the mitigation measures outlined above to prevent flooding from off-site surface water and subject to a condition requiring full SuDS details the development is considered acceptable and policy compliant in this respect.
- 4.87 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. The application has been submitted with a water efficiency calculator which indicates that the total internal water consumption would be 113.8 lpd, and 118.8 lpd when including external water use. These levels exceed the requirements of Policy DM2, however, it is considered that a condition can be imposed on any grant of consent to ensure compliance with this policy. Subject to such a condition no objection is raised on this basis.
- 4.88 In summary subject to imposition of conditions the sustainable construction implications will be acceptable and policy compliant.

Biodiversity and Nature Conservation

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4 and Development Management Document (2015) Policy DM2

- 4.89 Chapter 15 of the NPPF states that the planning system should contribute to and enhance the natural environment including protecting biodiversity. Planning decisions must therefore prevent unacceptable harm to biodiversity and impose adequate mitigation measures where appropriate. The site itself has no ecological designation.
- 4.90 Natural England have commented that the site is located within the zone of influence for the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy. Natural England comment that without mitigation new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites through increased recreational pressure when considered in combination with other plans and projects. As such Natural England advise that a Habitats Regulations Assessment to secure any necessary mitigation should be undertaken.
- 4.91 A stage 2 Appropriate Assessment Habitat Regulations Assessment has been submitted for consideration by the applicant's agent. This report concludes *'Evidence from Natural England demonstrates that the Fairfax Drive site is within the Zone of Influence where due regard needs to be taken concerning any recreational impact upon the EU sites. There are several EU sites and they are all subject to disturbance. The solution is to negotiate a suitable amount of money that can go towards protection, management and education regarding the EU sites. The development at Fairfax Drive is fully compliant with the UK and EU law...and enhancements to boost biodiversity have been included. The enhancements planned for the site will encourage residents to stay on site, rather than move to the EU sites.'*
- 4.92 The report states that mitigation is provided through the development with a comprehensive landscape proposal which includes a variety of native trees and shrubs that will be planted on the site and which will increase the biodiversity of the site itself. The effect will centralise the biodiversity to the site itself meaning that species will be attracted to the site. The development is proposing compensation measures in the form of a SANG (Suitable Alternative Green Space) payment. This payment will be used to provide new habitat or restore degraded habitat for the benefit of the qualifying species or towards the management of the nature reserves to cancel out any potential impact as a result of this development. The report recognises that the development may generate some local recreational or visitor pressure on European sites, but this will be compensated by the payment. The development will not cause any net loss of existing habitat that supports biodiversity.

- 4.93 Given the findings of the appropriate assessment report submitted, subject to a planning obligation requiring a payment towards biodiversity mitigation, management, protection and education to compensate for any impact resulting from increased recreation or visitor pressure from the development on European Protected sites, the development is acceptable and policy compliant in this respect. This is included in the heads of terms set out below.
- 4.94 An extended ecologist's Phase 1 habitat survey has been carried out in support of the application. The site is not subject of any statutory ecological designations. The ecological report concludes that the site is of low nature conservation importance and that the proposed development will not cause any net loss of existing habitats that support biodiversity. The report recommends that there are opportunities to increase the biodiversity of the site as follows. For bats it recommends: installation of bat boxes within the development; that residential lighting is downward facing so as not to disrupt bats' movements; new site landscaping include trees and shrubs producing insects on which bats prey; and the formation of residential gardens will increase the biodiversity of flora and fauna. Further measures will include landscaping to incorporate food plants for the Holly Blue butterfly, a BAP (Biodiversity Action Plan) species found on site plus installation of bird boxes to encourage three BAP bird species found on site (swift, House sparrow and Herring gull). Subject to these measures being controlled through a proposed planning condition, the ecological considerations of the proposal are found to be acceptable and policy compliant.

Contaminated Land

- 4.95 The site has previously been used for bus depot, storage and commercial activities. The application has been submitted with a Tier 1 Contaminated Land Study which concludes that the site represents a moderate risk to human health, buildings/services and the environment in terms of contamination, and as such further investigation is recommended. The application has also been submitted with a phase II ground investigation report which concludes that the site does not pose a risk to human health, although some remediation is needed. Given the findings of this report and subject to a condition in this respect, it is found that the contamination considerations of the proposal would be acceptable and policy compliant.

Developer contributions

National Planning Policy Framework (2018); Core Strategy (2007) Policy KP3.

- 4.96 Core Strategy Policy KP3 requires that:

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

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

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

- 4.97 Paragraph 63 of the NPPF states *'To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. [Equivalent to the existing gross floorspace of the existing buildings.]*
- 4.98 Paragraph 64 of the NPPF states *'Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.'*
- 4.99 The following S106 contributions are proposed :
- 9 units of affordable housing (7 x 1 bed, 2 x 2 bed) all of which constitute shared ownership and an affordable housing review mechanism.
 - £45,400.50 contribution towards secondary education.
 - £4000 payable to the Council for expenditure towards covering the cost of the alterations of the Traffic Regulations Order in force along Fairfax Drive.
 - Travel packs
 - £4,600 towards biodiversity mitigation, management, protection or education.
- 4.100 The above addresses the specific mitigation for the site for matters not addressed within the Regulation 123 Infrastructure List.
- 4.101 The LPA needs 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 which is reiterated in the supporting text at paragraph 10.17 of the Core Strategy and paragraph 2.7 of "Supplementary Planning Document: Planning Obligations"
- 4.102 The application has been submitted with a viability assessment which notes that due to the vacant building credits, the target provision for affordable housing is 23% rather than 30%. The report concludes that zero affordable housing is justifiable in terms of financial viability. However, the draft heads of terms includes the provision of 10% affordable housing on site comprising 9 shared ownership units.

- 4.103 The viability assessment submitted with the application has been independently reviewed and it has been confirmed that a policy compliant 23% affordable housing provision (due to vacant building credit) would result in the development being unviable. A 10% affordable housing provision would result in a deficit of £37,000. However, the applicant is still committed to providing 10% on-site affordable housing. As such the provision of 10% affordable housing is considered acceptable in this instance. Subject to a S106 obligation in this respect the development is acceptable and policy compliant in this regard and no objection is raised on this basis. However, the S106 will need to include a viability review mechanism. Viability Review Mechanisms are supported by NPPG, which states that “*Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time.*”; and such mechanisms can be used “*to strengthen local authorities’ ability to seek compliance with relevant policies over the lifetime of the project.*” (Paragraph: 009 Reference ID: 10-009-20180724
- 4.104 Subject to a legal agreement securing the provision of the contributions outlined above the development is acceptable and policy compliant and no objection is raised on this basis.
- 4.105 The contributions proposed are considered to meet the tests set out in the CIL Regulations 2010. Without the contributions that are set out above the development could not be considered acceptable.

Community Infrastructure Levy Regulations

- 4.106 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
- 4.107 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.
- 4.108 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material ‘local finance consideration’ for the purpose of planning decisions. The application site is located within Zone 1 therefore a CIL rate of £24.08 per sqm is required for the proposed development. The proposed development equates to 8,290.68sqm of residential floors pace which may equate to a CIL charge of approximately £179,495.35 (including social housing relief) (subject to confirmation).

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 and mix of units is found to be acceptable taking into account the history of the site and current housing need. The proposal would provide adequate amenities for future occupiers and would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the locality more widely. The biodiversity and highways impacts of the proposal are considered to be acceptable and the scheme includes appropriate planning obligations. In many regards the proposed development is not materially different from the 2017 scheme which Members resolved to grant planning permission for, had an appeal on non-determination not have been submitted. It is therefore recommended that Members grant planning permission subject to conditions and the completion of a Section 106 legal agreement.

6.0 Planning Policy Summary

6.1 National Planning Policy Framework (2018)

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); CP8 (Dwelling Provision).

6.3 Development Management Document (2015) Policies Policy DM1 (Design Quality); Policy DM2 (Low Carbon Development and Efficient Use of Resources); Policy DM3 (Efficient and Effective Use of Land); Policy DM5 (Historic Environment); Policy DM7 (Dwelling Mix, Size and Type); Policy DM8 (Residential Standards); DM10 (Employment Sectors); Policy DM11 (Employment Areas); Policy DM15 (Sustainable Transport Management).

6.4 Design & Townscape Guide (2009).

6.5 Planning Obligations (2010)

6.6 CIL Charging Schedule (2015)

6.7 National Housing Technical Standards (2015)

6.8 Southend and Central Area Action Plan (2018) Policies DS2 (Key Views), DS3 (Landmarks and Landmark Buildings) and PA8 (Victoria Gateway Neighbourhood Policy Area Development Principles).

7.0 Representation Summary

7.1 **Essex and Suffolk Water** - Our records show that we do not have any apparatus located in the proposed development. We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

- 7.2 **Airport Director** – No safeguarding objections to proposal. If a crane or piling rig is required for construction then airport safeguarding to be considered separately.
- 7.3 **Natural England** - It has been identified that this development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Southend-on-Sea Borough Council working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

In line with our recent advice, this proposal falls below the scale at which Natural England would offer bespoke advice on this issue. However, we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation, consulting with Natural England where necessary. You should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

7.4 **Traffic and Highways –
Access**

A Stage 1 Road Safety Audit has been completed which has demonstrated using swept path analysis that large vehicles can exit in one manoeuvre onto Fairfax Drive in either direction. Proximity to existing junctions and traffic islands have been all been assessed and considered acceptable. Kerb re-alignment and a traffic regulation order will prevent right turn vehicle movements into or out of the eastern access whilst maintaining satisfactory bus swept path movement at the Fairfax Drive/Prittlewell Chase junction together with maintained operational integrity of the yellow box markings. The applicant will be required to provide signage and road markings to reinforce the one way system throughout the site.

Traffic generation

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

Car Parking

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

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

Cycle Parking

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

Travel Packs

Travel Packs will need to be provided for each residential unit, to include but not be limited to maps of the local area, bike routes, walking routes, bus stop locations, train station locations etc. Also to include free bus and rail tickets for the residents to use to encourage them to use public transport. This is covered within the proposed Sn 106 planning obligation.

Servicing

Refuse storage has been provided within each residential block. The applicant will be required to contact the Council's waste service provider, Viola to ensure that access is granted to the secure refuse storage areas to enable waste collection. The waste contractor will also seek assurances that the road structure will be suitable to accommodate a fully laden refuse freighter and will also need assurances that full access will be granted to the site. Inconsiderate parking which obstructs the internal operation of the site will lead to collections not being made. Should this occur yellow lines maybe required to ensure collections are made.

Bus stops

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

Conclusion

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

The applicant has provided a construction phase plan, travel plan, car park management and waste strategy. The documentation provides detailed information which meets current Council Policy and is considered an acceptable approach.

Therefore given the information contained within the report no highway objections

are raised. The applicant will be required to enter into the appropriate highway agreement to carry out all work on the public highway.

7.5 **Environmental Health -**

The Following Documents have been reviewed

- 1) Design and Access Statement
- 2) Planning Statement
- 3) Waste Management Report.
- 4) Transport Assessment
- 5) Environmental Noise Assessment by SES dated 29th November, 2017

Recommended conditions:

1. Construction hours restricted to 8am – 6pm Monday to Friday, 8am -1pm Saturday and not at all on Sundays or Bank Holidays.
2. During construction and demolition, there should be no burning of waste material on site. **[Officer comment: this would be dealt with under separate legislation]**
3. The nature of the construction will require prior consent for works on construction sites under Section 61 of the Control Of Pollution Act (1974) **[Officer comment: this would be dealt with under separate legislation]**
4. The Environmental Health comments and conditions for 17/01115/FULM are still applicable in this application.

7.6 **Education –** Both the primary and secondary catchment schools for this development are full in all year groups. Places are available for Primary at Darlinghurst Primary School. The local secondary schools within acceptable travel distances are all at capacity and part of a Secondary Expansion Programme to provide a significant number of new places from September 2018. In view of this a contribution toward the additional pressure this development will generate a contribution is requested of £45,400.50 for St Thomas More High School.

7.7 **SuDS Engineer –** Do not object to this planning application subject to conditions being attached to any consent if this application is approved by the LPA.

7.8 **Essex Police –** Essex Police note your desire for this site to employ the secured by design principles. As such, we would like to invite the developers to contact us to discuss crime prevention through environmental design with a view to this development making an application to be secured by design.

8.0 **Public Consultation**

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

8.2 A site notice was displayed, the application was advertised in the press and 62 neighbours were notified. No representations have been received.

9.0 Relevant Planning History

- 9.1 The site has an extensive planning history. The most relevant planning history includes:
- 9.2 **17/01115/FULM** - Demolish existing buildings, erect three blocks of three, four and five storey's comprising of 92 self-contained flats with balconies, basement parking and parking at ground floor level, landscaping, amenity space, associated works including highway alterations and alteration of existing access onto Fairfax Drive – appeal submitted on non-determination of the application. This application was presented to Members in April 2018 and Members resolved that had the application not been appealed on non-determination, Members would have determined to grant planning permission subject to the completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended).
- 9.3 **11/01540/RESM**: Demolish Football Stadium, Flats, Shops And College; Redevelop Site With 3 Storey Retail Food Store, 6,976m² (Net) Retail Floorspace); Incorporating Parking And Associated Servicing At Ground Floor Level, Sales Area At First Floor Level And Staff Facilities At Mezzanine Level, Erect Petrol Filling Station With Kiosk, Cycle Parking, Form Vehicular Accesses / Egresses Onto Fairfax Drive, Roots Hall Avenue And Victoria Avenue And Modify Access To Shakespeare Drive For Emergency And Pedestrian Only Access, Lay Out Associated Landscaping And Erect Retaining Walls To Southern Part Of Site (Approval Of Reserved Matters Following Grant Of Outline Permission 07/01111/Out Dated 24/06/11) Prospects, Fairfax Drive, 299,301,341-365,1-37 St. Marys Court, Roots Hall Victoria Avenue Approve reserved matters – **Approved**
- 9.4 **08/00272/RSO**: Redevelop Site With Retail Food Store, Petrol Filling Station And Associated Works (Request For Screening Opinion) – **Screening/ Scoping Opinion issued**
- 9.5 **07/01111/OUTM**: Demolish Football Stadium, Flats, Shops And College; Redevelop Site With Retail Food Store At First Floor Level (10,113 Sq. Metres); And Petrol Filling Station With Kiosk, Two Standalone Units Fronting Fairfax Drive For Class A3, A4,B1 And D1 Uses, A Total Of 272 Residential Units Comprising Flat, Semi Detached And Terraced Houses (Including Affordable Housing), Layout Parking Spaces (Some Below Buildings) And Lay Out Security Areas, Form Vehicular Accesses / Egresses Onto Fairfax Drive, Roots Hall Avenue And Victoria Avenue And Modify Access To Shakespeare Drive For Emergency And Pedestrian Only Access, Lay Out Associated Landscaping And Erect Retaining Walls To Southern Part Of Site – **Approved**
06/01335/OU: Demolish Football Stadium, Flats, Shops And College; Redevelop Site With Retail Food Store At First Floor Level (9290 Sq. Metres); And Development Of Up to 7 Storeys Incorporating 402 Residential Units Including Affordable Housing, 8 Retail Units (Class A1), Fitness Club, Lay Out Parking Spaces And Servicing Area, Associated Landscaping And Form Vehicular Accesses Onto Fairfax Drive, Victoria Avenue And Roots Hall Avenue (Outline) – **Approved**

- 9.6 **05/00909/FUL:** Site Temporary Building In Car Park For Training Purposes – **Approved**
- 9.7 **92/0906:** Erect Two Storey Extension To And Alter Elevations Of Main Building And Erect Detached Workshop All In Connection With Use As Industrial Training Workshop (Class D1) With Incidental Industrial (Class B1 And B2) And Storage (Class B8) Uses.- **Approved**
- 9.8 **92/0655:** Erect Two Storey Extension To And Alter Elevations Of Main Building And Erect Detached Workshop All In Connection With Use As Industrial Training Workshop (Class D1) With Incidental Industrial (Class B1 And B2) And Storage (Class B8) Uses - **Approved**

Recommendation

10.0 Members are recommended to:

- (a) **Members are recommended 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 following:**
- **9 units of affordable housing (7 x 1 bed, 2 x 2 bed) all of which constitute shared ownership and an affordable housing review mechanism.**
 - **£45,400.50 contribution towards secondary education.**
 - **£4000 payable to the Council for expenditure towards covering the cost of the alterations of the Traffic Regulations Order in force along Fairfax Drive.**
 - **Travel packs**
 - **£4,600 towards biodiversity mitigation, management, protection and education.**
- (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 solely out in accordance with the approved plans: WH181/17/P/35.01, WH1XX/17/P/05.01, AP234-P008 Rev E, AP234-P009 Rev E, AP234-P010 Rev E, WH181/18/P/05.02, AP234-P002 Rev E, AP234-P003 Rev E, AP234-P004 Rev F, AP234-P005 Rev E, AP234-P006 Rev E, AP234-P007 Rev E, AP234_201, PL1610.1.GA.300 01, PL1610.1.G1.301 01, PL1610.1.GA.302 01, PL1610.1.GA.200 01, PL1610.1.GA.201 01, PL1610.1.GA.101 02, PL1610.1.GA.102 02, PL1610.1.GA.100 02, PL1610.1.GA.202 01, PL1610.1 Planting schedule, 170429-TK07 Rev. A, 170429-05 Rev. C.

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

- 03** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above the lower ground floor 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 roofs, cladding, balconies, balustrades, screening and fenestration, have been submitted to and approved in writing by the local planning authority. The development shall be finished in the approved facing brickwork Ibstock Leicester Multi and Ibstock Leicester Multi Yellow stock or any other brick details subsequently submitted to and approved in writing by the local planning authority. The development shall be carried out only in full accordance with the approved details.

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

- 04** The development shall be undertaken in strict accordance with the approved hard and soft landscaping plans and particulars or any other hard and soft landscaping details that have been previously submitted to and approved in writing by the local planning authority. The hard landscaping shall be completed prior to first occupation of the development and soft landscaping/planting shall be completed within the planting season following first occupation of the development (or within any other time limit agreed in writing with the local planning authority). If any trees are removed or found to be dying, severely damaged or diseased within 5 years of planting them, they must be replaced with trees of a similar size and species as may be agreed with the Local Planning Authority.

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

- 05** The development hereby approved shall be carried out and completed in accordance with drawing AP234-P0002 Revision E dated 09/03/18 in relation to the highways works and new access road shown for the development in accordance with a timescale that has been submitted to the local planning authority and approved in writing before the development is first occupied.

Reason: In the interests of highways management and safety in accordance

with Core Strategy (2007) policies KP2, CP3, CP4; Development Management Document (2015) policy DM15 and the advice contained within the Design and Townscape Guide (2009).

- 06** The development shall not be occupied until 92 car parking spaces, of which 10 shall be for disabled users, have been provided at the site and made available for use in accordance with drawing AP234-P002 Revision E (dated 09/03/18) together with properly constructed vehicular accesses to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.

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

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

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

- 08** The development shall not be occupied until the secure, covered cycle parking spaces to serve the development as shown on drawing AP234-P0002 Rev. E (dated 09/03/18) have been provided at the site and made available for use in full accordance with the approved plans. The approved scheme shall be permanently maintained thereafter.

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

- 09** The development shall be undertaken in accordance with the approved Construction Phase (Health, Safety and Environment) Plan (Construction Method Statement) by SES reference WH181 dated March 2018 – version 1 or any other construction method statement previously submitted to and approved in writing for this development by the local planning authority.

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

- 10** No surface water drainage works shall take place until details of the implementation, maintenance and management of a scheme for surface

water drainage works incorporating Sustainable Urban Drainage (SUDS) Principles have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is occupied and brought into use and be managed and maintained as such thereafter. Those details shall include:

i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration features should be included where infiltration rates allow;

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

iii) a timetable for its implementation; and

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

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

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

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

12 Before the development is first occupied or brought into use, the dwellings in blocks C and D/E hereby approved shall be carried out in a manner to ensure that they comply fully with the building regulation M4 (2) 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 (2018), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Design and Townscape Guide (2009).

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

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2018) Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Design and Townscape Guide (2009).

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

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policy DM1 and advice contained within the Design and Townscape Guide (2009).

- 15** No development above the current ground level 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 environment from contaminated land have been submitted to and approved in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The approved remediation scheme shall be implemented in full prior to the first occupation of the dwellings hereby approved. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Core Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

- 16** All the noise mitigation measures outlined in the Environmental Noise Assessment Report No. ENV1-SOUT-040 version 2 of 29 November 2017 to protect future residents of the building from the impact of vehicular noise along Fairfax Drive and noise from football stadium activity must be implemented in their entirety prior to occupation of the buildings hereby approved to achieve an internal noise level of no greater than 30dB and the approved measures implemented shall be maintained in perpetuity.

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

- 17** The development shall be undertaken and thereafter managed in perpetuity in strict accordance with the approved car park management and waste strategy dated August 2018 or any other car park management and waste strategy that has been previously submitted to and approved in writing by the local planning authority.

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

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

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

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

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

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

Reason: To ensure that the development contributes to local ecology in accordance with the National Planning Policy Framework (2018) and Policies KP2 and CP4 of the Council's Core Strategy (2007).

- 21** Before the development is occupied or brought into use, and notwithstanding details shown on the plans hereby approved, units B12, B13 and B14 on the ground floor of Block B shall be implemented as wheelchair accessible units to ensure compliance with the building regulation M4(3) standard in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development includes units suitably accessible for people using wheelchairs in accordance with the National Planning Policy Framework (2018), the Core Strategy (2007) Policy KP2, Policy DM8 of the Development Management Document (2015) and the Council's Design and Townscape Guide (2009).

- 22** The development shall not be occupied until a scheme of highway signage both for the internal roadway within the site and outside the site in the vicinity of the site access/ egress, such scheme to incorporate signage to inform drivers about prohibited right turn movements into and from Fairfax Drive, has been submitted to and approved in writing by the Local Planning Authority. These works shall also form part of a Section 278 Highways Agreement. All the approved signage shall be implemented in full accordance with those approved details, prior to occupation of any of the development and shall be permanently maintained thereafter.

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

- (c)** In the event that the planning obligation referred to in part (a) above has not been completed by 16th January 2019 (or an extension of this time as may be agreed by the Director of Planning and Transport or Group Manager Planning & Building Control), the Director of Planning and Transport or Group Manager of Planning and Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide for affordable housing, highway works, travel packs, biodiversity mitigation or education provision and that as such the proposal would be unacceptable and contrary to Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 of the Development Management Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

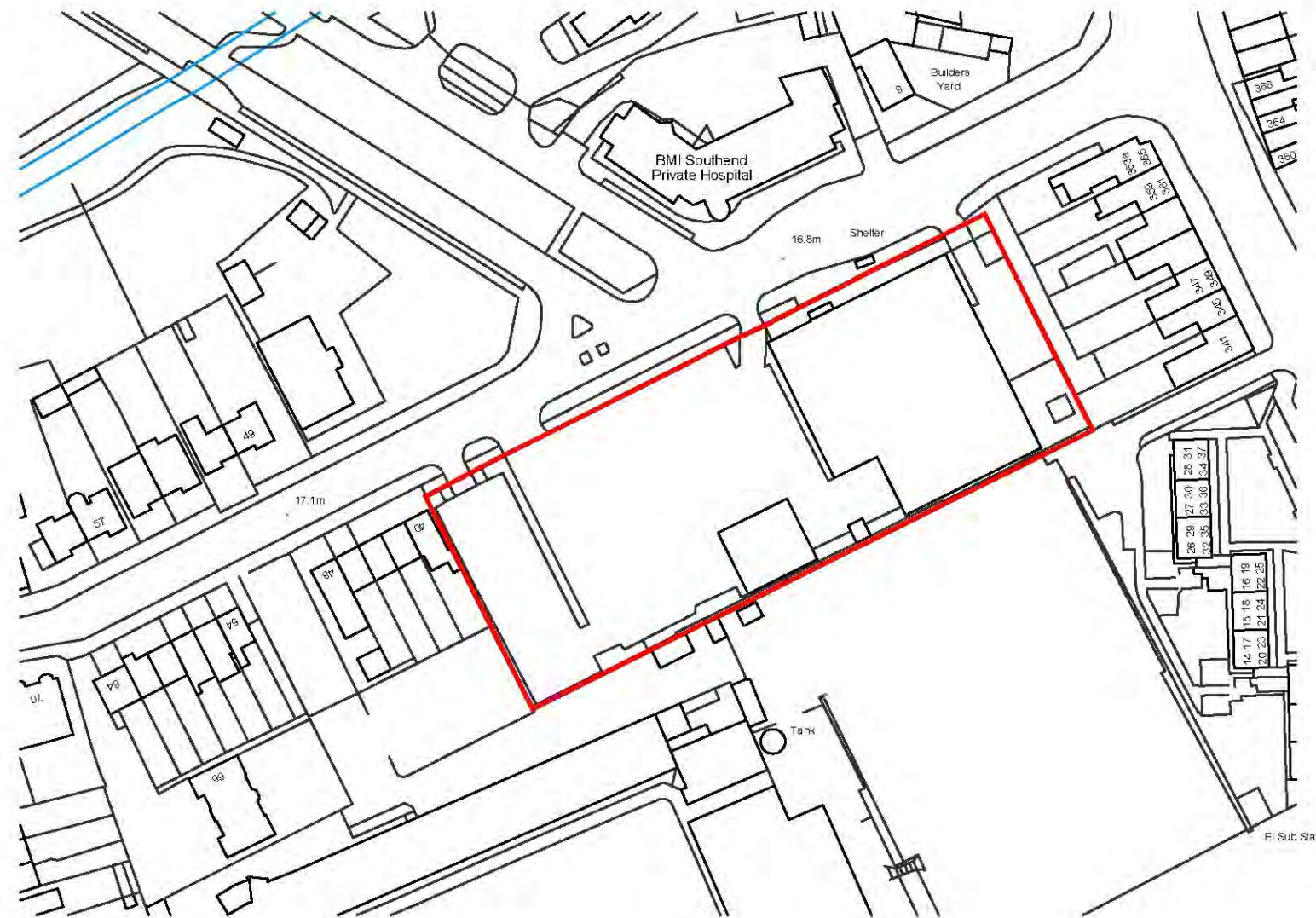
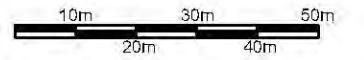
Informatives

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

Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

- 02 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.**
- 03 You are advised that a Highways Licence/Agreement needs to be in place before any works are carried out to the public highway and any works to public transport infrastructure (e.g. bus stops) will need to be carried out by a Council approved contractor.**
- 04 This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a financial contribution towards affordable housing, secondary education and biodiversity mitigation, management protection and education.**
- 05 The works to existing highway will require a Section 278 agreement or Highways Licence.**

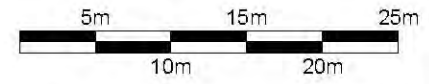
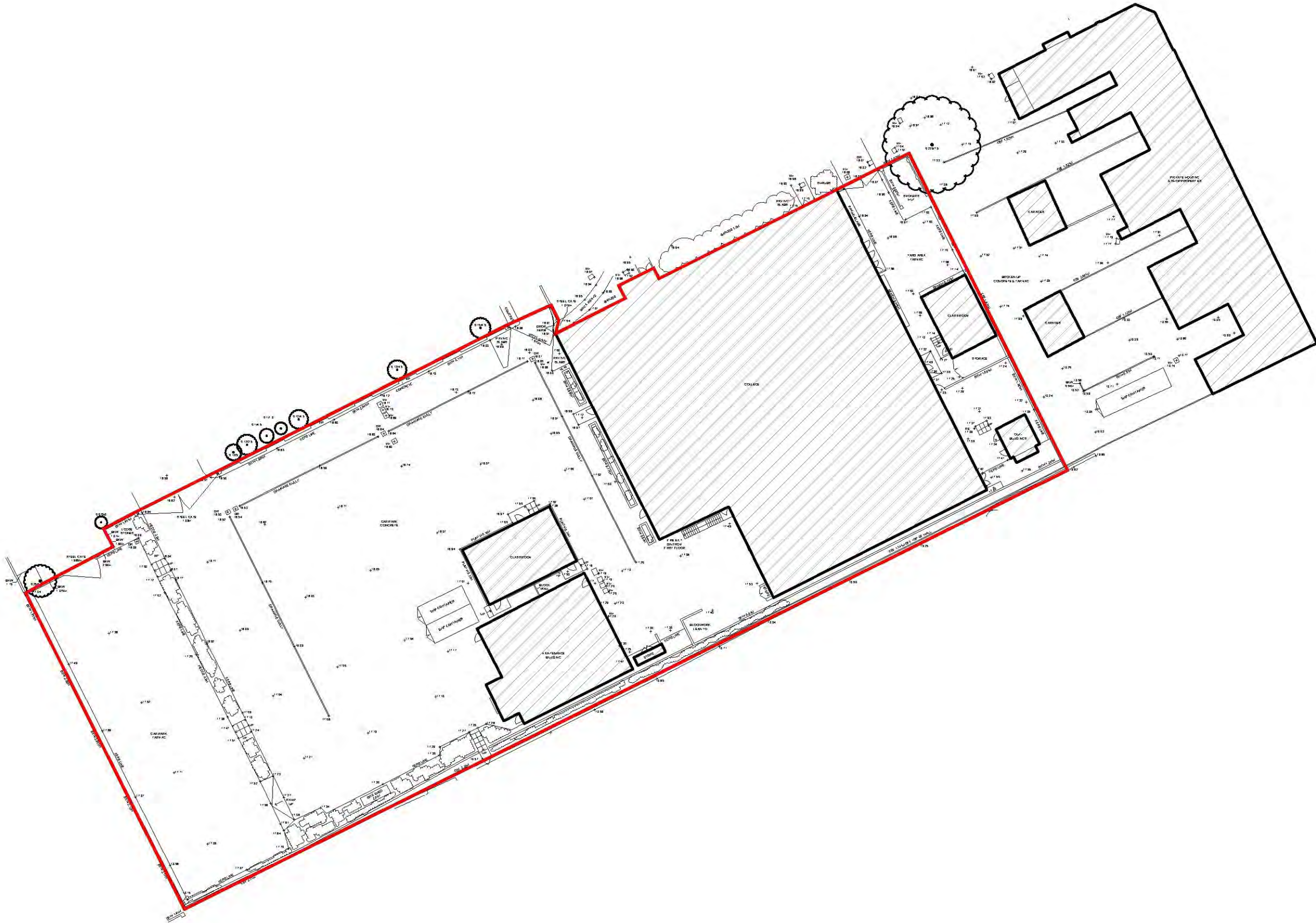
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47

| rev | description | by | date |
|--|-------------|----------------------|------|
| PLANNING ISSUE | | | |
| Title Site Location Plan | | | |
| Site Prospects College, Southend | | | |
| Drg. WH1XX/17/P/05.01 | | | |
| Date June 2017 | | Rev - | |
| Drawn AR | | Scale 1:1250 @ A3 | |
| | | | |
| The Weston Group Business Centre, Parsonage Road, Takeley, Essex. CM22 6PU. Tel: 01279 873333 Fax: 01279 873378 info@weston-homes.com | | | |

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| rev | description | by | date |
|-----|-------------|----|------|
| | | | |

PLANNING ISSUE

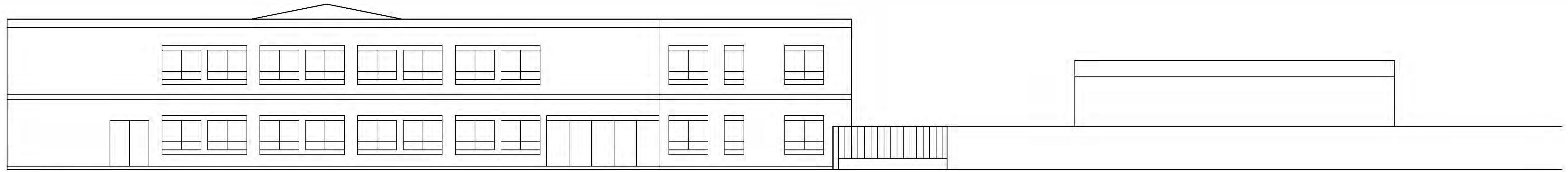
| | |
|-----------------------------|------------|
| Title | |
| Site Location Plan | |
| Site | |
| Prospects College, Southend | |
| Drg. WH181/18/P/05.02. | |
| Date | Rev |
| June 2017 | - |
| Drawn | Scale |
| AR | 1:500 @ A3 |



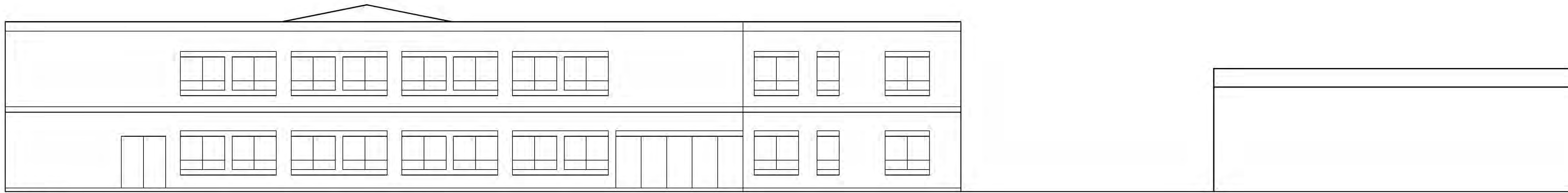
The Weston Group Business Centre,
Parsonage Road, Takeley, Essex. CM22 6PU.
Tel: 01279 873333 Fax: 01279 873378

info@weston-homes.com

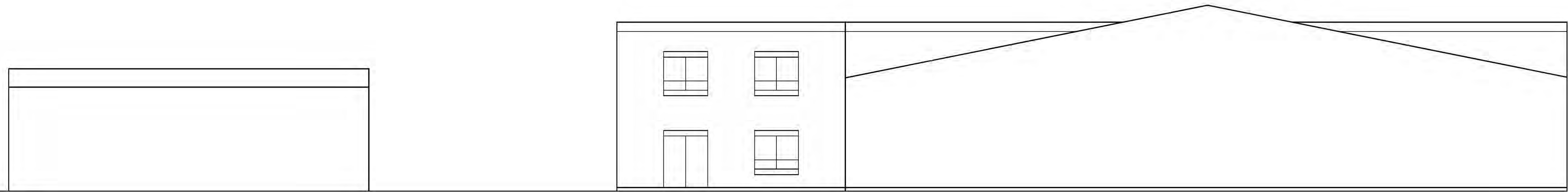
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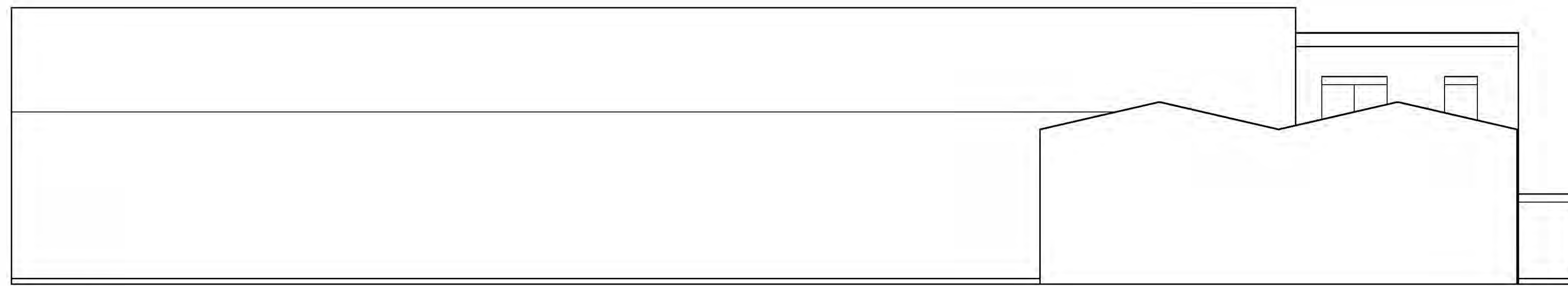
Street Scene With Wall



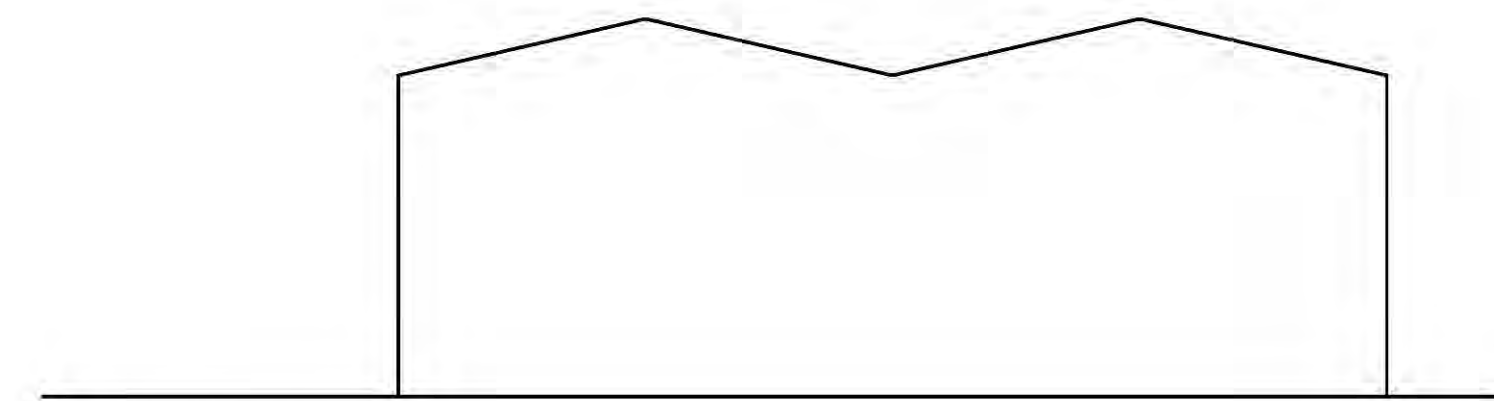
Street Scene Without Wall



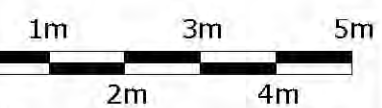
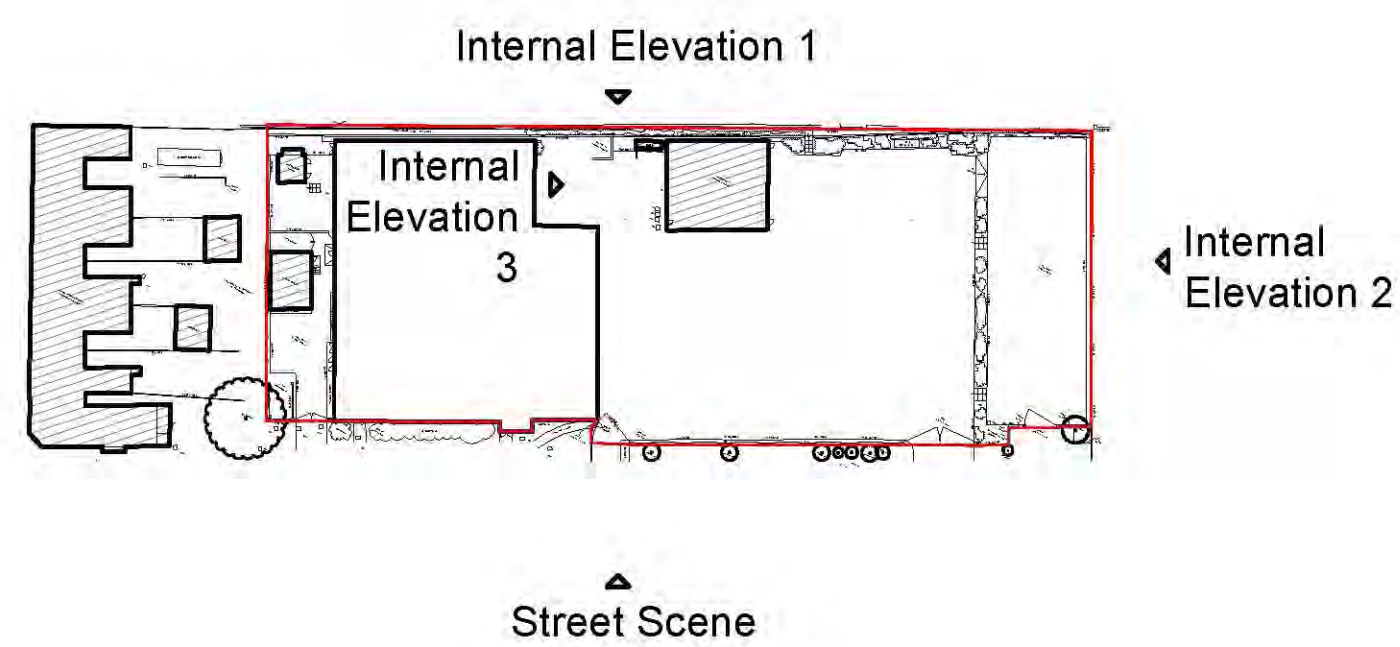
Internal Elevation 1



Internal Elevation 2



Internal Elevation 3



| | |
|--|--|
| | |
| | |
| | |

PLANNING ISSUE

| | |
|-----------------------------|------------|
| Title | |
| Existing Street Scene | |
| Site | |
| Prospects College, Southend | |
| Dwg | |
| WH181/17/P/35.01 | |
| Date | Rev |
| July 2017 | - |
| Drawn | Scale |
| AR | 1:100 @ A1 |



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Revision notes.



section DD block D - eastern elevation block E - section



section CC block A - section block B - western elevation



elevation 2 block D - western elevation



elevation 3 block B - eastern elevation

materials

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

* materials 4 & 7 to be colour matched



elevation 4 block C - eastern elevation



elevation 5 block C - western elevation



reference plan 1:1000 @ A1



Client / project:

Weston Homes
Prospects College, Southend-on-sea

Drawing title:

Elevations - Sheet 2

Drawing status:

PLANNING

Date:

09/03/18

Drawn by:

br

Project / Drawing Ref:

AP234-P009

Scale:

1:200 @ A1

Checked by:

rd

Revision:

E

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Revision notes.



elevation 1 block D & E - northern elevation

block C - northern elevation

block A & B - northern elevation



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

block C - southern elevation

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

materials

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

* materials 4 & 7 to be colour matched

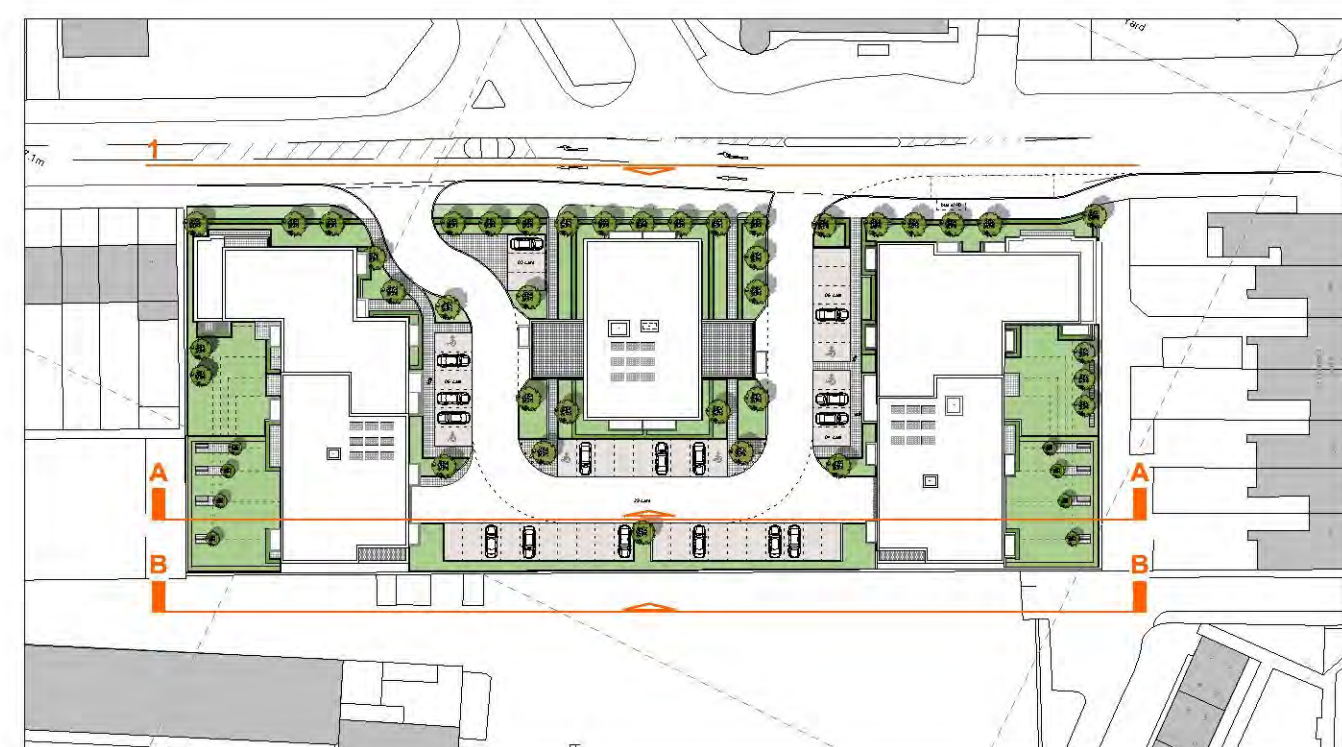
55



section BB block A & B - southern elevation

block C - southern elevation

block D & E - southern elevation



reference plan 1:1000 @ A1



Client / project:

Weston Homes
Prospects College, Southend-on-sea

Drawing title:

Elevations - Sheet 1

Drawing status:

PLANNING

Date:

09/03/18

Drawn by:

br

Project / Drawing Ref:

AP234-P008

Scale:

1:200 @ A1

Checked by:

rd

Revision:

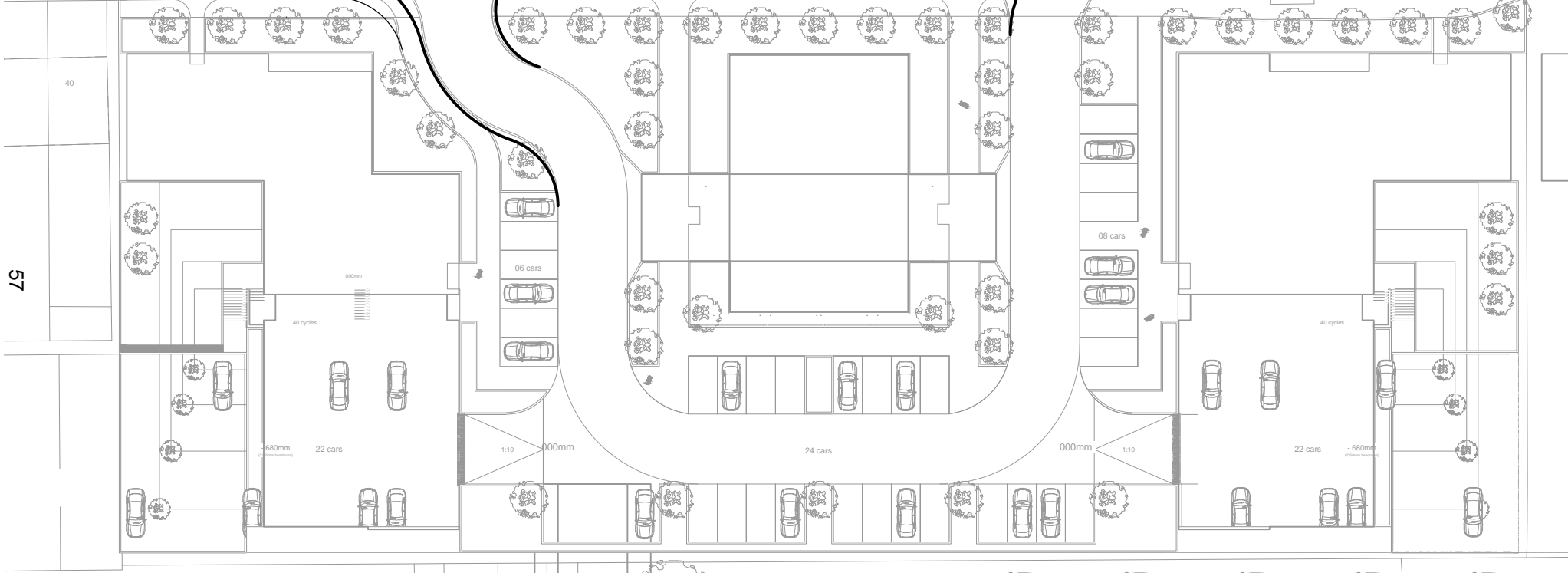
E

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FAIRFAX DRIVE

16.8m

n o r t h



84 North Street
 Guildford
 Surrey
 GU1 4AU

Golden Cross House
 8 Duncannon Street
 London
 WC2N 4JF

T: 01483 531 300

T: 020 7031 8141

www.motion.co.uk

Project:
 Fairfax Drive, Southend-on-Sea

Title:
 Proposed Arrangement

Scale: 1:500 (@ A4)

Drawing:
 170429-05

Revision:

C

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Revision notes.



section FF block D - eastern elevation

block E - gable elevation



section EE block A - gable elevation

block B - western elevation



materials

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

* materials 4 & 7 to be colour matched



reference plan 1:1000 @ A1



1:1 0 10mm 20 30 40 50
1:200 0 1m 2 3 4 5 6 7 8 9 10

russdragearchitects
architecture masterplanning urban design

Client / project

Weston Homes
Prospects College, Southend-on-sea

Drawing title
Elevations - Sheet 3 and Sketch model Views

Drawing status
PLANNING

Date: 09/03/18
Drawn by: br
Project / Drawing Ref: AP234 - P010

Scale: 1:200@A1
Checked by: rd
Revision: E

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-mail@russdrage-architects.com

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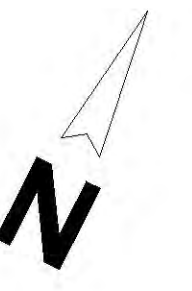
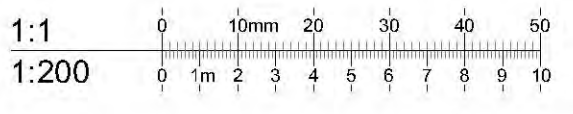
Revision notes.

Builder's
Yard



61

1:200 @ A1



| | | |
|------------------------------------|-------------|------------------------|
| Client / project: | | |
| Weston Homes | | |
| Prospects College, Southend-on-sea | | |
| Drawing title: | | |
| Landscape & Ground Floor | | |
| Drawing status: | | |
| PLANNING | | |
| Date: | Drawn by: | Project / Drawing Ref: |
| 09/03/18 | br | AP234-P002 |
| Scale: | Checked by: | Revision: |
| 1:200@A1 | rd | E |

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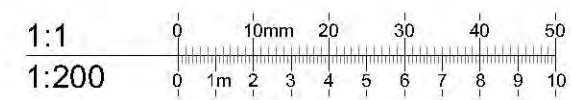
Revision notes.

Builder's
Yard



63

1:200 @ A1



| | | |
|------------------------------------|-------------|------------------------|
| Client / project: | | |
| Weston Homes | | |
| Prospects College, Southend-on-sea | | |
| Drawing title: | | |
| First Floor | | |
| Drawing status: | | |
| PLANNING | | |
| Date: | Drawn by: | Project / Drawing Ref: |
| 09/03/18 | br | AP234-P003 |
| Scale: | Checked by: | Revised: |
| 1:200@A1 | rd | E |

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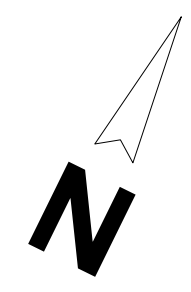
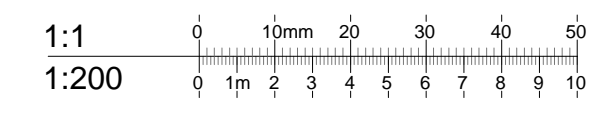
Revision notes.

Builder's
Yard



59

1:200 @ A1



Client / project:
Weston Homes
Prospects College,
Southend-on-sea

Drawing title:
Second Floor

Drawing status:
PLANNING

Date: 03/12/18
Drawn by: br
Project / Drawing Ref: AP234P004

Scale: 1:200@A1
Checked by: rd
Revision: F

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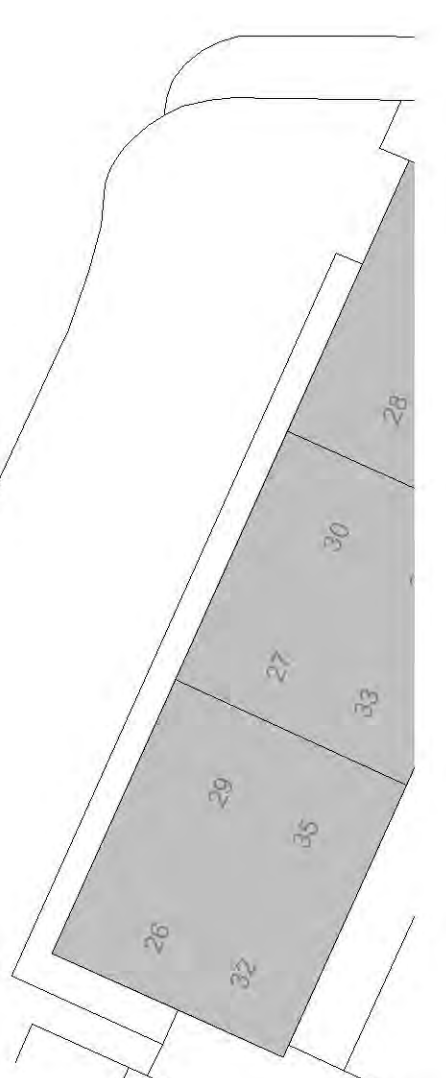
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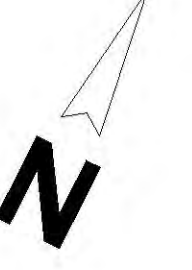
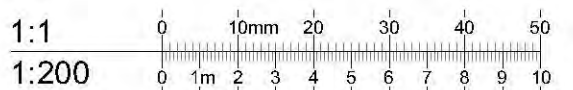
Revision notes.



67



1:200 @ A1



| | | |
|------------------------------------|-------------|------------------------|
| Client / project: | | |
| Weston Homes | | |
| Prospects College, Southend-on-sea | | |
| Drawing title: | | |
| Third Floor | | |
| Drawing status: | | |
| PLANNING | | |
| Date: | Drawn by: | Project / Drawing Ref: |
| 09/03/18 | br | AP234-P005 |
| Scale: | Checked by: | Revision: |
| 1:200@A1 | rd | E |

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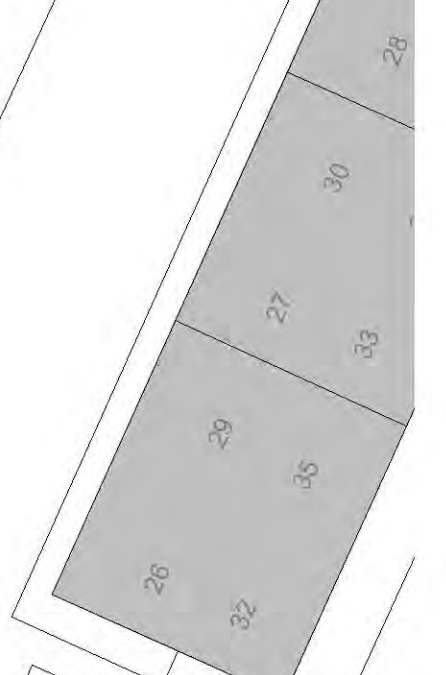
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Revision notes.

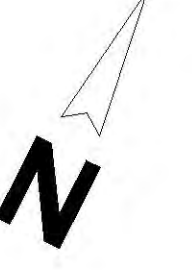
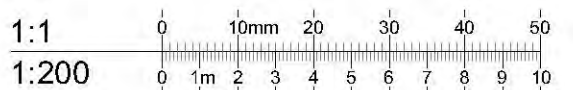


69

40



1:200 @ A1



| | | |
|------------------------------------|-------------|------------------------|
| Client / project: | | |
| Weston Homes | | |
| Prospects College, Southend-on-sea | | |
| Drawing title: | | |
| Fourth Floor | | |
| Drawing status: | | |
| PLANNING | | |
| Date: | Drawn by: | Project / Drawing Ref: |
| 09/03/18 | br | AP234-P006 |
| Scale: | Checked by: | Revision: |
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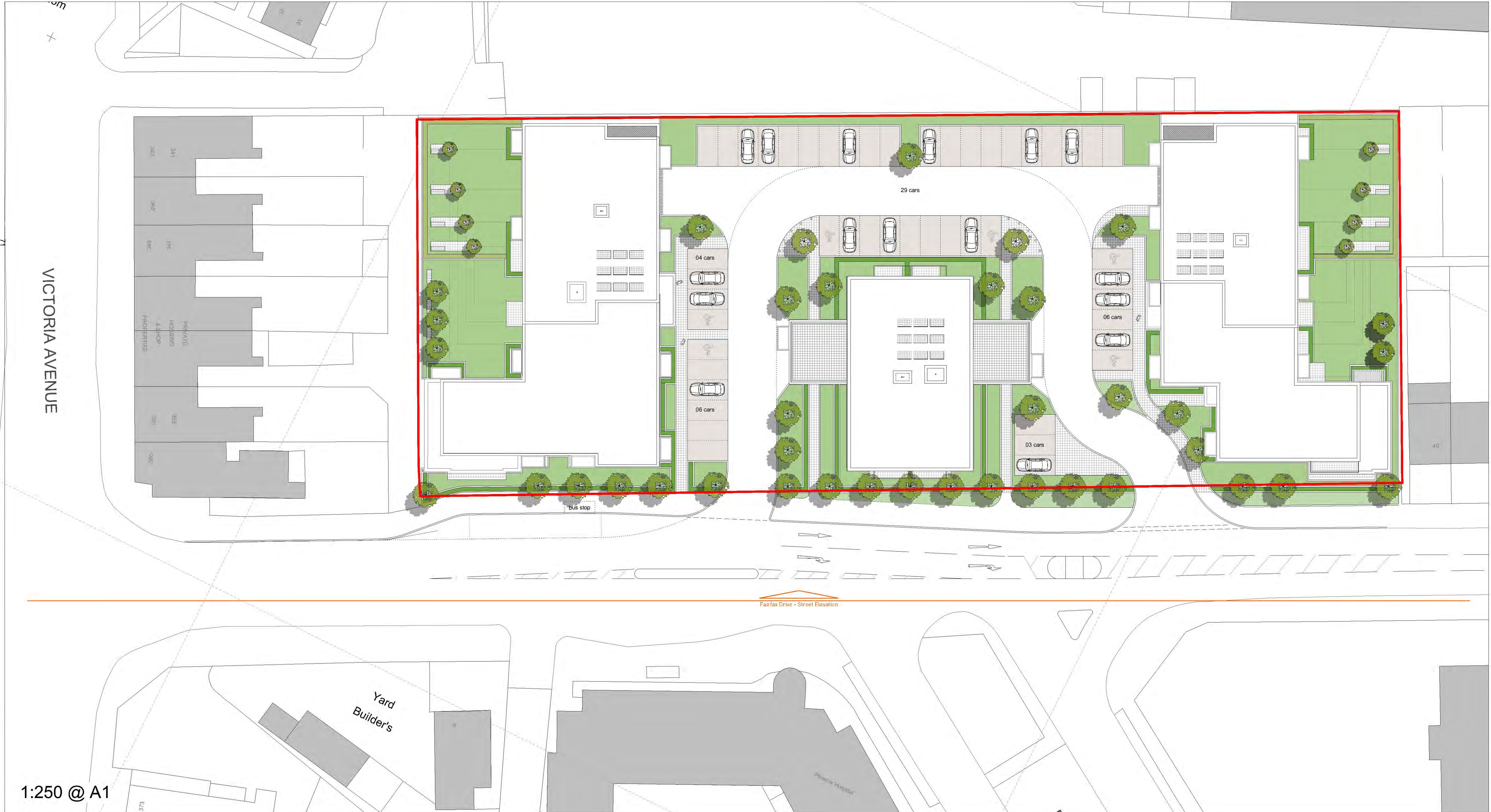
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Revision notes.



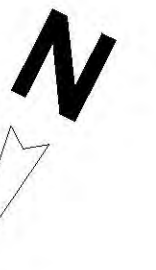
Fairfax Drive - Street Elevation in Context



Fairfax Drive - Street Elevation

1:250 @ A1

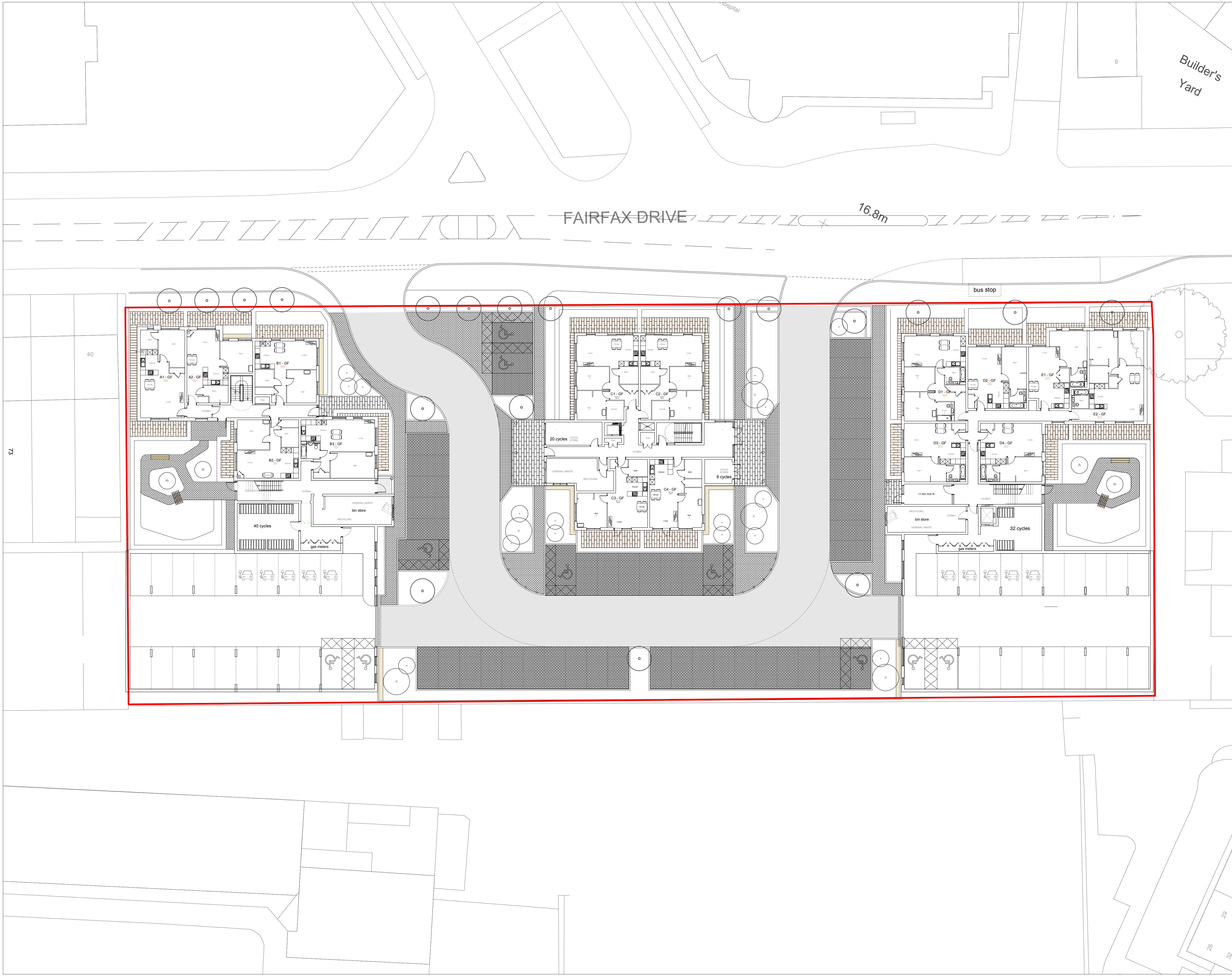
1:1
1:250
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0 1 2 3 4 5 6 7 8 9 10



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| Client / project: | | |
| Weston Homes | | |
| Prospects College, Southend-on-sea | | |
| Drawing title: | | |
| Roof plan & Street Elevation in context | | |
| Drawing status: | | |
| PLANNING | | |
| Date: | Drawn by: | Project / Drawing Ref: |
| 09/03/18 | br | AP234-P007 |
| Scale: | Checked by: | Revision: |
| 1:200@A1 | rd | E |

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 - The dimensions of all materials must be checked on site before being laid out.
 - This drawing must be read with the relevant specification clauses and detail drawings.
 - Order of construction and setting out to be agreed on site.

HARDWORKS KEY

- Macadam Surface**
Location: Proposed Access Road
Notes: Build up & Depths to Engineers Spec.
- Granite Setts Paving**
Location: Parking Bays
Colour: Sesame Grey
Size: 250 x 150 x 80 mm
Notes: To be rigidly laid and jointed. Build up suitable for vehicular traffic. Build up & Depths to Engineers Spec.
- Granite Setts Paving**
Location: Main Footpaths & Semi Private Courtyards
Colour: Grey Mist
Size: 250 x 150 x 80 mm
Notes: Build up & Depths to Engineers Spec.
- Granite Slabs**
Location: Building Entrances
Colour: Grey Mist
Size: 900 x 300 x 30 mm
Notes: To be rigidly laid and jointed. Build up suitable for vehicular traffic. Build up & Depths to Engineers Spec.
- Granite Slabs**
Location: Private Terraces
Colour: Porrino
Size: 900 x 300 x 30 mm
Notes: Build up & Depths to Engineers Spec.
- Granite Setts**
Location: Entrance to buildings
Colour: Grey Mist
Size: 150 x 150 x 150 mm
Notes: To be rigidly laid and jointed. Build up suitable for vehicular traffic. Build up & Depths to Engineers Spec.
- Gravel**
Location: To Semi Private Courtyards

FURNITURE KEY

- Timber Seating**
Location: Courtyards
Spec: FSC Timber
- Bespoke Timber Pergola**
Location: Semi Private Courtyards
Spec: FSC Timber

| Issue | Date | Status | Drawn | Apprvd. |
|-------|----------|----------------------|-------|---------|
| 02 | 18.10.18 | Tree location update | HS | JK |
| 01 | 25.09.18 | Architectural update | HS | JK |

Planit I.E. Limited
E: info@planit-ie.com W: planit-ie.com
MANCHESTER 2 Back Grafton St Altrincham WA14 1DY T: 0161 928 9281
LONDON Unit 6 Waterside 44-48 Wharf Road London N1 7UX T: 0207 253 5678

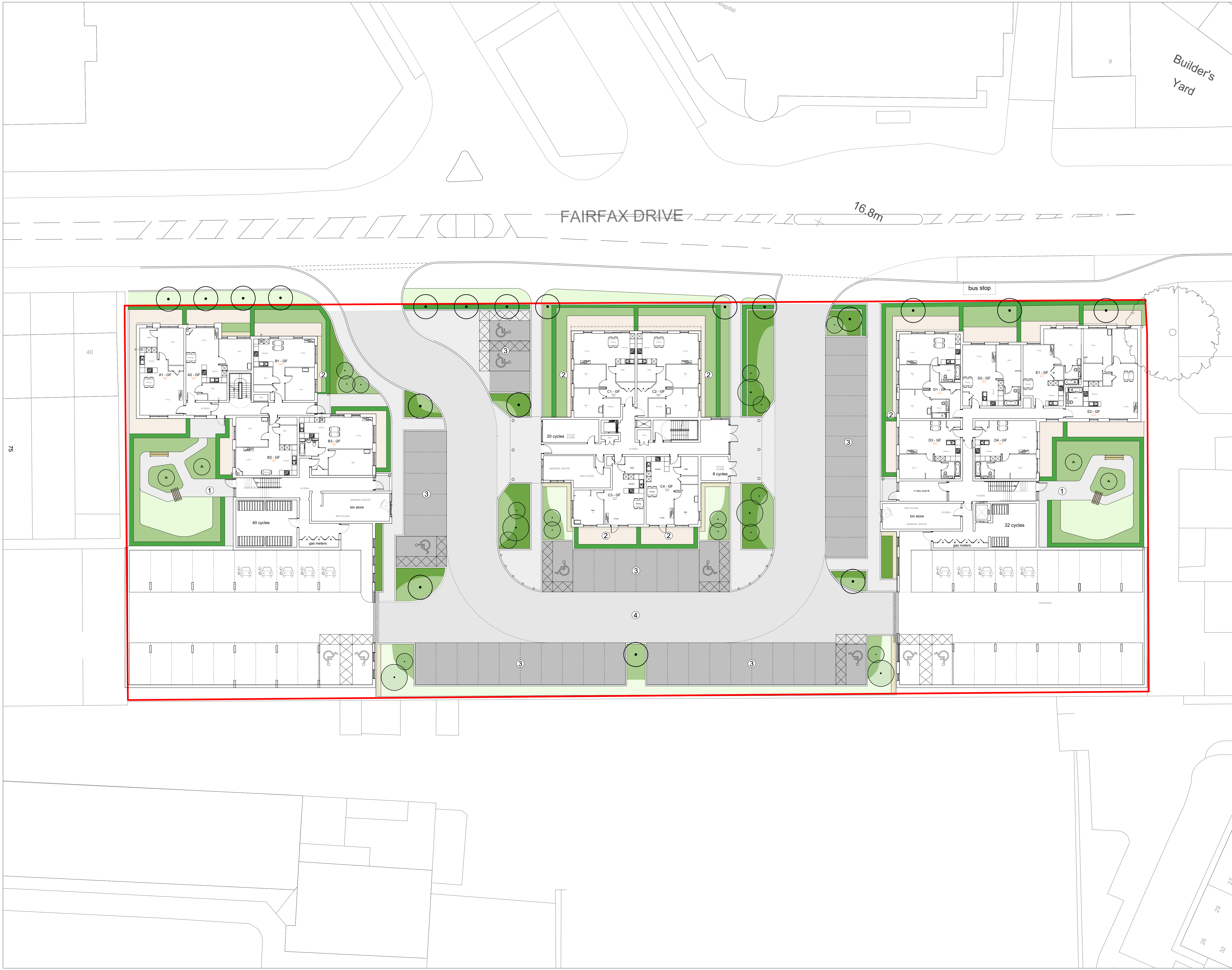
Client: Weston Homes
Project: Prospect House, Southend
Drg Title: Landscape Hardworks
Created on: 14.06.17 Created by: HS Approved by: DF
Scale: 1:200 Size: A1 Status: PLANNING
Drg No.: PL1610.1.GA.101 Issue: 02

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 - The dimensions of all materials must be checked on site before being laid out.
 - This drawing must be read with the relevant specification clauses and detail drawings.
 - Order of construction and setting out to be agreed on site.

- LANDSCAPE AREAS**
- Semi-Private Courtyards**
 - Private Terraces**
 - Parking Bays**
 - Access Road**



| Issue | Date | Status | Drawn | Apprvd. |
|-------|----------|----------------------|-------|---------|
| 02 | 18.10.18 | Tree location update | HS | JK |
| 01 | 25.09.18 | Architectural update | HS | JK |

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 E: info@planit-ie.com W: planit-ie.com
MANCHESTER 2 Back Grafton St, Altrincham, WA14 1DY, T: 0161 928 9281
LONDON Unit 6 Waterside, 44-48 Wharf Road, London, N1 7UX, T: 0207 253 5678

Client Weston Homes
Project Prospect House, Southend
Drg Title Landscape General Arrangement Ground Floor
Created on 14.06.17 **Created by** HS **Approved by** DF
Scale 1:200 **Size** A1 **Status** PLANNING
Drg No. PL1610.1.GA.100 **Issue** 02

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 - All dimensions are in millimetres unless otherwise stated.
 - All setting out, levels and dimensions to be agreed on site.
 - The dimensions of all materials must be checked on site before being laid out.
 - This drawing must be read with the relevant specification clauses and detail drawings.
 - Order of construction and setting out to be agreed on site.

- LANDSCAPE AREAS**
- Semi-Private Courtyards**
 - Private Terraces**
 - Raised Planter**
 - Lawn**



| Issue | Date | Status | Drawn | Apprvd. |
|-------|----------|----------------------|-------|---------|
| 01 | 18.10.18 | Podium design update | HS | JK |

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Client Weston Homes
Project Prospect House, Southend
Drg Title Landscape General Arrangement First Floor
Created on 18.09.18 **Created by** HS **Approved by** DF
Scale 1:200 **Size** A1 **Status** PLANNING
Drg No. PL1610.1.GA.200 **Issue** 01

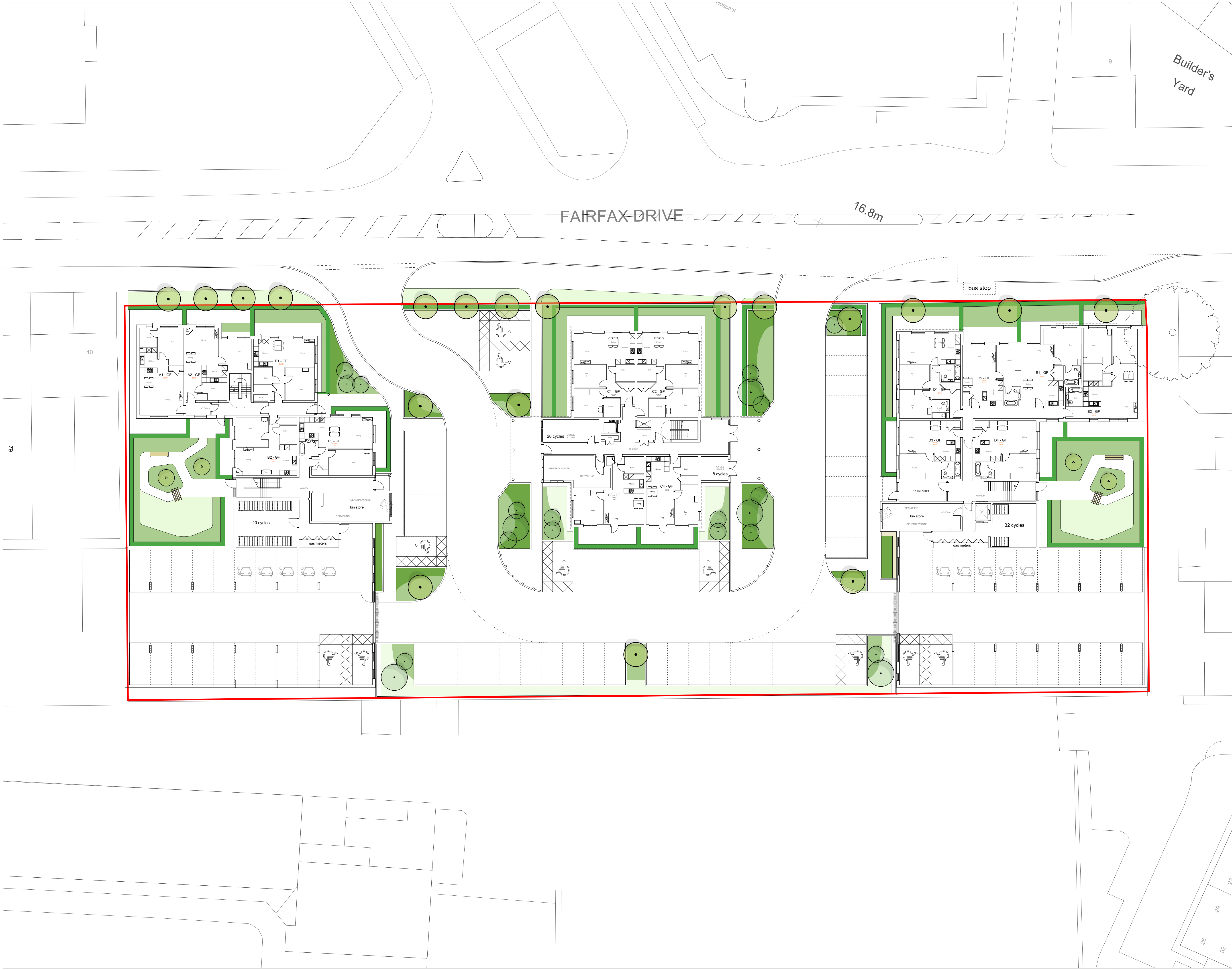
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- NOTE:**
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 - The dimensions of all materials must be checked on site before being laid out.
 - This drawing must be read with the relevant specification clauses and detail drawings.
 - Order of construction and setting out to be agreed on site.

SOFTWORKS KEY

- Retained Existing Trees**
Location: Site Wide
Note: Protected in accordance with BS:5837
- Proposed Semi Mature Tree Planting**
Location: Site Wide
Species: refer to Planting Schedule
Note: Planted with approx 1.2m deep imported topsoil, underground guyed connected to drainage system as required.
- Proposed Extra Heavy Tree Planting**
Location: Site Wide
Species: refer to Planting Schedule
Note: Planted with approx 1.2m deep imported topsoil, underground guyed connected to drainage system as required.
- Proposed Multi-Stem Trees Planting**
Location: Semi Private Courtyards
Species: refer to Planting Schedule
Specification: 3-4m in height. Planted with approx 750mm lightweight roof soil, subject to further details. Note: Loadings Subject to Engineers Details
- Structural Shrub Planting**
Location: Sitewide
Species: refer to future Planting Plan
Rootball and containerized stock planted at 5/7/9m2
- Ornamental Shrub & Herbaceous Planting**
Location: Sitewide
Species: refer to future Planting Plan
Rootball and containerized stock planted at 5/7/9m2
- Evergreen Hedge Planting**
Location: Sitewide
Species: refer to future Planting Plan
Planted into 450mm minimum topsoil
- Lawn Areas**
Location: Sitewide
Laid over 200mm min imported topsoil to BS:3882

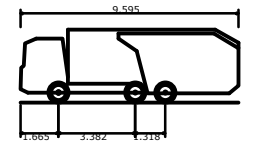
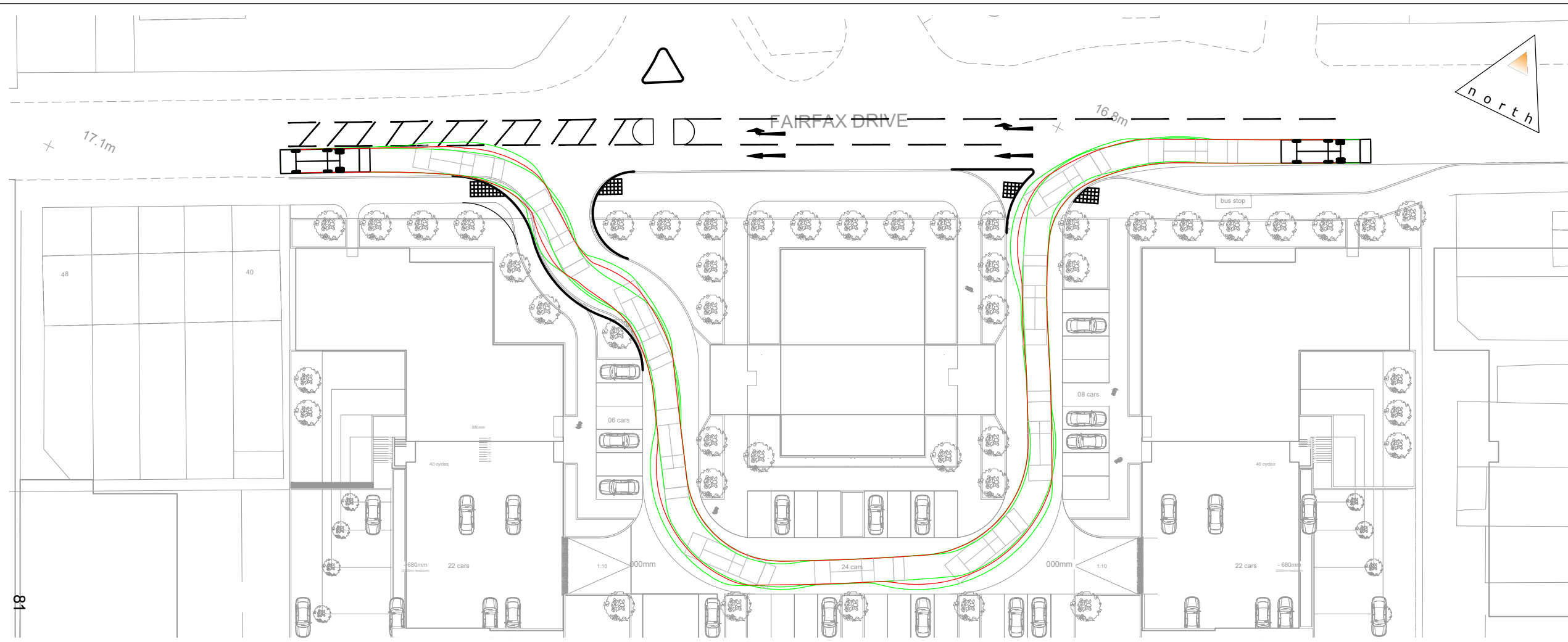


| 02 | 18.10.18 | Tree location update | HS | JK |
|-------|----------|----------------------|-------|---------|
| 01 | 25.09.18 | Architectural update | HS | JK |
| Issue | Date | Status | Drawn | Apprvd. |

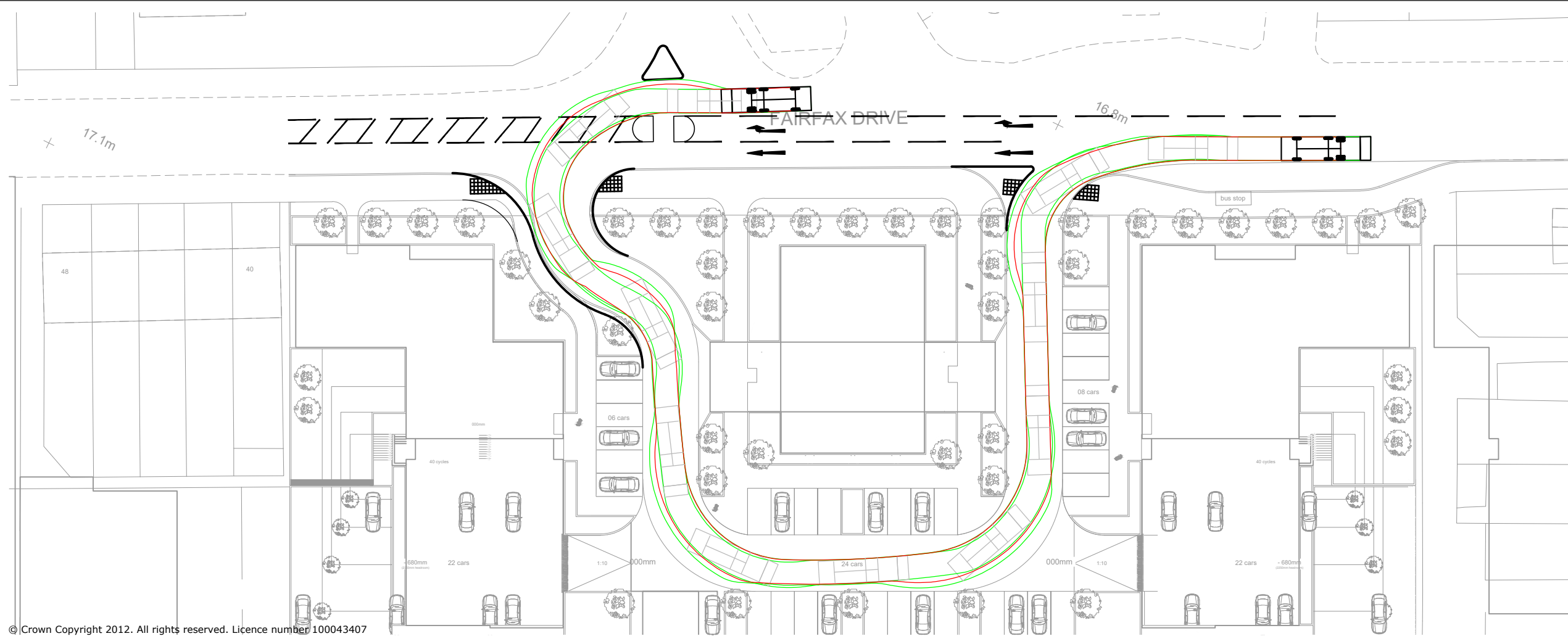
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| | | | |
|-------------------|--------------------------|--------------------|--|
| Client | Weston Homes | | |
| Project | Prospect House, Southend | | |
| Drg Title | Landscape Softworks | | |
| Created on | Created by | Approved by | |
| 14.06.17 | HS | DF | |
| Scale | Size | Status | |
| 1:200 | A1 | PLANNING | |
| Drg No. | Issue | | |
| PL1610.1.GA.102 | 02 | | |

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Dennis Eagle Elite 2 Olympus Twin Pack 6x4
 Overall Length 9.595m
 Overall Width 2.530m
 Overall Body Height 3.205m
 Min Body Ground Clearance 0.410m
 Track Width 2.500m
 Lock-to-lock time 4.00s
 Curb to Curb Turning Radius 11.000m



84 North Street
 Guildford
 Surrey
 GU1 4AU
 T: 01483 531 300

Golden Cross House
 8 Duncannon Street
 London
 WC2N 4JF
 T: 020 7031 8141

www.motion.co.uk

Project:
Fairfax Drive, Southend-on-Sea

Title:
**Swept Path Analysis
 Refuse Vehicle**

Scale: 1:500 (@ A3)

Drawing:
170429-TK07

Revision:
A

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| | |
|-----------------------------|---|
| Reference: | 18/01963/FULM |
| Ward: | St Laurence |
| Proposal: | Erect retail food store (Class A1), layout associated car parking, hard and soft landscaping and form new access on to Priory Crescent |
| Address: | Development Land at Priory Crescent, Southend-on-Sea, Essex |
| Applicant: | Aldi Stores Ltd |
| Agent: | Planning Potential Ltd. |
| Consultation Expiry: | 19.11.2018 |
| Expiry Date: | 31.01.2019 |
| Case Officer: | Charlotte White |
| Plan Nos: | 22380CHE-102, 2238-CHE-100, 2238-CHE-113, 2238-CHE-112 Rev. A, 2238-CHE-111, V2238 L01, 2238-CHE-110 Rev. B, 18311-BT1, 2238 CHE Aldi Southend CGI 02, B2340-MJA-P105-4837. |
| Recommendation: | Members are recommended to GRANT PLANNING PERMISSION, subject to conditions |

5



1 The Proposal

- 1.1 Planning permission is sought to erect a retail food store (Class A1) on the site with associated car parking, hard and soft landscaping and access onto Priory Crescent.
- 1.2 The proposed food store has a gross external area of 1,801sqm and provides 1,254sqm net internal retail floorspace with associated warehouse, plant and staff amenity areas. The proposed store is located towards the north-east of the site with parking to the south and west of the site with servicing to the north of the site. A total of 97 parking spaces are proposed including 5 accessible spaces and 8 parent and child spaces. Vehicle access will be provided via a new access from Priory Crescent. Pedestrian access will be available via Priory Crescent with two pedestrian accesses from the boulevard to the west of the site.
- 1.3 The proposed building has a mono-pitched roof design and measures some 64.6m x 30.8m, with a maximum height of some 8.4m.
- 1.4 The information submitted with the application states that the existing Aldi store in Eastern Avenue has significant operational constraints due to considerable customer growth and the existing store can no longer support the business's operational requirements. At just 0.5ha, it is not possible to adapt the existing store building or site further and as such Aldi wish to relocate. However, any planning permission granted as a result of this application will be for an A1 retail premises rather than for a certain operator, in this case Aldi.
- 1.5 The application has been submitted with a written scheme of investigation for an archaeological evaluation, a transport assessment, geotechnical and geo-environmental interpretative summary report, an extended phase 1 Habitat Survey, environmental noise report, BREEAM pre-assessment, archaeological scoping report (desk based), arboricultural assessment and method statement, design and access statement, flood risk assessment and outline drainage strategy, manual for managing trees on development sites, waste and recycling management strategy, statement of community involvement, framework travel plan, supplementary geo-environmental site assessment report, planning, economic and retail statement and reptile and bat surveys.
- 1.6 Pre-application advice has previously been provided by officers for the redevelopment of the site for a food store.

2 Site and Surroundings

- 2.1 The application site measures some 0.744ha (1.836 acres) and is on the northern side of Priory Crescent. The site is currently vacant and being used as a site compound by Bellway. To the west of the site planning permission has recently been granted to construct a hospice with associated parking. Work is currently being undertaken at this site. To the rear of the site is a large residential development which is nearing completion. To the east of the site is Prittle Brook, the railway lines and the Saxon King Public House and its car park. Opposite the site is Priory Park. The site was previously used for industrial purposes.

Planning permission was granted under reference 14/00943/FULM to redevelop the wider site for residential purpose, to provide a hospice and some 5,600sqm of commercial (B1a) office floorspace. The commercial office development was proposed to be located on the application site. The site slopes gently from south to north.

- 2.2 The site is allocated for employment purposes in the Development Management Document's Proposals Map. There is an area of high flood risk (flood zone 3) on the eastern side of the site. To the south of the site in Priory Park is the Grade I Listed and Scheduled Ancient Monument Prittlewell Priory.

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, impact on heritage assets, traffic and transportation issues, impacts on residential amenity, sustainability, flood risk and environmental protection, ecology and biodiversity and CIL (Community Infrastructure Levy) contributions.

4 Appraisal

Principle of Development

National Planning Policy Framework (2018); Core Strategy (2007) Policies KP1, KP2, CP1, CP2, CP3, CP4 and CP6; Development Management Document (2015) Policies DM1, DM3, DM13 and DM15 and the guidance contained in the Design and Townscape Guide (2009)

- 4.1 Chapter 7 of the NPPF seeks to ensure the vitality of town centres is protected. Paragraph 86 of the NPPF states '*Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.*'
- 4.2 Main town centre uses are defined in the NPPF as '*Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).*
- 4.3 The site constitutes an out of centre site and the proposed A1 use constitutes a main town centre use. As such it is necessary to apply the sequential test to determine whether there are appropriate alternative town centre sites or edge of centre locations that could be developed for this proposal. Only if no suitable town centre or edge of centre sites are available should out of centre sites such as this site be considered.

4.4 In this respect, the application has been submitted with a planning, economic and retail statement. This statement states that the application site represents the only suitable and available site to meet Aldi's requirements as a Limited Assortment Discount retailer.

4.5 The statement submitted highlights the current problems experienced by the existing Aldi store including its limited size and its limited parking. It is stated that Aldi has a specific business model as a limited assortment discounter or deep discounter and as such the store format and layouts are based on a specialist model which is essential to provide Aldi's offer. The sequential site assessment area has concentrated on Southend Town Centre as well as sites outside the Town Centre, but which are closer to the Town Centre than the application site. A number of sites have been considered (based largely on the SCAAP) and discounted including:

- The Roots Hall site – the site is considered unavailable as it represents an opportunity for a significant residential-led, mixed-use development. Planning permission which included a large format food store has expired.
- The Tylers site (east of Chichester Road and south of Tylers Avenue) – the site is unavailable and the site needs to accommodate car parking and residential units and is therefore unviable for Aldi and would not meet their operational needs.
- Land within the Victoria Gateway area – the site is unavailable and is not suitable to meet Aldi's requirements.
- Sutton Road site – The site is not available and has permission granted for residential development. The site is not suitable to meet the operational needs of Aldi.
- The Guildford Road site – the unit is unavailable and is currently in use by Co-op. The site is unsuitable and too small for the proposed development.
- The Queensway site – the site is not available for the proposed development. The redevelopment of the site would require a comprehensive multi-level scheme which would be unviable for Aldi and would not meet their operational requirements. Whilst small vacant units exist within the shopping parade along Southchurch Road, there are none which could realistically be considered appropriate to accommodate the proposal.
- The Marine Plaza Site – this site is not available and has permission granted for redevelopment. The site is unsuitable as the retail element of the consented scheme only represents 217sqm of gross floorspace which could not accommodate the proposed development.
- Seaway car park – the site is not available. The development of the site is expected to accommodate a mix of uses and would require a comprehensive multi-level scheme which would be unviable for Aldi and would not meet their operational needs.

4.6 In conclusion the planning, economic and retail statement concludes that there is no sequentially preferable site within or at the edge of Southend Town Centre which could realistically be considered both available and suitable to deliver the proposed Aldi food store.

- 4.7 Given the evidence provided within the application, it is considered that the sequential test has been satisfactorily undertaken and it has been clearly demonstrated that there are no available sites that would meet the requirements of the development located within the main town centre or edge of centre locations. As no such sites are available, the out of centre site proposed is considered acceptable in this instance and the development passes the sequential test. No objection is therefore raised to the principle of the development in this respect. As the proposal results in less than 2500sqm of floorspace an impact assessment in accordance with paragraph 81 of the NPPF is not required in this instance.
- 4.8 Policy CP1 of the Core Strategy states that permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.
- 4.9 Policy DM11 of the Development Management Document 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:*
- A. 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*
 - B. 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 set out other appropriate uses; or*
 - C. 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 (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...) 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 reasonable located elsewhere within the area it serves; and*
 - iv. The use will not give rise to unacceptable traffic generation, noise, odour or vehicle parking; or*
 - D. 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 to the estate's working population and will not result in a material change to the Class B character and function of the area.'*
- 4.10 In relation to part A of Policy DM11, the development does not constitute a sui generis use of a similar employment nature which is compatible with the operating conditions of the employment area. The development does not therefore satisfy this criterion.

- 4.11 In terms of part B of Policy DM11, a planning brief was developed for this site and the wider development site including the hospice site to the west and the residential development to the rear of the site. The development brief for the former Prittlebrook Industrial Estate was adopted as Council Policy in 2014 and set out the planning guidance for the redevelopment of the site. This planning brief states *'there is a clear recognition that the site has major regeneration potential to provide a high quality and sustainable mixed use scheme which will revitalise this brownfield land and provide new housing and employment uses and also improve the visual appearance of the site and the surrounding area.'* The brief goes on to state *'The site has remained vacant for a number of years...It is recognised that there is little prospect of the site being redeveloped for a purely commercial/employment led scheme...the redevelopment of the site for a mix of uses is therefore considered appropriate...providing a range of uses including new homes, jobs and open space...Any redevelopment of the site should incorporate opportunities for new job creation through the provision of deliverable employment generating floorspace. Given the location of the site, the provision of modern office accommodation (Class B1) is considered appropriate. The provision of any employment generating floorspace will need to be viable and realistic. It will need to be market led and designed to be sufficiently flexible to attract potential end users...the south eastern part of the site is the most appropriate location for any new commercial uses...In order to maximise the employment potential of the site building heights should extend up to four storeys in height...'*
- 4.12 The planning brief for this wider area sought to develop the current application site for employment office/commercial purposes. As such it is considered that the development is not in conformity with a planning brief as it sets out an alternative use, other than employment, for the site. As such the proposal does not satisfy criterion B of Policy DM11.
- 4.13 The development does not constitute a complementary and supporting use that is subservient to and ancillary to principal employment uses and does not serve the day-time needs of the estate's working population. The proposal does not therefore satisfy criterion D of Policy DM11.
- 4.14 In relation to part C of Policy DM11, the planning, economic and retail statement submitted states *'The continued lack of demand for the commercial floorspace has been firmly illustrated through the marketing strategy for the site that has been in place since the approval of planning permission in 2015. This confirms there has been a lack of commercial interest in the site to date for development falling within Class B employment uses...the site has been marketed for office use continuously for nearly three years with no firm interest having been expressed for this form of B class use at this location.'*
- 4.15 The application has been submitted with a letter from Kemsley Property Consultants which states that Bellway Homes instructed Kemsley LLP to commence marketing the site on 31 October 2015 with a marketing board erected in November 2015 promoting the site for office development. Sales particulars were emailed to 49 registered applicants looking for office space in the region as well as 650 targeted occupiers across Southend. Details were circulated to estate agents. The instruction was announced as a news story on Kemsley's website and was advertised on Kemsley's website, EG Propertylink, Zoopla, Movehut and

Want Space Got Space. An advertisement appeared in the Estates Gazette on 2nd April 2016. Mailing and emailing was repeated in January, March and May 2016.

- 4.16 The applicants state that this marketing exercise resulted in enquiries from care homes, car dealerships, food retailers, hotel, gym, a private hospital and two office occupiers. The marketing strategy was entirely focused on the office market but the two office enquiries received did not progress further than initial discussions. Additional marketing actions then ensued including updating online information, new board and banners to be visible from the train line and a new V board on Priory Crescent and a dedicated website for Ecko Business Park.
- 4.17 Given that no serious interest was generated for office occupiers, an informal tender with the remaining interested parties was undertaken. Heads of terms were agreed with Aldi on 31st August 2017 with exchange of contracts taking place in August 2018. The Ecko business centre remained openly on the market throughout the whole period until exchange of contracts but no further office enquiries were received.
- 4.18 As such marketing was undertaken from November 2015 until August 2018 – a period of almost 3 years with no interest in employment uses on the site. It is therefore considered that the proposed development satisfies criterion C of Policy DM11 as it has been demonstrated that there is no long term or reasonable prospect of the site being used for Class B purposes. It is also considered that the food store use is compatible with and will not compromise any other nearby employment uses, the food store use cannot be reasonable located elsewhere and will not give rise to unacceptable traffic generation (as discussed elsewhere in this report). As such the development would satisfy criterion C of Policy DM11 and the principle of the development is acceptable and policy compliant in this respect.
- 4.19 The development passes the sequential test and sufficient evidence has been submitted to demonstrate that the site was adequately marketed for B class uses for almost 3 years with no subsequent interest. The principle of the development is therefore considered acceptable and policy compliant and no objection is raised on this basis, subject to the detailed considerations discussed below.
- 4.20 Given the lack of demand that has been shown for office development on this site, as demonstrated by the marketing evidence submitted, it is not considered necessary to provide offices above the development in this case. The information submitted with the application refers to the office accommodation that has been provided above Aldi in Westcliff (London Road) which reportedly took 7 years to be partly occupied and the Lidl in Eastwood (Progress Road) which is reportedly still vacant 3 years after the store opened. As such it is not considered necessary for the development to provide upper level office accommodation in this instance.
- 4.21 Whilst the proposal will result in the loss of Bellway's site compound, it is noted that the Bellway development to the rear of the site is nearing completion and this would be a matter for Bellway and the site's owners and is not a reason to refuse planning permission.

Design and Impact on the Character of the Area and Impact on Heritage Assets

National Planning Policy Framework (2018); Core Strategy (2007) Policies KP1, KP2, CP4; Development Management Document (2015) Policies DM1, DM3, DM5 and the Design and Townscape Guide (2009).

- 4.22 Design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the National Planning Policy Framework, in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. The Design and Townscape Guide states that, *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.23 Policy DM1 of the Development Management Document states that *the Council will support good quality, innovative design that contributes positively to the creation of successful places and add to the overall quality of the area and respect the character of the site, local context and its surroundings.*
- 4.24 Policy DM3 relates to the efficient and effective use of land and 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. Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area.*
- 4.25 The size and scale of the proposed development would not be materially out of keeping with the surrounding area. The proposed store would have a maximum height of some 8.4m. The approved hospice (reference 18/00952/FULM) is part single storey, part 2 storey with the two storey element having a height of some 10m) and the flats to the immediate rear of the site are 3 storey in nature. The size, scale and height of the development is therefore acceptable and would not be materially out of keeping in the area.
- 4.26 In terms of siting, the building is to be located towards the north-eastern corner of the site. The building has been designed to include large areas of glazing to the southern and western elevation fronting Priory Crescent and the pedestrian boulevard to the west of the site which will provide an active frontage to these key vistas. Large areas of parking are proposed to the front of the site, however, mature landscaping will be provided to this frontage. The adjoining hospice development permitted under reference 18/00952/FULM includes areas of hardsurfacing and parking to the front and east of the site with the entrance to the hospice set back within the building. The siting of the development will prevent the building appearing cramped in the site. Permeability throughout the site is provided with pedestrian access provided from the boulevard to the west in two places which is positive. As such, on balance it is considered that the siting of the proposed food store, as submitted, is acceptable and would not result in any material harm to the character and appearance of the area.

- 4.27 The design constitutes a mono-pitched building utilising silver and grey cladding, powder coated aluminium shopfronts, windows and doors, a charcoal brickwork plinth with black mortar and grey composite roof panels. This design and these materials will result in a contemporary appearance which would not be out of keeping with the modern residential development to the rear of the site, the adjoining Saxon King public house or the approved hospice development to the west of the site. The shop fronts and glazing provide an attractive frontage to the building and the entrance is legible.
- 4.28 It is proposed to use tarmac to the parking aisles and spaces. This would be in-keeping with the hardsurfacing approved at the hospice and the existing access and car park serving the adjoining public house on character grounds. It would not be out of keeping in the area and is therefore acceptable.
- 4.29 The car park will be significantly screened by landscaping with ornamental hedge planting on the front boundary on Priory Crescent with three semi-mature Acer trees provided in front of the car park. Landscaping will be provided to the boundaries of the site and will significantly screen the parking area. Subject to a condition requiring the development to be undertaken in accordance with the submitted landscaping scheme the development is considered acceptable in this respect.
- 4.30 Whilst signage and advertisements are shown on the submitted plans, separate advertisement consent will be required for these elements of the scheme and are not considered as part of this application.
- 4.31 Section 72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Section 66(1) of this Act states for development which affects a Listed Building or its setting special regard shall be had to the desirability of preserving the building or its setting or any feature of special architectural interest that it possesses.
- 4.32 Paragraph 184 of the NPPF states that *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation'* Significance is defined in the NPPF as *'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic...'*
- 4.33 Paragraph 195 of the NPPF states *'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss..'*
- 4.34 Paragraph 196 of the NPPF states *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use'.*

- 4.35 Policy DM5 of the Development Management Document states *'Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset...will be resisted unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.'*
- 4.36 The site is significantly removed from any Conservation Areas. The nearest Listed Building is to the south of the site in Priory Park; Grade I Listed and Scheduled Ancient Monument Prittlewell Priory. Given the separation provided between the development and that designated heritage asset it is considered that the proposal would have no adverse impact on its special character and appearance or its setting. There are few built heritage assets within the wider study area and those that are present, including the Scheduled and Listed Prittlewell Priory, are likely to be masked from the development by existing planting and buildings. The development is therefore acceptable and policy compliant in this respect.
- 4.37 The desk-based archaeological scoping report states that the site lies in an area with potential for below ground remains to be present, particularly in relation to the prehistoric, Roman and Anglo-Saxon periods. The prehistoric remains in the area generally comprise find spots but work elsewhere in the vicinity has concluded that the Prittle Brook, which lies to the east of the site, was a particular focus of activity through these periods and as such it is possible that remains from this date may be present. Any such remains are most likely to be isolated artefacts and of minor to moderate significance. The report concludes, in general terms that the impacts on archaeological remains arise from groundworks associated with development. In that event, mitigation works such as a programme of archaeological excavation and recording are likely to be required to ensure the preservation by record of any threatened remains.
- 4.38 The application has also been submitted with a written scheme of investigation for an archaeological evaluation which outlines the methodology, how the evaluation and recording will take place, and how the results will be presented.
- 4.39 The Council's archaeology team has commented that due to the proximity of the site for Bronze Age, Roman and Anglo-Saxon finds and the proximity of the site to the Prittlewell Anglo-Saxon Cemetery a condition would need to be attached to any grant of consent requiring a watching brief. Subject to such a condition the development is acceptable and policy compliant in this respect.

Traffic, Transportation and Access

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2, CP4, CP3; Development Management Document (2015) Policies DM1, DM3, DM13 and DM15 and the Design and Townscape Guide (2009)

- 4.40 The adopted parking standards set maximum parking standards for food retail shops of 1 space per 14sqm. The gross internal floor space proposed is 1,801sqm. As such a maximum of 129 parking spaces are required. 97 parking spaces are proposed. The development therefore accords with the parking standards and it is considered that adequate parking provisions will be provided for the development. The information submitted with the application indicates that the existing Aldi store to the north of the site provides 77 parking spaces. This proposal seeks to provide an additional 20 parking spaces. This is considered to support the view that adequate parking provision would be provided to meet the requirements of the development and no objection is therefore raised on this basis. Given the level of on-site parking providing it is considered that the development would not result in undue on-street parking in the surrounding roads.
- 4.41 In terms of cycle parking the adopted standards require a minimum of 1 space per 400sqm for staff and 1 space per 400sqm for customers. As such the development would require a minimum of 10 cycle parking spaces. The submitted plans indicate that 4 Sheffield cycle hoops will be provided. It is unclear from the information submitted whether the cycle parking will be covered and secure and the 4 Sheffield hoops proposed would only provide 8 cycle parking spaces. However, it is considered that a condition could be imposed on any grant of consent requiring the provision of 10 covered and secure cycle parking spaces. Subject to such a condition the development is acceptable and policy compliant in this respect.
- 4.42 The application has been submitted with a Transport Assessment which states that the proposed site access arrangements will involve all vehicles, including delivery vehicles accessing the site via a priority junction with a right turn lane on Priors Crescent and the junction will be left-out only. This arrangement will be similar to existing, however the junction will be formalised with dropped kerbs and tactile pavement for pedestrian crossing. The Transport Assessment states that the site is well connected to the local pedestrian network with opportunities for customers to make trips by foot. There are also good opportunities for future staff members to walk to work. The Transport Assessment states that considering that the roads local to the site are urban in character and the local topography is generally gentle, cycling provides an opportunity to access the store by a sustainable mode of transport for potential customers and staff members. The Transport Assessment submitted includes swept path analysis for HGV delivery vehicles and states that the track plots show that the service route through the car park is satisfactory and that service vehicles would be able to manoeuvre within the site, enabling service vehicles to arrive and depart to and from the site in a forward gear. However, it is recommended that a condition is imposed on any grant of consent requiring a delivery management plan in the interests of highway safety.
- 4.43 The submitted Transport Assessment includes a traffic assessment and junction capacity tests and collision analysis and concludes that the net traffic effect of the proposals will be modest and that the development is not expected to materially affect local road safety.

- 4.44 The application has been submitted with a framework travel plan. A travel plan co-ordinator will be appointed. All staff will be made aware of the travel plan and will be provided with information on sustainable travel. Walking will be promoted with posters, lockers provided and walk to work weeks. Cycling will be promoted with Aldi a member of the Government's 'cycle to work' scheme, cycle parking will be provided with additional cycle parking provided if required, promotional material and bike weeks will be promoted. Bus travel will be encouraged with up to date bus service information provided and maintained. A list of local taxi companies will be available in the staff room and car sharing will be encouraged. The plan will be monitored and reviewed. Within 6 months of the store opening the operator will conduct travel surveys to assess the exiting travel patterns of employees. Three months from this date a copy of the full travel plan will be submitted to the local planning authority. Subject to a condition requiring the submission of the travel plan within 9 months to accord with the above time frames, the development is considered acceptable and policy compliant in this respect.
- 4.45 The Highways Team has commented that the access proposed uses an existing access point which was previously used by the car garage/vehicle sales and showroom and was the access point for the proposed office development. Vehicles will not be able to turn right out of the site which will be enforced by a traffic regulation order. The development will result in a marginal increase in traffic movements, but these are not expected to have a detrimental impact on the local highway network. The parking provisions are acceptable and policy compliant. Vehicle tracking demonstrates that HGV's can access the site, manoeuvre and leave in a forward gear. The site is located in a sustainable location. The Highways Team therefore raise no objection to the proposal. It is considered that the development would not harm highway safety and no objection is raised on this basis.
- 4.46 The development is acceptable and policy compliant in regards to traffic, transportation, parking and access matters.

Impact on Residential Amenity

National Planning Policy Framework (2018); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policy DM1 and the Design and Townscape Guide (2009).

- 4.47 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *"having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."*
- 4.48 Further to the above policies and guidance development proposals must protect the amenity of neighbours having regard to matters such as privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.

- 4.49 To the north of the site is a residential development permitted under reference 14/00943/FULM which is currently under construction and nearing completion. Directly to the north of the site is public open space and beyond that is a 3 storey block of flats with associated car parking. The office blocks previously approved on the application site constituted 4 storey blocks which fronted the boulevard to the west of the site and the public open space or Priory Crescent.
- 4.50 The proposed food store would be located approximately 15m from the northern boundary of the site. The deliveries will be undertaken on the northern side of the building with the loading ramp located some 9.2m from the northern boundary of the site. There will be intervening landscaping provided between the store, delivery area and northern boundary and there is an area of public open space to the immediate rear of the site. As such, given the separation distances provided between the development and the adjoining dwellings to the north and subject to a condition restricting the delivery hours (as discussed below), it is considered that the development would not result in any material harm to the amenity of the adjoining residents to the north in terms of noise and disturbance.
- 4.51 Given the separation distance provided between the proposed development and the dwellings to the north and the nature and scale of the proposed development, it is considered that the development would not result in any material harm to the occupiers to the north of the site in terms of dominance, an overbearing impact, material loss of light and outlook or a material sense of enclosure. The development is therefore acceptable and policy compliant in this respect.
- 4.52 To the west of the site planning permission has recently been granted to construct a hospice which is of a different design and layout to the hospice originally approved under reference 14/00943/FULM. The revised hospice approved under reference 18/00952/FULM has been designed to be located on the western side of that site with the parking on the eastern part of the site which is closest to the current application site. Given the separation distance between the hospice and the proposed food store it is considered that the development would not result in any material harm to the hospice environment in terms of noise and disturbance, dominance, an overbearing impact, loss of light and outlook or a material sense of enclosure.
- 4.53 The application site is separated from the public house to the east of the site by Prittle brook and the car park at the public house. Given the nature of the existing use to the east of the site and the separation distance between the proposed development and the public house it is considered that the development would not result in any material harm to the public house to the east in terms of noise and disturbance, a material sense of enclosure, dominance, overbearing impact or loss of light and outlook.
- 4.54 The application has been submitted with an environmental noise report. In respect of noise from mechanical services plant this states that the precise details of the mechanical services plan and refrigeration equipment are not known at this stage. The fixed plant will include refrigeration and condenser units which are likely to be located on the eastern side of the store. The report recommends that the rating level of the new plant should be designed not to exceed the existing background noise levels. Subject to a condition in this respect, no objection is therefore raised on this basis.

- 4.55 The environmental noise impact assessment submitted considers noise from car parking, comments that the nearest residential properties which are located to the rear of the site are located 70m from the nearest car parking spaces on the site and concludes that the predicted car park noise is significantly within the World Health Organisation (WHO) guideline values and will be below the existing ambient noise levels. The environmental noise impact assessment submitted therefore concludes that the impact of noise from the car parking will not have a significant adverse effect on the health and quality of life of nearby noise sensitive receptors and as such there is no need to restrict the trading hours of the development. Given the findings of this report, officers consider that the development is acceptable in this regard and will not result in any material harm to the amenity of nearby residents in terms of noise and disturbance in this respect. Given the above, it is considered that a condition is not required to restrict the trading hours of the development as such a condition would not meet the tests for conditions as set out in the NPPF. The NPPF states *'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.'*
- 4.56 The environmental noise survey submitted considers the impact of the servicing for the development on nearby residents. The report states that all goods are delivered on pallets so there is no noise from empty cages being reloaded, the delivery vehicles used are rigid and goods are loaded directly into the warehouse with no movement of goods outside within the service bay. The report concludes that the predicted noise levels will be within the WHO day time values but will marginally exceed the night time maximum values. The report comments that exceedance of the WHO guidelines does not necessarily imply significant noise impact. The report comments that in all cases predicted noise levels from delivery activity are below the existing noise levels at the site. It is stated that existing maximum noise levels regularly exceed those predicted from delivery activity between 06:00 and 23:00. The report makes reference to the contextual considerations with the dwellings to the north constructed using acoustic trickle vents which will assist in protecting residents against noise from delivery activity. The report therefore concludes that appropriate delivery hours would be 06:00 to 23:00 Monday to Friday and 07:00 to 23:00 Saturdays and Sundays.
- 4.57 The environmental noise assessment submitted refers to an appeal at the Aldi store at 666-686 London Road, Westcliff. The appeal was allowed and permitted delivery hours of 06:00 to 00:00 Mondays to Saturdays and 08:00 to 17:00 on Sundays and Bank Holidays. In that case residential properties back directly onto the western and southern boundaries of that car park and the noise assessment submitted in that case found that the proposed extension of delivery hours would exceed the World Health Organisation guidelines, but would be imperceptible. In that case the nearest dwellings would be some 46m from the service yard and an acoustic fence was provided. The Inspector concluded *'I am not persuaded that deliveries during the proposed hours would give rise to individual noise events whose character or infrequent nature would be significantly different from existing background noise levels. Consequently, I find that the proposal would not have a harmful effect on the living conditions of neighbouring residential occupiers by reason of noise and disturbance.'*

- 4.58 Given this recent appeal decision, the findings of the submitted environmental noise assessment and the significant separation distances proposed between the development and the adjoining dwellings, it is considered that the delivery hours suggested by the report of 06:00 to 23:00 Monday to Friday and 07:00 to 23:00 Saturdays and Sundays to be acceptable in this instance.
- 4.59 Subject to conditions, the development is therefore acceptable and policy compliant in regards to amenity considerations.

Sustainability

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

- 4.60 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.
- 4.61 A condition is required to be attached to any grant of consent requiring full details of the renewable systems to be provided to ensure that at least 10% of the energy needs of the development come from on-site renewables. Subject to such a condition no objection is therefore raised on this basis.

Flood Risk and Environmental Protection

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policy DM14

- 4.62 Paragraph 155 of the NPPF states *‘Inappropriate development in areas of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.’*
- 4.63 Policy KP1 of the Core Strategy requires the submission of flood risk assessments in areas at risk of flooding and states *‘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.’*
- 4.64 The eastern part of the site is located within flood zone 3 (high probability of flooding). The application has been submitted with a Flood Risk Assessment and Outline Drainage Strategy which states that the existing ground levels across the site range from between 11.95m to 13.88m AOD.

The ground floor levels for the demolished buildings were approximately between 12.65m AOD and 12.97 AOD. The finished ground floor level of the proposed store is approximately 12.80m AOD. The submitted FRA states that there has been no instance of historic flooding occurring on or near the site.

- 4.65 The FRA submitted states that the majority of the site is in Flood Zone 1, with a narrow strip of land along the eastern boundary within flood zone 3. By setting the floor level of the proposed building at 12.80m AOD, the proposed store will be approximately 630mm above the modelled 1 in 1000 year plus climate change flood level and will be set at a similar ground floor level to the buildings that used to be present on the western part of the site.
- 4.66 The proposed building and car park have been located away from the eastern boundary of the site and will not be located within the area designated as Flood Zone 3. Given this and the proposed finished floor level at 12.80m AOD, the submitted FRA concludes that the risk of fluvial and surface water flooding to the new store will be reduced.
- 4.67 The submitted FRA states that parts of the site are at risk of surface water flooding.
- 4.68 The submitted FRA comments that the risk of ground water flooding affecting the proposed store should be acceptably low and no specific protection measures against groundwater intrusion are required.
- 4.69 The Environment Agency has raised no objection to the proposal, commenting that the development has been sequentially sited within flood zone 1 and therefore the sequential and exception tests are not applicable in this instance. The finished floor levels will be set at 12.80 AOD which is 630mm above the 1 in 1000 year plus climate change flood levels with safe access and egress routes through flood zone 1. The Environment Agency therefore concludes that there will be no danger to people. As such the development is considered acceptable and no objection is raised on this basis.
- 4.70 The submitted FRA and drainage strategy comments that the geology of the site will not support the use of infiltration drainage and as such it is proposed to discharge surface water flows into Prittlebrook. The development will result in an increase in impermeable area, resulting in an increase in the volume of surface water entering the watercourse. However, it is proposed to limit the peak surface water discharge to the watercourse to as far as practical that of the greenfield runoff rate for the site. The submission states that the use of swales, ponds or other surface means of attenuation will not be practicable as there would not be sufficient room within the site to accommodate the new store and the requisite parking. Surface water attenuation storage in the form of buried attenuation tanks beneath the car park are proposed. The FRA therefore concludes that provided surface water drainage systems including attenuation and control devised are provided in accordance with the Building Regulations and are adequately maintained, then the risk of surface water flows being generated as a result of the development should be acceptably low.

- 4.71 The Council's SuDS Engineers have commented that additional information is required and an updated drainage strategy will be required. It is considered that a condition can be imposed on any grant of consent in this respect.
- 4.72 Subject to a condition requiring an updated drainage strategy it is considered that the development would not be at risk from flooding or increase the risk of flooding elsewhere as result of the development. The development is therefore acceptable and policy compliant in this respect.
- 4.73 Policy DM14 of the Development Management Document requires development on or near land that is known to be contaminated to be submitted with a contaminated land assessment and states that where contamination is found, the Council will impose a condition, if appropriate to ensure appropriate remediation is undertaken.
- 4.74 The application has been submitted with a geotechnical and geo-environmental interpretative summary report which states that a clean capping layer will be provided as a barrier between the existing shallow soils and receptors to mitigate the potential risks to site users due to soil contamination. Capping will be necessary in landscaped areas and gardens. In terms of risks to groundwater, the report recommends remediation comprising the removal of impacted ground, capping the hotspots of contamination and gas protection measures. Assessment of risks posed to controlled water due to leaching of contaminants from contaminated soils may be required. Should additional investigations indicate that the groundwater in this area is impacted then a detailed risk assessment to assess the risks posed to sensitive receptors will be required. Subject to the findings of the detailed risk assessment, remediation may be required.
- 4.75 This report concludes that a number of points need to be addressed including the extent of the hydrocarbon/heavy metal hotspots, the leachability of the hydrocarbon contaminated soils to assess the risks posed to controlled waters, the extent of possible asbestos in the shallow soils, confirmation of the waste classification, a minimum of 2 further ground gas monitoring visits, the groundwater regime beneath the site, the level of the top and base of the gravels across the site, the variation of the depth of the surface of the London Clay across the site, geotechnical design parameters for foundations, floor slabs, roads and pavements and soakaway potential.
- 4.76 The application has also been submitted with a supplementary geo-environmental site assessment report which concludes that further assessment and or remediation is necessary. The report identifies a number of contaminants and remediation is needed. It is recommended that consideration be given to either removal and/or a clean capping layer, the installation of vapour protection measures, importation of suitable growing medium for planted areas, that gas protection measures are installed and that a detailed remediation strategy be developed and implemented. A foundation works risk assessment is needed.
- 4.77 As such, subject to conditions requiring remediation works the development is considered acceptable and policy compliant in contamination terms and no objection is raised on this basis.

Ecology, Biodiversity and Trees

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4, Development Management Document (2015) Policy DM2.

- 4.78 Policy KP2 of the Core Strategy requires all new development to *'respect, conserve and enhance and where necessary adequately mitigate effects on the natural and historic environment, including the Borough's biodiversity and green space resources; ensure that European and international sites for nature conservation are not adversely affected...'*
- 4.79 Policy CP4 of the Core Strategy states *'Development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend. This will be achieved by...safeguarding, protecting and enhancing nature and conservation sites of international, national and local importance...'*
- 4.80 Natural England has raised no objection to the proposal commenting that the development is not likely to result in significant impacts on statutory designated conservation sites or landscapes.
- 4.81 The application has been submitted with an extended phase 1 habitat survey which recommends that site clearance works are undertaken outside of the bird nesting season (October to February) or if this is not possible then the site should be surveyed by an ecologist before works commence. If nesting birds are found then work cannot commence until their young have fledged. The report has identified a number of walkways attributed to badgers on the site and as such recommends that a badger survey is undertaken. It is also recommended that a reptile survey is undertaken due to the presence of long grass and adjacent scrub. The report also recommends that a bat survey is undertaken to evaluate the activity and presence of bats within the site and along the boundaries as there are a number of features suitable to support foraging bats and the site is considered to be of moderate value for foraging bats.
- 4.82 The extended phase 1 survey submitted states that bat and bird boxes should be included within the new building design and wherever possible wild flower seed mix and native trees and shrubs used to landscaped area.
- 4.83 Conditions are therefore required to be attached to any grant of consent requiring clearance works to be undertaken outside of the bird nesting seasons and details of bird and bat boxes.
- 4.84 The application has been submitted with a reptile survey dated June 2014 which concludes that no reptiles were observed through the survey and no further reptile mitigation or further surveys are therefore required. A bat survey dated June 2014 has been submitted which found low levels of activity which was mainly restricted to the eastern boundary of the site, adjacent to the railway line and Prittle Brook. It concludes that the development would have a neutral impact on the foraging activities present, with vegetation along the eastern boundary being unaffected by the proposed works. The report does make recommendations that bat and bird boxes be provided and requires a suitable lighting scheme to be implemented, which can be controlled via planning conditions.

- 4.85 No badger survey has been provided and the bat and reptile surveys are a number of years old. As such and given the specific circumstances of this site, it is recommended that a condition is imposed on any grant of consent requiring up to date reptile, bat and badger surveys to be submitted which includes any necessary mitigation should evidence of protected species be identified on the site. Subject to such a condition no objection is raised on this basis.
- 4.86 The application has been submitted with an Arboricultural Assessment and Method Statement which states that all of the trees that may be affected by this development are located off site and are growing along the eastern boundary of the site. The existing site is covered with substantial hardstandings. No trees will be removed as a result of the development and no trees will be pruned as a result of this development. The off-site trees may be affected by the removal of existing hard surfacing and replacement with new surfacing and soft landscaping. The existing surfacing will need to be removed taking care not to overly disturb any roots that may have grown beneath them and it is concluded that the works can be implemented without any long-term detrimental impact on tree health and therefore local character. The report concludes that there will be no adverse impact on retained trees once the development is complete. Tree protection measures are proposed. Arboricultural supervision will be provided during the development. Subject to the development being undertaken in accordance with the submitted Arboricultural Assessment and Method Statement, the development would have no adverse impact to trees near the site and the proposal is acceptable and policy compliant in these regards.

Other Matters

- 4.87 The application has been submitted with a waste and recycling management strategy which indicates that specific areas within the warehouse are marked for the collection of various types of items which can be recycled including paper and cardboard, plastic, batteries, waste electrical and electronic equipment and waste food. An existing secure metal enclosure is to be provided alongside the service ramp for location of a plastic lined receptacle which is used for general waste and is disposed of by a national waste disposal company.

Community Infrastructure Levy (CIL) Charging Schedule

- 4.88 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The CIL rate for this development is £12.04 per sqm. The proposed development would therefore equate to a CIL charge of approximately £21,681.27 (subject to confirmation).

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (2018)

- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance) and CP6 (Community Infrastructure).
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM10 (Employment Sectors), DM11 (Employment Areas), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).
- 5.4 The Design & Townscape Guide (2009)
- 5.5 Community Infrastructure Levy (CIL) Charging Schedule

6 Representation Summary

Highway Team

6.1 Access

Access to the proposal is via Priory Crescent using an existing access point which was previously used by the car garage and was the access point for the proposed office development. Vehicles exiting the site will not be able to turn right onto Priory Crescent vehicles will only be able to turn left. This will be enforced by a traffic regulation order. This approach mirrors that of the public house to the east of the site. Given the historic use of this access point which included right turn in and right turn out it is not considered that a highway objection can be raised to the applicants proposed use of the access.

Traffic Impact

The applicant has supplied TRICS data to demonstrate the proposed associated vehicle movements when compared with the approved office development and maintained use of the existing Aldi Store including by another operator. The traffic assessment has included a study area of Cuckoo Corner, entrance/exit to the proposal, the existing store entrance/exit and Sutton Road roundabout. Growth factors have been applied to the junctions to 2023 which provides a robust approach to the modelling. Whilst there is a marginal increase in traffic movements these are not expected to have a detrimental impact upon the local highway network. The applicant has provided a detailed and robust Transport Assessment.

Parking

98 car parking spaces have been provided which meets current policy car parking standards. Cycle parking has been provided. Parking provision for the site is acceptable with no objection raised.

Servicing

4 HGV delivery vehicles will attend site daily. Vehicle tracking has been provided that demonstrates that an HGV can access the site manoeuvre and leave in a forward gear. The servicing strategy for the proposal would be the same as the existing store.

The site benefits from being in a sustainable location with regard to public transport with good link in close proximity in addition to good pedestrian links.

Having reviewed the applicants transport assessment it is not considered that a highway objection can be raised.

Council's SuDS Engineers

- 6.2 With regard to this planning application, it is considered that additional information is required to satisfy planning requirements.

Environment Agency

- 6.3 We have no objection in relation to flood risk, providing that you are satisfied that the development would be safe for its lifetime. The applicant has sequentially sited all proposed development within Flood Zone 1. The proposed Aldi store is classified as a 'less vulnerable' development. The finished floor level will be set at 12.80m AOD which will be 630mm above the 0.1% AEP (1 in 1000) plus climate change. The access and egress route travels through Flood Zones 1 and therefore does have a safe route of access. We have considered the findings of the FRA in relation to the likely duration, depths, velocities and flood hazard rating against the design flood event for the development proposals. We agree that this indicates that there will be no danger to people.

The site is located within Flood Zone 1 with a 'low probability' of flooding with less than a 1 in 1000 annual probability of river flooding in any year. Therefore, the Sequential and Exception Tests will not need to be undertaken as part of this planning application.

The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8m from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. The Prittlebrook, is designated a 'main river.'

6.4 Essex County Fire & Rescue Services

Access for fire service vehicles is considered satisfactory. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage. The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development.

6.5 Essex and Suffolk Water

Our records show that we do have apparatus located in the proposed development. We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our company network.

6.6 Archaeology Team

There is an archaeology requirement for this development due to the proximity of the site to Bronze Age, Roman and Anglo-Saxon find stops as well as the Prittlewell Cemetery. It is recommended that a watching brief condition is imposed.

6.7 **London Southend Airport**

Our calculations show that, at the given position and height, the application will have no effect upon our operations. We therefore have no safeguarding objections. Any crane or piling rig will need to be safeguarded separately.

6.8 **Natural England**

Natural England has no comments to make on this application. Natural England refer to their standing advice on protected species. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

6.9 **Historic England**

We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Public Consultation

6.10 49 neighbour letters were sent out and a site notice was displayed and the application was advertised in the press. 1 letter of representation has been received which makes the following summarised comments:

- Concerns that customers and staff will use the residential parking areas and roads in the EKCO park housing estate instead of Aldi's own car parking, therefore causing problems for local residents.

Officer comment: The adjoining residential roads to the north will not have parking restrictions, but will be adopted by the Council and given the level of on-site parking proposed it is considered that parking on surrounding roads will not be problematic. The hospice will benefit from parking management and it is therefore considered that the hospice will not suffer in this respect. The concerns raised are noted and they have been taken into account in the assessment of the proposal. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

7 Relevant Planning History

7.1 18/01732/RSE - Erect food store with associated car parking, servicing, landscaping and associated works (Request for Screening Opinion) – Not EIA development.

7.2 18/00952/FULM – Erect 16 bedroom hospice (Class C2) with day care and treatment facilities, ancillary office space, layout parking, hard and soft landscaping, form vehicular access on to Priory Crescent – planning permission granted.

7.3 14/00943/FULM – Hybrid application to erect mixed use development comprising 231 residential dwellings (Class C3) extending to 2-3 storey's and including affordable housing with access off Thorndon Gardens, 2 storeys 3942m2 hospice facility (Class C2) with access off Priory Crescent, together with associated highways works, open space, hard and soft landscaping, car parking, associated infrastructure (full application) and approximately 5,600m2 of commercial floorspace (Class B1a) with access of Priory Crescent (outline application) – planning permission granted.

8 Recommendation

MEMBERS ARE RECOMMENDED TO GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The development shall be carried out in accordance with the approved plans: 22380CHE-102, 2238-CHE-100, 2238-CHE-113, 2238-CHE-112 Rev. A, 2238-CHE-111, V2238 L01, 2238-CHE-110 Rev. B, 18311-BT1, 2238 CHE Aldi Southend CGI 02, B2340-MJA-P105-4837.**

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

- 03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than for groundworks and site preparation works, unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed building at the site including facing materials, roof detail, windows (including sections, profiles and reveals), doors, have been submitted to and approved in writing by the local planning authority. The works must then be carried out in full accordance with the approved materials, details and specifications before the development hereby approved is brought into first use.**

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

- 04 The development shall be undertaken in accordance with the approved hard and soft landscaping scheme as shown on drawing number V2238 L01, or any other hard and soft landscaping scheme that has been previously submitted to and approved in writing by the local planning authority. All planting in the approved landscaping scheme shall be carried out within the first available planting season following first use of the development hereby approved. Any shrubs or trees dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority. Hard landscaping shall be implemented in full accordance with the approved scheme prior to occupation of any part of the development hereby approved.**

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

05 The development shall not be first brought into use until 97 on site car parking spaces have been provided and made available for use in full accordance with drawing 2238-CHE-110 rev. B, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently maintained thereafter solely for the parking of customers and staff of the development.

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

06 Notwithstanding the details shown on the plans hereby approved the development shall not be brought into first use unless and until details of a minimum of 10 secure, covered cycle parking spaces to serve the development have been submitted to and approved in writing by the local planning authority. The approved cycle parking facilities shall be provided and made available for use for occupiers of the development in full accordance with the approved plans. The approved facility shall be permanently maintained thereafter.

Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

07 The development shall be undertaken and thereafter occupied and maintained in perpetuity in accordance with the waste and recycling management strategy reference 2238-CHE dated 08.10.18. or any other waste management strategy that has previously been submitted to and approved in writing by the local planning authority.

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

08 No external plant or ventilation equipment shall be installed at the development unless and until full details of its location, design and technical specifications and a report detailing any mitigation measures proposed in respect of noise 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 mitigation measures undertaken in association with the agreed details before the extraction and ventilation equipment is brought into use. With reference to British Standard 4142 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 and to ensure an appropriate design response 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).

- 09** External lighting shall only be installed in the development hereby approved in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

Reason: In the interest of biodiversity and the safety and amenities of the area, and to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 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 by the Local Planning Authority and implemented in full prior to the first use of any part of the development. This provision shall be made for the lifetime of the development.

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

- 11** Commercial refuse collection and deliveries for the development shall not take place outside 06:00 hours to 23:00 hours Mondays to Fridays and 07:00hours to 23:00hours on Saturdays, Sundays and Bank Holidays.

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

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

i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration features should be included where infiltration rates allow;

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

iii) a timetable for its implementation; and

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

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

13 No development (including site clearance, demolition etc.) shall take place until a detailed assessment of how each and every part of the site has been used in the past and the potential risk of contamination has been carried out and a written report of the assessment in the form of a Phase 1 (contaminated land assessment) report has been submitted to and approved in writing by the Local Planning Authority. The report shall contain details of the investigation, including detailed description of the extent, scale and nature of contamination (whether it originates from the site or not), an assessment of risks to potential receptors (as outlined in DEFRA Contaminated Land Statutory Guidance), a conceptual site model (devised in the desktop study), and all pollutant linkages. The assessment must be undertaken by a competent person in accordance with BS10175:2011 (Investigation of potentially contaminated sites – Code of Practice) and the Environment Agency/DEFRA ‘Model Procedures for the Management of Land Contamination - CLR

If any contaminant is found on the site during the investigation and assessment, no development shall take place until intrusive investigation (Phase II contaminated land assessment) is carried out to delineate the extent of the contamination and 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.

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

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

- 14 Notwithstanding the information submitted with the application, no development shall be undertaken unless and until a programme of archaeological recording and analysis, a watching brief and details of the measures to be taken should any archaeological finds be discovered, has been submitted to and approved in writing by the local planning authority. The approved recording/watching brief and measures are to be undertaken throughout the course of the works affecting below ground deposits and are to be carried out by an appropriately qualified archaeologist. The subsequent recording and analysis reports should be submitted to the local planning authority before the development is brought into first use.**

Reason: to allow the preservation by record of archaeological deposits and to provide an opportunity for the watching archaeologist to notify all interested parties before the destruction off any archaeological finds in accordance with the National Planning Policy Framework (2018) and Policy DM5 of the Development Management Document (2015).

- 15 Notwithstanding the information submitted with the application, the development hereby approved shall not be brought into first use unless and until a Travel Plan including a comprehensive survey of users, targets to reduce car journeys to and from the site, identifying sustainable transport modes including cycling and modes of public transport and measures to reduce car usage has been submitted to and agreed in writing by the local planning authority. The approved Travel Plan shall be fully implemented prior to first use of the development hereby approved and be maintained thereafter in perpetuity and shall be reviewed after 9 months of the development. For the first three years at the end of each calendar year a document setting out the monitoring of the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified issues and timescales for doing so must be submitted to and approved in writing by the local planning authority. The agreed adjustments shall be implemented in accordance with the agreed conclusions and recommendations.**

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

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

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

Reason: This pre-commencement condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 17 Notwithstanding information submitted with this application the development shall not be brought into first use unless and until full details of the bird and bat boxes to be installed at the site have been submitted to and approved in writing by the local planning authority. The approved bird and bat boxes shall be provided in full prior to the first use of the development hereby approved and retained as such in perpetuity.**

Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4.

- 18 Notwithstanding the information submitted with this application, no development shall be undertaken unless and until up-to-date protected species and habitats surveys for bats, badgers and reptiles and the measures to be taken should any protected species or habitats be found, have been submitted to and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved details.**

Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4.

- 19 Site clearance works shall be undertaken outside of the bird nesting season (October to February) or if this is not possible then the site shall be surveyed by an ecologist before works commence. If nesting birds are found then work shall not commence until the young have fledged.**

Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4.

- 20 The development shall be undertaken in accordance with the Arboricultural assessment and method statement undertaken by Barrell Tree Consultancy reference 18311-AA-AN dated 28th September 2018.**

Reason: To safeguard the existing nearby trees in the interests of the character and appearance of the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 21 Notwithstanding the information submitted with this application, the development shall not be first used unless and until a deliveries management plan has been submitted to and approved in writing by the local planning authority. The development shall be undertaken in strict accordance with the approved management plan in perpetuity.**

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework (2018), Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

- 22 No development shall be undertaken unless and until full details of the right hand turn lane to be provided in Priory Crescent and the amended access to the site as indicatively shown on drawing 2238-CHE-110 Rev: B have been submitted to and approved in writing by the local planning authority. The approved right hand turn lane and access arrangements shall be provided before the development is brought into first use.**

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework (2018), Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

- 23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revoking and re-enacting that Order with, or without modification, no extensions or works to provide additional floorspace shall be carried out at the development hereby approved falling within Schedule 2, Part 7 Class A of that Order.**

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Design and Townscape Guide (2009).

- 24 Notwithstanding the provisions of Section 55(2) of the Town and Country Planning Act (1990) as amended, no mezzanine floorspace shall be erected within the approved development unless express planning permission for such works has been previously granted.**

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties in accordance the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Design and Townscape Guide (2009).

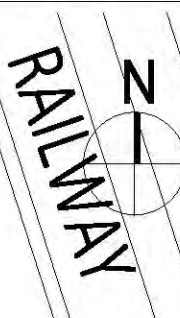
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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

Informatives

- 01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.
- 02 You 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 You are advised that separate advertisement consent will be required for the advertisements shown on the approved plans and the granting of planning permission in this case does not permit the advertisements shown on the plans for which separate advertisement consent is required.



SUBJECT TO SITE SURVEY, CONFIRMATION OF LEGAL BOUNDARIES, SITE CONSTRAINTS & HIGHWAYS



El Sub Sta

Pub Carpark

Public H

Shelter

FB

13.4m

13.4m

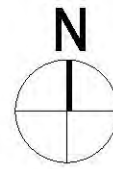


| | | | | | | | | |
|---------------|--|--------------|-----|---------|-------------|-----|-----|----|
| Project Title | PROPOSED ALDI FOOD STORE | | Rev | Date | Description | Rev | CHK | BY |
| Client | ALDI STORES LIMITED - CHELMSFORD | | | | | | | |
| Status | PLANNING | | | | | | | |
| Scale | 1:250 | Drawing Size | A1 | | | | | |
| Date | 03.09.18 | Drawn By | JPG | Checked | | | | |
| Drawing Title | Existing Site Plan | | | | | | | |
| Job-Dwg No | 2238-CHE-102 | | | | | | | |
| | <input type="checkbox"/> 2 St Johns North, Wakefield, WF1 3GA <input type="checkbox"/> Carver Warehouse, 77 Dale Street, Manchester, M1 2HG <input type="checkbox"/> The Old Rectory, 77 High Street, Newport Pagnell, MK16 9AB <input checked="" type="checkbox"/> 101 London Road, Reading, RG1 5BY <input type="checkbox"/> 10 Green Court, 31 Christophers Place, London, W10 1JZ <input type="checkbox"/> 1, 0207 491215 | | | | | | | |



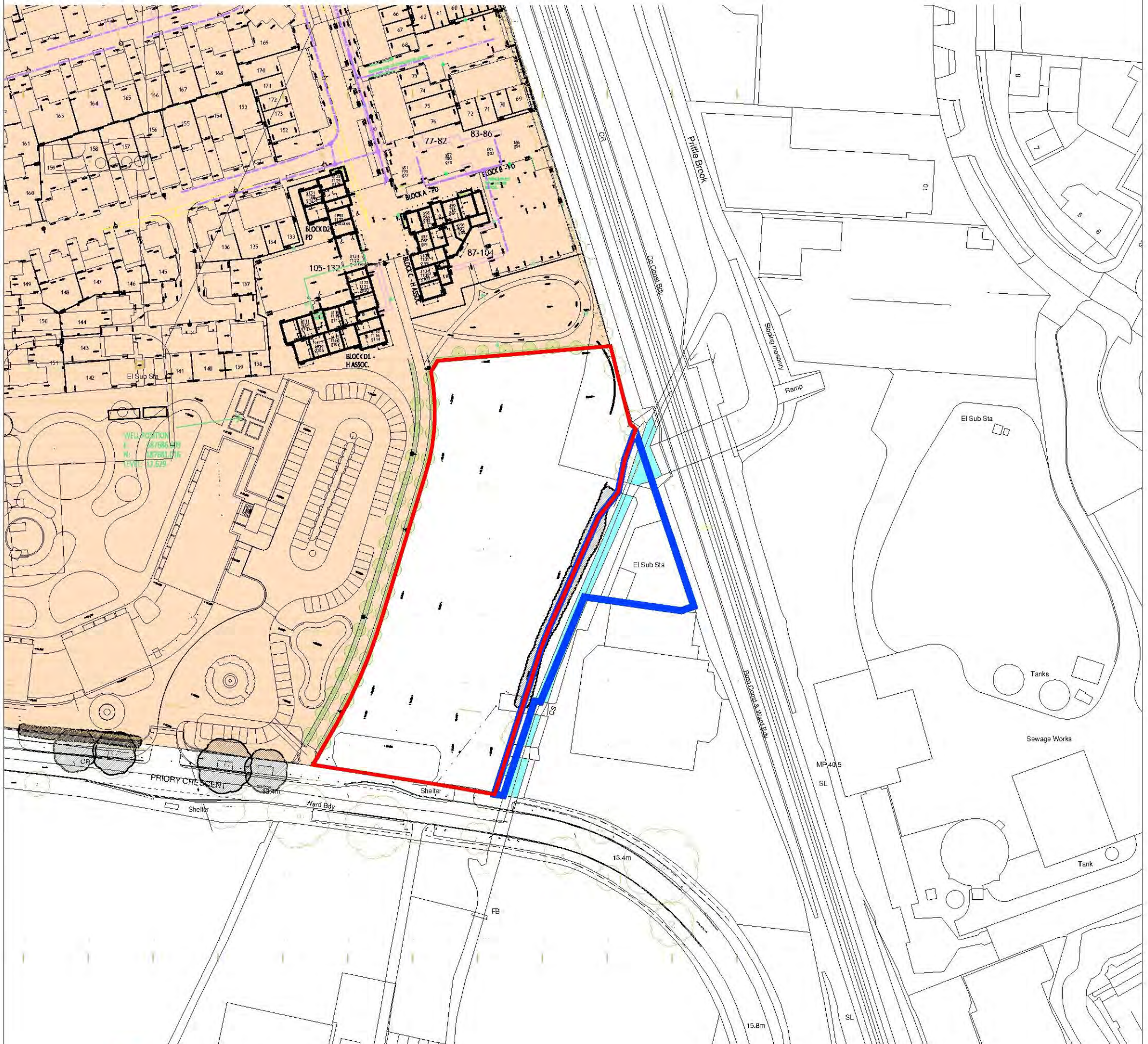
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SUBJECT TO SITE SURVEY, CONFIRMATION OF LEGAL BOUNDARIES, SITE CONSTRAINTS & HIGHWAYS

REDLINE AREA 7,430 SQM; 1.836 ACRES; 0.744 HECTARES



-  DENOTES EXTENT OF PLANNING APPLICATION BOUNDARY
-  DENOTES EXTENT OF LAND UNDER THE OWNERSHIP OF THE APPLICANT
-  DENOTES EXTENT OF LAND UNDER CONSTRUCTION BY OTHERS



| | | | |
|---------------|---|--------------|-----|
| Project Title | PROPOSED ALDI FOOD STORE | | |
| | EKCO BUSINESS PARK PRIORY CRESCENT SOUTHEND-on-SEA SS2 6PP | | |
| Client | ALDI STORES LIMITED - CHELMSFORD | | |
| Status | PLANNING | | |
| Scale | 1:1250 | Drawing Size | A3 |
| Date | 05.09.18 | Drawn By | JPG |
| | | Checked | - |

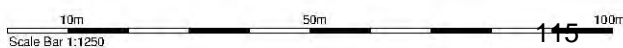
| Rev | Date | Description | Rev By | CHK'd By |
|-----|------|-------------|--------|----------|
| - | - | - | - | - |

Drawing Title: LOCATION PLAN

Job-Dwg No: 2238-CHE-100 Rev: -

- 2 St. Johns North, Wakefield, WF1 30A t. 01924 291800
- Carvers Warehouse, 77 Dale Street, Manchester, M1 2HG t. 0161 2388555
- The Old Rectory, 79 High Street, Newport Pagnell, MK16 8AB t. 01908 211577
- 101 London Road, Reading, RG1 5BY t. 0118 9507700
- 10 Gees Court, St Christophers Place, London, W1U 1JJ t. 0207 4091215

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SUBJECT TO SITE SURVEY, CONFIRMATION OF LEGAL BOUNDARIES, SITE CONSTRAINTS & HIGHWAYS

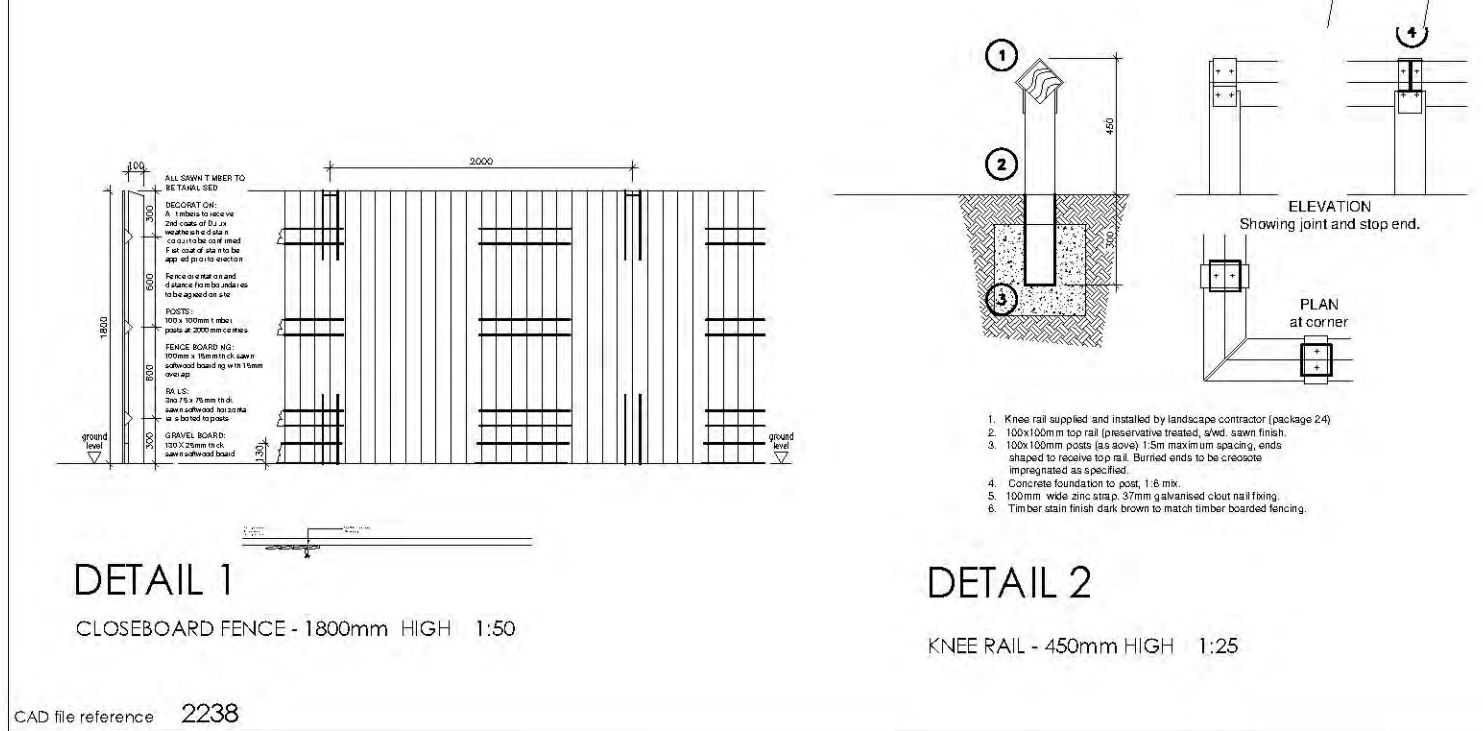
| | |
|------------------------------|-------------|
| ALDI RETAIL AREA | 22.8m x 55m |
| WAREHOUSE | 7m |
| PARKING ASILES | 6m |
| PARKING SPACES | 2.5m x 5.0m |
| (97 SPACES INC 5 DDA & 8 PC) | |

ALDI FOODSTORE

| | |
|-----------------|------------------------|
| PROPOSED | 1716 SQ. M. (GIA) |
| | 1801 SQ. M. (GEA) |
| STORAGE AREA | 347 SQ. M. (NET) |
| OFFICE AREA | 115 SQ. M. (NET) |
| RETAIL AREA | 1254 SQ. M. (NET) |
| TOTAL SITE AREA | 1.837 ACRES (RED LINE) |

NEW SOFT LANDSCAPING KEY

- BELLYWAY HEDGE
- BELLYWAY TREE
- ALDI TREE
- ALDI LOW LEVEL PLANTING



Rev: 01.10.18 GIA & GEA FIGURES UPDATED
 26.09.18 FURTHER DETAIL & ANNOTATION ADDED
 Rev: Date Description Rev By CRK:JPG

| | | | |
|---------------|---|---------------|--------------------|
| Project Title | PROPOSED ALDI FOOD STORE | Drawing Title | Proposed Site Plan |
| Client | ECKO BUSINESS PARK PRIORY CRESCENT SOUTHEND-ON-SEA SS2 6PP | Job/Dwg No | 2238-CHE-110 |
| Status | PLANNING | Rev | B |
| Scale | 1:250 | Drawing Size | A1 |
| Date | 03.09.18 | Drawn By | JPG |

2 St Johns North, Wakefield, WF1 3GA
 T: 01924 291800
 Carvers Warehouse, 77 Dale Street, Manchester, M1 2HG
 T: 0161 2386555
 The Old Rectory, 79 High Street, Newport Pagnell, MK16 9AB
 T: 01908 211877
 101 London Road, Reading, RG1 5BJ
 T: 0118 9507700
 10 Green Court, 31 Christophers Place, London, W1U 1JZ
 T: 0207 491215

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Proposed Aldi Food Store - Ekco Business Park, Priory Crescent, Southend-on-Sea

Client: Aldi Stores Ltd
Date: 02/10/18

Job/Dwg: 2238 CHE Aldi Southend CGI 02



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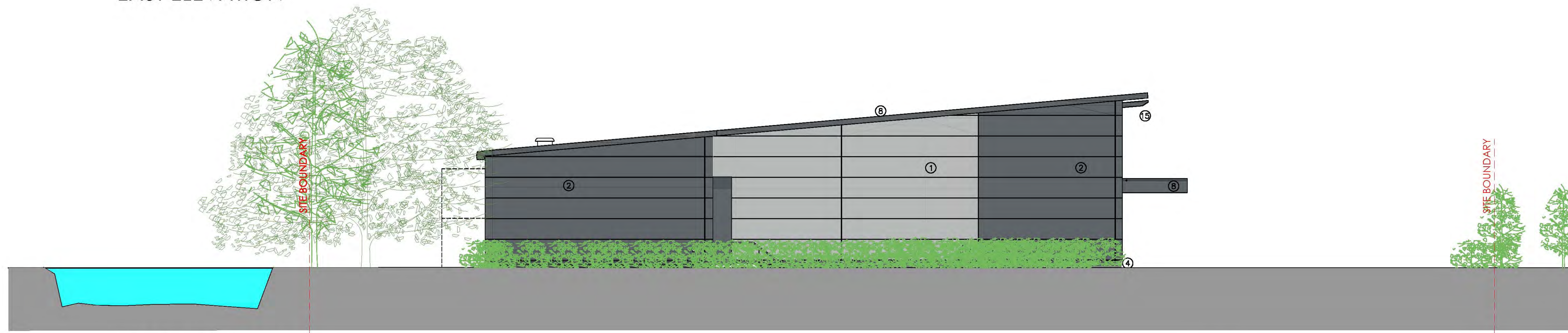
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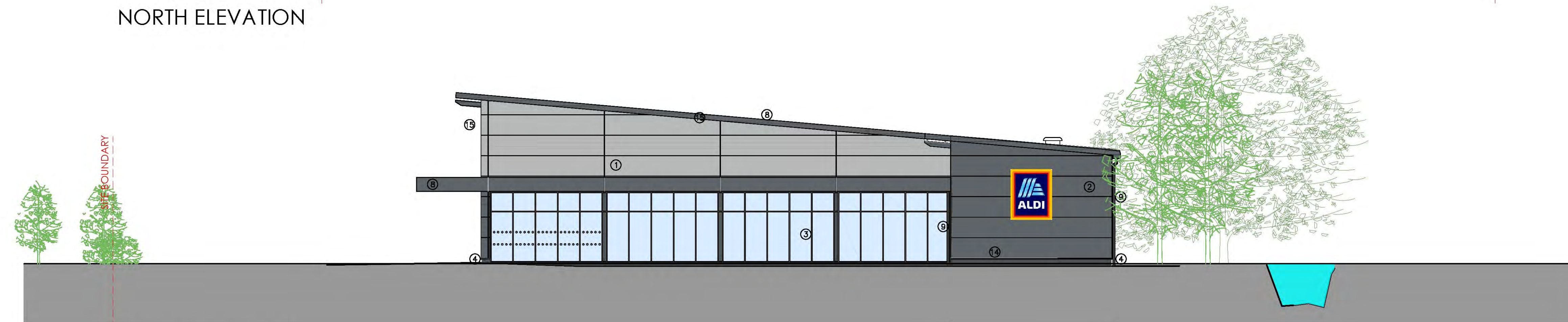
WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

| Rev | Date | Description | Rev | By | CHK'd By |
|-----|------|---|-----|----|----------|
| 1 | | KINGSPAN KS1000MR METALLIC SILVER CLADDING RAL 9006 | | | |
| 2 | | KINGSPAN KS1000MR ANTHRACITE GREY CLADDING RAL 7016 | | | |
| 3 | | SHOPFRONTS - POLYESTER POWDER COATED ALUMINIUM (RAL 7016) | | | |
| 4 | | BLOCKLEYS BRICK LTD. 'CHARCOAL' BRICKWORK WITH TARMAC Y14 (BLACK COLOURED MORTAR | | | |
| 5 | | ENTRANCE - POLYESTER POWDER COATED ALUMINIUM (RAL 7016 ANTHRACITE) | | | |
| 6 | | STEEL ESCAPE DOORS - POLYESTER POWDER COATED COLOUR GREY (RAL 7016) (FRAME COLOUR RAL 7016) | | | |
| 7 | | WINDOWS - POLYESTER POWDER COATED ALUMINIUM (RAL 7016) | | | |
| 8 | | FASCIAS - POWDER COATED ALUMINIUM TO BS8496 RAL 7016 | | | |
| 9 | | RAINWATER GOODS POLYESTER POWDER COATED ALUMINIUM (RAL 7016) | | | |
| 10 | | KINGSPAN KS 1000 RW 80MM THICK TRAPEZOIDAL COMPOSITE ROOF PANELS ON PURLINS. ALL TO ACHIEVE MIN U-VALUE OF 0.25W/M ² K. COLOUR TO BE ANTHRACITE GREY RAL 7016. | | | |
| 11 | | SECTIONAL OVERHEAD DOOR - PVF COATED STEEL (RAL 7016) | | | |
| 12 | | TROLLEY BAY RAILS - SATIN FINISH STAINLESS STEEL | | | |
| 13 | | HANDRAILS - GALVANISED TUBULAR STEEL | | | |
| 14 | | PVF2 COATED ALUMINIUM PRESSED DRIP FLASHING. COLOUR METALLIC SILVER RAL 9006. | | | |
| 15 | | ALL EXPOSED STEEL WORK TO BE PAINTED STEELGUARD 244 FINISH COAT TO BE GLOSS FINISH RAL 7016 ANTHRACITE GREY. | | | |

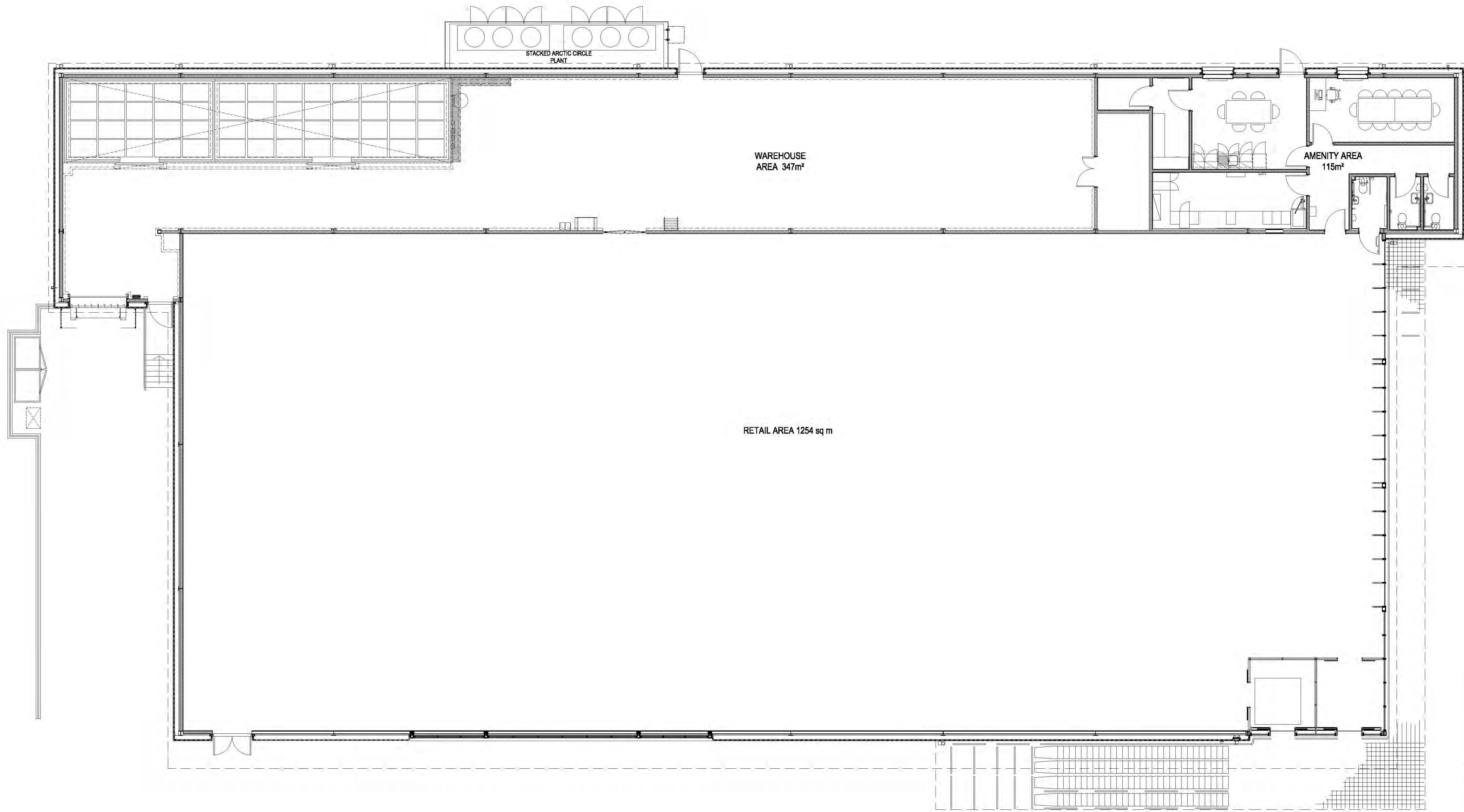
| Rev | Date | Description | Rev | By | CHK'd By |
|---|------|---|----------|-----------------|----------|
| | | | | | |
| Project Title | | EKco Business Park Priory Crescent Southend on Sea SS2 6PP | | | |
| Client | | ALDI STORES LIMITED - CHELMSFORD | | | |
| Status | | PLANNING | | | |
| Scale | | 1:125 | | Drawing Size A1 | |
| Date | | 17/09/2018 | Drawn By | JJJ | Checked |
| Drawing Title | | PROPOSED ELEVATIONS | | | |
| Job/Draw No | | 2238-CHE-111 | | Rev - | |
| <input type="checkbox"/> 2 St. Johns North, Wakefield, WF1 3QA t. 01924 271600 <input type="checkbox"/> Carvers Warehouse, 77 Dale Street, Manchester, M1 2HG t. 0161 2388555 <input checked="" type="checkbox"/> The Old Factory, 79 High Street, Newport Pagnell, MK16 8AB t. 0118 9507730 <input type="checkbox"/> 101 London Road, Reading, RG1 5BT t. 0118 9507730 <input type="checkbox"/> 10 Great Court, St Christophers Place, London, W1U 1JJ t. 0207 4091215 | | | | | |
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SUBJECT TO SITE SURVEY, CONFIRMATION OF LEGAL BOUNDARIES, SITE CONSTRAINTS & HIGHWAYS

ALDI FOODSTORE
 PROPOSED 1,801 SQM (GEA)
 PROPOSED 1,716 SQM (GIA)

WAREHOUSE AREA 347sqm (NET)
 AMENITY AREA 115sqm (NET)
 RETAIL AREA 1,254sqm (NET)



123

| Rev | Date | Description | Rev By | CHK'd By |
|-----|----------|---------------------------|--------|----------|
| A | 01/10/18 | GIA & GEA FIGURES UPDATED | JPG | |



Project Title: Ekco Business Park
 Priory Crescent
 Southend on Sea
 SS2 6PP

Client: ALDI STORES LIMITED - CHELMSFORD

Status: PLANNING

Scale: 1:100 **Drawing Size:** A1

Date: 17/09/2018 **Drawn By:** JJI **Checked:** JPG

Drawing Title: PROPOSED FLOOR PLAN

Job/Draw No: 2238-CHE-112 **Rev:** A

- 2 St. Johns North, Wakefield, WF1 3QA 1. 01924 291800
- Carvers Warehouse, 77 Dale Street, Manchester, M1 2HG 1. 0161 2388555
- The Old Factory, 79 High Street, Newport Pagnall, MK16 6AB 1. 01938 211577
- 101 London Road, Reading, RG1 5BT 1. 0118 9507700
- 10 Green Court, St Christophers Place, London, W1U 1JJ 1. 0207 4091215



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| Name | Abb. | Form | Age | Girth | Height (cm) | Clear stem | Root | Breaks | Density |
|-------------------------------|------|----------------------|-----|-------|-------------|------------|------|--------|---------|
| Native Trees | | | | | | | | | |
| Acer campestre 'Streetwise' | AcS | Standard semi mature | 4x | 20-25 | min 450 | min 200 | RB | / | Item |
| Betula pendula | Bp | Standard extra heavy | 3x | 18-20 | min 450 | min 200 | RB | / | Item |
| Sorbus aucuparia 'Streetwise' | SaS | Standard extra heavy | 3x | 18-20 | min 450 | min 200 | RB | / | Item |

| Name | Abb. | Height | Root | Container | Habit | Breaks | Age | Density |
|-------------------------|------|---------|------|-----------|--------------|--------|-----|---------|
| Specimen Shrubs | | | | | | | | |
| Amelanchier lamarckii | Al | 250-300 | RB | / | Multi Stem | 3 | 3x | Item |
| Fatsia japonica | FJ | 60-80 | C | 1.5L | Leader | / | / | Item |
| Phormium 'Pink Panther' | PPP | / | / | 1.5L | Triple Crown | / | / | Item |

| Name | Abb. | Height | Root | Container | Habit | Breaks | Density |
|---------------------------------------|-------|--------|------|-----------|----------|--------|------------------|
| Ornamental Planting | | | | | | | |
| Chiosya ternata 'Sundance' | CIS | 30-40 | C | 3L | Bushy | 4 | 5/m ² |
| Elaeagnus ebbingei 'LimeLight' | EeL | 40-60 | C | 3L | Branched | 3 | 3/m ² |
| Euonymus fortunei 'Emerald & Gold' | EFG | 20-30D | C | 5L | Bushy | 7 | 5/m ² |
| Hebe 'Mrs Winder' | HMW | 30-40 | C | 5L | Bushy | 5 | 4/m ² |
| Lonicera nitida 'Baggesens Gold' | LnBG | 30-40 | C | 3L | Bushy | 3 | 4/m ² |
| Lonicera nitida 'Maigreen' | LnM | 30-40D | C | 3L | Bushy | 6 | 5/m ² |
| Mahonia aquifolium 'Apollo' | Ma | 30-40 | C | 3L | Branched | 3 | 4/m ² |
| Photinia x fraseri 'Little Red Robin' | PILRR | 30-40 | C | 3L | Branched | 6 | 4/m ² |
| Skimmia japonica 'Rubella' | SJR | 30-40 | C | 3L | Bushy | 3 | 5/m ² |
| Spiraea japonica 'Goldflame' | SJG | 20-30 | C | 3L | Bushy | 6 | 5/m ² |
| Viburnum tinus 'Eve Price' | VIEP | 30-40 | C | 3L | Bushy | 4 | 4/m ² |

| Name | Abb. | Age/Condition | Height | Root | Container | Habit | Breaks | % In Mix | Density |
|--------------------------|------|---------------|--------|------|-----------|--------------------------|--------|----------|------------------|
| Native Buffer Mix | | | | | | | | | |
| Acer campestre | Ac | 1+1 or 1/1 | 80-100 | B | / | Transplant - seed raised | / | 10% | 1/m ² |
| Corylus avellana | Ca | 1+2 or 1/2 | 60-80 | B | / | Branched | 3 | 15% | 1/m ² |
| Crataegus monogyna | Cm | 1+1 or 1/1 | 60-80 | B | / | Transplant - seed raised | / | 40% | 1/m ² |
| Ilex aquifolium | Ia | / | 40-60 | C | 2L | Leader & Laterals | / | 15% | 1/m ² |
| Rosa canina | Rc | 1+1 or 1/1 | 60-80 | B | / | Branched | 3 | 10% | 1/m ² |
| Viburnum opulus | Vo | 1+2 or 1/2 | 60-80 | B | / | Branched | 3 | 10% | 1/m ² |

| Name | Abb. | Height | Root | Container | Habit | Breaks | Density |
|-----------------------------------|------|--------|------|-----------|-------|--------|--------------|
| Ornamental Hedge | | | | | | | |
| Prunus laurocerasus 'Otto Luyken' | PIOL | 60-80 | C | 12L | Bushy | 7 | 45cm centres |

* Native buffer to be planted at 1m centres in groups of 5, 7, 9, 11, 13, 15 or 17 of a single species.
 ** All whips and transplants to have rabbit guards and mulch mats.

SOFT LANDSCAPE SPECIFICATION

NOTE: All soft landscape works to be carried out in accordance with BS4428:1989.

SUBSOIL

Subsoil should be broken up to relieve compaction and aid drainage prior to topsoiling to the following depths:
 - For light and non cohesive subsoils: 300mm
 - For stiff clay and cohesive subsoils: 450mm
 Immediately before spreading topsoil, remove stones larger than 50mm.

TOPSOIL

To be supplied and spread by the main contractor to the approval of the Landscape contractor, in accordance with BS 3882: 2015. To be a natural sandy loam, of medium texture, with a pH between 5.5 and 7.8, not more than slightly stony and free of pernicious weeds. Subsoil to be well broken up prior to top-soiling to relieve compaction. Topsoil depths should be:
 Areas for Ornamental Shrub Planting: minimum 450mm

CULTIVATION

Weeds to be prevented from seeding or becoming established by applying a suitable herbicide and allowing the correct time to elapse, as directed by the manufacturer. Compacted soil to be broken up to a depth of 100mm, with any stones, grass tufts or rubbish larger than 50mm in any direction to be removed, leaving a regular and even surface. Suitable slow release fertiliser to be supplied and spread @ 50g/m2 to all planted areas.

CLIMATIC CONDITIONS

Topsoiling should be carried out in the driest conditions possible - cultivation to be carried out when the soil is moist, friable and not waterlogged or frozen. Topsoil should not be handled during or after heavy rainfall or when it is wetter than the plastic limit as defined by BS 3882. Planting should not take place in waterlogged conditions or when the ground is frozen.

SOIL AMELIORANT

Peat-free compost to be spread over ornamental shrub beds @ minimum 50mm depth prior to cultivation.

TREES

All trees within shrub beds to be planted in separate pits in accordance with free planting detail.
 All plant material to comply with BS 3936 Part 1:1992, be obtained from a nursery certified by the HIA and transported to site in accordance with the HIA Plant Handling Guide: 1996. All trees to be planted to the original root collar and secured in place with underground guying system in accordance with free planting detail.

SHRUB PLANTING

All shrubs to be positioned as shown on the drawing and to the density and specification listed in the plant schedule. Planting holes to be 150mm wider than the root spread, have the base ground thoroughly broken up before planting and backfilled with peat free compost.
 All shrubs to be equally spaced throughout the planting areas to the specified density in a staggered arrangement unless otherwise noted in the planting schedule.
 Contractor to ensure numbers on schedule match those shown on drawing before placing any orders for plants. Any discrepancies to be brought to the attention of the Landscape Architect upon discovery.
 Contractor to check on site dimensions of all landscape areas to ensure specified quantities will achieve the specified densities for each species.

SUBSTITUTIONS:

Upon submission of evidence that certain materials, including plant materials, are not available at the time of the landscape contract, the Landscape Contractor may be permitted to substitute other materials and plants in exceptional circumstances during the contract with an agreed adjustment of prices. All substitutions shall be of nearest equivalent species and variety to the original specified but shall be subject to approval by the Landscape Architect before any change is made.

TIMES OF YEAR FOR PLANTING:

- Landscape works to be carried out during the final possible planting periods prior to practical completion of the building and associated engineering works / car park areas in accordance with the following:
- Native and ornamental trees: During dormant winter period - Late October to late March
 - Bare root native transplants: During dormant winter period - Late October to April
 - Container grown ornamental and specimen shrubs: At any time if ground and weather conditions are favourable.

MULCH

75mm depth of 8-35mm ornamental bark mulch (peat-free) to be supplied and spread to all planting areas. Finished mulch level to be installed and maintained at 25mm below any adjacent kerbs or paving surfaces.

MAINTENANCE

All planting areas to be maintained to a high standard by the contractor for 12months after practical completion, to ensure the landscape scheme is successful, and discourage decline of the area.
 Site to be visited minimum once per month to carry out required maintenance to all soft landscape areas.

Generally, during the first 12months:

- All planting beds to be re-firmed and kept weed free through hand weeding and application of an approved herbicide where appropriate.
- All litter to be picked and removed from landscape areas.
- Mulch to be topped up as required to maintain the specified thickness.
- The condition of all trees is to be regularly checked, with ties and stakes adjusted or replaced as necessary.
- Shrubs to be pruned at appropriate times of year for each species to promote healthy growth and desirable ornamental features.
- All arisings to be removed from site.
- Any defects or plant losses occurring during the first 12 months defects period to be replaced at the contractors expense.

WATERING:

All soft landscaping to be subject to a watering regime which is absolutely essential to ensure the continued success of the scheme, particularly in the key first 12 month establishment period. The frequency should be as necessary to ensure the continued thriving of all grass / planting. During dry periods minimum weekly visits should be made to site to ensure the soil is not too dry and to water if necessary. The soil should be checked for dryness using either a soil moisture sensor or pushing a spade into the top 300mm of soil and seeing how the soil looks. If it is moist there is no need to water but if it is bone dry then water immediately. Supply should be from potable mains water or an approved alternative. The full depth of topsoil should be wet without loosening or damaging plants. Any compacted soil should be loosened or scooped out to direct water to the rootzone. Trees should be watered via their irrigation pipes, in accordance with the manufacturer's instructions, to ensure the water reaches the rootball of the tree.



KEY:

- Existing trees for retention
To be retained and protected in accordance with BS 5837:2012
- New tree line and hedge by others
- Proposed native trees in soft landscape
Refer to schedule for species and specification
- Proposed specimen shrub planting
Refer to planting schedule for species & specification
- Proposed ornamental shrub planting
Refer to planting schedule for species & specification
- Proposed native buffer mix planting
Refer to planting schedule for species & specification
- Proposed ornamental hedge planting
Refer to planting schedule for species & specification

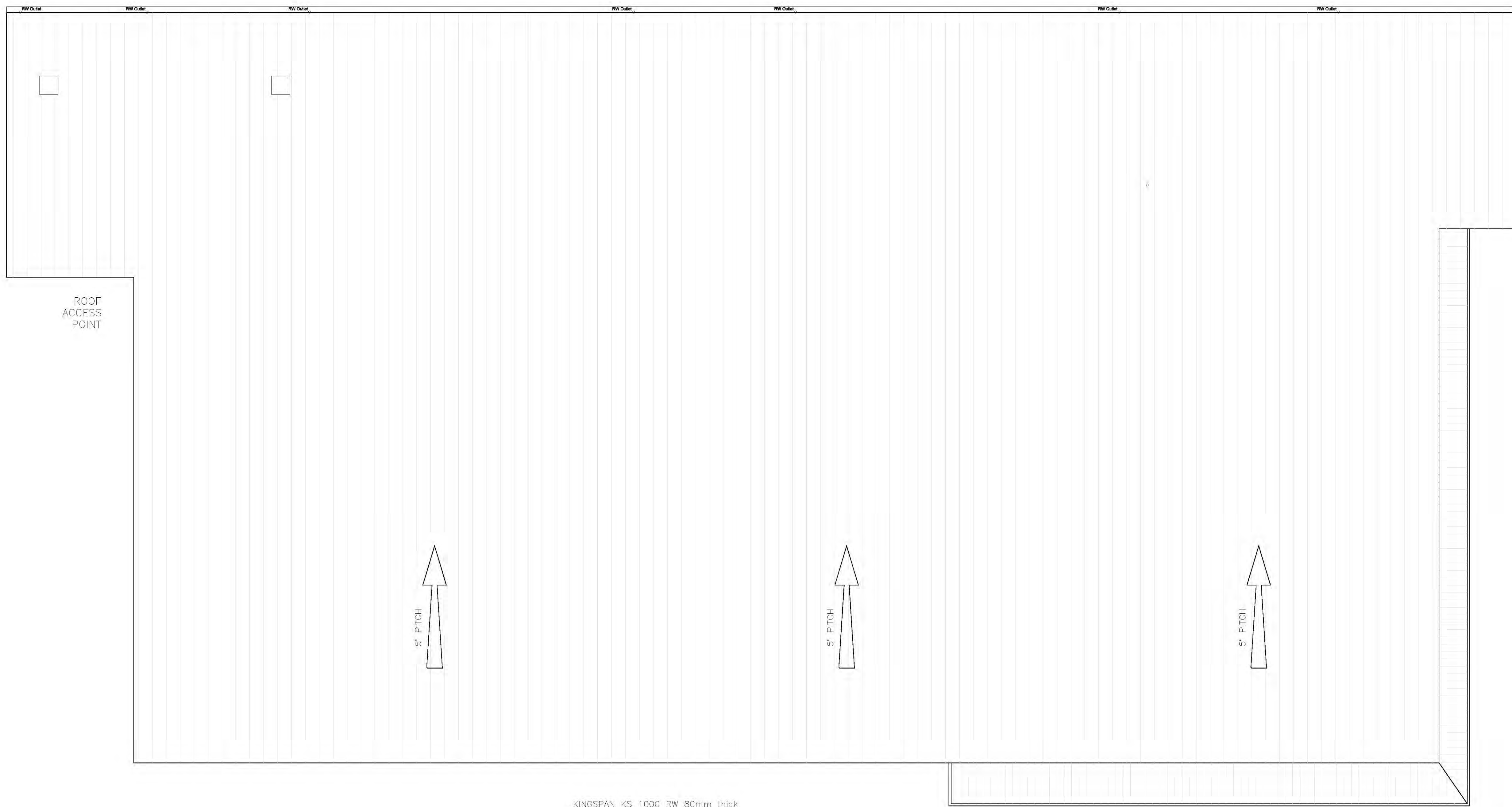
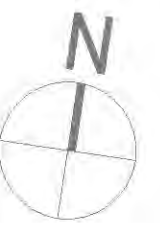
Bird and bat boxes to be included where necessary in accordance with ecologists recommendations. Ecologist to advise on precise spec., quantity & location of each.

| Revisions | Description | Drawn | Check |
|--------------|--|--------------|-------|
| Project File | Proposed Aldi Foodstore | | |
| Client | Ecko Business Park Priory Crescent Southend-On-Sea | | |
| Status | PLANNING | | |
| Scale | 1:250 | Drawing Size | A1 |
| Drawn By | DW | Checked By | AS |
| Date | 10/18 | | |
| Job/Draw No | V2238 L01 | Rev | - |

vector
design concepts

LANDSCAPE DESIGNERS
 4 ST JOHNS NORTH, WAKEFIELD, WF1 3GA. TEL 01924 332056
 www.vectorltd.com

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ROOF ACCESS POINT

5° PITCH

5° PITCH

5° PITCH

KINGSPAN KS 1000 RW 80mm thick Trapezoidal composite roof panels on Purlins. All to achieve min U-value of 0.25W/m²K. Colour to be anthracite grey ral 7016.

UNICLAD 32/1000/RX0.7MM PLASTISOL COATED STEEL SINGLE SKIN SHEET, COLOUR GOOSEWING GREY.

127

| Rev | Date | Description | Rev By | CHK'd By |
|-----|------|-------------|--------|----------|
| | | | | |



Project Title Ekco Business Park
Pitoy Crescent
Southend on Sea
SS2 6PP

Client ALDI STORES LIMITED - CHELMSFORD

Status PLANNING

Scale 1:100 **Drawing Size** A1

Date 17/09/2018 **Drawn By** JJI **Checked** JPG

Drawing Title PROPOSED ROOF PLAN

Job/Draw No 2238-CHE-113 **Rev** -

- 2 St. Johns North, Wakefield, WF1 3QA t. 01924 291600
- Carvers Warehouse, 77 Dale Street, Manchester, M1 2HG t. 0161 2988555
- The Old Factory, 79 High Street, Newport Pagnell, MK16 6AB t. 01908 211577
- 101 London Road, Reading, RG1 5BT t. 0118 9507700
- 10 Green Court, 51 Christophers Place, London, W1U 1JJ t. 0207 4091215



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| STATISTICS | | | | | | |
|--------------|--------|--------|---------|-------|---------|---------|
| Description | Symbol | Avg | Max | Min | Min/Max | Min/Avg |
| Car Park | + | 28 lux | 165 lux | 0 lux | 0.05 | 0.29 |
| Delivery Bay | + | 30 lux | 92 lux | 2 lux | 0.02 | 0.07 |
| Soil Light | + | 0 lux | 5 lux | 0 lux | 0.00 | N/A |

| LUMINAIRE SCHEDULE | | | | |
|--------------------|-------|-----|--|---|
| Symbol | Label | Qty | Catalog Number | Description |
| | FW9 | 2 | FTS L094 FW mounted on 6m columns | FACTOR SMALL Luminaire 10488 LUMENS, 4000K |
| | FW0 | 0 | FTS L094 FW mounted on 6m columns | FACTOR SMALL Luminaire 10488 LUMENS, 4000K |
| | H | 16 | FLUX LED 1x30W LED one glass mounted on 6m ceiling | FLUX LED 3000lm |
| | K | 5 | MTA 5407 157AS-3 7 mounted on wall @ 3.6m | Apollo LED 39W LED nw |
| | A | 8 | FTS L094FW BLS mounted on 6m columns on back street | FACTOR SMALL WITH 10488 Luminaire, 4000K |

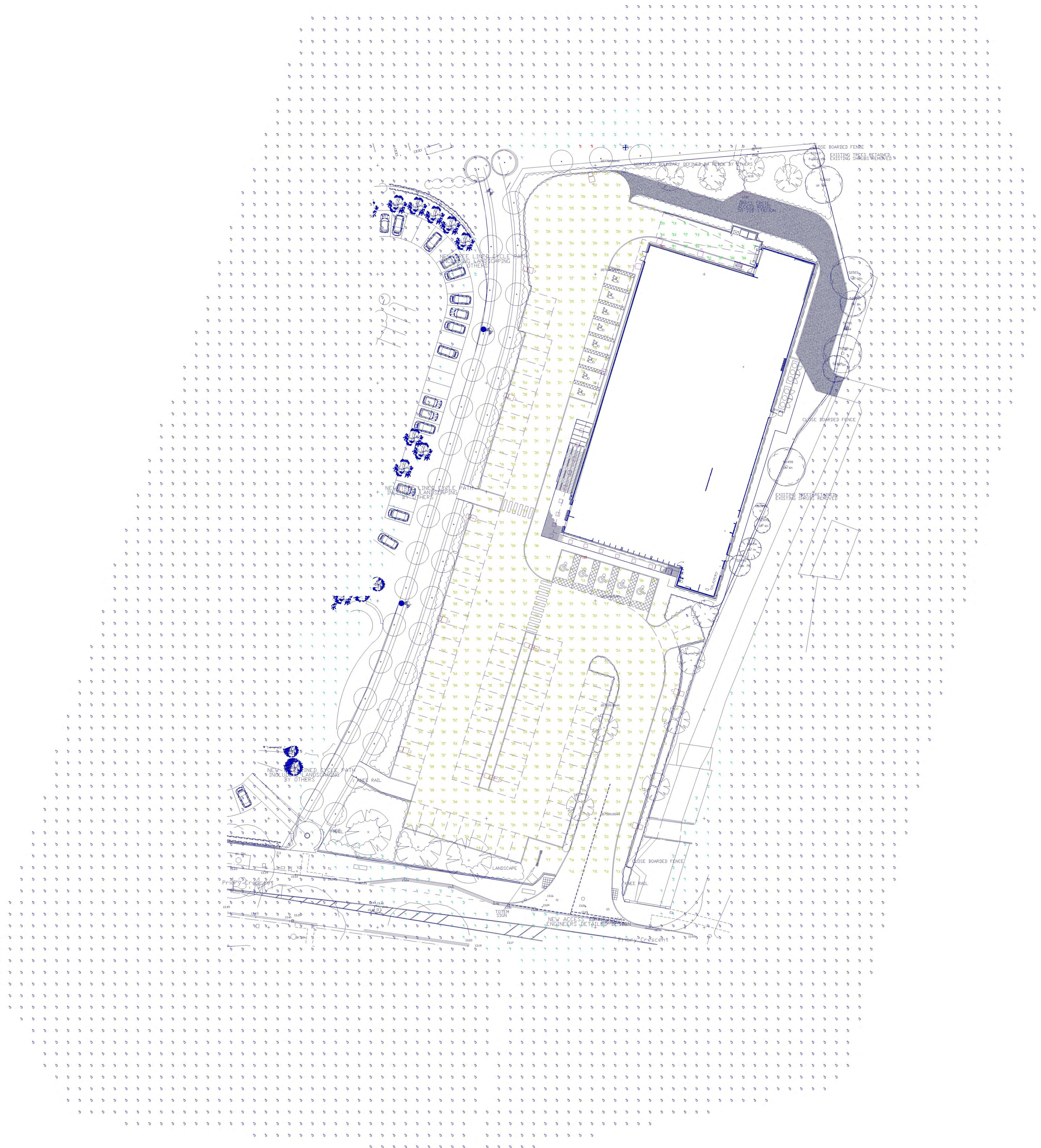
TYPE FW9 - FACTOR SMALL - FTS Luminaire - 6M GALV COLUMN



TYPE H
FLUX LED 3000lm



TYPE K
Apollo LED 39W LED nw



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Tree protection plan
Location of trees, categorisation & protection/management proposals at Proposed Aldi Food Store, Ecko Business Park, Southend on Sea, Essex

Barrell Plan Ref: 18311-BT1

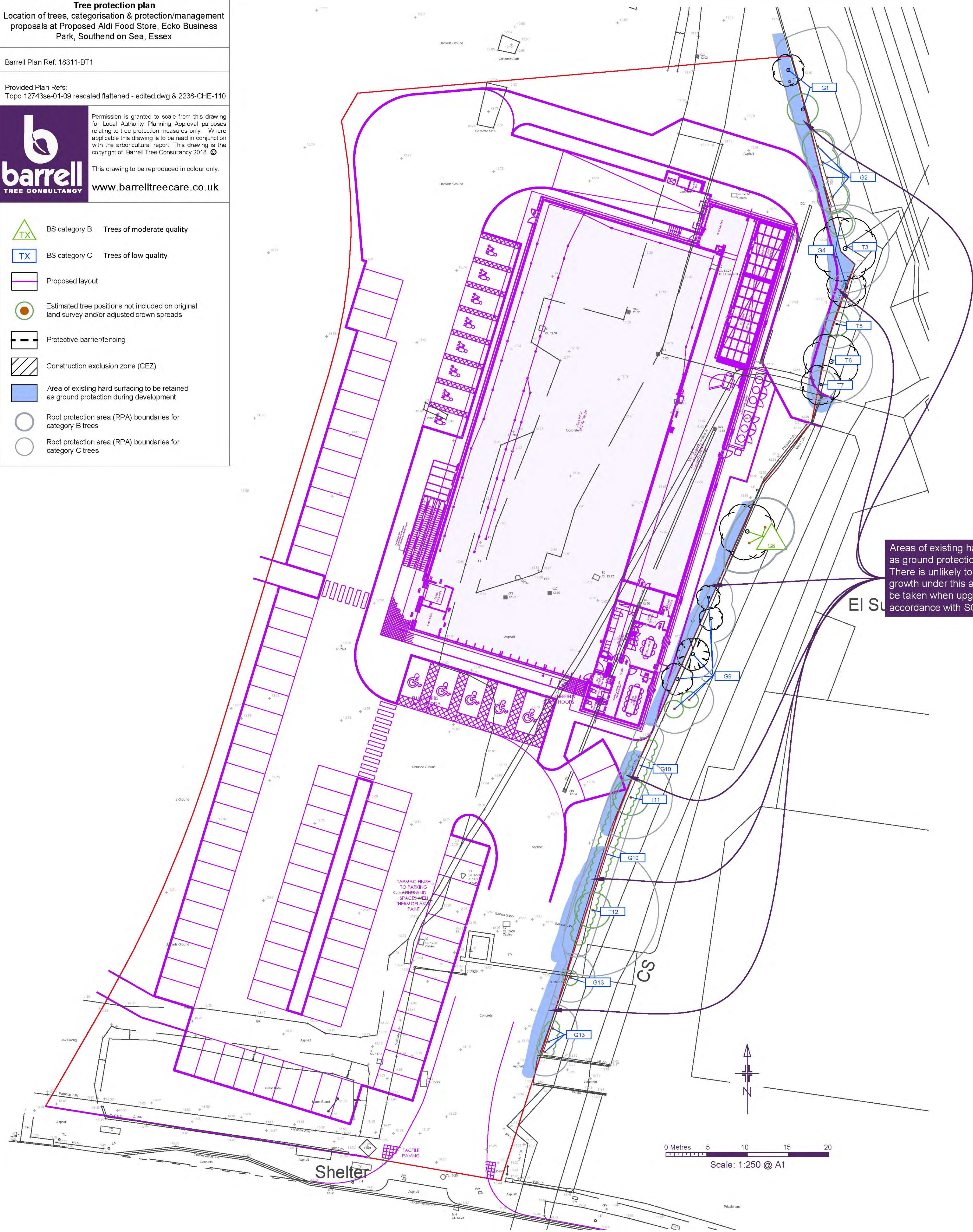
Provided Plan Refs:
Topo 12743se-01-09 rescaled flattened - edited.dwg & 2238-CHE-110



Permission is granted to scale from this drawing for Local Authority Planning Approval purposes relating to tree protection measures only. Where applicable this drawing is to be read in conjunction with the arboricultural report. This drawing is the copyright of Barrell Tree Consultancy 2018. ©

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www.barrelltreecare.co.uk

-  BS category B Trees of moderate quality
-  BS category C Trees of low quality
-  Proposed layout
-  Estimated tree positions not included on original land survey and/or adjusted crown spreads
-  Protective barrier/fencing
-  Construction exclusion zone (CEZ)
-  Area of existing hard surfacing to be retained as ground protection during development
-  Root protection area (RPA) boundaries for category B trees
-  Root protection area (RPA) boundaries for category C trees



Areas of existing hard surfacing to be retained as ground protection during development. There is unlikely to be any significant root growth under this area, however care should be taken when upgrading and landscaping in accordance with SGN 8, SGN 9, and SGN 12.

Tree schedule

| Tree No | Species | Category | RPA Radius | Tree Works |
|--------------------|---|----------|------------|---|
| All retained trees | | | | Carry out safety check and lift over site to 3-4m as necessary. |
| G1 | Sycamore | C | 7.2 | - |
| G2 | Sycamore | C | 2.1 | - |
| T3 | Sycamore | C | 5.4 | Offsite, unable to access base, previously reduced to 2m |
| G4 | Sycamore | C | 1.8 | - |
| T5 | Lilac | C | 3 | - |
| T6 | Sycamore | C | 5.1 | - |
| T7 | Birch | C | 1.8 | - |
| G8 | Ash | B | 3.6 | - |
| G9 | Sycamore, cypress, ash, Swedish whitebeam | C | 3 | - |
| G10 | Ash, sycamore, elder, birch | C | 1.8 | - |
| T11 | Ash | C | 5.1 | - |
| T12 | Sycamore | C | 8.1 | - |
| G13 | Ash, sycamore | C | 3 | - |

SGN 8 Removing surfacing and structures in RPAs




Always:

- ✓ have a pre-commencement meeting with the tree consultant before development starts
- ✓ use the tree consultant to supervise work in RPAs
- ✓ minimise damage to roots and disturbance to soil in RPAs




SGN 12 Landscaping in RPAs



Always:

- ✓ use the tree consultant to supervise work in RPAs
- ✓ avoid raising ground levels within 1m of the trunks of retained trees



SGN 9 Installing/upgrading surfacing in RPAs



Always:

- ✓ use the tree consultant to supervise work in RPAs
- ✓ minimise damage to roots and disturbance to soil in RPAs
- ✓ minimise excavation when installing or upgrading surfacing in RPAs



How to use plan

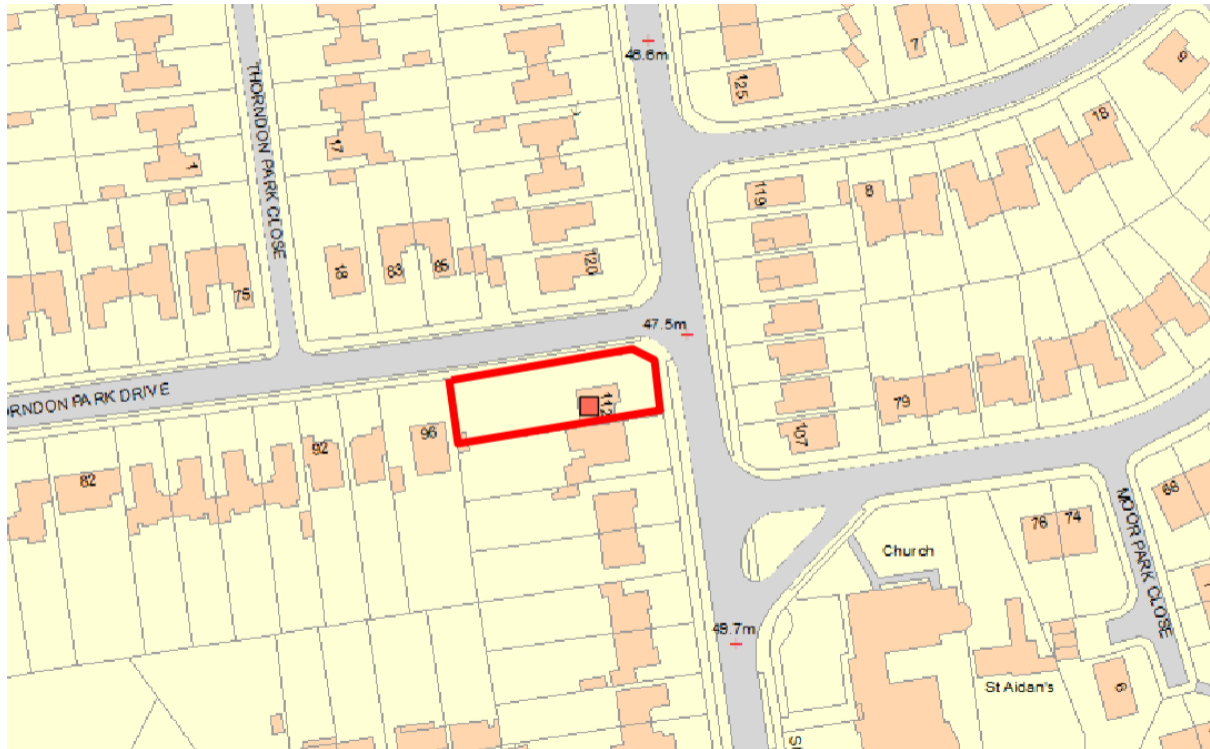
More detailed guidance on each Site Guidance Note (SGN) can be found in a printed hard copy compilation of all the SGNs, issued to the Site Manager at the pre-commencement site meeting. (Note: This should be retained on site throughout the duration of works). Additionally, an electronic pdf compilation of all the SGNs, was submitted with this drawing to the local planning authority and the client. Alternatively, a pdf of each SGN can be downloaded by:

1. clicking the image links in the electronic pdf version of this plan;
2. holding a mobile phone QR (Quick Response) code reader over the QR code in the paper version of this plan; or,
3. visiting our website at <https://www.barrelltreecare.co.uk/resources/technical-guidance>

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| | | |
|-----------------------------|---|------------|
| Reference: | 18/01749/FUL | <h1>6</h1> |
| Ward: | Belfairs | |
| Proposal: | Erect chalet bungalow on land rear of 112 The Fairway, with dormer to front, layout parking to front, install bin and cycle stores and install vehicular access onto Thorndon Park Drive for 112 The Fairway. | |
| Address: | 112 The Fairway, Leigh-On-Sea, Essex | |
| Applicant: | Joe Albert | |
| Agent: | DK Building Designs Ltd | |
| Consultation Expiry: | 15.11.2018 | |
| Expiry Date: | 14.01.2019 | |
| Case Officer: | Kara Elliott | |
| Plan No: | 3433-08/B 1/2, 3433-08/C 2/2 | |
| Recommendation: | GRANT PLANNING PERMISSION | |

#



1 The Proposal

- 1.1 Planning permission is sought to erect a one and a half storey, two bedroom dwelling fronting Thorndon Park Drive. The dwelling would have an overall depth of approximately 7.9 metres, an overall width of 10 metres and an overall height of 5.65 metres from ground level.
- 1.2 The dwelling would have a large half-hipped roof with a single pitched roof dormer central to the front roof slope. Two rooflights are proposed to the rear roof slope. The front curtilage of the dwelling would have two parking spaces and a landscaped amenity area. An additional amenity area is proposed to the side (east). Whilst the floorplan denotes a study, for planning purposes this is counted as a bedroom due to its ease of use as such.
- 1.3 Planning permission (reference 15/00311/FUL) was refused and subsequently allowed at appeal on 16th February 2016 for a dwelling at the site. The extant permission is for a dwelling sited in the same position as that of the proposed dwelling, measuring 9.8m wide x 7.75m deep x 6.65m high. The dwelling granted permission has a hipped main roof with dormers to the front and side. As per the proposed development, the space to the front of the dwelling for the extant permission contains parking for two vehicles and a landscaped amenity area. An additional amenity area was also proposed to the side (east).
- 1.4 The proposed dwelling would be sited in the same position as the previously approved application, approximately 6.3 metres from the front boundary. Below are the differences from the current application and the previously refused application;

| | 15/00311/FUL (extant) | 18/01749/FUL (current) |
|---|----------------------------------|-----------------------------------|
| Depth | 7.75m | 7.9m |
| Height | 6.65m | 5.8m |
| Width | 9.8m | 10m |
| Gross internal floor area (m ²) | 96sqm | 99sqm |
| No. of bedrooms | 2 | 2 |
| Bedroom 1 (m ²) | 33 | 37.4 |
| Bedroom 2 (m ²) | 10 | 10 |
| Amenity space (m ²) | 62 | 106 |

- 1.5 Materials to be used on the external elevations of the dwelling include white render and a brick dwarf wall for the external walls, roof tiles and white uPVC windows and doors. The driveway would be block-paved and the site bounded at the east, south and west by a 1.8 metre high close-boarded fence.
- 1.6 Councillor S Aylen has requested the application be decided by the Development Control Committee.

2 Site and Surroundings

- 2.1 The application site is located behind No. 112 The Fairway (the host property) and adjacent No. 96 Thorndon Park Drive. At present it is part of the curtilage of No. 112 The Fairway (although separated from main dwelling by a brick wall and gate). Prior to its demolition, a single storey garage/studio with a hardstanding parking area to the front was located on site. Part of the building on site was previously used as a foot clinic. A single width crossover serves the site and there are two off street parking spaces.

The site is located within a residential area. Dwellings on Thorndon Park Drive are generally detached or semi-detached and bungalows or chalet bungalows. There is a general uniformity of building line, roof form and elevational treatment. Parking is unrestricted on Thorndon Park Drive. Land levels on the site rise gently to the south.

3 Planning Considerations

- 3.1 The main issues for consideration are the principle of the development, design and impact on the streetscene, any impact on neighbours, standard of accommodation for future occupiers, highways and parking implications, sustainable development, CIL contributions, history and whether any new material considerations would lead to a different conclusion.

4 Appraisal

Principle of Development

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2, CP1, CP4 and CP8; Development Management Document (2015) Policies DM1, DM3, DM11 and guidance contained within The Design & Townscape Guide (2009)

- 4.1 Policy DM3 of the Development Management Document (2015) 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 responding positively to the local context and not leading to over-intensification. Any infill development will be resisted if it creates a detrimental impact on the living conditions and amenity of existing and future residents or neighbouring residents, conflict with the character or grain of the local area, result in a contrived and unusable garden space for existing and proposed dwellings or result in the loss of local ecological assets.
- 4.2 Section 5.3 of the Design and Townscape Guide deals with infill development and it is stated;

“The size of the site together with an analysis of local character and grain will determine whether these sites are suitable for development.

In some cases the site may be too small or narrow to accommodate a completely new dwelling (including useable amenity space and parking) and trying to squeeze a house onto the site would significantly compromise

its design quality and be detrimental to neighbouring properties and local character. Unless an exceptional design solution can be found, infill development will be considered acceptable.”

4.3 At the time of allowing the appeal in 2016, the Inspector concluded that;

“Although the proposed dwelling would be positioned further forward than No. 96, and thus the main building line of Thorndon Park Drive, when approaching from the junction with The Fairway, the proposed dwelling would be the first property in the row of dwellings which front onto Thorndon Park Drive. Furthermore, the side elevation of No. 112 is set close to its side boundary with the footway and its side garden is enclosed by a fence which is approximately 2 metres high. These features, in conjunction with the proposed development would give a stepped approach to the building line which would provide a gradual transition between the properties. Therefore, the front elevation of the proposed dwelling projecting forward of the prevailing Thorndon Park Drive building line would accord with the street scene and would not appear out of place or unduly prominent when viewed from any direction.”

4.4 It was also considered that the development would not reduce the rear garden for the host dwelling, 112 The Fairway, to an inadequate size for a family dwelling. This is in accordance with paragraph 122 of the National Planning Policy Framework (NPPF) (2018) which states that decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area’s prevailing character and setting, including residential gardens.

4.5 It is considered that in light of the above and as the proposed development would be sited in the same position as that of the extant permission and is similar in terms of size, scale, height and bulk, no objection is raised in relation to the principle of the development. Additionally, it is acknowledged that the application site benefits from an extant permission for one dwelling on site. There are no new material considerations since the granting of planning permission which alter this conclusion.

4.6 The determining factors are the following material considerations discussed below.

Design and Impact on the Streetscene

National Planning Policy Framework 2018, Core Strategy (2007) Policies KP2 and CP4, Development Management (2015) policies DM1, DM3 and the Design and Townscape Guide (2009).

4.7 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 Document. The Design and Townscape Guide (2009) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*

- 4.8 *Paragraph 124 of the NPPF (2018) states that; “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 4.9 Policy KP2 of the Core Strategy requires all new developments respect the character and scale of the existing neighbourhood where appropriate. Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.
- 4.10 Policy DM1 of the Development Management Document states that all development should; *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.
- 4.11 Thorndon Park Drive is characterised by detached and semi-detached traditional bungalows with projecting bay windows and hipped roofs. A number of dwellings have accommodation in the roofspace. Properties on the southern side in particular are built on an elevated ground level noticeably above pavement level. The Inspector for the extant permission stated that there are many single storey dwellings on Thorndon Park Drive, but there are also other 1.5 storey properties. Furthermore, the proposed bay windows to the front of the dwelling and the hipped roof would match the characteristics of other properties in the area.
- 4.12 The main difference between the proposed development and the extant permission is the use of a half hip roof as opposed to a full hip, creating greater bulk due to the change from half hips to the roof. This increases the head height within the first floor bedroom.
- 4.13 It is noted in the streetscene that the prevailing character is of one or one and a half storey dwellings with top-heavy roofs which are the dominant feature of the properties. In particular, the two dwellings 92 and 94 Thorndon Park Drive which are located one dwelling away from the application site to the west have especially large roof forms, with front pitched roofs with front dormers.
- 4.14 Whilst the proposed dwelling, due to the changes in the roof design from the extant permission, would appear relatively wide and bulky, it is of limited height and size overall. The symmetrical arrangement of fenestration is compatible with that of surrounding dwellings. It is considered that on balance and taking into account the extant permission, the proposed development would not result in material harm to the character and appearance of the site or the wider area.
- 4.15 The proposed development satisfies the policies detailed above in relation to character and appearance on balance.

Impact on Neighbouring Occupiers

National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Development Management (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

- 4.16 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.
- 4.17 At the time of the previous application (15/0311/FUL) it was considered that the proposed dwelling would not result in adverse overshadowing given the orientation of the site and separation distances to neighbouring properties to the north. In relation to overlooking, the main windows serving the first floor (bathroom, now bedroom) would be on the north roofslope and overlook the highway and therefore no issue was raised. This also applies to the current development. Two rooflights are proposed on the southern (rear) roof slope. These are minor openings which are located to the east of the rear roof slope and would not result in demonstrable harm to the amenities of the neighbouring occupiers, in particular to the ground and first floor windows at 96 Thorndon Park Drive which are not orientated or adjacent to clear views into the rooflights or any other openings of the proposed dwelling. Due to the positioning of the windows below 1.7 metres, it is considered that it is necessary for these rooflights to be obscure glazed in order to safeguard the amenities of adjacent residential occupiers.
- 4.18 The dwelling would be sited in the same position as the extant permission, approximately 6.3 metres from the front boundary. Furthermore, although the development is set 2m in front of the adjacent property no. 96 it is not considered the proposed dwelling would be overbearing or result in a materially dominant impact to the existing occupiers of no. 96 Thorndon Park Drive. In particular, the side dormer and ground floor window for 96 is set behind that of the siting of the dwelling. The dwelling is sufficiently well distanced from neighbouring dwellings to the north, east, and south east to mitigate against any potential harm to amenity.
- 4.19 Whilst the ground levels differ, the height of the dwelling proposed will be no higher than no. 96 Thorndon Park Drive and not result in any material harm to nearby residents in terms of being overbearing or loss of light.
- 4.20 The proposed development satisfies the policies detailed above in relation to neighbour amenity.

Standard of Accommodation for Future Occupiers

National Planning Policy Framework 2018, 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.

- 4.21 Paragraph 127 of the NPPF states that; *“Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”*.
- 4.22 Policy DM8 of the Development Management Document states that it is the Council’s aim to deliver good quality housing, ensuring that new development contributes to a suitable and sustainable living environment now and for future generations. To achieve this, it is necessary to ensure that new housing provides the highest quality internal environment that will contribute to a good quality of life and meet the requirements of all the Borough’s residents.
- 4.23 It is considered that most weight should be given to the Government’s Technical Housing Standards which were introduced on 1st October 2015.
- 4.24 The proposed dwellinghouse would have a floorspace of approximately 99m². The National Technical Standards prescribing the minimum sizes for dwellings states that a 2 bedroom, 3 person dwelling must have a minimum floorspace of 70m². The proposed development would therefore meet the minimum acceptable size. In addition, both bedrooms are in excess of the minimum floorspace standards which state a single bedroom must be over 7.5m² and a double bedroom over 11.5m².
- 4.25 The habitable rooms would be served by sufficient windows which would provide acceptable light and outlook. The proposed dwelling will have a private garden of approximately 67sq.m. This is considered to be an acceptable, useable size to meet the needs of future occupiers and larger than that of the extant permission.
- 4.26 It is considered that the standard of environment would be acceptable to future occupiers and would satisfy the policies and standards detailed above.

Traffic and Transportation

National Planning Policy Framework 2018; Core Strategy policies KP2, CP4, CP3; policy DM15 of the Development Management Document and the Design and Townscape Guide

- 4.27 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”.

- 4.28 Two parking spaces have been provided for existing occupiers of 112 The Fairway (the host dwelling) with the formation of a new vehicle crossover on Thorndon Park Drive and two parking spaces are proposed to the new dwelling using the existing hardstanding and vehicle access serving the garage. There are no new material considerations which alter this element of the scheme in a significant way and the proposed development would provide policy compliant and safe off-street parking for the host dwelling as well as the proposed development.
- 4.29 With regard to refuse, an area for refuse storage has been allocated to the north-east of the building adjacent to the proposed parking area within the amenity space. This is considered acceptable and bins can be safely brought to the roadside without conflicting with traffic.
- 4.30 It is considered that the highway and parking provision would be acceptable to future occupiers and satisfies the policies detailed above. Furthermore, at the time of granting the extant permission, no objection was raised on highway or parking grounds. It is considered that there are no new material considerations which alter this view. The proposed development satisfies the policies detailed above.

Sustainable Development

National Planning Policy Framework 2018, Core Strategy Policy KP2, the Design and Townscape Guide (2009) and Development Management Document Policy DM2

- 4.31 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 the Design and Townscape Guide”.

- 4.32 The application lacks specific details to demonstrate that it would meet the 10% renewable energy requirements in accordance with Policy KP2 of the Core Strategy. However, it is considered that further details can be dealt with by condition, should permission be granted, and this was previously accepted at appeal.

- 4.33 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. It is considered that an appropriate condition in relation to the installation of water efficient fittings and features could be imposed to any positive decision.

Community Infrastructure Levy (CIL) CIL Charging Schedule 2015

- 4.34 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 99sqm, which may equate to a CIL charge of approximately £2,383.92 (Subject to confirmation. It is noted that a self-build exemption claim has been submitted in relation to CIL.)

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 proposal would provide adequate amenities for future occupiers and on balance – taking into account the dwelling which could be built under the extant permission - would have an acceptable impact on the character and appearance of the application site, the streetscene and the locality more widely and would not result in material harm to the amenities of neighbouring occupiers. The highways impacts of the proposal are not considered to be such that they would cause a conflict with development plan policies. The application is therefore recommended for approval, subject to conditions.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework, 2018
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance) and CP8 (Dwelling Provision).
- 6.3 Development Management Document (2015) Policy DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM8 (Residential Standards), and DM15 (Sustainable Transport Management).
- 6.4 The Design & Townscape Guide (2009)

7 Representation Summary

Environmental Health

- 7.1 No objection. Suggests conditions in relation to construction hours and no burning of waste on site.

Public Consultation

- 7.2 8 neighbours were notified and site notice displayed – Three letters of representation have been received.
- 7.3 Letters of objection (3);
- Design is unacceptable;
 - The building lines have been exceeded;
 - Roof design is incongruous with the streetscene;
 - Rooflights to rear should be non-openable and obscure glazed;
 - Harm to the character of the area.

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

8 Relevant Planning History

- 8.1 Demolish existing garage and erect 2 storey dwellinghouse and form vehicle access from Thorndon Park Drive (Amended Proposal) – Refused (15/00311/FUL) Appeal allowed.
- 8.2 Demolish existing garage and erect 2 storey dwellinghouse (Amended Proposal) - Refused (13/01055/FUL). Dismissed at appeal
- 8.3 Demolish existing garage and erect a chalet bungalow (Amended Proposal)- Withdrawn (13/01550/FUL).
- 8.4 Demolish existing garage and erect 2 storey dwellinghouse- Refused (13/00466/FUL).
- 8.5 Planning permission granted in February 2007 to ‘Retain conservatory at rear of 112 The Fairway (Retrospective)’ - 07/00046/FUL.

9 Recommendation

- 9.1 Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions;**

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

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

02 The development shall be carried out in accordance with the approved plans: 3433-08/B 1/2, 3433-08/C 2/2.

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 development shall take place, other than for demolition works and the construction up to ground floor slab level, place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved details before it is occupied.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the guidance contained within the Design and Townscape Guide (2009).

04 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 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.

05 Water efficient design measures as 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 shall be installed prior to the first occupation of the development hereby approved 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).

06 No part of the development shall be occupied until space has been laid out within the site in accordance with drawing 3433-08/C 2/2 for 2 cars to be parked. The parking spaces shall be made available for use prior to first occupation of the dwelling hereby approved and shall be permanently retained thereafter for the parking of occupiers of the development hereby approved 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 (2007) and Policy DM15 of the Development Management Document (2015).

- 07 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any order revising or re-enacting that Order with or without modification, no development shall be carried out at the application site within Schedule 2, Part 1, Classes A, B, C, D, E, F or G to those Orders.

Reason: To safeguard the living conditions of the future occupiers of the site and in the interest of the residential amenity of the adjoining residents and the character and appearance of the site and the wider area in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

- 08 Prior to first occupation of the development hereby granted, secure, covered refuse and recycling storage areas to serve the development shall be provided in accordance with details that have previously been submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development and these facilities shall be permanently retained as such thereafter.

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

- 09 The proposed rooflights in the rear south roof slope shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM1 and SPD1 (Design and Townscape Guide).

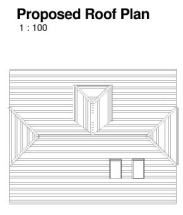
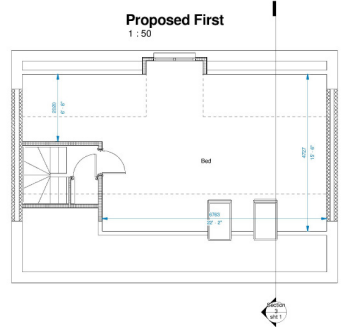
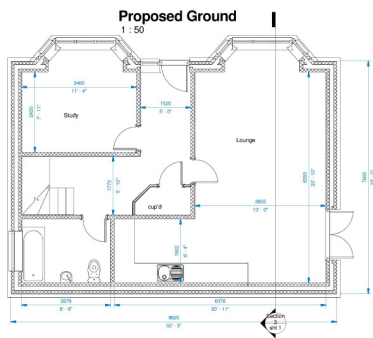
Informative

- 1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.**
- 2. 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 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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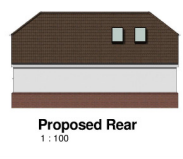
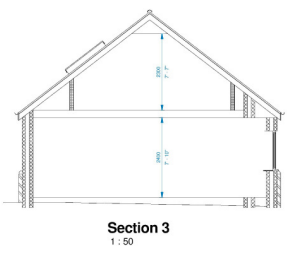
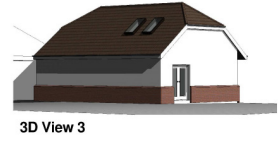
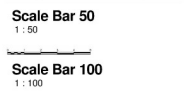
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LABC
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 100' off E10 Ring Parkway
 Loughor-Side

Notes
 All dimensions and/or workmanship to be checked and approved on site. All work to be completed in accordance with the Building Regulations. Any discrepancies to be reported to the Building Control Officer immediately. All work to be completed in accordance with the Building Regulations. All work to be completed in accordance with the Building Regulations. All work to be completed in accordance with the Building Regulations.



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|-----------------------------|---|------------|
| Reference: | 18/02048/FUL | <h1>7</h1> |
| Ward: | Belfairs | |
| Proposal: | Erect roof extension to form additional floor to existing two storey office building (use class A2), erect three storey side extension, extend existing vehicular access, layout 1no. additional car parking space and landscaping to front, secure cycle storage, bin store and alter elevations | |
| Address: | Clements House, 1279 London Road, Leigh-on-Sea, Essex SS9 2AD | |
| Applicant: | Mr Hyde | |
| Agent: | SKArchitects | |
| Consultation Expiry: | 06.12.2018 | |
| Expiry Date: | 31.12.2018 | |
| Case Officer: | Abbie Greenwood | |
| Plan Nos: | 528_P102C, 528_P103, 528_P104D, 528_P106D | |
| Recommendation: | GRANT PLANNING PERMISSION | |



1 The Proposal

- 1.1 Planning permission is sought to remodel and extend the existing building and alter the parking layout. The existing building will be extended to the boundary on the east side and an additional floor is proposed across the new footprint. The whole building will be remodelled to have a modern appearance.
- 1.2 The proposed side extension is 2.95m wide and 9m deep. The proposed roof extension is 15.4m wide and 9m deep. The proposal is flat roofed and of a consistent height which is 9.5m. This is 0.5m lower than the ridge of the current pitched roof building.
- 1.3 The site is currently occupied by A2 (financial and professional services) use. The building will accommodate a new financial services business which is relocating to this site from central Southend. So this use class will remain unchanged. The proposal will provide 171.5 sqm additional floorspace for the business. The proposed number of employees at the site is 20. The business will operate from 9-5 on weekdays only. The number of parking spaces at the site will remain at 10 spaces. This will require the front crossover to be widened to 7.8m. The application also includes the provision of cycle storage and remodelling of the refuse storage on site.

2 Site and Surroundings

- 2.1 The existing building is a former large 2 storey detached dwelling from the early – mid twentieth century which has been converted to commercial use. It has a traditional domestic appearance with a pitched roofed and feature bay to the front. The building has previously been extended at two storeys on the west side to match the character of the existing building.
- 2.2 The existing building is detached with space to all boundaries. It is located on the north side of London Road on its corner with St Clements Avenue. To the west is a vacant site and 2 storey building which was formerly used as a garden centre. On the opposite corner of the junction to the east is Adam's Elm House, a 1970s style flat roofed sheltered housing development of 2 storeys. Directly opposite is West Leigh Baptist Church, a large modern church. To the rear of the site St Clements Avenue is a residential street characterised by a mix of two storey houses and chalets which are generally detached or semi-detached.
- 2.3 The principal frontage of the site is to London Road which is a main route to Southend Town Centre. This section of London Road has a very mixed character including a wide variety of commercial uses and residential properties. Although there are some retail units in the vicinity it falls outside the designated shopping frontages. The scale of the buildings in this stretch of London Road varies between 2 and 3 storeys. They include shops with flats above, larger retail stores, family houses and larger flatted blocks of mixed form and architectural style. The area has no site specific policy designations.

3 Planning Considerations

- 3.1 The key considerations in regard to this proposal are the principle of the development, design and impact on the character of the area, the impact on the amenities of existing neighbours, highway implications, sustainability and CIL.

4 Appraisal

Principle of the Development

The National Planning Policy Framework (NPPF) (2018), Core Strategy (2007) policies KP1, KP2, CP1, CP2, CP3, CP4 and CP8; Development Management (2015) policies DM1, DM3, DM10 and DM15 and the Southend Design and Townscape Guide (2009).

- 4.1 The existing building has an A2 use. The proposal is not seeking to change this use but to enlarge the building to provide additional floorspace for a new financial services business relocating to this site.
- 4.2 In relation to employment generating development Policy DM10 states that *'Development that contributes to the promotion of sustainable economic growth by increasing the capacity and quality of employment land, floorspace, and jobs will be encouraged.'* This includes the financial services sector. Planning policy therefore supports the principle of more A2 floorspace where it is of the scale and nature proposed.
- 4.3 The principle of extensions and alterations to existing buildings is supported by the above policies and is generally considered acceptable subject to the detailed considerations set out below.

Design and Impact on the Character of the Area:

The National Planning Policy Framework (2018); Core Strategy (2007) policies KP2 and CP4; Development Management Document (2015) policies DM1 and DM3 and the Design and Townscape Guide (2009).

- 4.4 Paragraph 124 of the National Planning Policy Framework states *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'*
- 4.5 Policy KP2 of the Core Strategy states that new development should *"respect the character and scale of the existing neighbourhood where appropriate"*. Policy CP4 of the Core Strategy requires that development proposals should *"maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development"*.

- 4.6 Policy DM1 of the Development Management Document states that all development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.
- 4.7 In relation to additional storeys to existing commercial buildings paragraph 380 of the Design and Townscape Guide states *‘Extensions will only be acceptable where they would not be detrimental to local townscape. Additional floors, for example, may not be considered appropriate for certain types of building or in areas where increased height would be out of character’*
- 4.8 The proposal is seeking to infill the area between the existing building and the east boundary fronting St Clements Avenue and to remove the existing pitched roof and erect an additional storey across the existing building and the proposed side extension. The resultant form of the building will be a 3 storey flat roof development that virtually spans the width of the site.
- 4.9 The existing building is a substantial two storey building with tall pitched roof, however, opposite the site there are larger developments including a large church and significantly scaled flatted blocks of 3 storeys. A building of 3 storey would therefore not be out of character in this location.
- 4.10 In relation to the form of the proposal there is no objection in principle to a flat roofed design as there are many instances of flat roofs in this section of London Road including the sheltered housing development on the opposite corner of London Rad and St Clements Avenue. The slightly recessive form of the proposed, stepping back adjacent to the junction, will highlight the entrance, add interest in the streetscene and helps to offset the scale and bulk of the proposal in the streetscene.
- 4.11 The enlargement of the footprint to the boundary on the east side will increase the enclosure of the junction in this location. In some areas of the Borough maintaining space to the side of junctions is a key aspect of local character but along the London Road this relationship varies significantly and in this location it is noted that there is a variation in the positioning of buildings. Whilst some are set back from the boundaries with the side roads, there are also instances of substantial buildings, including the church opposite and Waitrose nearby to the east, which have been built right to the pavement edge. This arrangement is therefore considered to be compatible with local character in principle.
- 4.12 In relation to the detailed design, the existing building will be remodelled to match the modern style of the extensions. The proposal will transform the building from a traditional domestic character to a simple modern cube like form with feature fenestration to the front. This is a marked contrast to the existing building and neighbouring properties however there is a wide variety of designs along London Road. The proposed design will ensure the building overall has a cohesive character in the streetscene and this is welcomed. The design is a simple modern uncluttered minimalist style with significant glazing to the front and a feature entrance. The level of glazing here helps to offset the scale of the development in the streetscene and the fully glazed upper floor lightens the elevation and will be a feature in the streetscene.

There are less windows to the side elevations but on balance enough to add interest to the flanks and offset the massing of the proposal in the streetscene. To the rear the extensions were initially devoid of fenestration and this resulted in significant areas of blank wall which was a concern, however, the plans have been amended to include additional windows here and feature cladding and this aspect of the proposal is now considered acceptable. The amended plans include details of the proposed cladding by Cembrit. This is a fibre cement product similar to that used on Heath and Carby House in Victoria Avenue, Southend. This is considered acceptable for this style of development in this context on balance.

- 4.13 The proposal also includes the remodelling of the frontage facing London Road to increase the forecourt parking from 2 to 3 spaces. A significant section of landscaping will be retained and enhanced to the eastern side of the frontage to provide a more attractive setting for the main entrance. Overall, given the mixed characters and qualities of the forecourts along London Road, this arrangement can be considered acceptable. Some details have been provided regarding the landscaping for this area but the full details for the hard surfacing and boundary treatment and will need to be conditioned along with the design of the cycle and bin stores
- 4.14 Overall, the design and scale of the proposal is therefore considered on balance to be acceptable and policy compliant subject to the conditions relating to materials and landscaping.

Traffic and Transport Issues

The National Planning Policy Framework (2018); Core Strategy (2007) policies KP2, CP3 and CP4; Development Management (2015) Policies DM1, DM3 and DM15

- 4.15 Policy DM15 states that A2 uses outside the town centre should be served by a maximum of one parking space per 20 sqm of floorspace. Policy DM15 also states that the proposal should be served by a minimum of 1 secure cycle space per 100 sqm for staff and 1 per 200 sqm for visitors.
- 4.16 171.5 sqm of new floorspace will be provided within this proposal making 410 sqm of net floorspace in total. The existing site has 10 car parking spaces. The proposal initially proposed 1 additional car parking space to the front forecourt and an enlarged crossover to London Road but this has since been omitted from the proposal following safety concerns raised by the Council's Highways Officer because the amended forecourt design did not include a turning space so would give rise to additional vehicles backing onto a classified road. This was considered to be unacceptable. The proposed parking has been amended to revert back to the existing situation on the frontage. The parking provision for the site therefore remains as 10 spaces. 8 secure cycle parking spaces are shown on the plan. The site is located on the main Public Transport Corridor which has frequent buses travelling to a variety of destinations within the wider area.

- 4.17 171.5 sqm would equate to a maximum of 9 new parking spaces. No new parking spaces are proposed however it is noted that the policy is a maximum not a minimum requirement. The policy requirement for cycle parking for 171.5 sqm of new floor space equates to 3 spaces. 8 are shown on the plan. The Design Statement comments that the proposed number of employees would be 20 which is the same as the previous business on this site which had only 10 parking spaces and no secure cycle spaces.
- 4.18 This site is considered to be well served for public transport and secure cycle storage. The parking provision is the same as that of the previous business which had the same number of employees. It is noted that the central aisle to the parking layout is narrower than would normally be expected however the layout is unchanged from the existing arrangement and therefore this situation is accepted. The Council's Highways Officer has not raised any objections to the amount of parking for this proposal. The parking and cycling provision is therefore considered to be acceptable and policy compliant in this regard.
- 4.19 With regard to the traffic impacts of the proposal, the development is for an established use and the business will be of a comparable size with a similar number of vehicle movements. It is not envisaged that the development would result in a material change in the traffic impacts over the existing situation.
- 4.20 No objection has been raised by the Council's Highway Officer to this proposal except for the changes to the forecourt which have since been omitted from the proposal. It is therefore considered that the proposal is now acceptable and policy compliant in this regard.

Refuse and Cycle Storage

- 4.21 The Southend Waste Management Guide requires commercial uses to make their own arrangements for storage and collection depending on need. There is currently no external refuse storage at the site. A new bin store is proposed in the rear car park to serve the development. No design details have been provided however, the scale of the proposal seems reasonable to serve this type of development. Full details of this will be secured by condition.
- 4.22 On this basis the proposed refuse arrangements appear reasonable and the proposal is acceptable and policy compliant in this regard.

Impact on Residential Amenity

The National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

- 4.23 Policy DM1 of the Development Management Document states that development should, *“protect the amenity of the site, immediate neighbours and surrounding area, having regard for privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution and daylight and sunlight.”*

- 4.24 The existing building is located 11.5m from the rear boundary and 13.1m from the neighbour to the north 9 St Clements Avenue. The proposed development would decrease the maximum height of the building by 0.5m but its form would be changed from a pitched roof to flat roof. The width of the application building would also increase on the east side against the street. It is proposed to enlarge two existing windows to the rear, one at ground floor and one at first floor. The first floor window will change from a bathroom window to an office window.
- 4.25 Number 9 is a two storey house. Its flank wall faces the application site. There are 2 windows at first floor on the flank elevation. Both appear to be obscure glazed and have associated external plumbing indicating that they serve bathrooms and so are secondary in nature.
- 4.26 The width of the footprint of the application building does not extend past the rear building line of the neighbour. The change in form of the application building will result in a minimal change to the impact on this property in terms of impact on light and outlook and thereby views towards number 9's rear garden, but in this instance, given the relative positioning of the buildings, it is considered not to be material. It is noted that the change in window design will potentially increase the outlook of the application property to the rear however this is 13.1m from the neighbour and looks onto its flank elevation which has no habitable room windows. The impact of the proposal on this neighbour is therefore considered to be acceptable and policy complaint in this regard.
- 4.27 The only other immediate neighbour to the application building is the vacant site to the west. Although there is no building on this site it is a potential future development site and it is therefore necessary to ensure that the proposal development does not prejudice the future development of this area.
- 4.28 The proposal has maintained the existing footprint and building line on this side of the site. It does however include additional fenestration over that on the existing building. The amended arrangement of first floor windows here have the potential to overlook this site however, as secondary windows to an office area it is considered that these first floor windows could be conditioned to be obscure glazed if the development was otherwise considered to be acceptable.
- 4.29 The neighbour to the east, Adam's Elm House, is a sheltered housing scheme on the other side of the junction with St Clements Avenue. Both the proposed extension and the neighbour have windows looking out onto the street but on opposite sides of the junction. It is considered that, given the separation distances, the context in regard to the positions of the buildings facing the street and the varied character of London Road, the proposal would not have a materially harmful impact on the amenities of this neighbour.
- 4.30 Opposite the site on the south side of London Road is West Leigh Baptist Church. It is considered that the proposal would not have a detrimental impact on this neighbour. No other properties are materially affected by this proposal. It is therefore considered to be acceptable and policy complaint in this regard subject to the above mentioned condition.

Sustainable Construction:

The National Planning Policy Framework (2018); Core Strategy (2007) policies KP2, CP4 and CP8. Development Management Document (2015) policy DM2.

- 4.31 Policy KP2 of the Core Strategy requires that *“at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources).* Policy DM2 of the Development Management Document states that *“to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”.* This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 4.32 In relation to sustainability, the Design Statement highlights the benefits of reusing the existing building over demolition and rebuilding, the potential for solar gain and their intention to install electric car charging points. No commitment is made to the provision of renewables as part of the proposal.
- 4.33 Although the proposal will appear very different to the existing building it is not a new build and therefore the proposal is not bound by policy KP2 in regards to the provision of renewables and the sustainability benefits of reusing existing fabric is noted. It is however, considered reasonable to require any new sanitary ware to be water efficient. This can be achieved via a condition.
- 4.34 Overall therefore it is considered that the proposal is acceptable and policy complaint in this regard.

Community Infrastructure Levy

- 4.35 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material ‘local finance consideration’ for the purpose of planning decisions. The proposed development includes a gross internal area of 171.5 sqm, which may equate to a CIL charge of approximately £2064.60 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the “in-use building ” test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

5 Conclusion

- 5.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development is found to be acceptable and the proposal would have an acceptable impact on the amenities of future occupiers and neighbours and the character and appearance of the application site, the street scene and the area more widely on balance.

There are no highways objections. This application is therefore recommended for approval subject to conditions.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2018)
- 6.2 Core Strategy 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)
- 6.3 Development Management Document policies DM1 (Sustainable Development), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land) DM10 (Employment Sectors) and DM15 (Sustainable Transport Management).
- 6.4 Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule

7 Representation Summary

Highways

- 7.1 It is considered that the proposal will not generate a significant amount of vehicle trips when compared to the previous use. The application has also provided cycle parking to offer an alternative travel option. The site also benefits from being in a sustainable location with regard to public transport with good links in close proximity.

Environmental Health Officer

- 7.2 The Waste Management Plan Statement Has been Reviewed, and the Contents meets Southend Council Waste Management Plan/Guide. The Hours Of Use is from 09:00 – 17:00 hrs not during sensitive hours of sleep and rest and as such no Noise Nuisance impact.

Suggested conditions

- Construction Hours Shall be Restricted to 8am – 6pm, Monday to Friday , 8am to 1pm Saturday and not at all on Sundays or Bank Holidays.
- During any Construction and Demolition ,there Shall be No Burning Of Waste Material on Site.
- The Waste Management Plan Shall Conform with Southend Council Waste Management Plan/Document.

[Officer Comment: It is considered that the burning of waste can be controlled under Environmental Health Legislation therefore it is unnecessary to impose a condition in relation to this issue.]

London Southend Airport

- 7.3 Our calculations show that, at the given position and height, the following planning application will have no effect upon our operations. We therefore have no safeguarding objections.

Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority. Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.

[Officer Comment: An informative will be imposed to inform the applicant of this requirement.]

Leigh Town Council

- 7.4 No objections.

Public Consultation

- 7.5 8 neighbouring properties were notified of the application and a notice was posted at the site. No responses have been received.
- 7.6 The application was called to committee by Councillor Mulroney.

8 Relevant Planning History

- 8.1 98/0194 - erect two storey side extension to offices and lay out additional parking spaces at rear – refused
- 8.2 95/0741 - erect two storey side extension with roof accommodation and erect roof extension to existing building to form office block with roofspace storage and lay out parking spaces – granted
- 8.3 95/0499 - erect two storey office block with roof accommodation by extending flat at 1279 and use roofspace in 1279 for office storage and lay out parking spaces (renewal amended scheme) – refused
- 8.4 94/0947 - erect two storey office block with roof accommodation by extending that at 1279 and use roofspace in 1279 for office storage and lay out parking spaces – refused
- 8.5 90/0811 - demolish existing buildings at no 1281 to 1283 erect two storey office blocks with roof accommodation by extending that at 1279 and use roofspace in 1279 for office storage and lay out parking spaces – granted
- 8.6 85/1404 - use first floor flat as offices – granted
- 8.7 85/0456 - erect porch at front – granted

9 Recommendation

Members are recommended to GRANT PLANNING PERMISISON subject to the following conditions

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 528_P102C, 528_P103, 528_P104D, 528_P106D

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

03 The external materials for the development hereby approved shall be Cembrit fibre cement cladding (S212, S101, S030 and red oxide), dark grey aluminium windows and doors RAL 7043 and frameless glass balustrades as detailed on approved plan reference 528_P104D unless otherwise previously agreed in writing with the Local Planning Authority. The development shall only be carried out in full accordance with the approved details before it is brought into use.

Reason: To safeguard the visual amenities of the area and ensure an acceptable environment for future residents, in accordance with policies This is as set out in Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 Southend Design and Townscape Guide (2009).

04 Prior to occupation of the extensions and alterations hereby approved the proposed, first and second floor windows in the west flank elevations of the building and the 2nd floor windows in the rear elevation shall be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut and unopenable. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained as such in perpetuity thereafter.

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining development site, in accordance with the National Planning Policy Framework (2018) Core Strategy (2007) policies KP2 and CP4, and Development Management Document (2015) policy DM1 and advice contained within the Design and Townscape Guide (2009).

05 The extension hereby approved shall not be occupied until 10 car parking spaces have been provided and made available for use at the site in accordance with drawing reference 528_P106D. The parking spaces shall be permanently retained thereafter only for the parking of occupiers of and visitors to the development hereby approved.

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

06 Prior to the first occupation of the extensions and alterations hereby approved, design details shall be submitted for the boundary treatments and any changes to the hardsurfacing of the parking areas at the site. The development shall then be carried out in full accordance with the approved details prior to the first occupation of the extensions and alterations hereby approved and shall be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with policy CP3 of the Core Strategy (2007) and policy and DM15 of Development Management Document (2015).

07 Prior to the first occupation of the extensions and alterations hereby approved, design details shall be submitted for the provision of the commercial refuse store and the proposed cycle store at the site. The approved refuse and cycle stores shall be provided in full and made available for use by the occupants of the development prior to the first occupation of the extensions and alterations hereby approved and shall be retained as such in perpetuity.

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

08 Prior to occupation of the extensions hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development in accordance with details that have previously been submitted to the local planning authority and approved in writing and thereafter retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and Design and Townscape Guide (2009).

09 Prior to the first occupation of the extensions hereby approved, the soft landscaping works as shown on approved plan reference 528_P106D shall be carried out at the site. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority

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

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

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

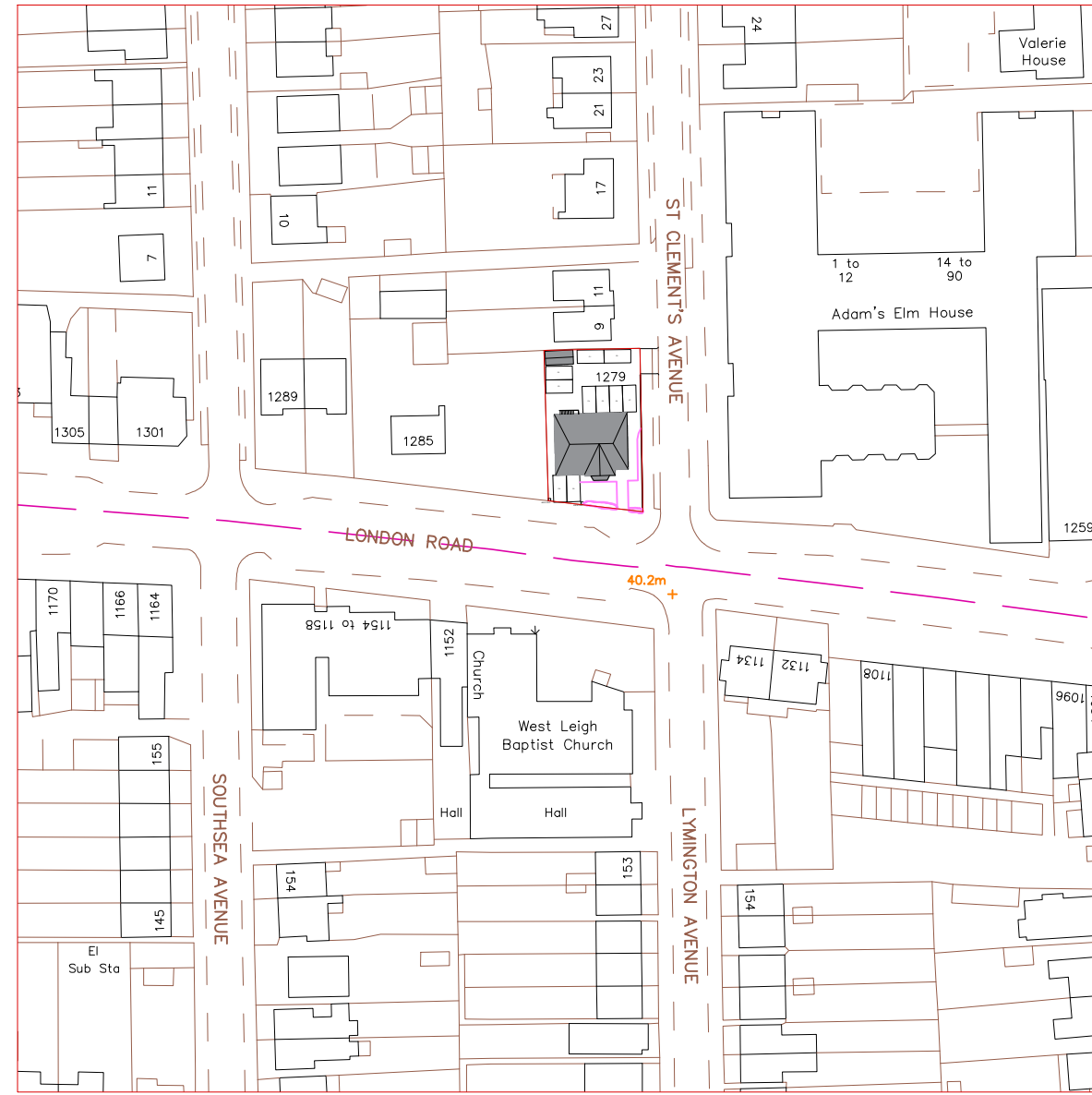
Informatives

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

02 You 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.

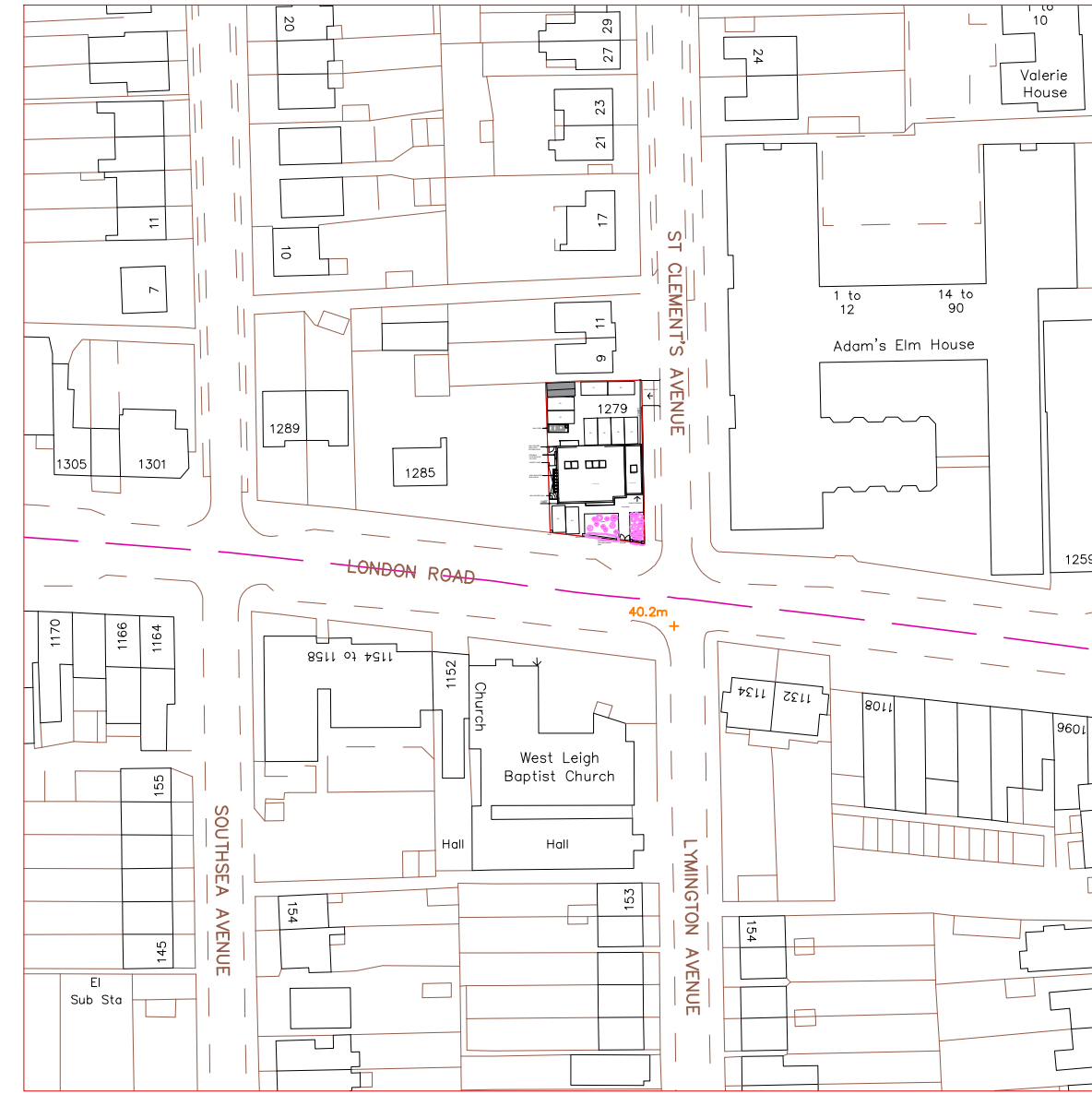
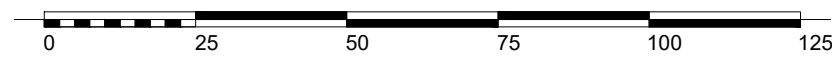
03. The applicant is advised to contact the Airport Authority if a crane or piling rig is required to construct the proposed development as this will need to be safeguarded separately and dependant on location may be restricted in height. Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.

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.



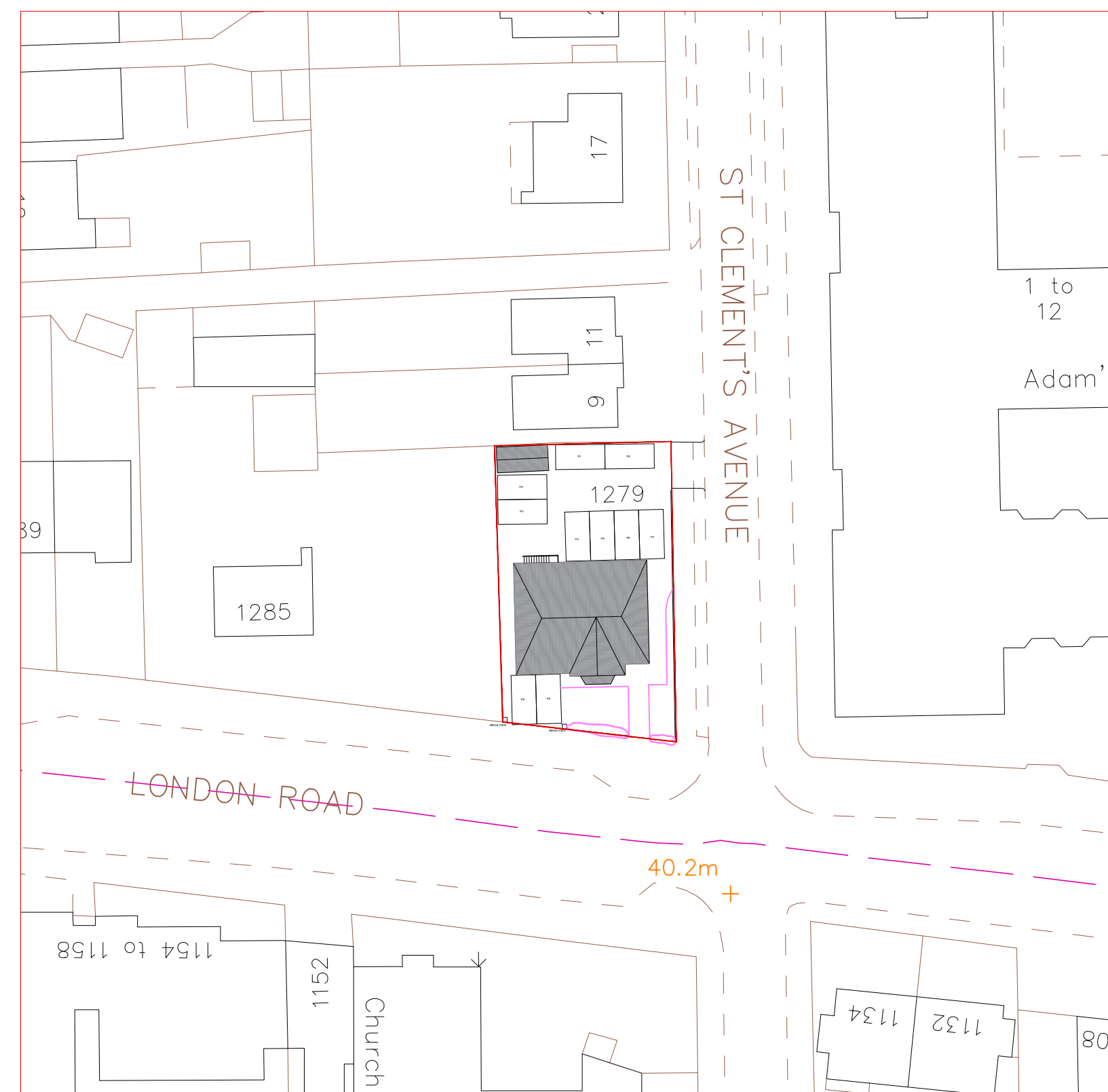
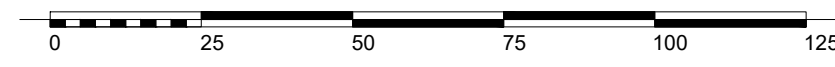
Existing Site Plan - 1:1250

North



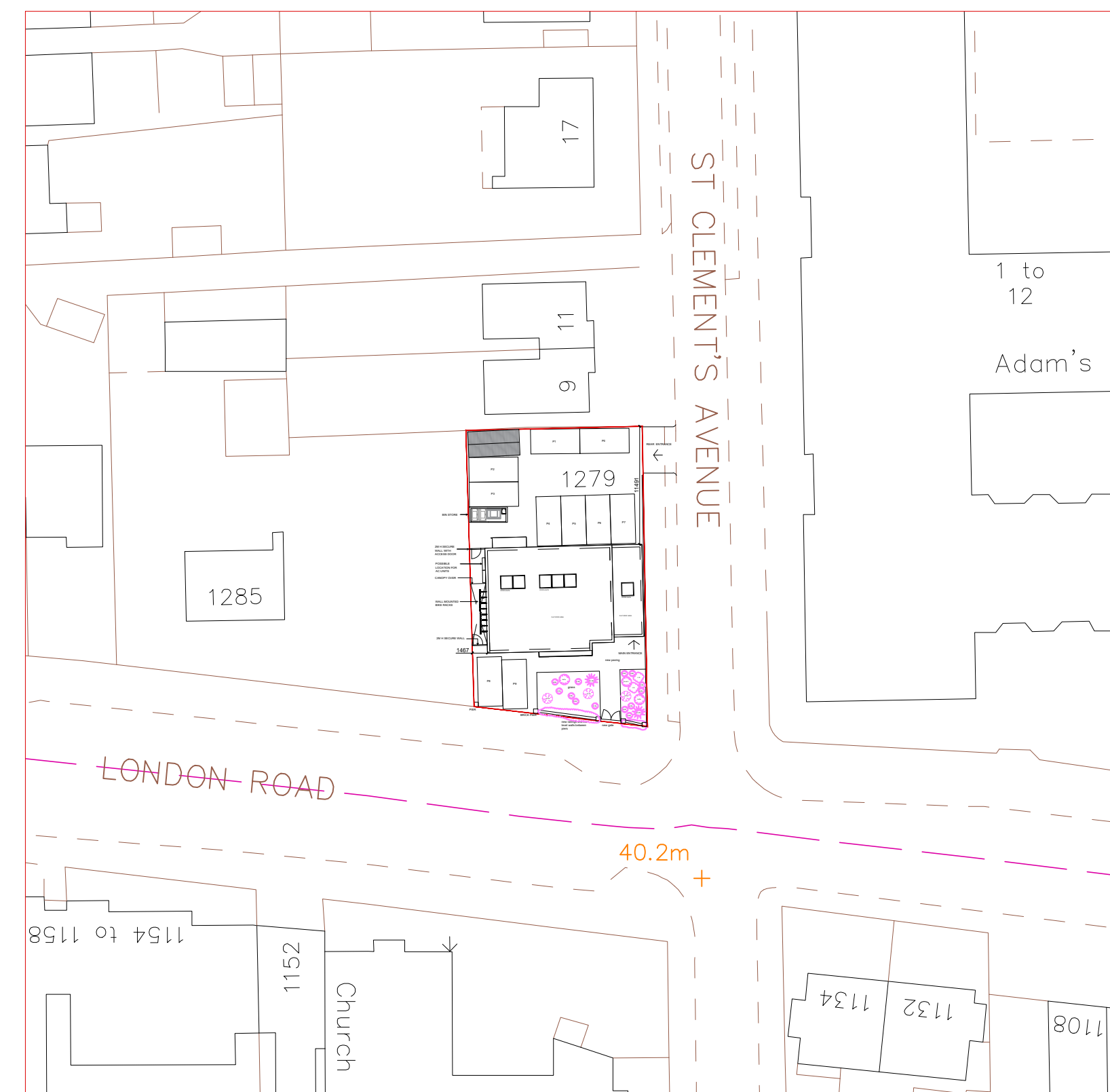
Proposed Site Plan - 1:1250

North



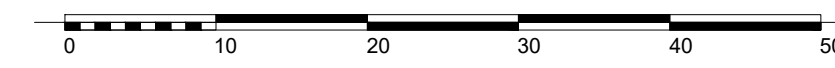
Existing Block Plan - 1:500

North



Proposed Block Plan - 1:500

North



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| Notes: | | | |
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| Rev | Comment | By | Date |
|-----|-----------------------|----|----------|
| C | CROSSOVER AS EXISTING | DS | 05/12/18 |
| B | PLANNING ISSUE | DS | 19/10/18 |

Stage:
1 - Stage

Client:
NICK HYDE, JAMES HYDE

Project:
FORRESTER HYDE
1279 LONDON ROAD
LEIGH-ON-SEA
SOUTHEND ON SEA S89 2AD
ESSEX

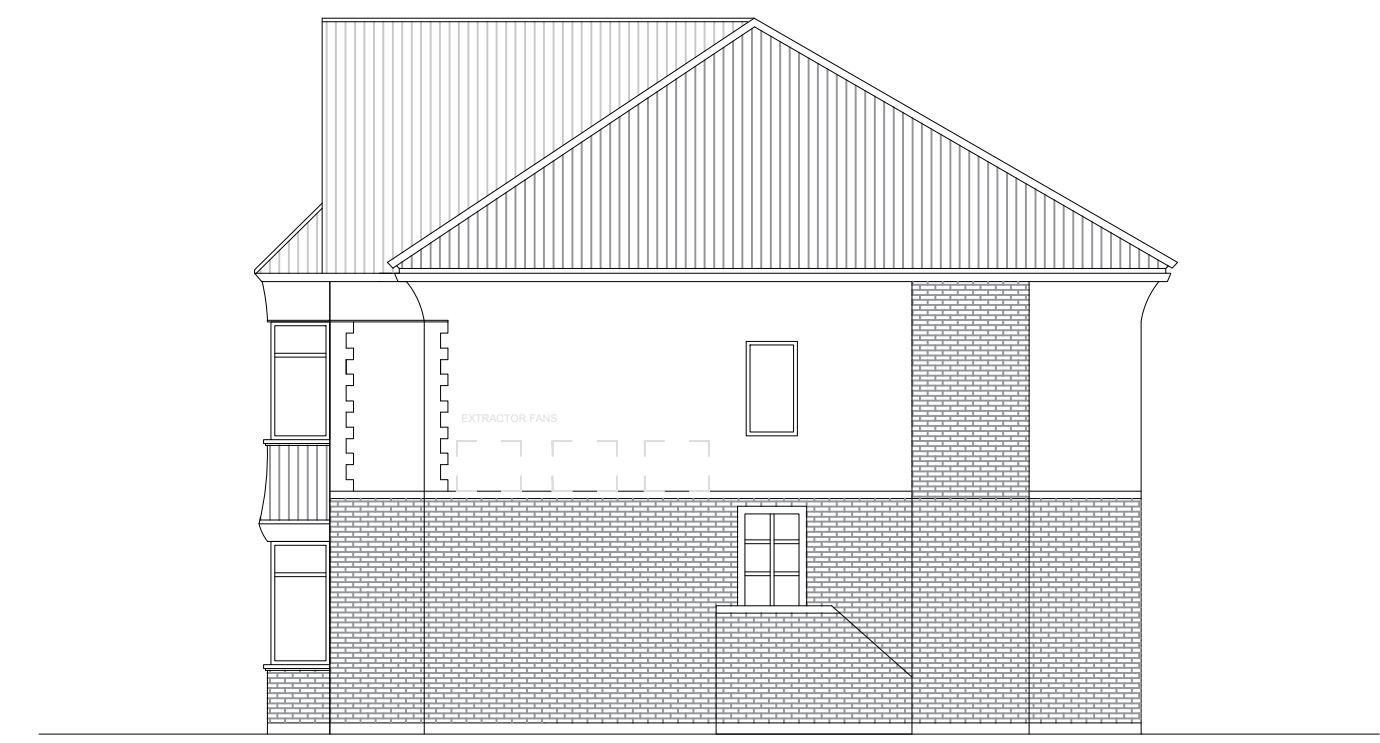
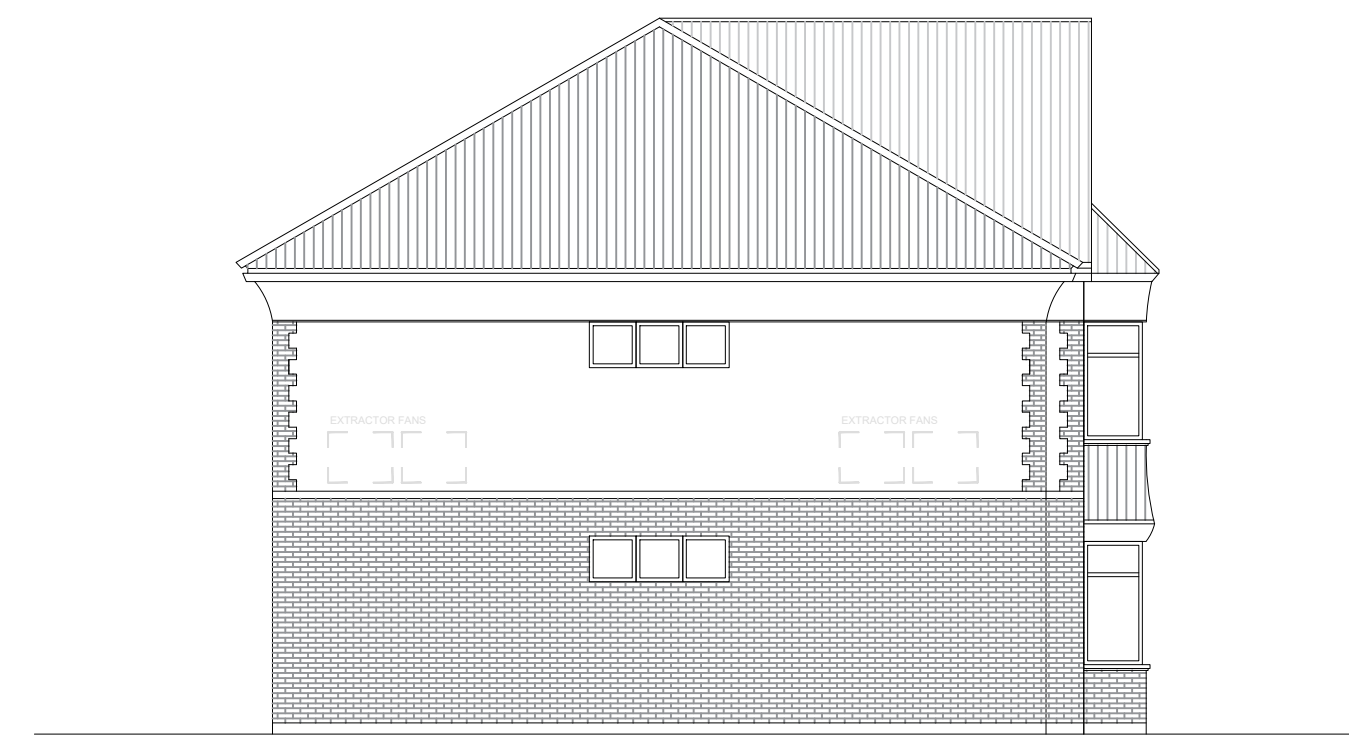
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SITE AND BLOCK PLANS

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| Project no: | S28-08-18 | Drawn by: | DS |
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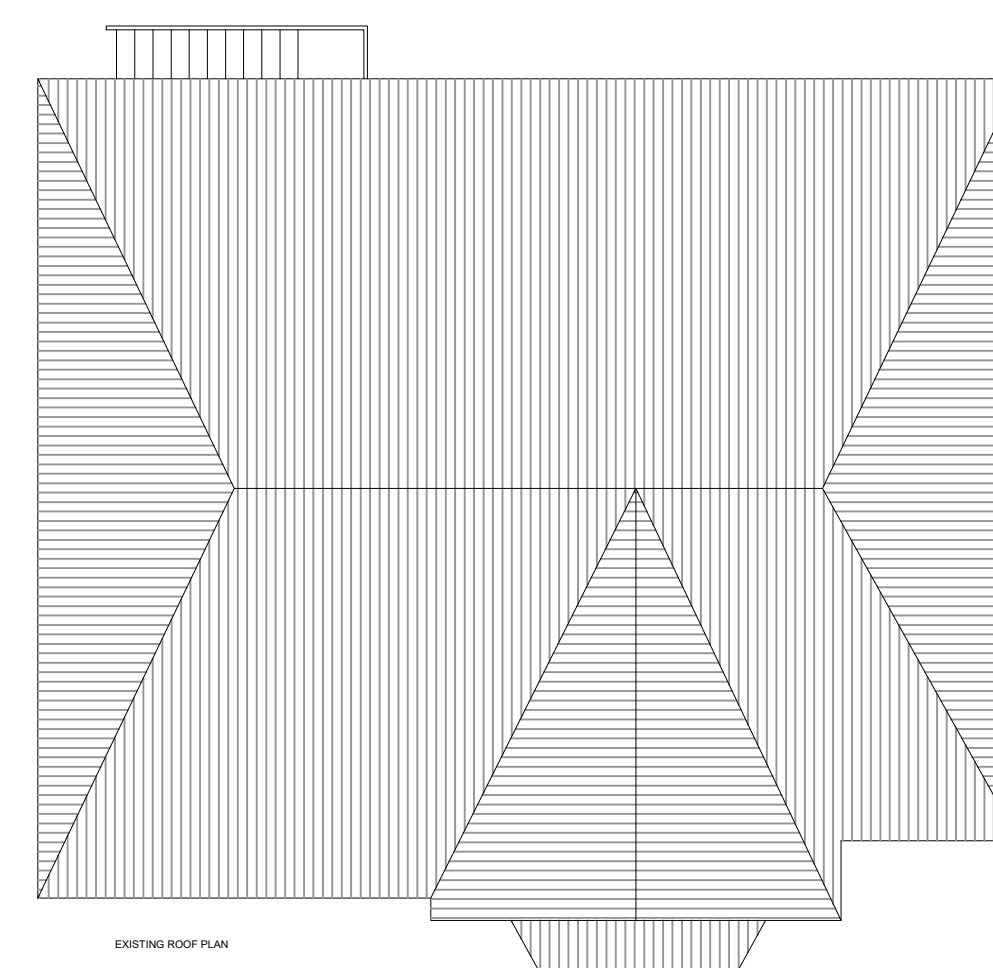
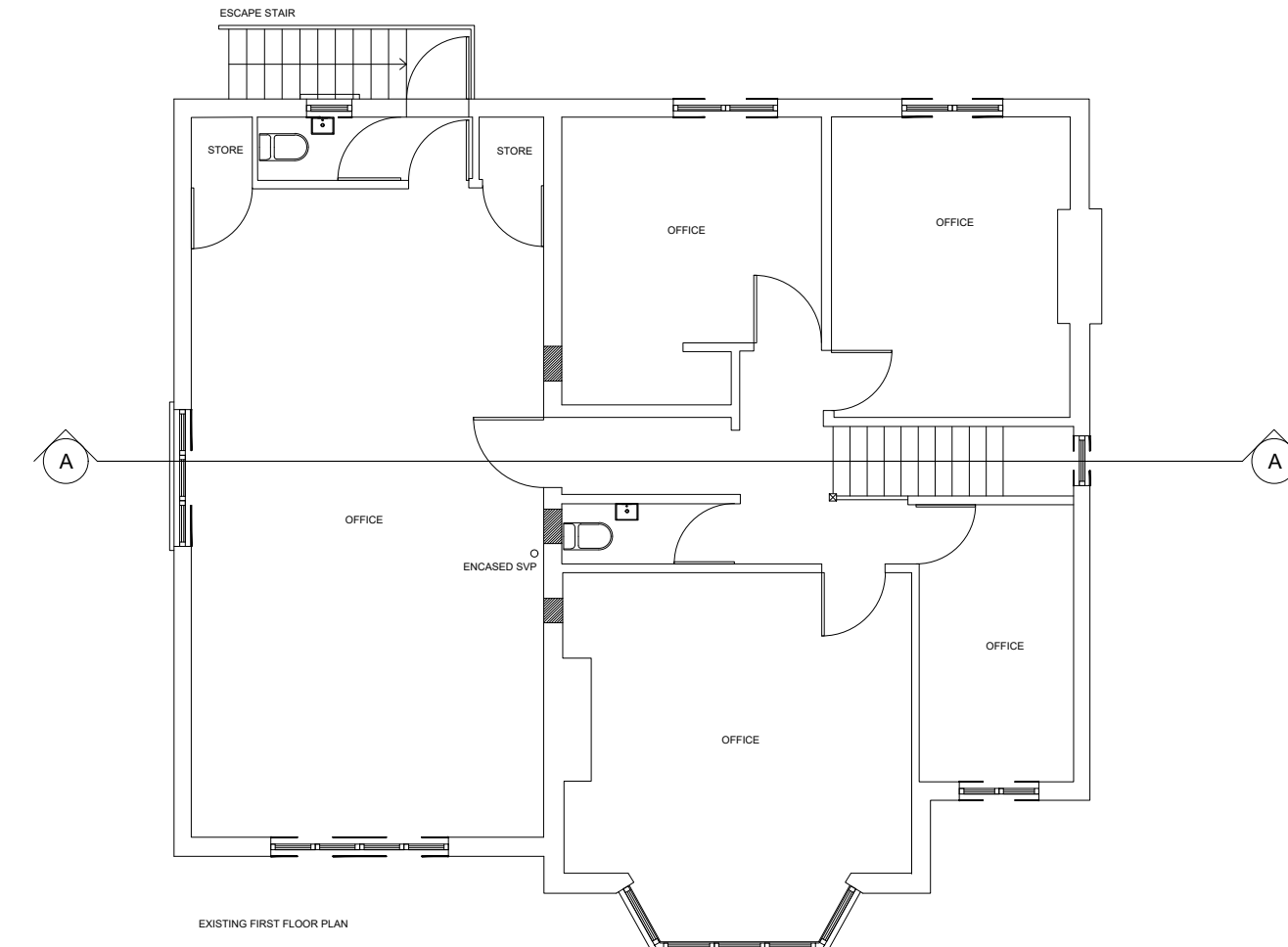
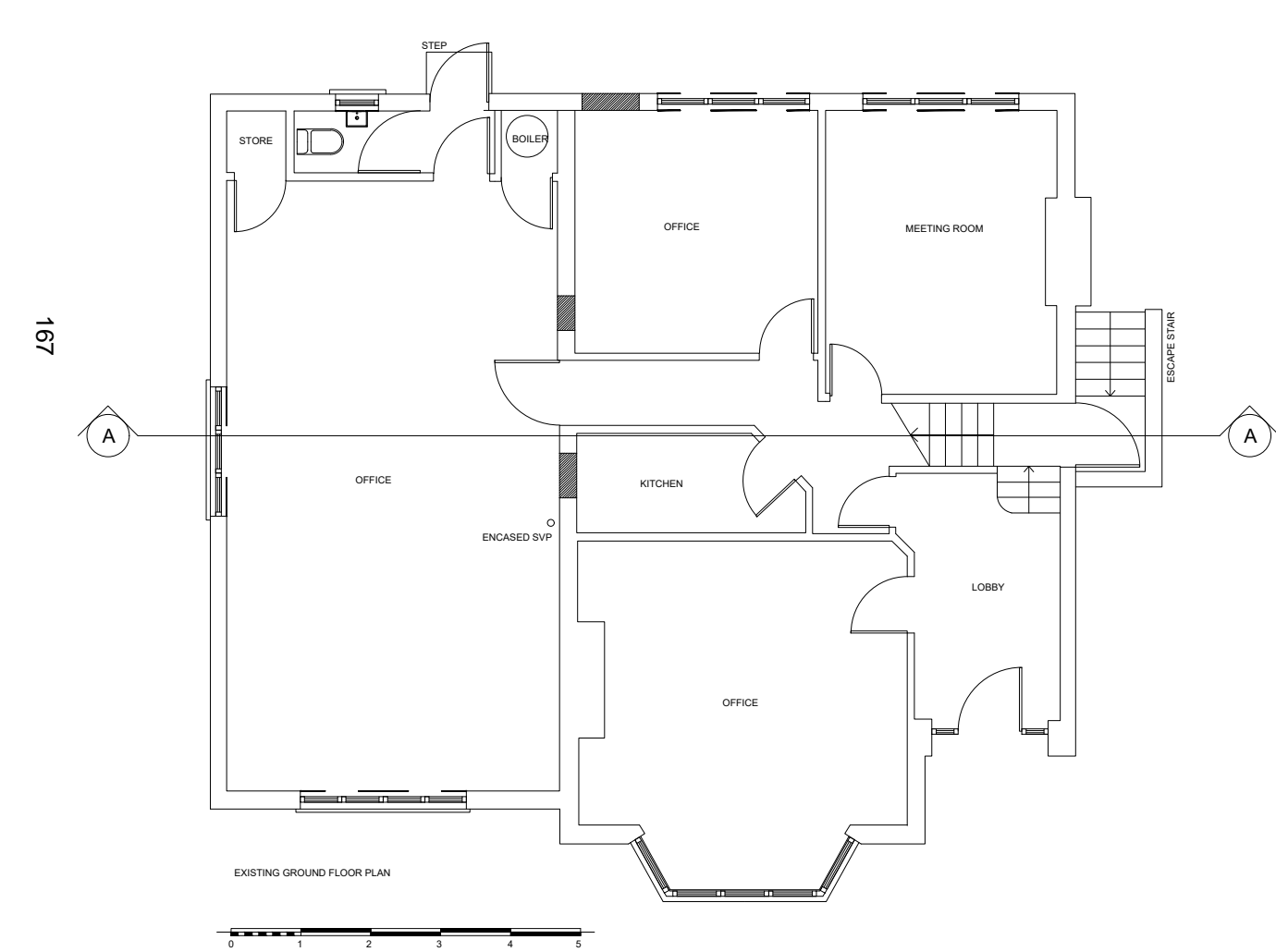
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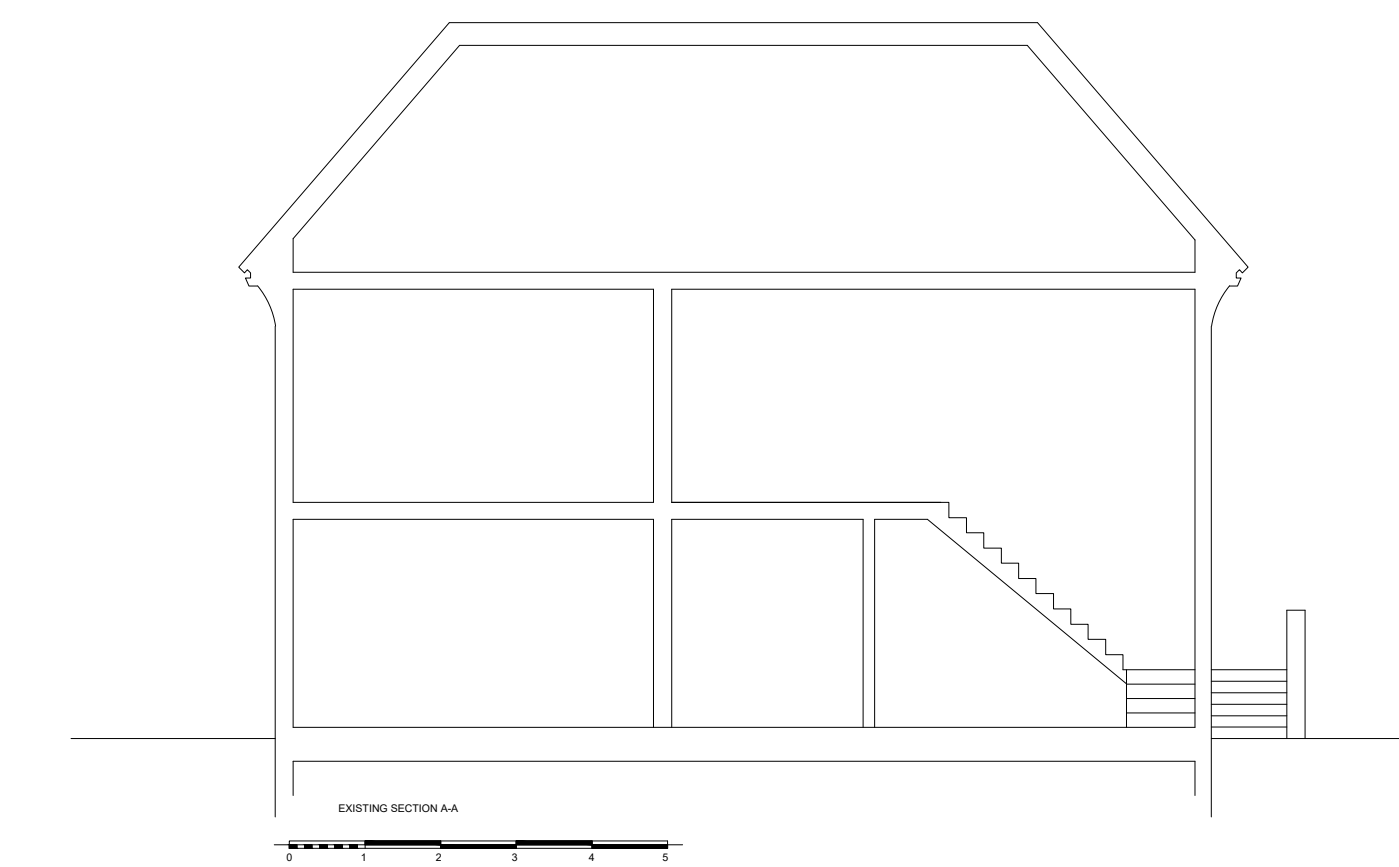
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Existing Elevations - 1:100



Existing Plans - 1:100



Existing Section - 1:100

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| Rev | Comment | By | Date |
|-----|------------------|----|----------|
| - | - PLANNING ISSUE | DS | 19/10/18 |

Stage:
1 - Stage

Client:
NICK HYDE, JAMES HYDE

Project:
FORRESTER HYDE
1279 LONDON ROAD
LEIGH-ON-SEA
SOUTHEND ON SEA S89 2AD
ESSEX

Drawing Title:
EXISTING

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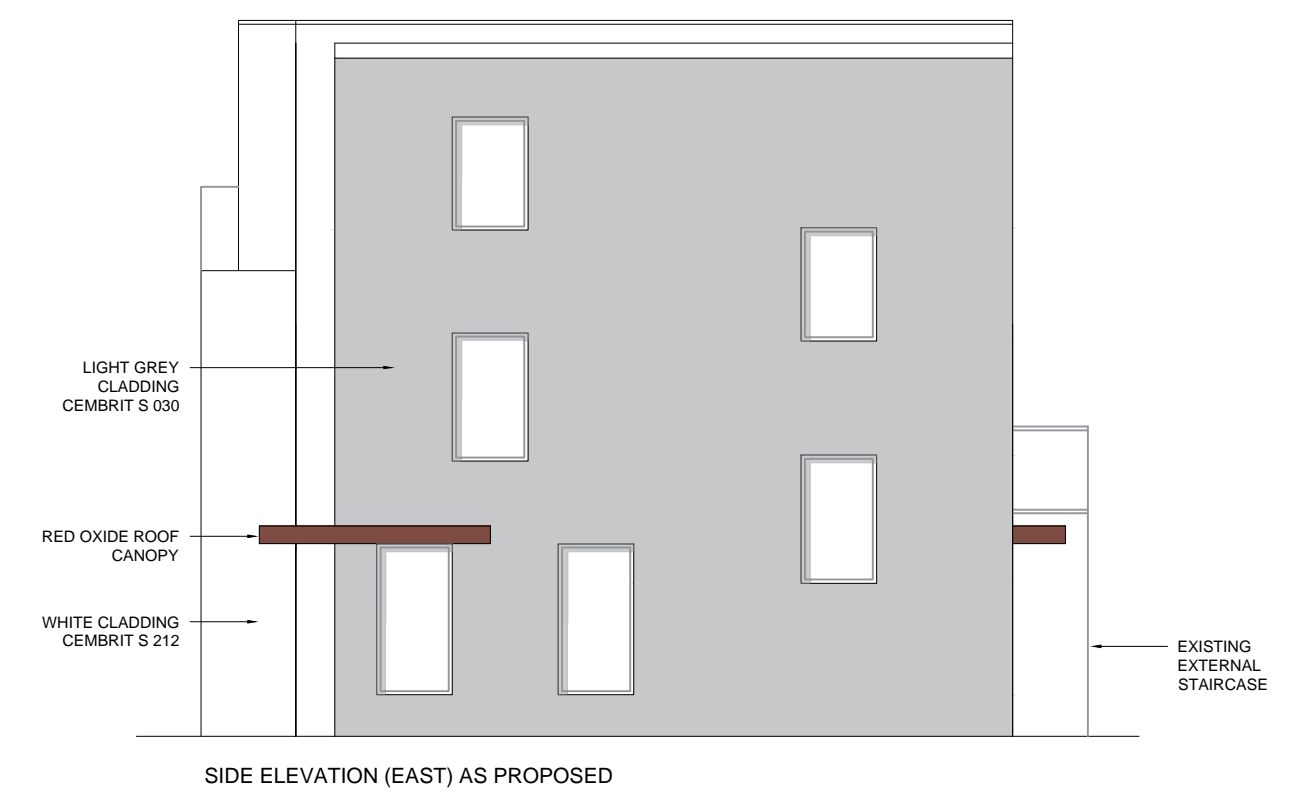
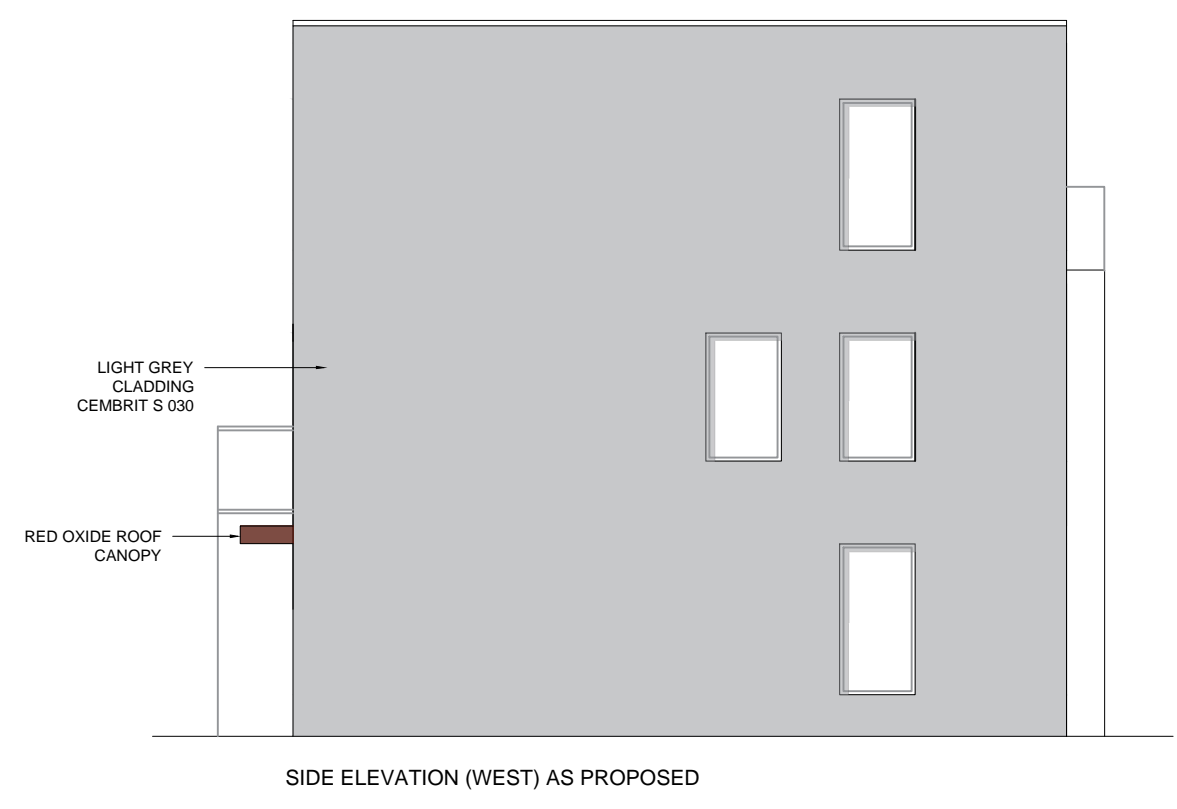
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| Project no: | S28-08-18 | Drawn by: | DS |
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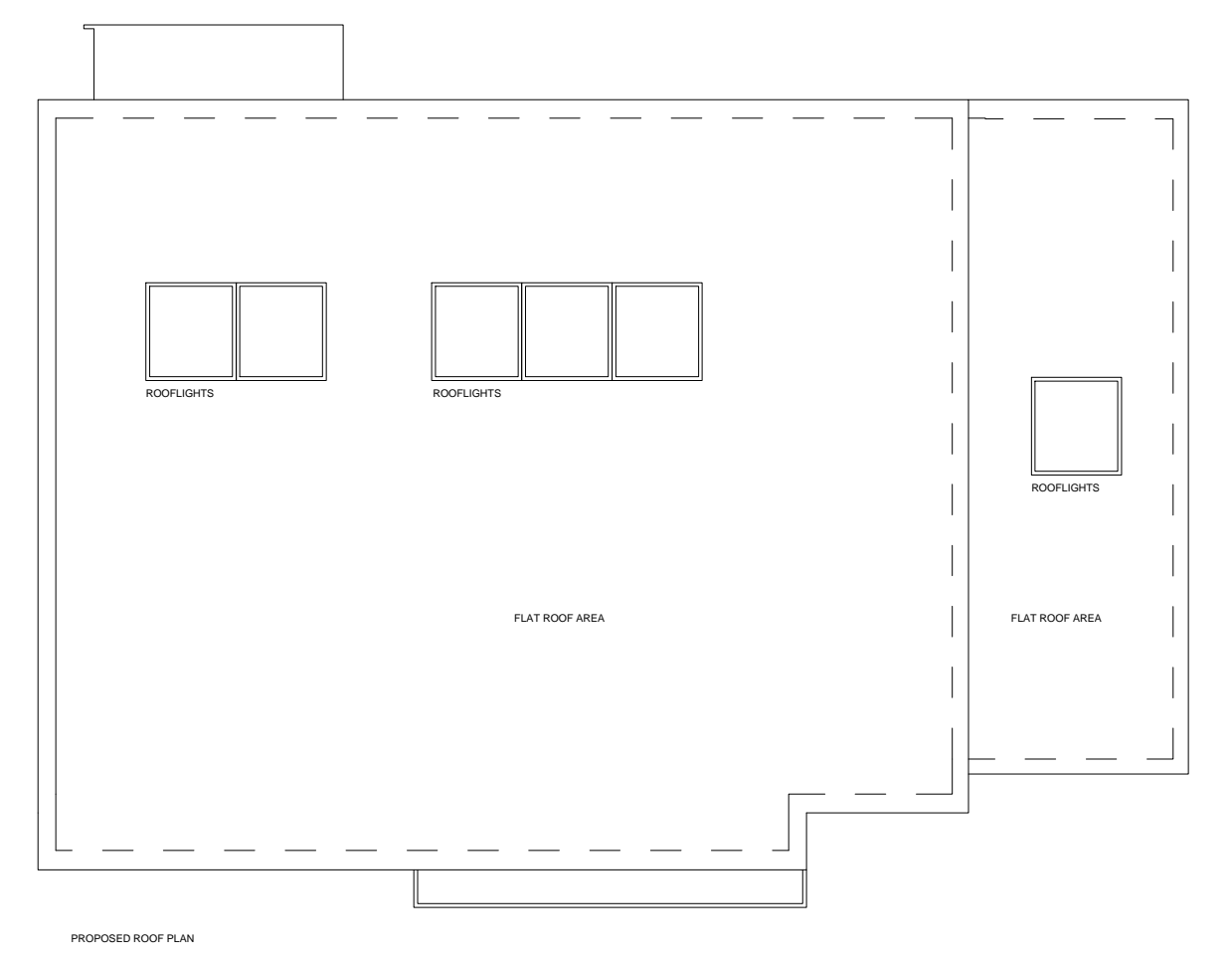
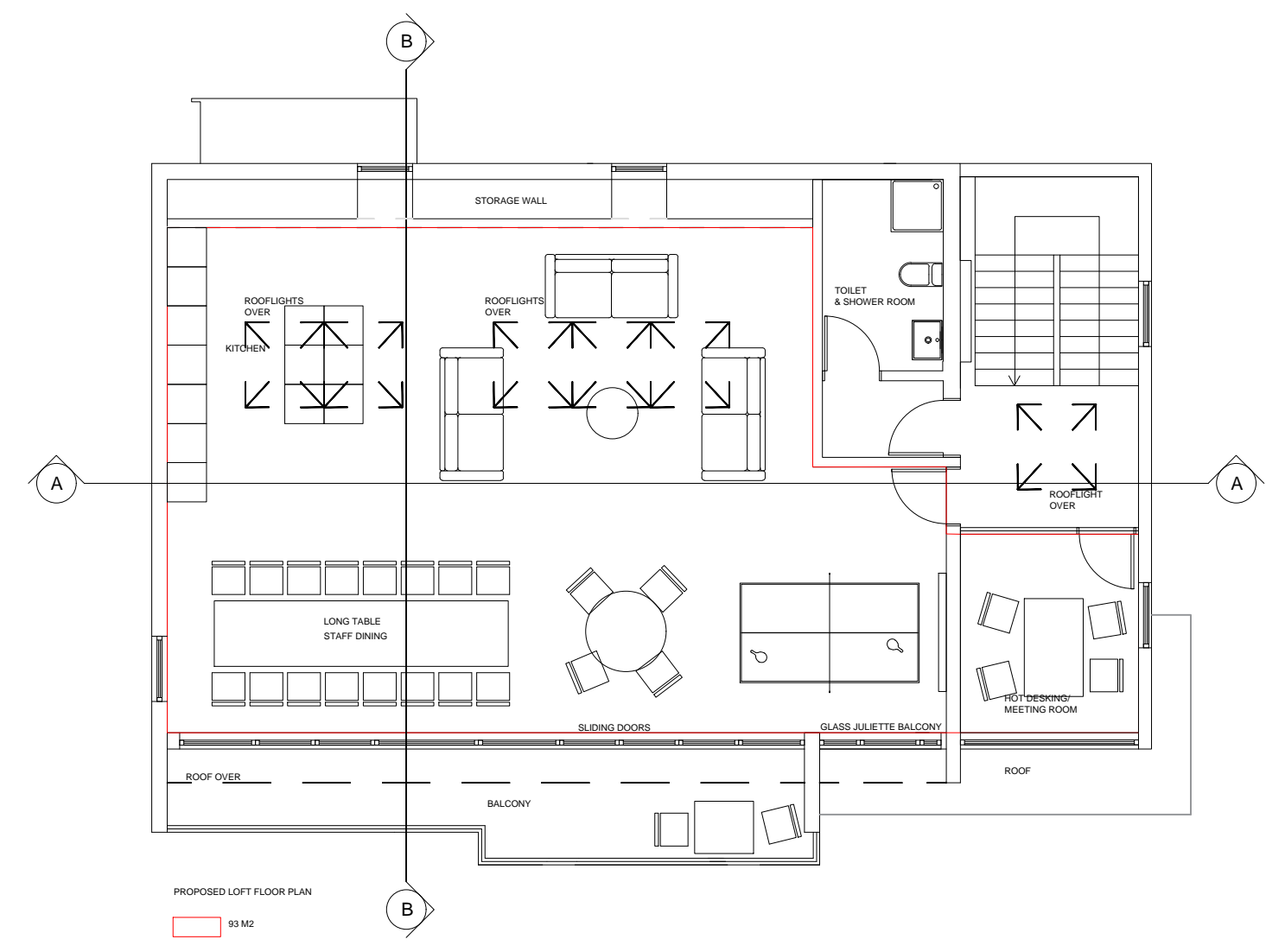
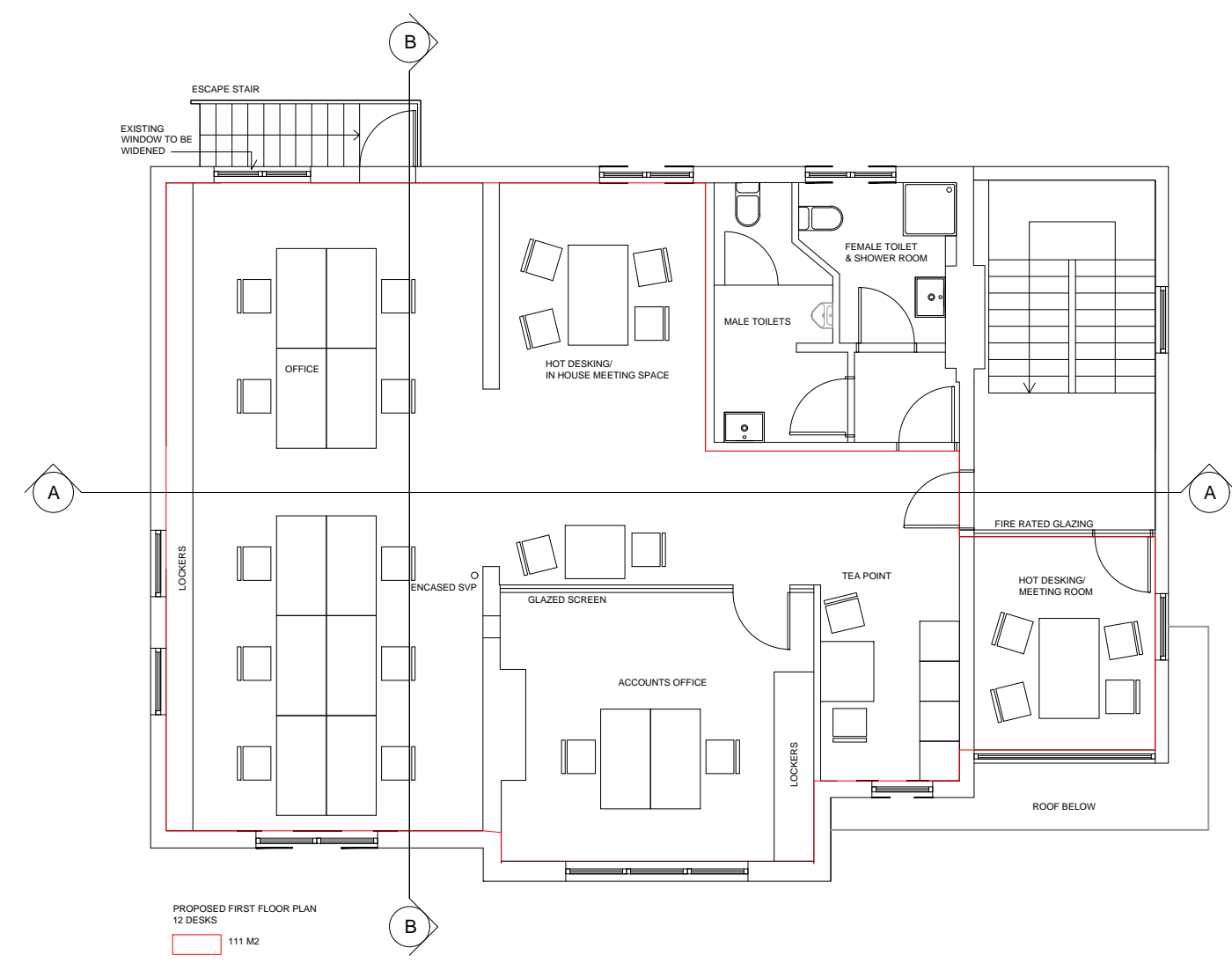
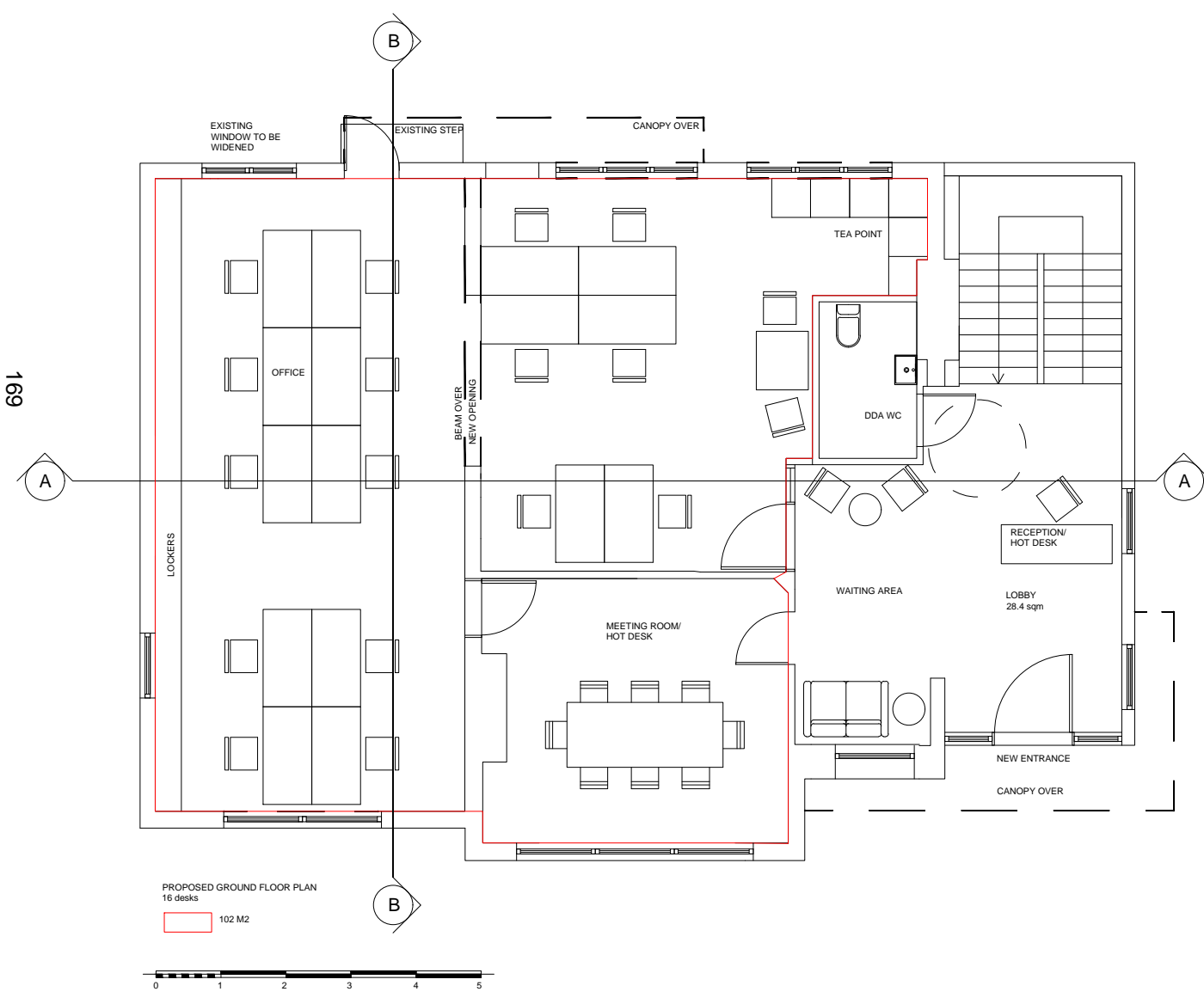
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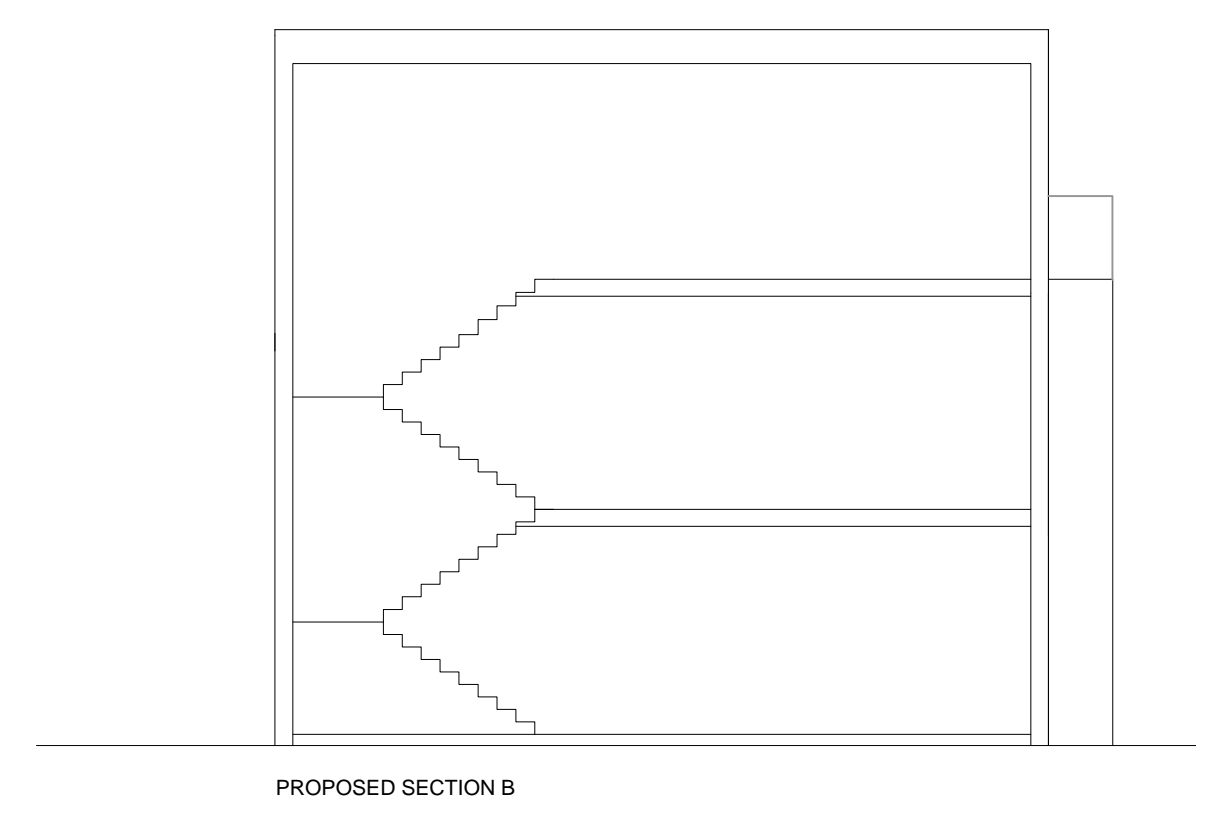
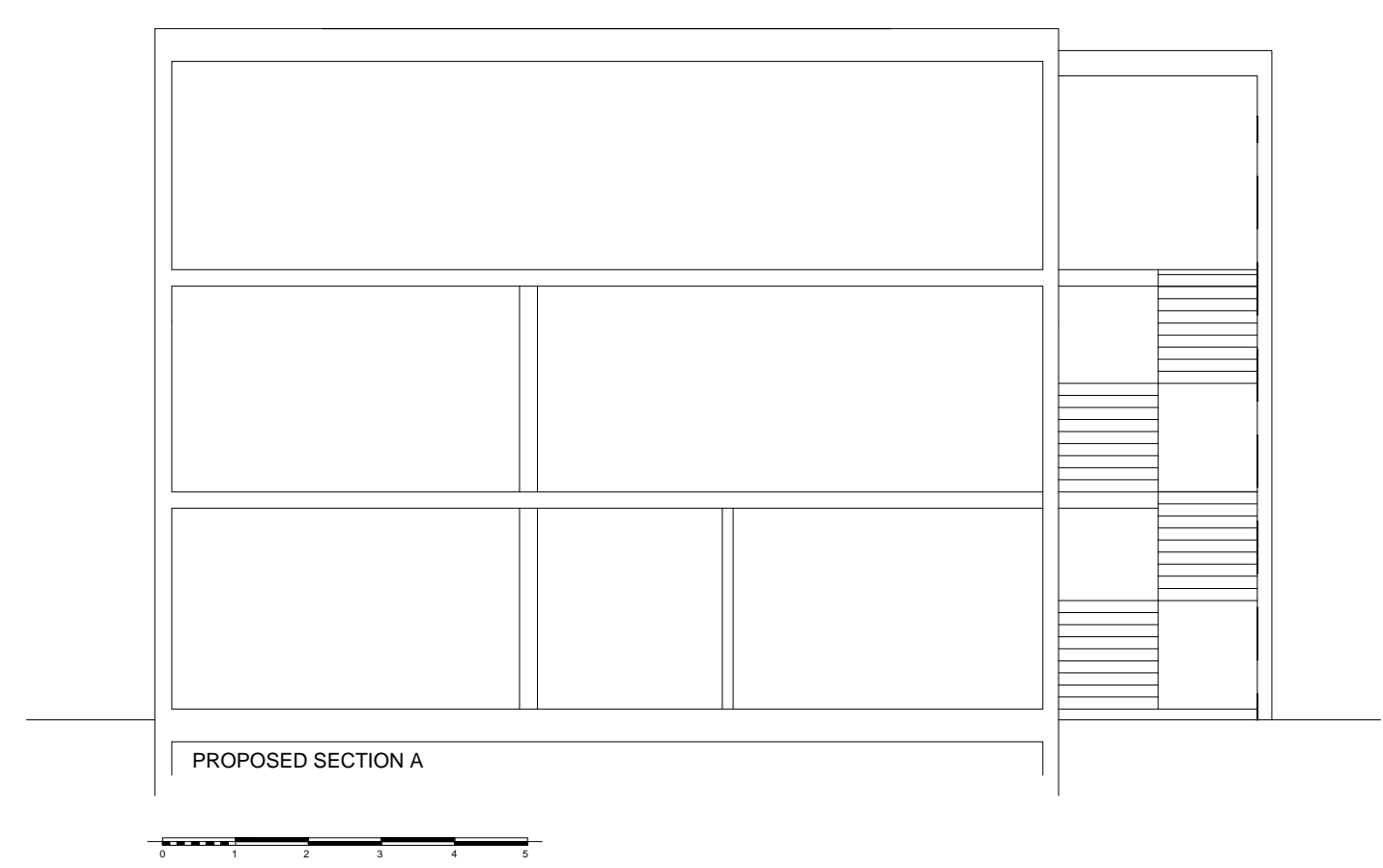
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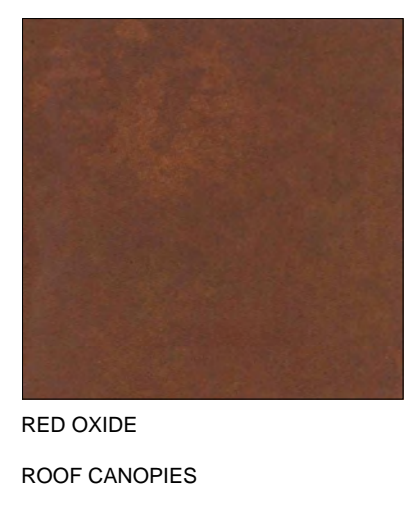
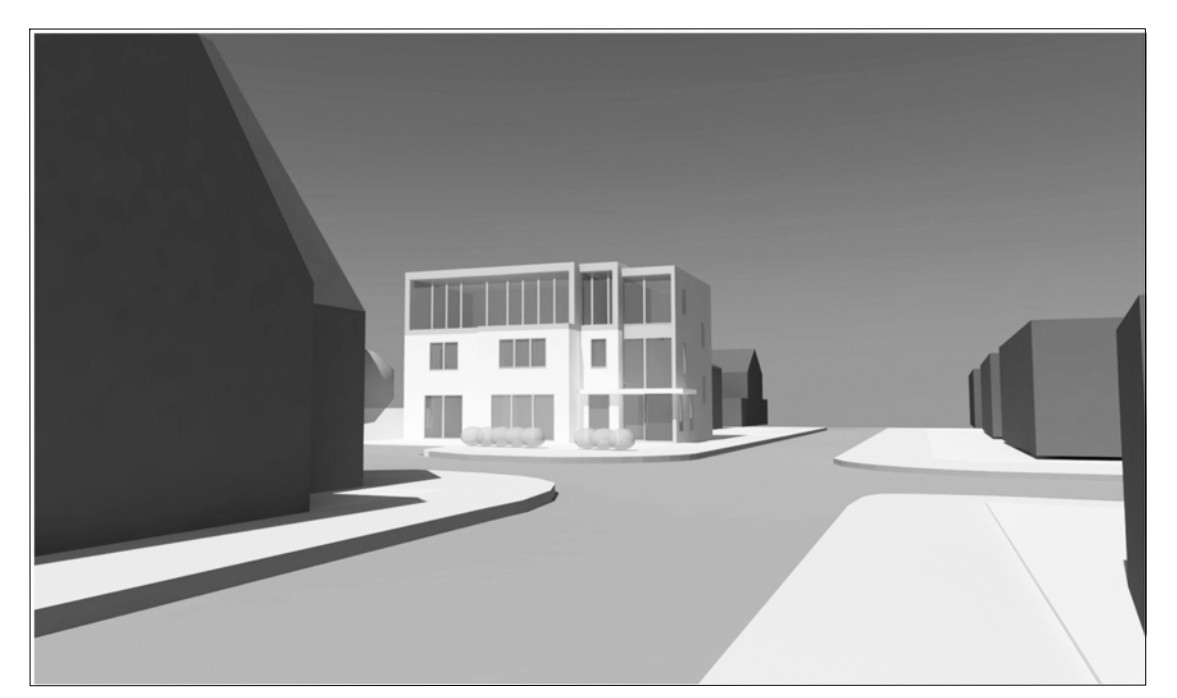
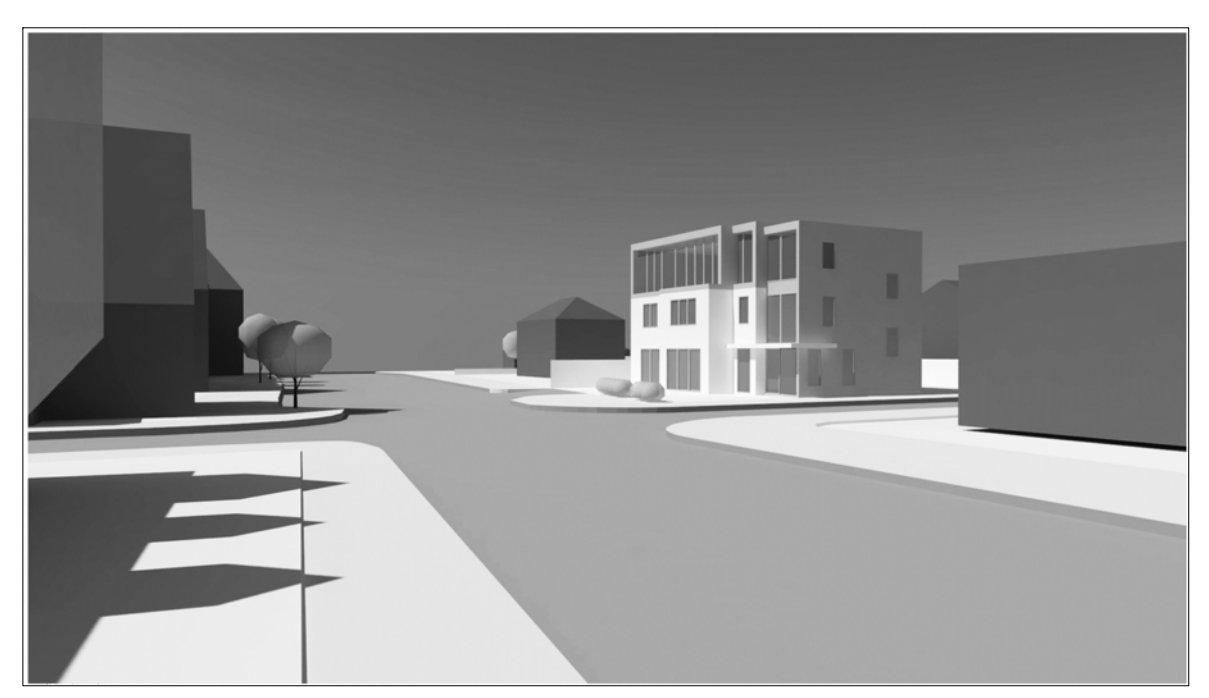
Proposed Elevations - 1:100



Proposed Plans - 1:100

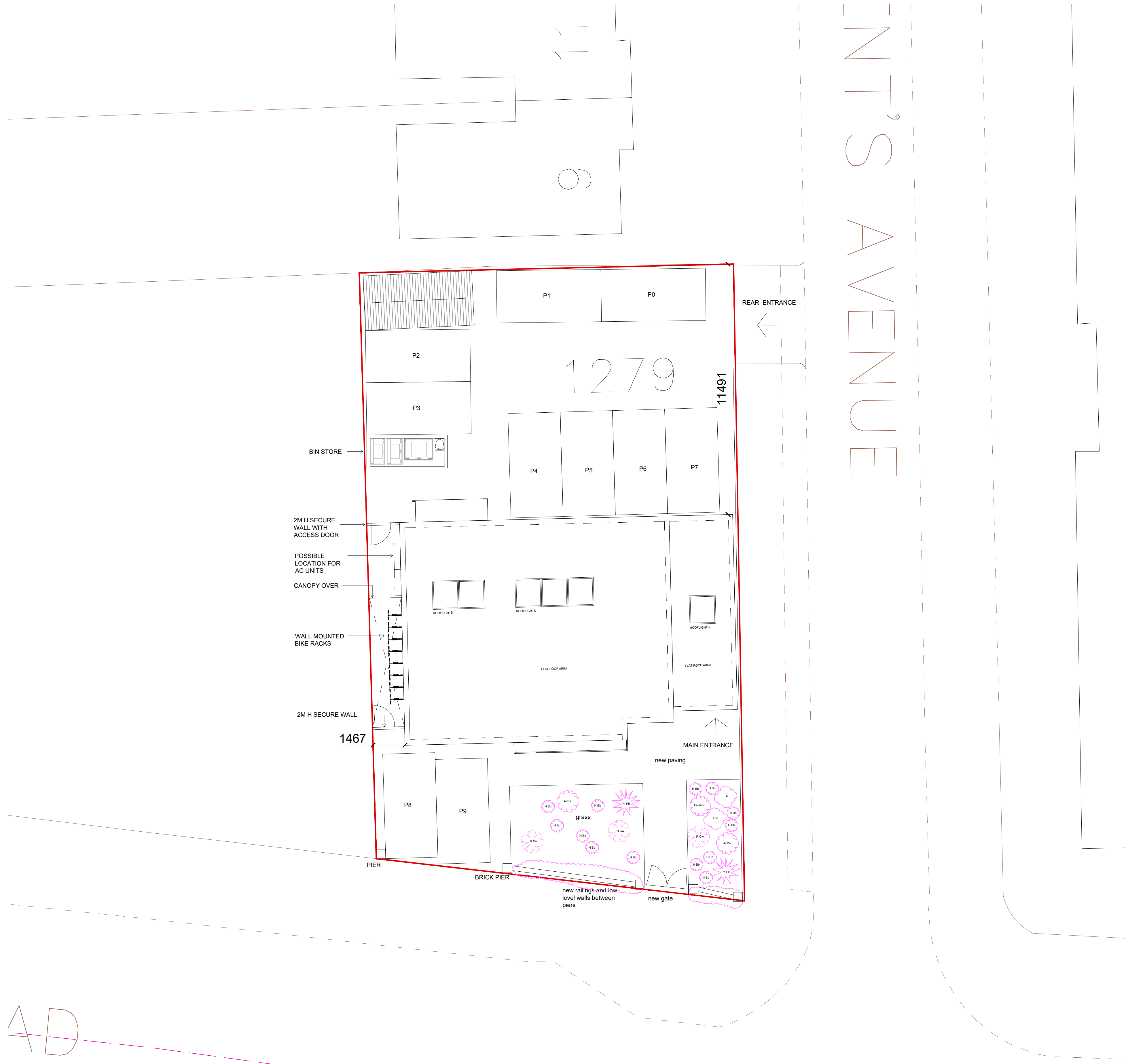


Proposed Sections - 1:100



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| Notes: | | | |
| D | - WINDOWS TO SF | DS | 05/12/18 |
| C | - MATERIALS | DS | 19/10/18 |
| Rev | Comment | By | Date |
| Stage: 1 - Stage | | | |
| Client: NICK HYDE, JAMES HYDE | | | |
| Project: FORRESTER HYDE 1279 LONDON ROAD LEIGH-ON-SEA SOUTHEND ON SEA SS9 2AD ESSEX | | | |
| Drawing Title: PROPOSED | | | |
| Drawing no: | S28_P104 | Revision: | D |
| Project no: | S28-08-18 | Drawn by: | DS |
| Scale: | 1:100 @ A1 | Chkd by: | MM |
| SKARCHITECTS 853-855 London Road Westcliff-on-Sea SS0 9SZ Tel: 01702 509259 Email: info@skarchitects.co.uk | | | |
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PROPOSED SITE PLAN 1:100
0 1 2 3 4 5

LONDON ROAD



| Plant | | Mature Height | Mature Width | Maintenance |
|--|--------------------|---------------|--------------|---|
| Rhododendron cunningham white | | 1.5-2.5m | 2.5-4m | Light pruning or shaping immediately after flowering (spring) |
| Lonicera nitida | Wilson honeysuckle | 2.5-4m | 2.5-4m | Prune any time from spring to autumn, to be maintained at maximum 1200mm height |
| Acer palatum 'Crimson Queen' | | 1.5 - 2.5m | 1.5 - 2.5m | Require little to no maintenance |
| Fatsia Japonica 'Variegata', Japanese aralia 'Variegata' | | 1.5 - 2.5m | 1.5 - 2.5m | Should not need pruning. If essential Prune mid to late spring |
| Hebe 'Black Beauty' | | 1 - 1.5m | 1 - 1.5m | Should not need pruning. If essential Prune mid to late spring |
| Phormium 'Platts Black' | | 1 - 1.5m | 1 - 1.5m | Dead or damaged leaves may be removed in the spring |

LANDSCAPING

Notes:

| Rev | Comment | By | Date |
|-----|-----------------------|----|------------|
| D | CROSSOVER AS EXISTING | DS | 05/12/2018 |
| C | PLANNING ISSUE | DS | 19/10/2018 |
| B | - Garage, Landscaping | DS | 01/10/2018 |

Stage:
1 - Stage

Client:
NICK HYDE, JAMES HYDE

Project:
FORRESTER HYDE
1279 LONDON ROAD
LEIGH-ON-SEA
SOUTHEND ON SEA S89 2AD
ESSEX

Drawing Title:
PROPOSED SITE PLAN

| | | | |
|-------------|------------|-----------|-------|
| Drawing no: | S28_P106 | Revision: | D |
| Project no: | S28-08-18 | Drawn by: | DS/MM |
| Scale: | 1:100 @ A1 | Chkd by: | MM |

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| | | |
|-----------------------------|---|----------|
| Reference: | 18/02094/FUL | 8 |
| Ward: | Victoria | |
| Proposal: | Erect third and fourth floors to Northfield House providing 9 self-contained flats and alter elevations | |
| Address: | Harcourt House and Northfield House, Baxter Avenue, Southend-on-Sea, Essex | |
| Applicant: | Baxter Estates Developments Limited | |
| Agent: | D. Rose Planning LLP | |
| Consultation Expiry: | 07.12.2018 | |
| Expiry Date: | 11.01.2019 | |
| Case Officer: | Charlotte White | |
| Plan Nos: | 17-731-WCA-A1-XX-DR-A-PL116, 17-731-WCA-A1-XX-DR-A-PL115, 17-731-WCA-A1-04-DR-A-PL114 Rev. A, 17-731-WCA-A1-03-DR-A-PL113 Rev. B, 17-731-WCA-A1-02-DR-A-PL112 Rev. B, 17-731-WCA-A1-01-DR-A-PL111 Rev. B, 17-731-WCA-A1-00-DR-A-PL110, 17-731-WCA-A1-00-DR-A-PL109 Rev. B, 17-731-WCA-A1-05-DR-A-PL106 Rev. B, 17-731-WCA-A1-04-DR-A-PL105 Rev. B, 17-731-WCA-A1-03-DR-A-PL104 Rev. B, 17-731-WCA-A1-99-DR-A-PL103 Rev. A, 17-731-WCA-A1-XX-DR-A-PL102, 17-731-WCA-A1-XX-DR-A-PL101, 17-731-WCA-A1-XX-DR-A-PL100, 17-731 PL-08 Rev. B, 17-731-WCA-A1-XX-DR-A-PL208 Rev. B, 17-731-WCA-A1-XX-DR-A-PL202 Rev. A, 17-731-WCA-A1-XX-DR-A-PL200 Rev. B, 17-731-WCA-A1-XX-DR-A-PL201 Rev. A, 17-731-WCA-A1-XX-DR-A-PL203 Rev. A, 17-731-WCA-A1-XX-DR-A-PL206 Rev. A, 17-731-WCA-A1-XX-DR-A-PL205 Rev. A, 17-731-WCA-A1-XX-DR-A-PL204 Rev. A, 17-731-WCA-A1-XX-DR-A-PL207 Rev. A | |
| Recommendation: | REFUSE PLANNING PERMISSION | |

- 1.6 The application has been called in to the Development Control Committee by Cllr Borton.

2 Site and Surroundings

- 2.1 The application site is on a corner plot to the east of Baxter Avenue and south of Harcourt Avenue. The site is occupied by a three to four storey red brick building which is currently vacant. The building was previously used as offices, but has had prior approval granted to convert the building into 74 flats. The site has vehicular and pedestrian access from Harcourt Avenue and Baxter Avenue. The site currently benefits from 83 basement and surface car parking spaces.
- 2.2 The surrounding area is mainly residential. Opposite the site on the western side of Baxter Avenue and northern side of Harcourt Avenue are traditional two storey semi-detached dwellings, some of which have been subdivided into flats. To the south of the site is a four storey block which was previously used as offices but is now used for residential purposes. To the east of the site is Beaumont Court and Richmond House which was previously used as offices but now constitutes residential flats of up to 12 storeys in height.
- 2.3 The site has no specific allocation in the Development Management Document's Proposals Map. The site is located within the Southend Central Area Action Plan (SCAAP) Boundary. The site is located within the Victoria Gateway Neighbourhood Policy Area of the SCAAP.

3 Planning Considerations

- 3.1 The main planning considerations in this case include the principle of the development, living conditions for future occupiers, car parking arrangements, highway and transport considerations, design quality and impact on the surrounding area, amenities of neighbouring occupiers and CIL (Community Infrastructure Levy).

4 Appraisal

Principle of the Development

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2, CP3, CP4 and CP8; Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, Southend Central Area Action Plan (2018) Policy PA8 and the guidance contained within the Design and Townscape Guide (2009).

- 4.1 Core Strategy (2007) Policies KP2 and CP4 seek to promote sustainable development, and Policy KP2 seeks to direct the siting of development through a sequential approach, minimising the use of 'greenfield' land. Policy CP4 seeks the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend. Policy CP8 expects 80% of residential development to be provided on previously developed land.
- 4.2 Policy DM3 of the Development Management Document (2015) seeks the efficient and effective use of land, provided it responds positively to local context and does not lead to over-intensification. Paragraph 117 of the NPPF states *'Planning policies should promote an effective use of land in meeting the need for homes...'*
- 4.3 Policy PA8 of the SCAAP states *'The Council, through its role in determining planning applications and other initiatives, will look favourably on high quality developments and schemes which can demonstrate that they will contribute to the transformation of this area into a vibrant community, which is integrated with the surrounding neighbourhood and set within a remodelled built form of a quality that benefits this key gateway to the Town Centre.'*
- 4.4 Prior approval has already been granted to convert the building into residential flats. As such the principle of developing the site for further residential purposes is acceptable. The additional floors will provide an additional 9 flats at the site which would result in the more efficient use of the site in accordance with National and Local Planning Policy. As such there is no objection to the principle of the proposal to provide additional dwellings at the site subject to other material considerations including design, impact on neighbours and living conditions as discussed below.

Design and Impact on the Character of the Area

National Planning Policy Framework (2018); Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3, Southend Central Area Action Plan (2018) Policy PA8 and the Design and Townscape Guide (2009).

- 4.5 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the National Planning Policy Framework as well as Policies DM1 and DM3 of the Development Management Document and Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide also states that the Council is committed to good design and will seek to create attractive, high-quality living environments.

- 4.6 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.
- 4.7 The National Planning Policy Framework states that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”* (paragraph 124).
- 4.8 Policy PA8 of the SCAAP states *‘The Council, through its role in determining planning applications and other initiatives, will look favourably on high quality developments and schemes which can demonstrate that they will contribute to the transformation of this area into a vibrant community, which is integrated with the surrounding neighbourhood and set within a remodelled built form of a quality that benefits this key gateway to the Town Centre.’*
- 4.9 Paragraphs 375 and 376 of the Council’s Design and Townscape Guidance states *‘In a few cases it may be possible to extend a property upward by adding an additional storey however this will only be appropriate where it does not conflict with the character of the street...Where it is considered acceptable in principle, in order to achieve a cohesive development it is essential that the additional storey draws strong reference from the lower floors and adjacent properties, or an overall integrated design is developed.’*
- 4.10 The scale of the existing development in the area is mixed. To the east of the site is Richmond House and Beaumont Court which extend up to 12 storeys. To the immediate south of the site is Suffolk House which is 4 storeys in height. To the south of Suffolk House is the rear part of Beaumont Court which extends up to 9 storeys. To the north and west of the site are traditional 2 storey semi-detached dwellinghouses. Baxter Avenue, which is comparatively wide, provides a clear point of transition between the taller commercial architecture of the east and the domestic scale to the west. Given the mixed scale of the area and general disposition of built form, it is considered that the proposal to increase the scale of the application building from 3 and 4 storeys to 4 and 5 storeys is not harmful in principle. The proposed additional storeys are located on the southern side of the building and are therefore removed from the two storey dwellings to the north of the site and would be located approximately 24m from the front elevation of the dwellings to the west.
- 4.11 The site is located on a prominent corner plot. The development relates to the southern part of the building, reducing its prominence somewhat. The additional storeys proposed have been designed to be stepped in from the principal elevations of the existing building slightly, providing balconies on the southern, western and eastern elevations. However, the setback would only be approximately 1.5m which would provide a limited setting for the additional storeys and increase their prominence.

- 4.12 The additional storeys have been designed to have a starkly different appearance to the existing building. The design and access statement submitted states *‘The architectural language of the façade features a grid of vertical and horizontal shading fins clad in the colour black which were developed using a randomized rhythm...The majority of the proposed rooftop extension will be wrapped in black rain screen cladding offering a contrast to the existing brickwork below...Perforated profiled metal panels have also been introduced across the scheme...’*
- 4.13 It is not uncommon for additional storeys on existing buildings to be designed to be set back from the principal elevation and to be finished with contrasting materials which can provide subservient additions that enable the evolution of the building to be interpreted and its primary architectural form to be maintained. However, in this case, the set back is minor when seen in the scale and context of the host building and the proposal to provide an additional 2 storeys over the 3 storey part of the building would result in a top heavy addition that does not appear subservient to the main building. The excessive size and scale of the extensions exacerbate this impact.
- 4.14 The existing building is finished in red brick with a strong and consistent fenestration rhythm. Suffolk House to the south of the site is finished in red and brown brick. The dwellings to the east and north of the site are mainly finished in render and red brick. Beaumont Court and Richmond House to the west of the site are finished in cladding in white and bronze colours with grey aluminium windows. The materials proposed include black metal cladding, bronze effect perforated metal panels, dark grey spandrel panels, black metal shading fins, black aluminium windows and doors, black metal and glass balustrades and black aluminium flashing. The materials proposed would significantly contrast with those at the existing building and wider surrounding area, although it is noted that the materials used at Beaumont Court and Richmond House do add variety to the area.
- 4.15 In this instance given that the proposal constitutes a double storey addition on the three storey part of the building, given the limited set back, the highly contrasting materials proposed, which are at odds with the existing building and the wider surrounding area, the fenestration design which has no regard to the regular rhythm and scale of the fenestration at the existing building and the size and scale of the proposed addition, it is considered that the development would be incongruous and unduly prominent with a top heavy appearance resulting in material harm to the character and appearance of the host building and the wider surrounding area. The application is therefore unacceptable and contrary to policy and is recommended for refusal on this basis.

Traffic and Transport Issues

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2, CP3, CP4; Development Management Document (2015) Policies DM1, DM3 and DM15

- 4.16 Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. All development should meet the parking standards (including cycle parking).
- 4.17 Policy DM15 of the Development Management Document states that each flat should be served by a minimum of one parking space.
- 4.18 The Transport Technical Note submitted as part of the Design and Access Statement states that in total there are 83 existing parking spaces located at ground and basement levels. However, 10 spaces are lost under the prior approval scheme to provide necessary facilities including cycle parking provisions. The existing vehicular access would remain unaffected by the proposal and the parking layout would remain the same as that granted under the prior approval application. An additional 2 parking spaces will be lost in order to accommodate a sub-station on the site (planning permission is pending for this proposal). As such the development would result in a total of 83 flats across the entire site served by 71 on-site parking spaces. The Transport Technical note comments that the site is located in a sustainable location close to bus stops and Southend Victoria Railway Station. The note also refers to 2011 census data relating to car ownership in the Victoria Ward which identified average car ownership for 1 bed units of 0.43 cars per dwelling and 0.52 cars per dwelling for 2 and 3 bedroom units. Reference is also made to the parking restrictions in the surrounding roads. It is stated that traffic generation from the proposed extension would not be significant.
- 4.19 Whilst it has not been clearly indicated in this submission whether the 9 additional flats will be provided with off-street parking, it is apparent that over the larger site there would be a deficiency of 12 parking spaces. Given that the site is located in a sustainable location, with parking restrictions in the surrounding road, in this instance no objection is raised to the parking provisions proposed and it is considered, on balance, that the development would not result in any material harm to highway safety. The Highways Team has raised no objection to the proposal. Given the above, the development is considered to provide adequate parking and would not result in any material harm to highway safety and is therefore on balance acceptable and policy compliant in this respect.
- 4.20 The plan submitted reference 17-731-WCA-A1-XX-DR-A-PL115 indicates that 84 cycle parking spaces will be provided using a two tier system which will be located within the eastern part of the covered undercroft area to serve the entire development. Subject to a condition requiring the cycle parking to be provided in accordance with this drawing the development is acceptable and policy compliant in this respect.
- 4.21 The development is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

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

- 4.22 Paragraph 343 of Design and Townscape Guide (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy DM1 of the Development Management Document also states that development should *“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”*
- 4.23 Further to the above policies and guidance development proposals must protect the amenity of neighbours having regard to matters such as privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.
- 4.24 The proposed development would be located approximately 24m from the front elevation of the 2 storey dwellings opposite the site in Baxter Avenue, some 22m from the northern elevation of Suffolk House to the south of the site, some 13.8m from the western elevation of Richmond House to the east and some 40m from the northern boundary of the site.
- 4.25 The development includes additional windows and balconies. On balance, given the isolation gaps provided between the development and the adjoining dwellings, as outlined above, the fact that prior approval has already been granted to convert the building from offices to residential units, the extent of the existing building on the site and the size, scale and number of the existing windows at the building, it is considered that the development would not result in material harm to the residential amenity of the adjoining residents in terms of dominance, an overbearing impact, material loss of light and outlook, sense of enclosure over or material overlooking and loss of privacy over and above the existing situation. Whilst the neighbour concerns raised, which are summarised below are noted, given the nature of the proposal and the size and scale of the adjoining buildings to the east and south of the site it is considered that the development would not result in material harm to the residential amenity of the surrounding area, as discussed above, including in terms of loss of light and outlook.
- 4.26 The additional 9 flats would not result in unacceptable levels of noise and disturbance over and above the existing situation.
- 4.27 The proposal is therefore acceptable and policy compliant in these respects and no objection is raised to the proposal on this basis.

Living Conditions for Future Occupiers

National Planning Policy Framework (2018), National Technical Housing Standards (2015); Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8 and the guidance contained within the Design and Townscape Guide (2009).

4.28 Paragraph 127 of the National Planning Policy Framework states that planning policies and decisions should “*create place that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.*’ 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 sizes for a 1 bedroom 2 person unit of 50sqm and for 2 bedroom 4 person unit of 70sqm
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

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

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

such as a water supply.

- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.
- 4.30 The 1 bedroom 2 person units proposed measure 51sqm and the 2 bedroom 4 person units proposed measure 77sqm which complies with the technical housing standard. The bedrooms are all of acceptable sizes. The development is therefore acceptable and policy compliant in this respect.
- 4.31 All habitable rooms will be provided with windows to provide sufficient light, ventilation and outlook. The development is therefore acceptable and policy compliant in this regard.
- 4.32 The 5 flats proposed on the third floor are each provided with a private balcony area measuring between approximately 13sqm and some 24sqm and a communal terrace measuring some 50sqm is provided at the front of the site at third floor level. Bearing in mind the proximity of other general amenities, including Churchill Gardens to the east of Victoria Avenue, such a provision of amenity space is considered adequate and would fulfil the needs of the future occupiers of the proposed flats. The development is acceptable and policy compliant in this respect.
- 4.33 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. The Design and Access Statement submitted states that the development will adhere to the Part M4(1) criteria, but no reference is made to M4(2) requirements. It is apparent that the development will be served by a lift, however, there are steps to the main entrance of the building in Baxter Avenue and will not therefore be accessible to all. However, on balance, given that the development is for extensions and alterations to an existing building, it is not considered that a reason for refusal on this basis could be fully justified.
- 4.34 The design and access statement submitted indicates that the existing refuse strategy will be extended to accommodate the proposed, new flats. The refuse store is located in the rear corner of the car park.. Recycling provision will be made within the bin store area for residents. No further details have been provided. Given the limited details that have been submitted with respect to the refuse and recycling facilities proposed, a condition would need to be imposed in this respect should the application be found to be otherwise acceptable.
- 4.35 Subject to conditions, on balance, the proposal is therefore acceptable and policy compliant in the above regards.

Sustainable Development

National Planning Policy Framework (2018); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policy DM2 and the guidance within the Design and Townscape Guide (2009).

- 4.36 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 Design and Townscape Guide”.*
- 4.37 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design. The Design and Access Statement submitted states that photovoltaic panels and a fabric first approach will be used to generate 10% of the residential energy needs of the development. The application has been submitted with an energy statement which concludes that by *‘Utilizing 50sqm of the available 374sqm flat roof area above Harcourt House for a solar voltaic array, it is estimated that an array of 7.8kWp could generate 6,330kWh/year. This would result in on site renewable energy generation at 14% of predicted consumption, in excess of the Council’s requirement.’* Subject to a condition requiring the development to be completed in accordance with the approved energy statement the development is acceptable and policy compliant in this respect.
- 4.38 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, this can be dealt with by condition if the application is deemed acceptable.

Community Infrastructure Levy

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

5 Conclusion

- 5.1 Having taken all material planning considerations into account, it is found that the proposed development is unacceptable and would be contrary to the development plan and is therefore recommended for refusal. The development is of an unacceptable design that would result in an incongruous

development to the material detriment of the character and appearance of the host building and the wider surrounding area. The proposal is therefore contrary to the Development Plan. The benefits of the proposal, including the provision of additional dwellings do not outweigh the material harm identified and the application is therefore recommended for refusal.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2018).
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), and CP8 (Dwelling Provision).
- 6.3 Design & Townscape Guide (2009)
- 6.4 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).
- 6.5 Southend Central Area Action Plan (2018) Policy PA8 (Victoria Gateway Neighbourhood Policy Area Development Principles).
- 6.6 CIL Charging Schedule (2015)
- 6.7 Technical Housing Standards Transitional Policy Statement (2015)

7 Representation Summary

Highway Team

- 7.1 Consideration has been given to the sustainable location of the site which has good links to public transport provision in close proximity. 9 secure cycle spaces have been provided to encourage alternative travel options. The applicant has also provided information relating to trip generation associated with the development and compared this with the previous use which indicates a reduction in vehicle trips within the local area.

Future occupiers will not be eligible for a town centre or residential parking permit due to the reduction parking provision within the site.

Therefore given the information contained within the application no highway objections are raised.

Fire Services

- 7.2 Access for fire service vehicles is considered satisfactory. More detailed observations on access and facilities for the fire service will be considered at Building Regulations stage.

The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development.

Public Consultation

7.3 56 neighbour letters were sent out and a site notice was displayed. 1 letter of representation has been received which makes the following summarised comments:

- Residential amenity concerns.
- Lived here for 30 years.
- Will no longer be able to see the sky above the office block and will look at the side of a building.
- Will result in additional Council tax to the Council.
- Developer profits.
- No compensation for neighbours.
- Extra strain on schools, doctors, hospitals.
- Workers living on site and working all hours.

Officer comment: The material concerns raised have been considered in the evaluation of this proposal.

8 Relevant Planning History

- 8.1 18/02076/FUL – Erect substation to north east corner of car park – pending consideration
- 8.2 18/01506/PA3COU – Change of use from offices (Class B1(a)) to 74 self-contained flats (Class C3) (Prior Approval) – prior approval required and granted.
- 8.3 18/00468/FUL – Install windows to all elevations, vent openings to roof and southeast elevation at ground floor level and replace existing vent openings to southeast elevation at ground floor level with windows – planning permission granted.
- 8.4 17/02259/PA3COU - Change of use of four floors from office use (Class B1a) to seventy four self-contained flats (Class C3)(Prior Approval) – prior approval required and granted.

9 Recommendation

9.1 It is recommended that planning permission is REFUSED for the following reasons:

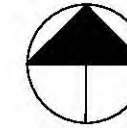
01 The development proposed by reason of its size, scale, form, siting and detailed design, including its incongruous materials and fenestration would result in material harm to the character and appearance of the host building and the wider surrounding area.

The development is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015), Policy PA8 of the Southend Central Area Action Plan and the Design and Townscape Guide (2009).

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

Informatives

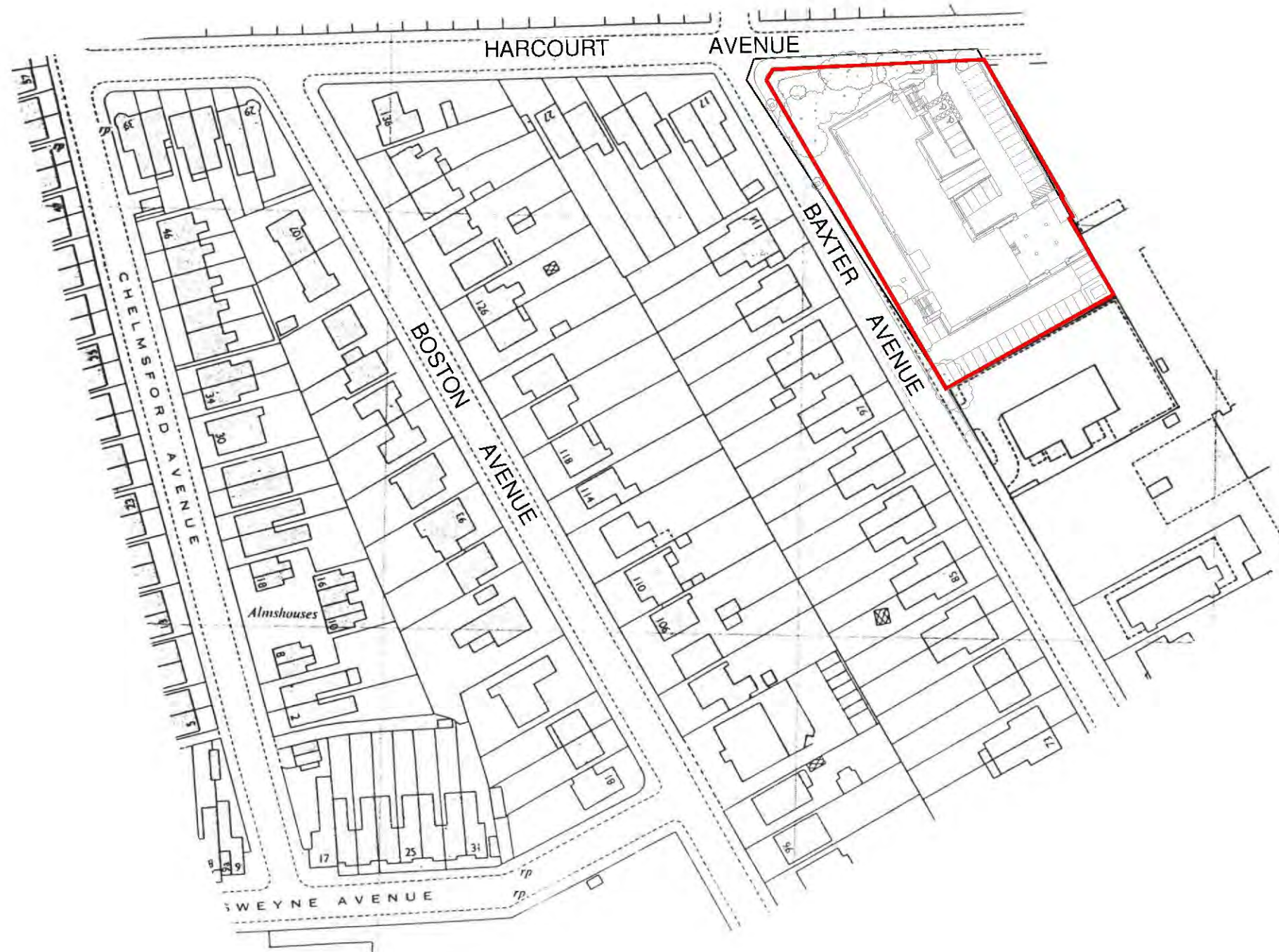
- 01 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would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



North

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F IN DOUBT ASK
Materials not in conformity with relevant British or European Standards/Codes of practice or materials known to be deleterious to health & safety must not be used or specified on this project.



187

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|--------|----------|--|---------------|
| B | 30/10/18 | Car parking layout added to drawing | SH/GA |
| A | 09/03/18 | Redline boundary added and client name revised | SH/GA |
| No | Date | Description | Drawn/Chkd By |
| CLIENT | | | |

Baxter Estates
Developments Ltd

PROJECT
Northfield / Harcourt
House

TITLE
Site Location Plan

DRAWING STATUS

PLANNING

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| DRAWN | JH | CHECKED | GA |
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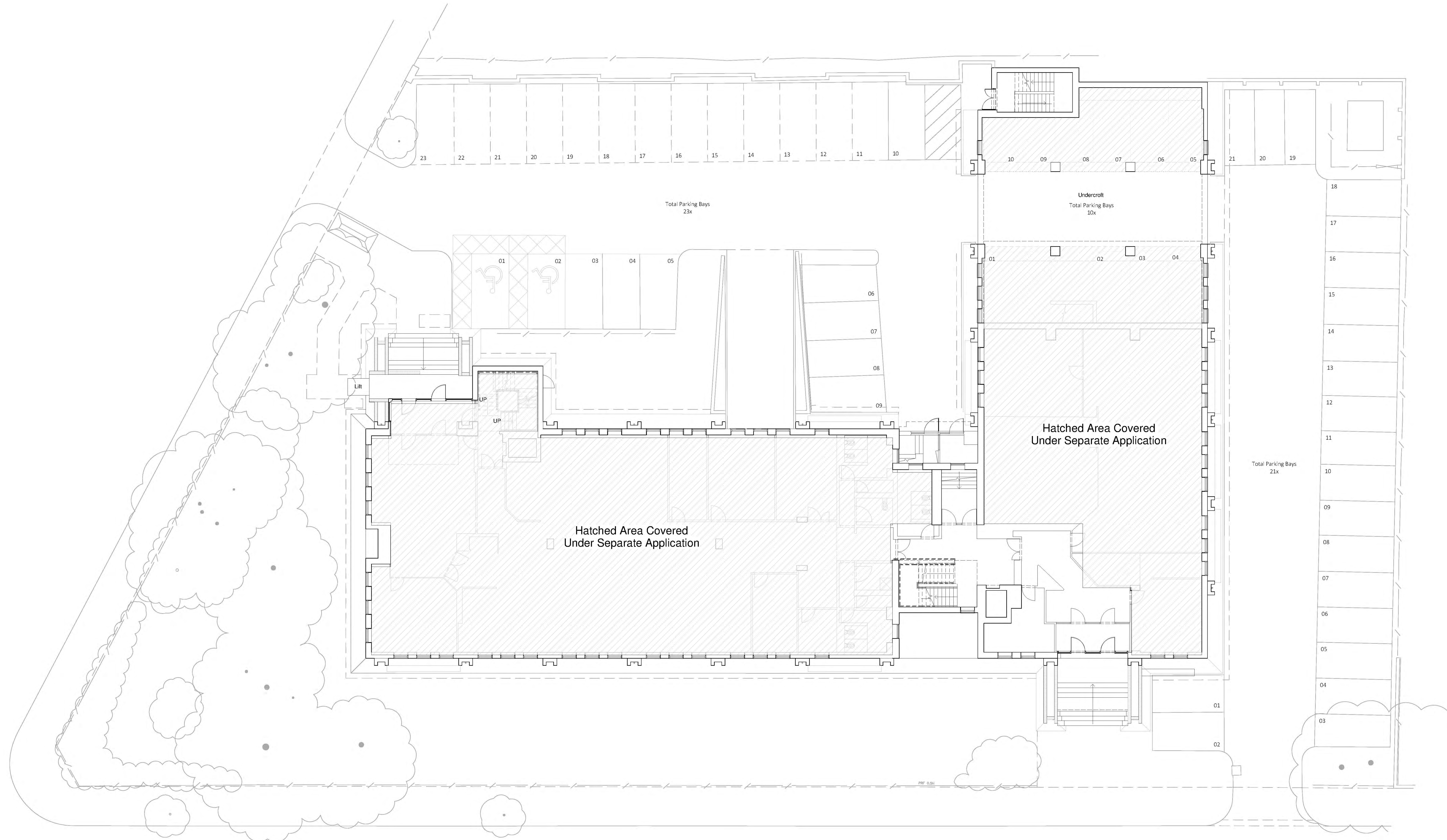
DATE Dec '17

Whittam Cox ARCHITECTS
Chesterfield / 01246 260261
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whittamcox.com

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| JOB NO. | DRAWING NO. | REV |
| 17-731 | PL-08 | B |

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TOTAL EXISTING CAR PARKING
 Surface Level: 54
 Basement Level: 29
 Total No: 83



Existing Site Layout
 1:100

| No | Date | Description | By | CoD |
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CLIENT
 Barber Estates Developments Ltd

PROJECT
 Northfield / Faircourt House

TITLE
 Existing Site Layout

DRAWING STATUS
 PLANNING

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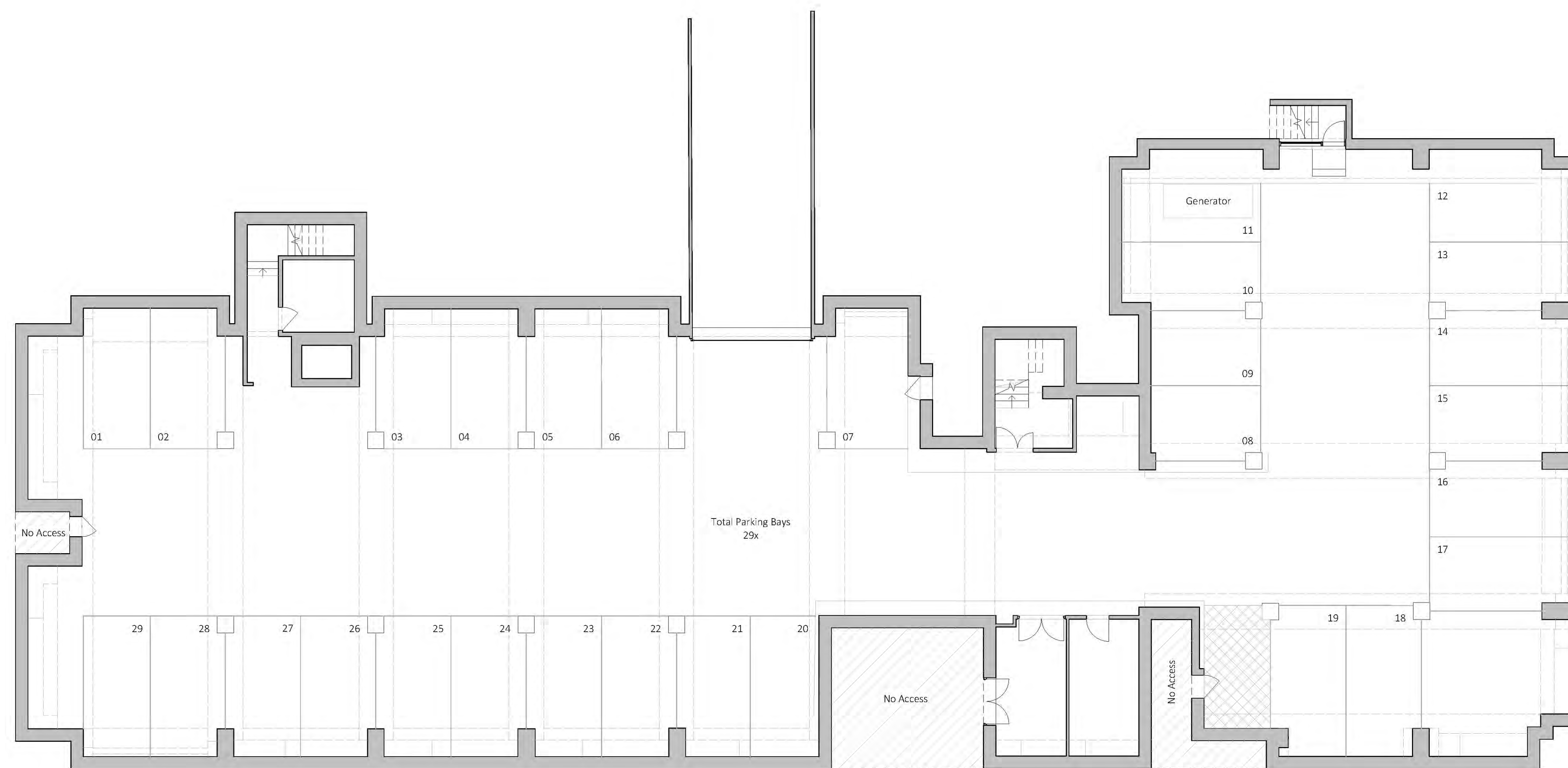
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 30/10/18

Whittam Cox ARCHITECTS
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 London, 0203 880 019
 Leeds, 0113 468 1400
 whitamcox.com

Project: Originator Volume Level Type Risk Number Revision
 17-731 - WCA - A1 - XX - DR - A - PL116 -

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-01 Existing Basement Floor
 1 : 100

| No. | Date | Description | By | CD |
|-----|----------|---|----|----|
| B | 26.10.18 | Drawing revised to show basement floor and not ground | SH | GA |
| A | 22.10.18 | Client's name revised | SH | GA |

CLIENT
 Baxter Estates Developments Ltd

PROJECT
 Northfield / Harcourt House

TITLE
 Existing Basement Floor Plan

DRAWINGS STATUS
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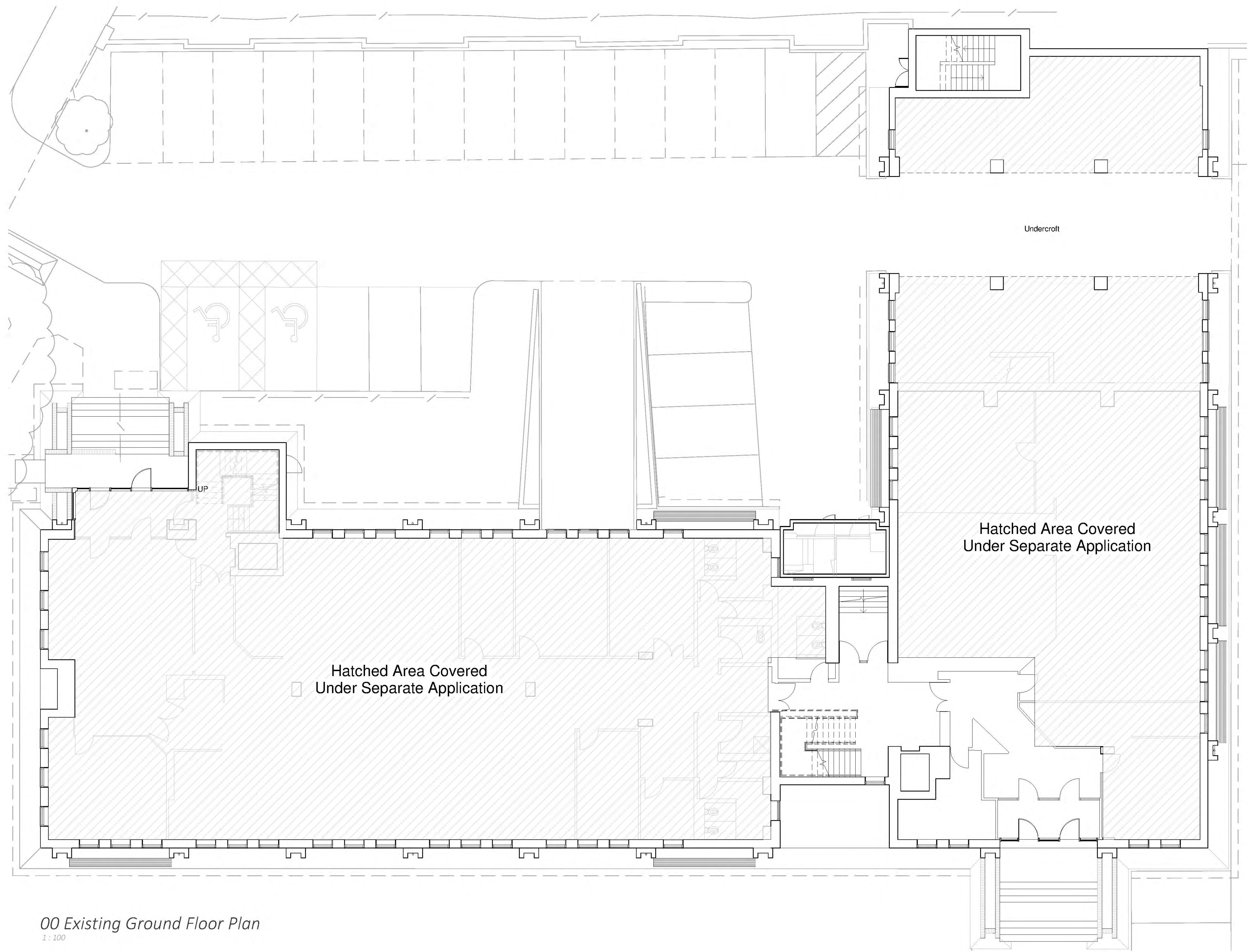
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| DATE | 19/10/18 | | |

Whittam Cox ARCHITECTS
 Chesterfield / 01246 260 361
 London / 02033 880 019
 Leeds / 0113 468 2450
 whittamcox.com

Project Originator Volume Level Type Role Number Revision
 17-731 - WCA - A1 - 00 - DR - A - PL109 - B



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00 Existing Ground Floor Plan
 1 : 100

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| No | Date | Description | By | Ckd |
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CLIENT
 Baxter Estates Developments Ltd

PROJECT
 Northfield / Harcourt House

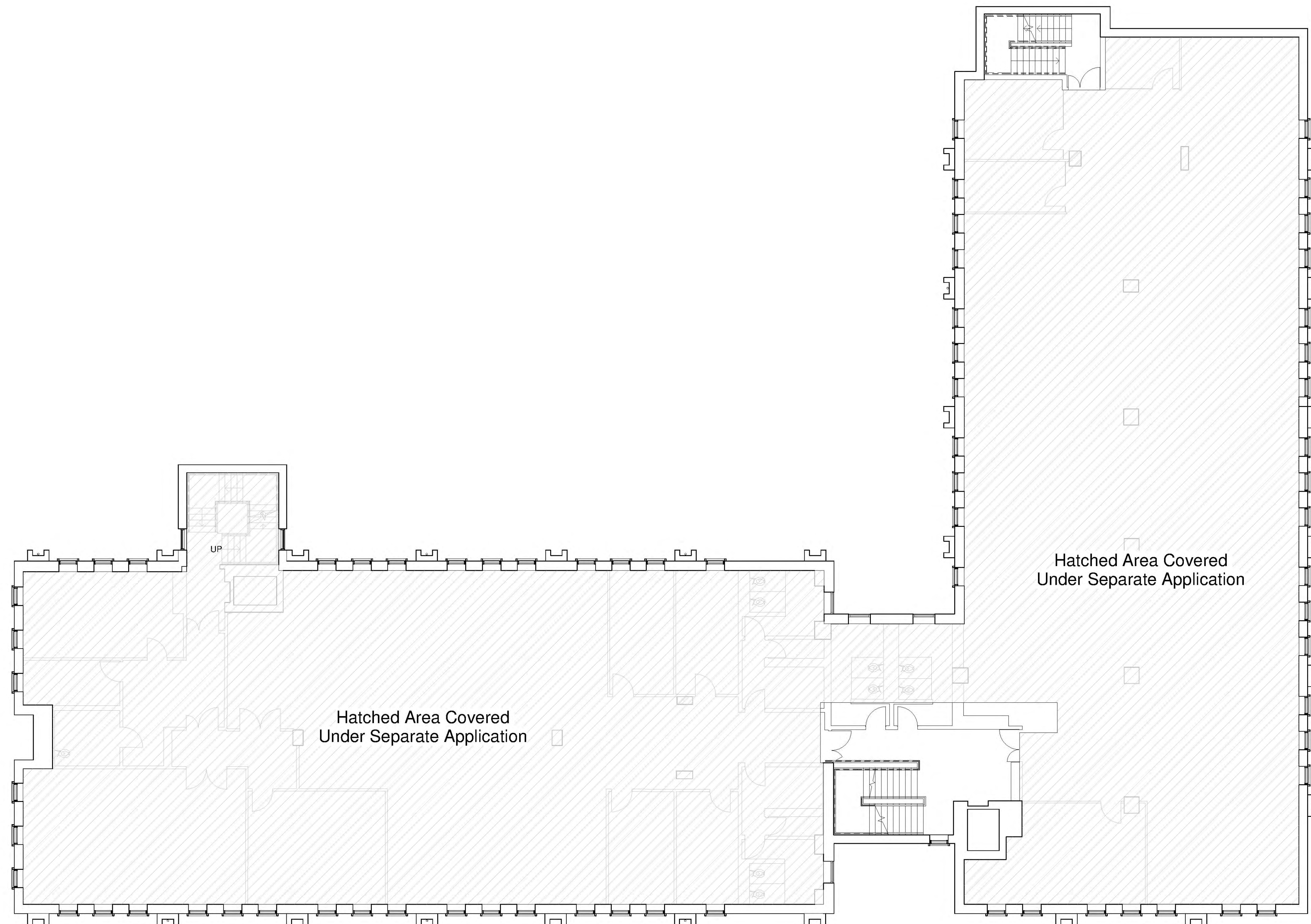
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01 Existing First Floor Plan
 1 : 100

| No. | Date | Description | By | CD |
|-----|----------|--|----|----|
| B | 26.10.18 | Drawings amended following comments from planning consultant | SH | GA |
| A | 22.10.18 | Client's name revised | SH | GA |

CLIENT
 Baxter Estates Developments Ltd

PROJECT
 Northfield / Harcourt House

TITLE
 Existing First Floor Plan

DRAWINGS STATUS
 SKETCH

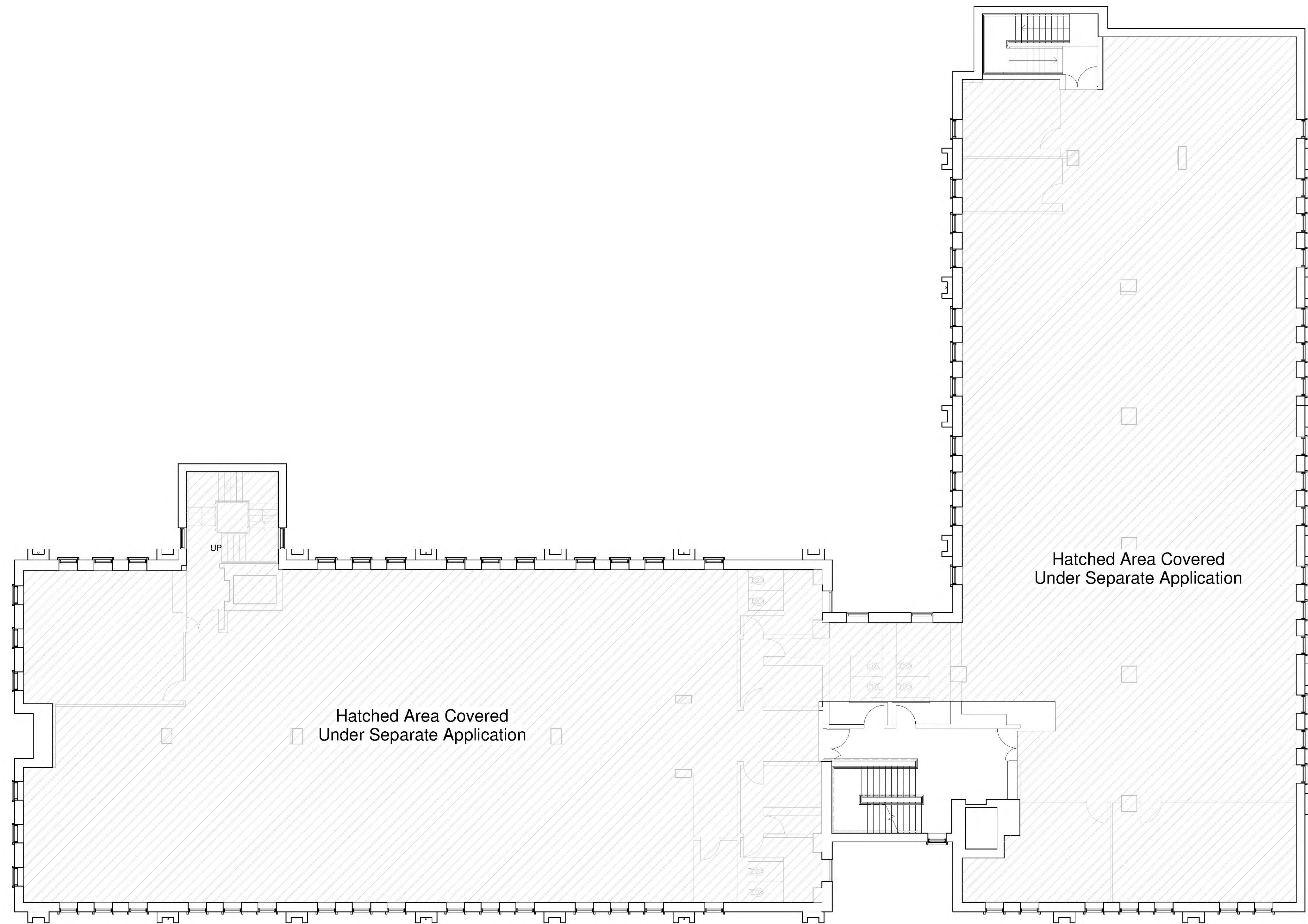
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DATE 19/10/18



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02 Existing Second Floor Plan
 1 : 100

| No. | Date | Description | By | CD |
|-----|----------|--|----|----|
| B | 26.10.18 | Drawings amended following comments from planning consultant | SH | GA |
| A | 22.10.18 | Client's name revised | SH | GA |

CLIENT
 Baxter Estates Developments Ltd

PROJECT
 Northfield / Harcourt House

TITLE
 Existing Second Floor Plan

DRAWINGS STATUS
 SKETCH

| DRAWN | SH | CHECKED | GA |
|-------|----|---------|----|
| | | | |

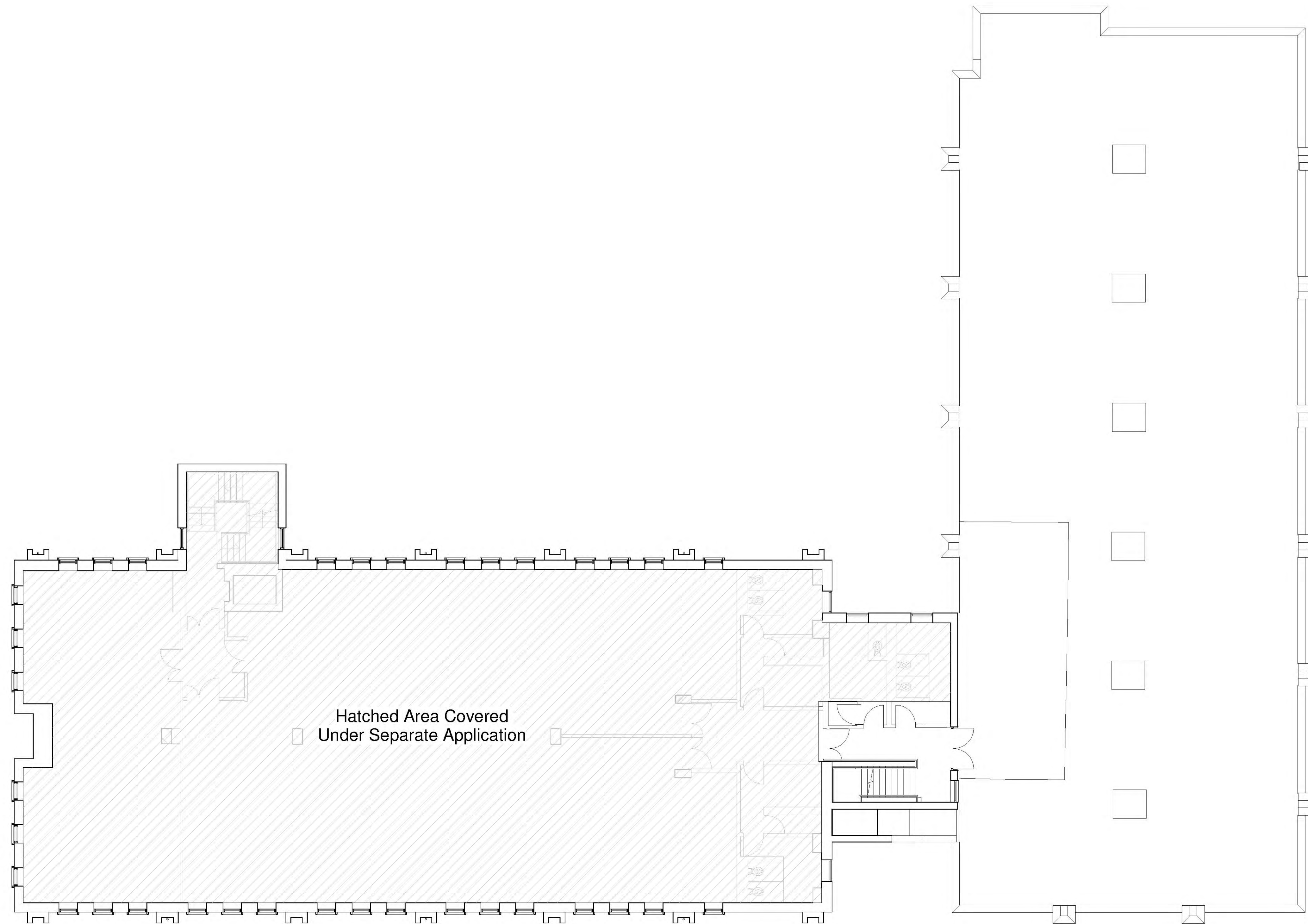
SCALE 1 : 100 @ A1

DATE 19/10/18



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199



03 Existing Third Floor Plan
1 : 100

| No. | Date | Description | By | CD |
|-----|----------|--|----|----|
| B | 26.10.18 | Drawings amended following comments from planning consultant | SH | GA |
| A | 22.10.18 | Client's name revised | SH | GA |

CLIENT
Baxter Estates Developments Ltd

PROJECT
Northfield / Harcourt House

TITLE
Existing Third Floor Plan

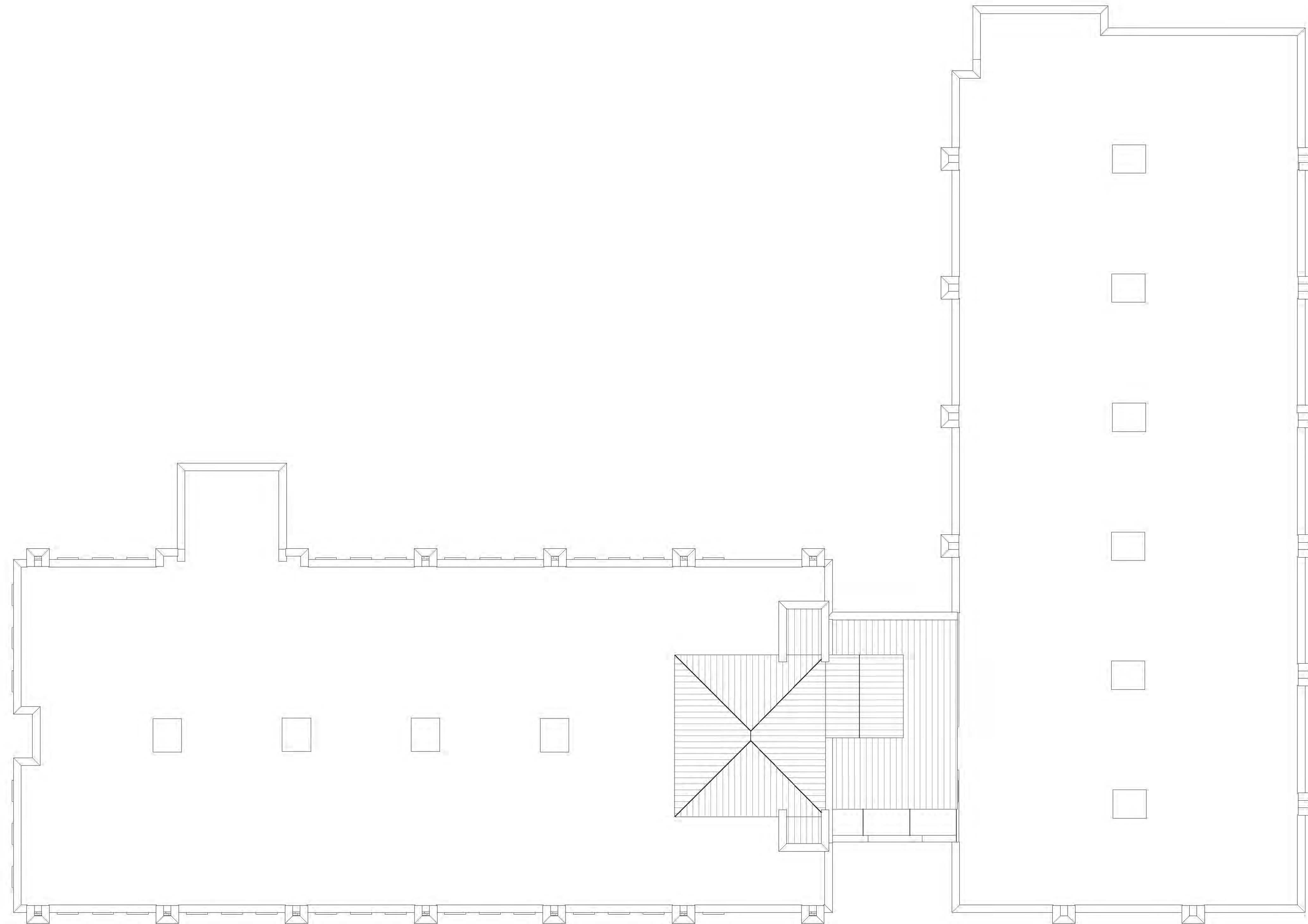
DRAWINGS STATUS
SKETCH

| DRAWN | SH | CHECKED | GA |
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DATE 19/10/18



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04 Existing Roof Plan
 1 : 100

| No | Date | Description | By | CHK |
|----|----------|-----------------------|----|-----|
| A | 22/10/18 | Client's name revised | SH | GA |

CLIENT
 Baxter Estates Developments Ltd

PROJECT
 Northfield / Harcourt House

TITLE
 Existing Roof Plan

DRAWINGS STATUS
 SKETCH

| | | | |
|-------|----|---------|----|
| DRAWN | SH | CHECKED | GA |
|-------|----|---------|----|

SCALE 1 : 100 @ A1

DATE 19/10/18



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203



Existing North Elevation

1 : 100

| No. | Date | Description | By | CD |
|-----|----------|-----------------------|----|----|
| A | 22/10/18 | Client's name revised | SH | GA |

CLIENT
 Baxter Estates Developments Ltd

PROJECT
 Northfield / Harcourt House

TITLE
 Existing North Elevation

DRAWING STATUS
 SKETCH

| DRAWN | SH | CHECKED | GA |
|-------|----|---------|----|
| | | | |

SCALE 1 : 100 @ A1
 DATE 19/10/18



Whittam Cox ARCHITECTS
 Chesterfield / 01246 260 361
 London / 02033 880 019
 Leeds / 0113 468 2450
 whittamcox.com

Project Originator Volume Level Type Role Number Revision
 17-731 - WCA - A1 - XX - DR - A - PL205 - A

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205



Existing East Elevation

1:100

| No. | Date | Description | By | CD |
|-----|----------|-----------------------|----|----|
| A | 22/10/18 | Client's name revised | SH | GA |

CLIENT
Baxter Estates Developments Ltd

PROJECT
Northfield / Harcourt House

TITLE
Existing East Elevation

DRAWINGS STATUS
SKETCH

| DRAWN | SH | CHECKED | GA |
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SCALE 1:100 @ A1

DATE 19/10/18



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Existing South Elevation
 1 : 100

| No. | Date | Description | By | CD |
|-----|----------|-----------------------|----|----|
| A | 22.10.18 | Client's name revised | SH | GA |

CLIENT
 Baxter Estates Developments Ltd

PROJECT
 Northfield / Harcourt House

TITLE
 Existing South Elevation

DRAWINGS STATUS
 SKETCH

| DRAWN | SH | CHECKED | GA |
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SCALE 1 : 100 @ A1
 DATE 19/10/18



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209



Existing West Elevation
 1 : 100

| No | Date | Description | By | CD |
|----|----------|-----------------------|----|----|
| A | 22/10/18 | Client's name revised | SH | GA |

CLIENT
 Baxter Estates Developments Ltd

PROJECT
 Northfield / Harcourt House

TITLE
 Existing West Elevation

DRAWINGS STATUS
 SKETCH

| DRAWN | SH | CHECKED | GA |
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SCALE 1 : 100 @ A1

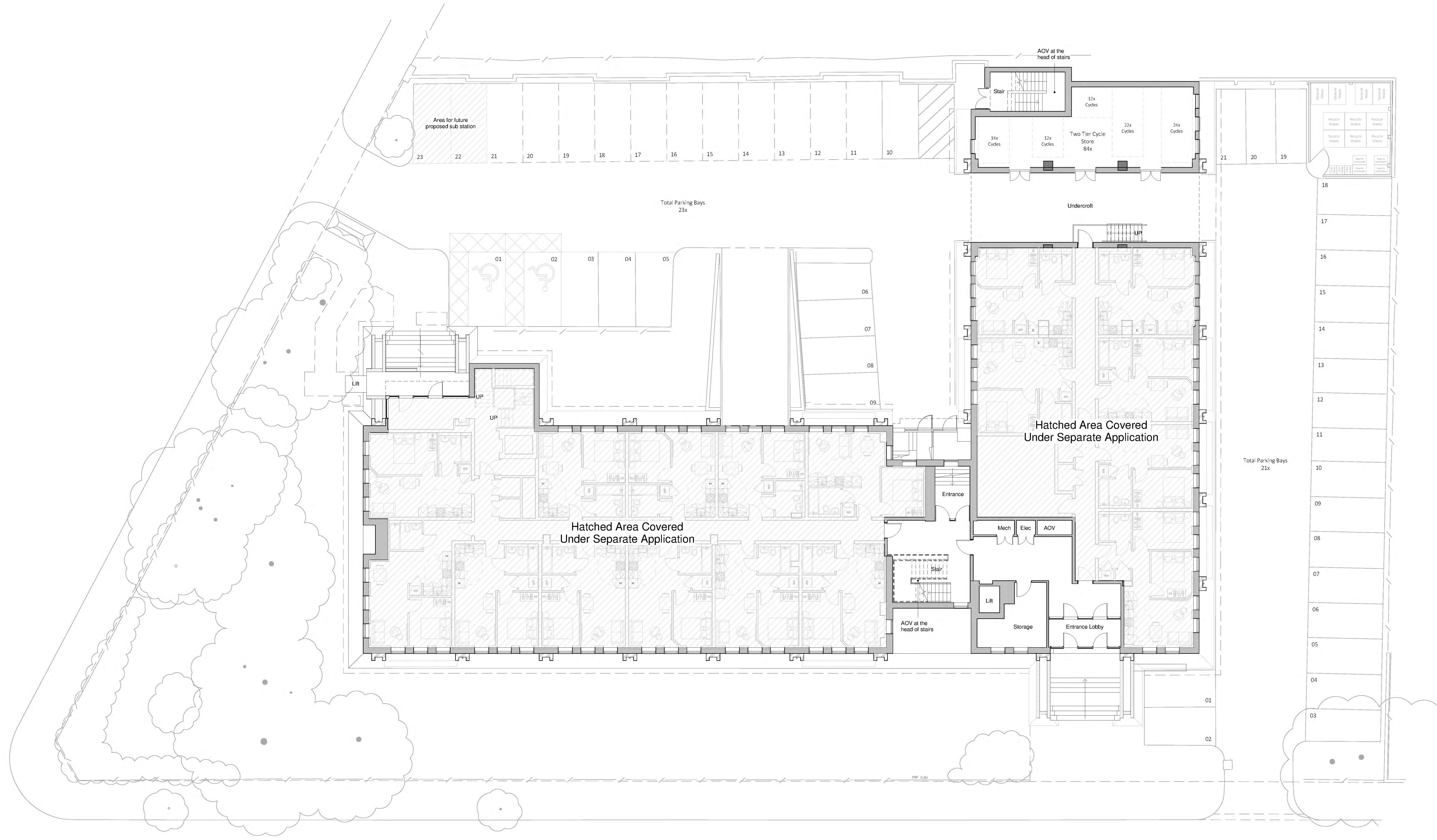
DATE 19/10/18



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TOTAL PROPOSED CAR PARKING
 Surface Level: 44
 Basement Level: 29
 Total No: 73

TOTAL PROPOSED REFUSE PROVISION
 1100 LTR General Waste: 4
 1100 LTR Recycle Waste: 6
 360 LTR Paper & Card Waste: 4
 120 LTR Food Waste: 3



Proposed Site Layout
 1 : 200

| No | Date | Description | By | CoD |
|----|------|-------------|----|-----|
| | | | | |
| | | | | |

CLIENT
 Barber Estates Developments Ltd

PROJECT
 Northfield / Harcourt House

TITLE
 Proposed Site Layout

DRAWING STATUS
PLANNING

| DRAWN | SR1 | CHECKED | GA |
|-------|-----|---------|----|
| | | | |

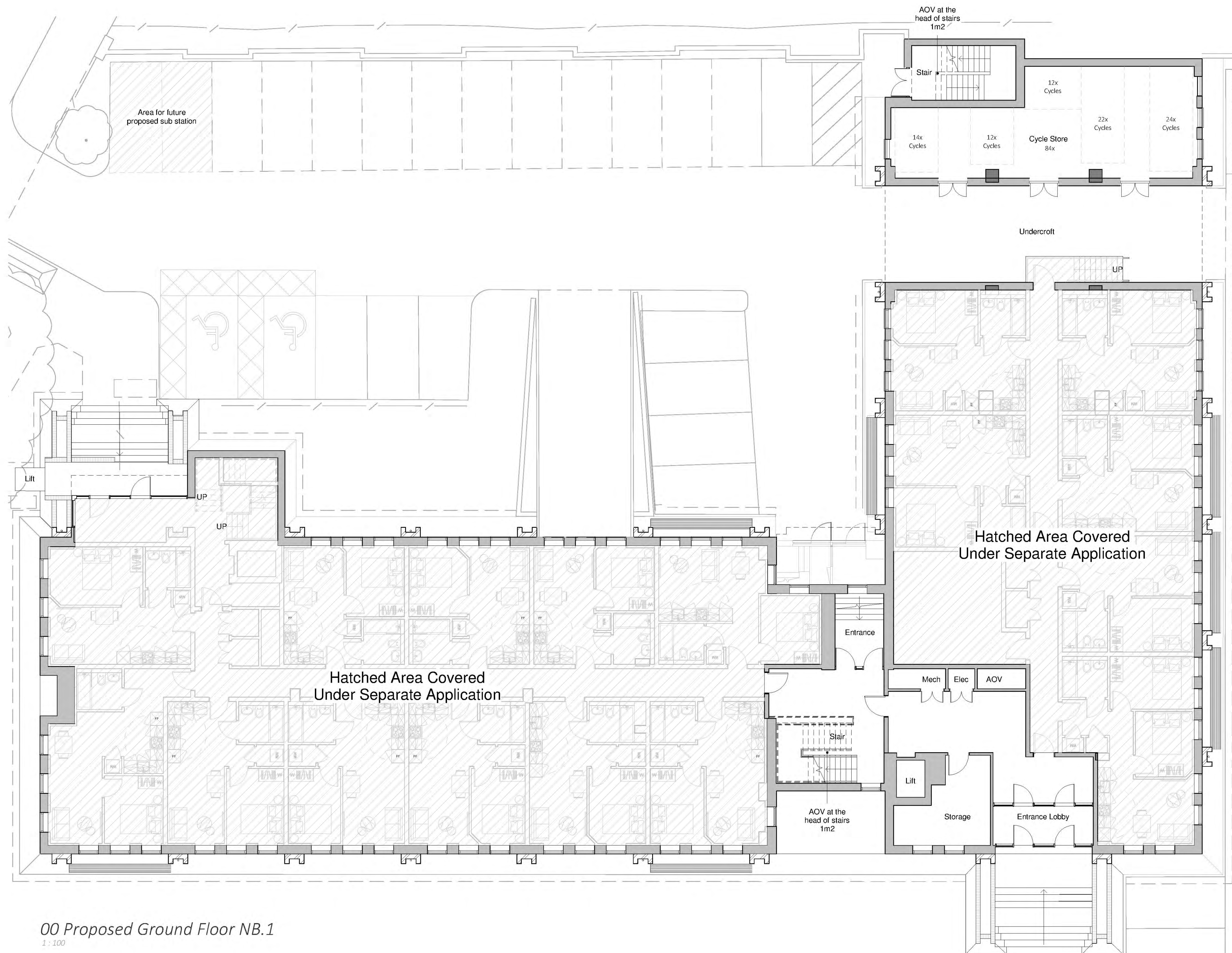
SCALE
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DATE
 26/10/18



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00 Proposed Ground Floor NB.1
 1 : 100

215

| No | Date | Description | By | Ckd |
|----|------|-------------|----|-----|
| | | | | |
| | | | | |

CLIENT
 Baxter Estates Developments Ltd

PROJECT
 Northfield / Harcourt House

TITLE
 Proposed Ground Floor NB.1

DRAWINGS STATUS
 PLANNING

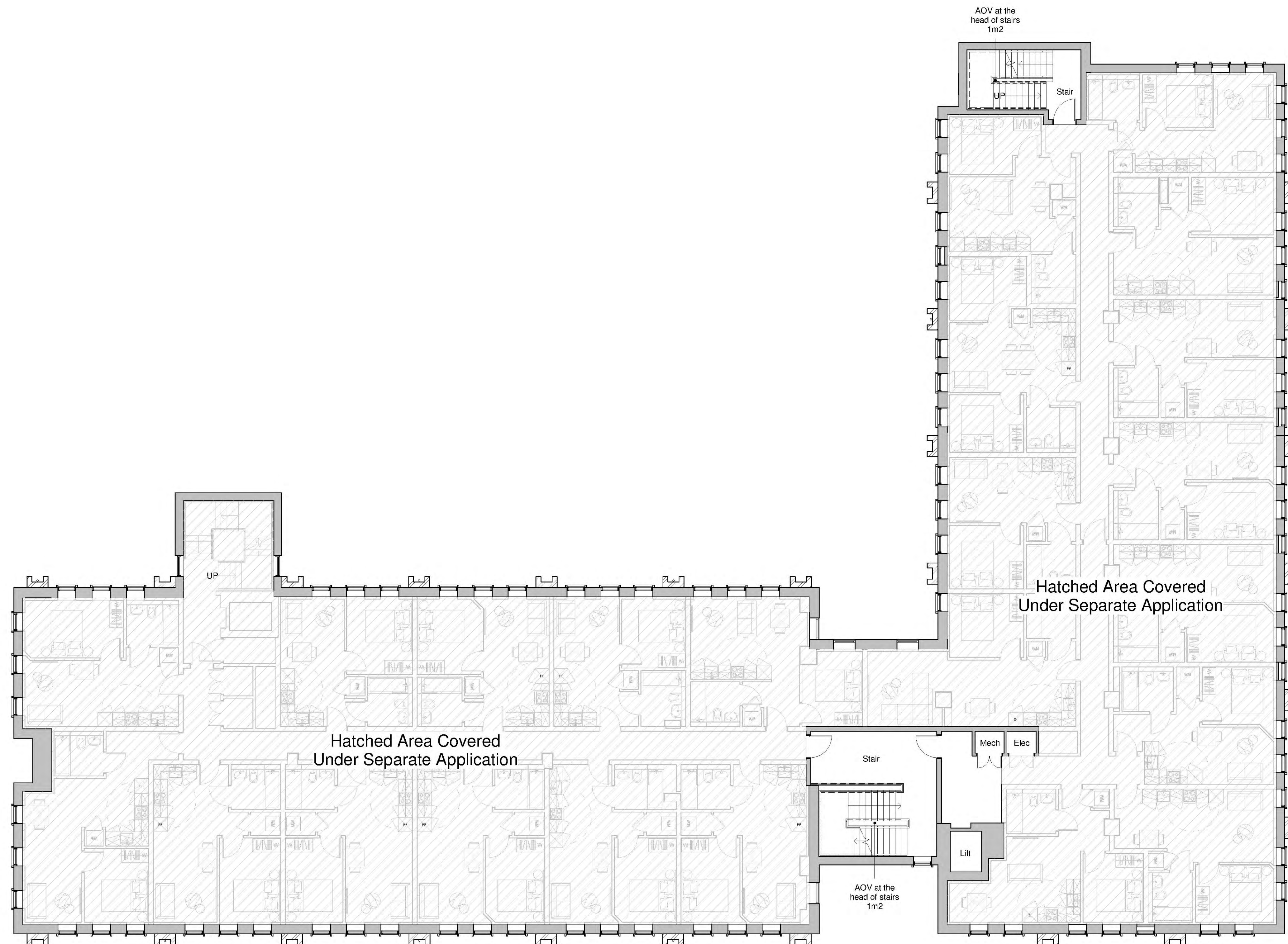
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| DRAWN | SH | CHECKED | GA |
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SCALE 1 : 100 @ A1

DATE 10/26/18



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01 Proposed First Floor NB.1
 1 : 100

| No | Date | Description | By | Ckd |
|----|------|-------------|----|-----|
| | | | | |
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CLIENT
 Baxter Estates Developments Ltd

PROJECT
 Northfield / Harcourt House

TITLE
 Proposed First Floor NB.1

DRAWINGS STATUS
 PLANNING

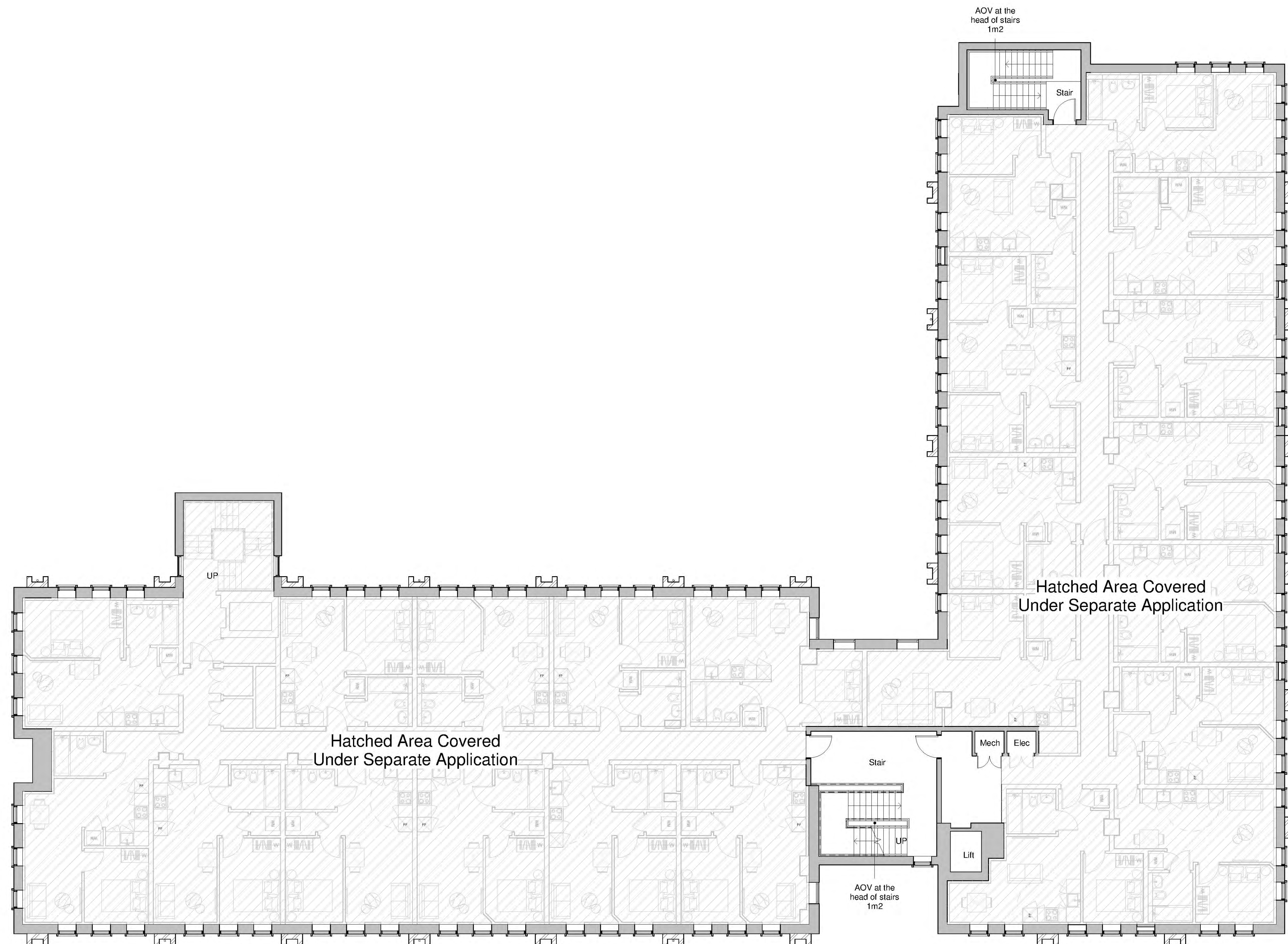
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| DRAWN | SH | CHECKED | GA |
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SCALE 1 : 100 @ A1

DATE 10/26/18



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02 Proposed Second Floor NB.1
 1 : 100

| No | Date | Description | By | Clk |
|----|----------|---|----|-----|
| A | 26.10.18 | Drawing revised to show second floor and not the basement | SH | GA |

CLIENT
 Baxter Estates Developments Ltd

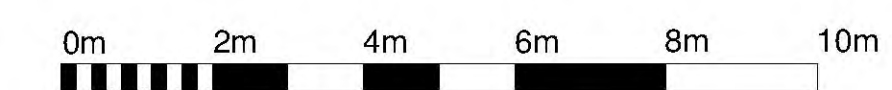
PROJECT
 Northfield / Harcourt House

TITLE
 Proposed Second Floor NB.1

DRAWINGS STATUS
 PLANNING

| DRAWN | SH | CHECKED | GA |
|-------|----|---------|----|
| | | | |

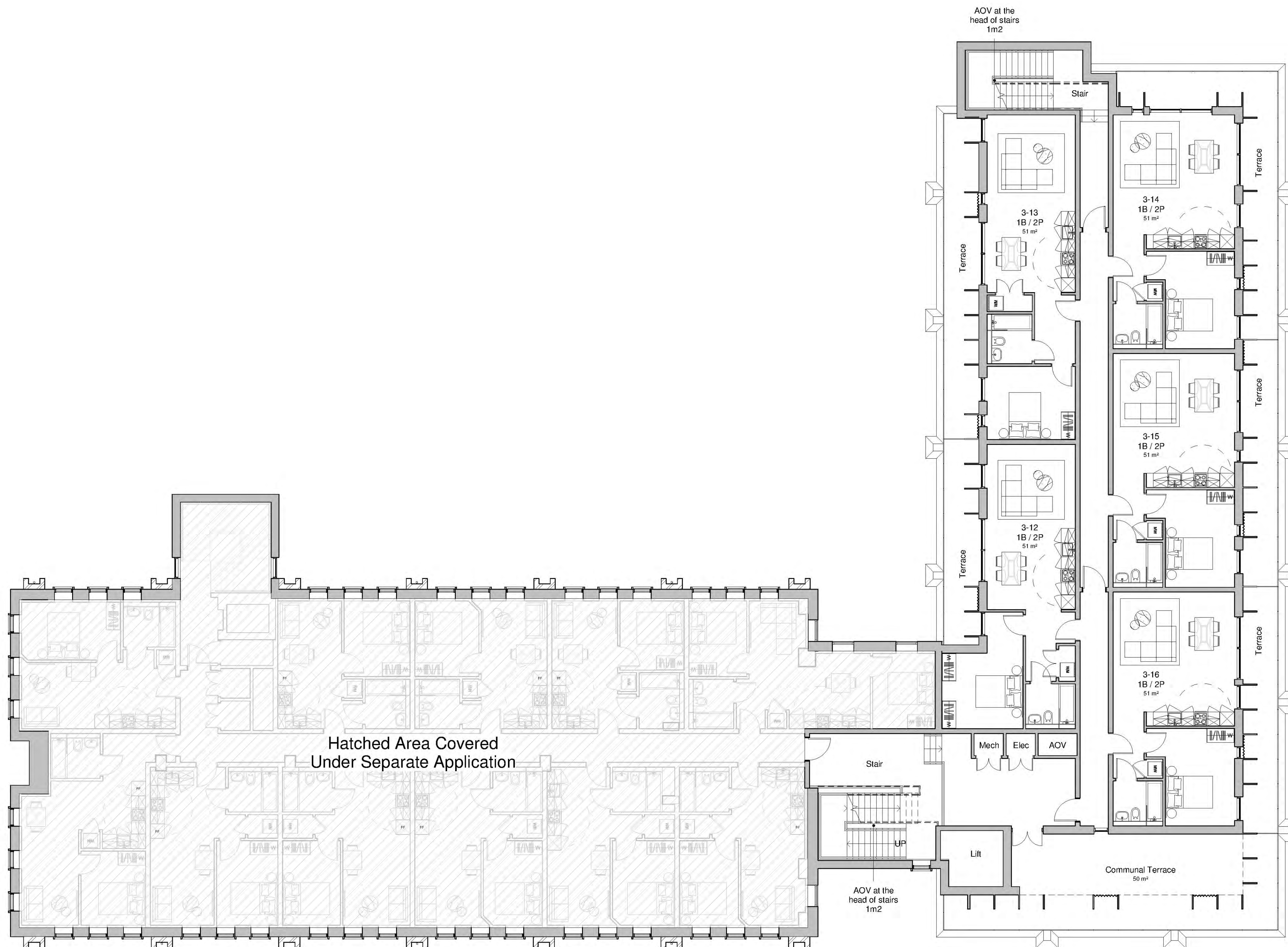
SCALE 1 : 100 @ A1
 DATE 22/10/18



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Accommodation Schedule - 03 Third Floor NB.1

| Apt No. | Bed / Person | Area |
|---------|--------------|-------------------|
| 3-01 | 1B / 2P | 30 m ² |
| 3-02 | 1B / 2P | 30 m ² |
| 3-03 | 1B / 2P | 30 m ² |
| 3-04 | 2B / 4P | 44 m ² |
| 3-05 | 1B / 2P | 35 m ² |
| 3-06 | 1B / 2P | 36 m ² |
| 3-07 | 1B / 2P | 36 m ² |
| 3-08 | 1B / 2P | 36 m ² |
| 3-09 | 1B / 2P | 36 m ² |
| 3-10 | 1B / 2P | 41 m ² |
| 3-11 | 1B / 2P | 35 m ² |
| 3-12 | 1B / 2P | 51 m ² |
| 3-13 | 1B / 2P | 51 m ² |
| 3-14 | 1B / 2P | 51 m ² |
| 3-15 | 1B / 2P | 51 m ² |
| 3-16 | 1B / 2P | 51 m ² |



221

03 Proposed Third Floor NB.1
 1 : 100

| No. | Date | Description | By | CKD |
|-----|----------|--|----|-----|
| B | 26.10.18 | Drawings amended following comments from planning consultant | SH | GA |
| A | 22.10.18 | Client's name revised | SH | GA |

CLIENT
 Baxter Estates Developments Ltd

PROJECT
 Northfield / Harcourt House

TITLE
 Proposed Third Floor NB.1

DRAWINGS STATUS

SKETCH

| DRAWN | SH | CHECKED | GA |
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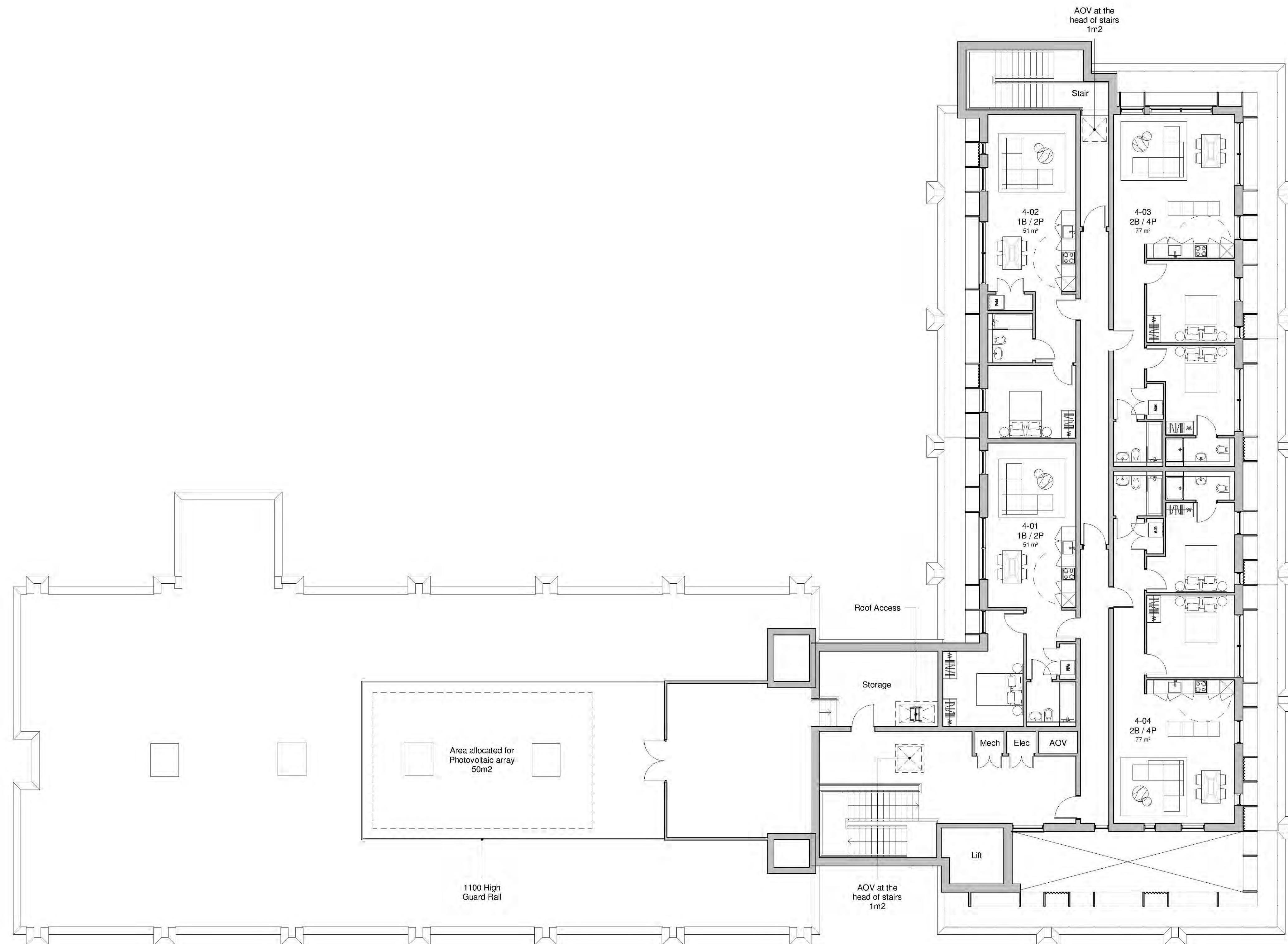
DATE 19/10/18



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Accommodation Schedule - 04 Fourth Floor NB.1

| Apt No. | Bed / Person | Area |
|---------|--------------|-------------------|
| 4-01 | 1B / 2P | 51 m ² |
| 4-02 | 1B / 2P | 51 m ² |
| 4-03 | 2B / 4P | 77 m ² |
| 4-04 | 2B / 4P | 77 m ² |



04 Proposed Fourth Floor NB.1

1:100

| No. | Date | Description | By | CHK |
|-----|----------|--|----|-----|
| B | 26.10.18 | Drawings amended following comments from planning consultant | SH | GA |
| A | 22.10.18 | Client's name revised | SH | GA |

CLIENT
Baxter Estates Developments Ltd

PROJECT
Northfield / Harcourt House

TITLE
Proposed Fourth Floor NB.1

DRAWINGS STATUS
SKETCH

| DRAWN | SH | CHECKED | GA |
|-------|----|---------|----|
| | | | |

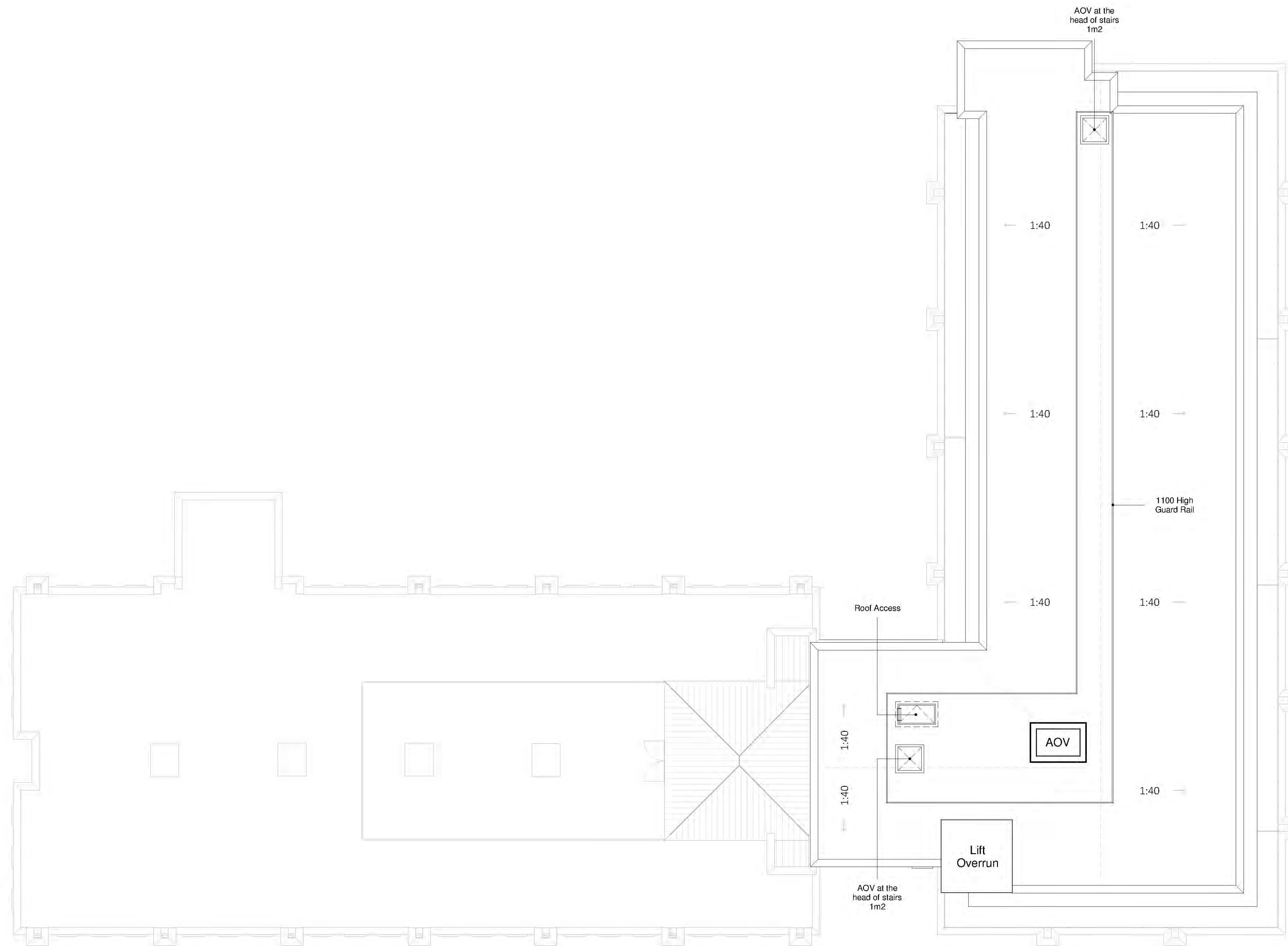
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DATE 19/10/18



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225



05 Proposed Roof Plan NB.1
 1:100

| No | Date | Description | By | CD |
|----|----------|--|----|----|
| B | 26.10.18 | Drawings amended following comments from planning consultant | SH | GA |
| A | 22.10.18 | Client's name revised | SH | GA |

CLIENT
 Baxter Estates Developments Ltd

PROJECT
 Northfield / Harcourt House

TITLE
 Proposed Roof Plan NB.1

DRAWINGS STATUS
 SKETCH

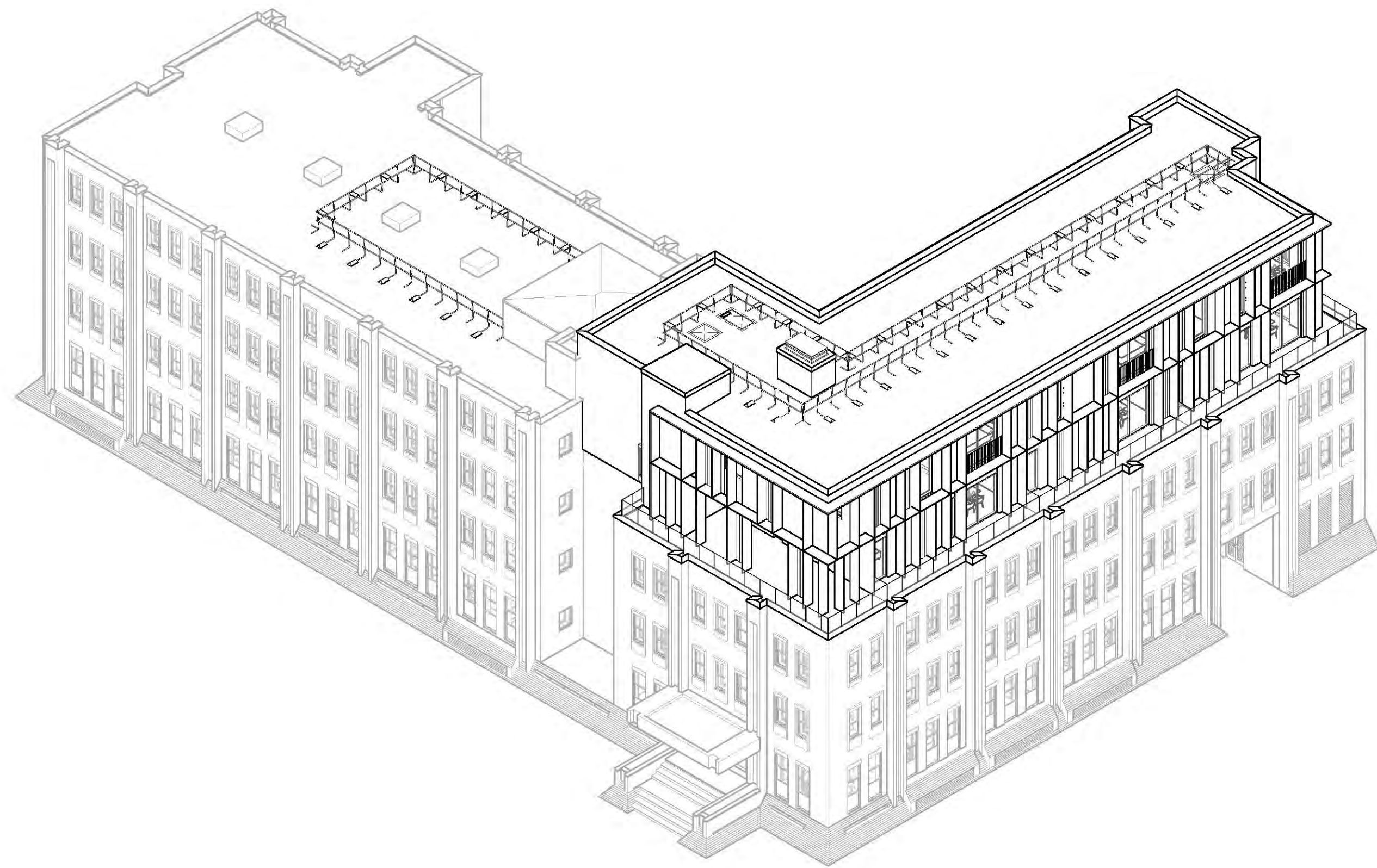
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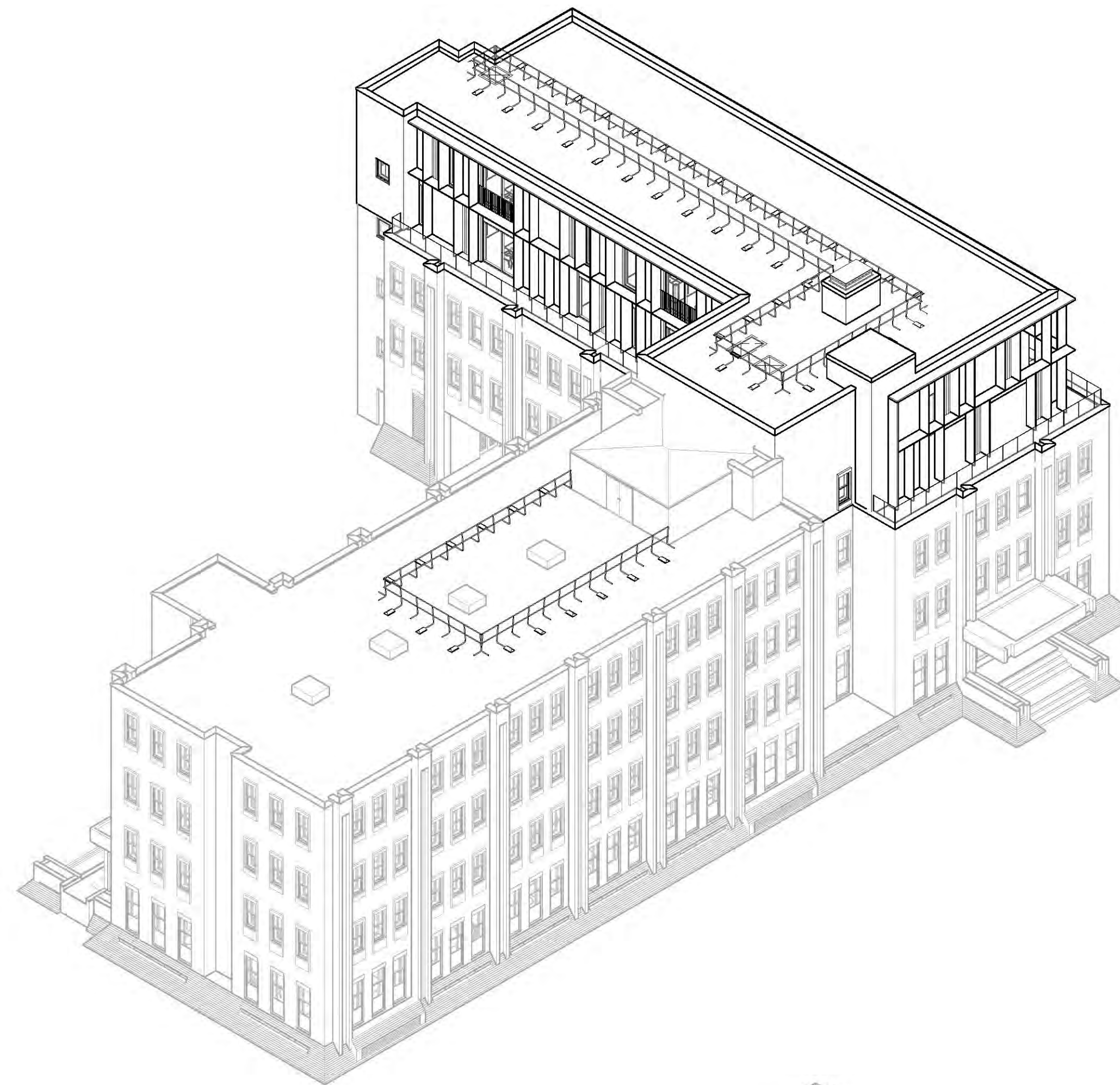
DATE 19/10/18



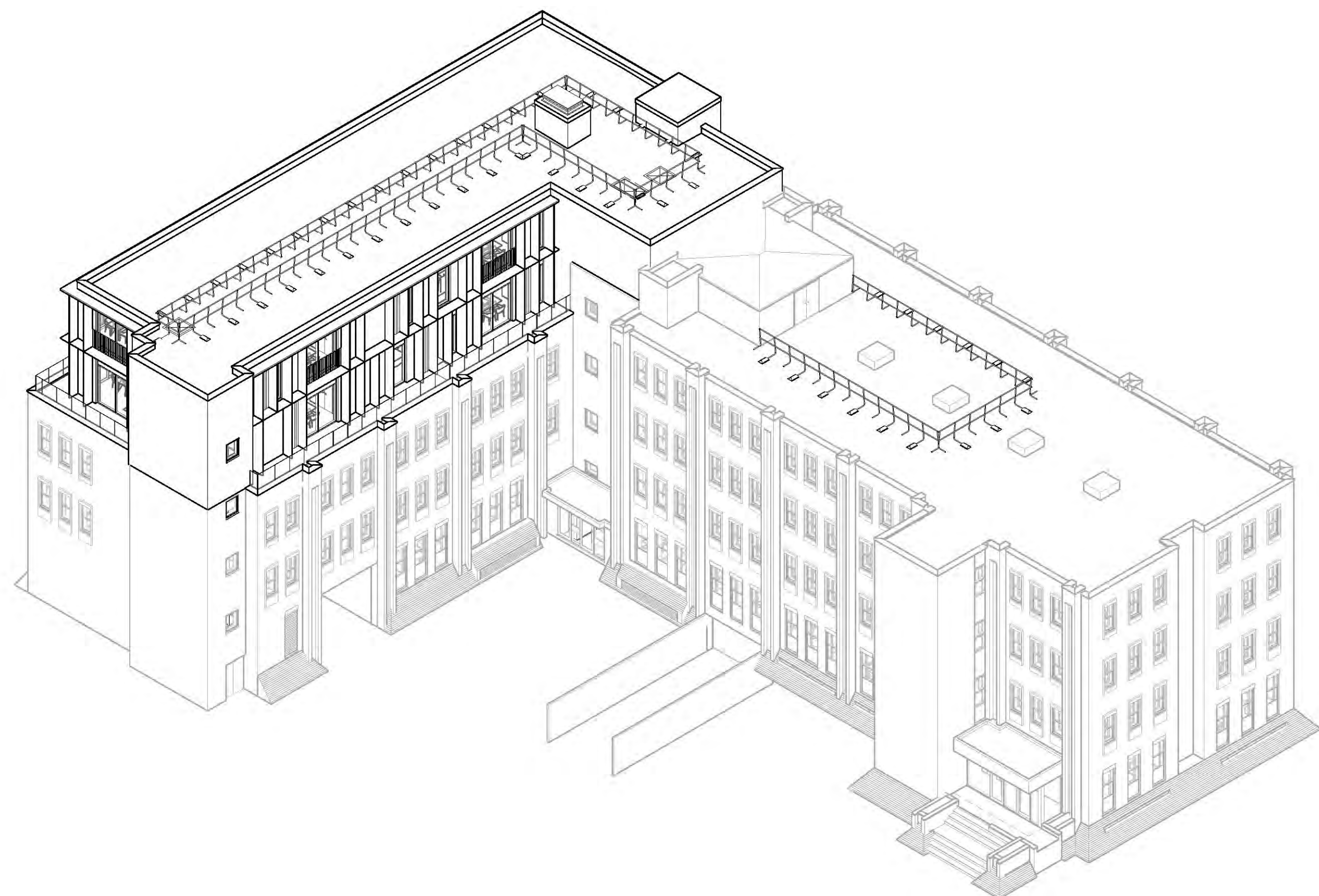
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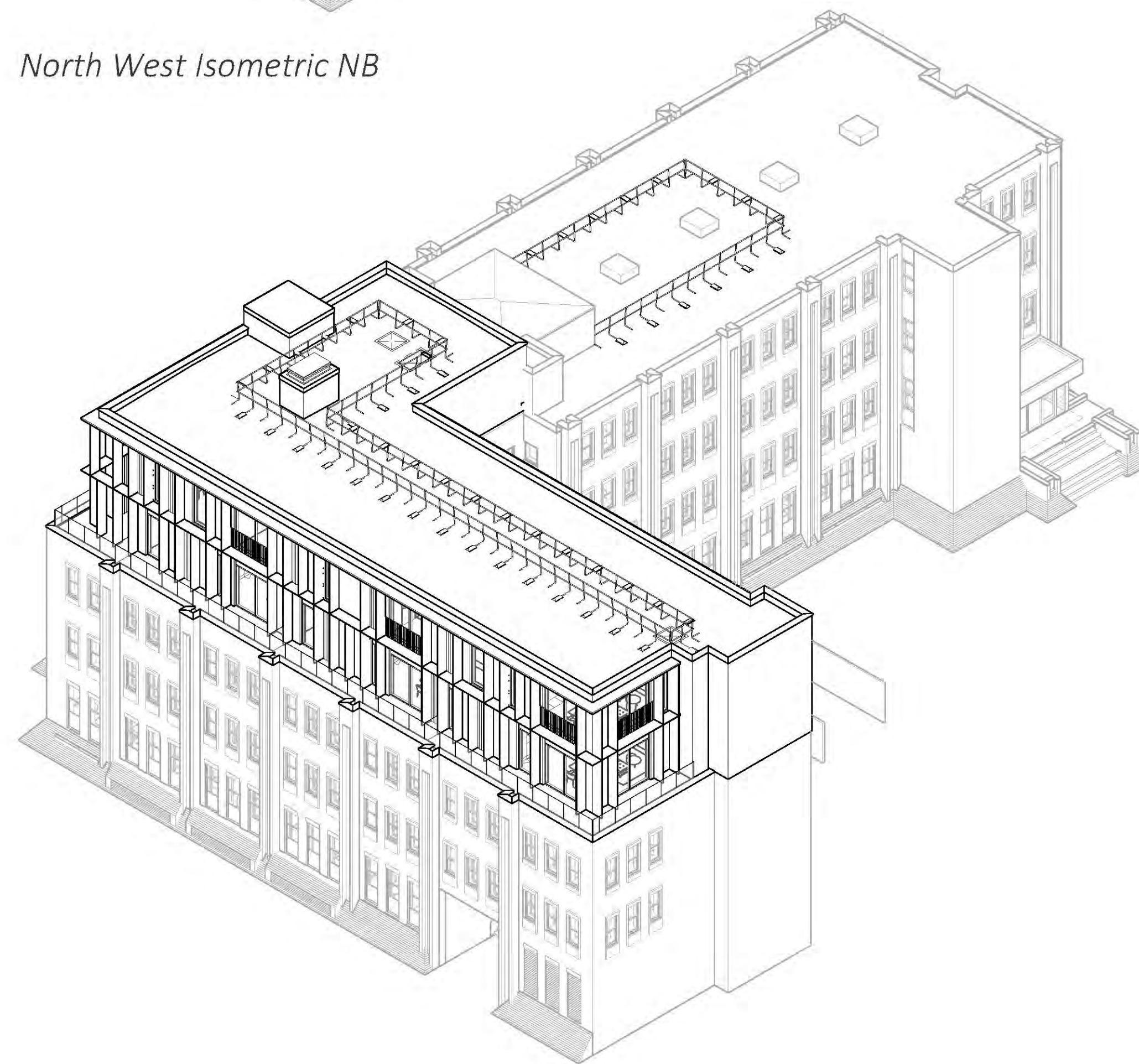
South West Isometric NB



North West Isometric NB



North East Isometric NB



South East Isometric NB

| No | Date | Description | By | CD |
|----|----------|--|----|----|
| B | 26.10.18 | Drawings amended following comments from planning consultant | SH | GA |
| A | 22.10.18 | Client's name revised | SH | GA |

CLIENT
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PROJECT
 Northfield / Harcourt House

TITLE
 Proposed Isometric Views NB

DRAWINGS STATUS

SKETCH

DRAWN SH CHECKED GA

SCALE @ A1

DATE 29/05/18

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1. Black Metal Cladding
2. Black Metal Balustrade
3. Black Metal Shading Fin
4. Black Aluminum Flashing
5. Glass
6. Glass Balustrade
7. Bronze effect Perforated Metal Panel
8. Black Aluminum Windows & Doors
9. Dark Grey Spandrel Panel
10. 1100mm High Guard Rail



Proposed North Elevation NB.1
 1:100

| No. | Date | Description | By | CHK |
|-----|----------|-----------------------|----|-----|
| A | 22/10/18 | Client's name revised | SH | GA |

CLIENT
 Baxter Estates Developments Ltd

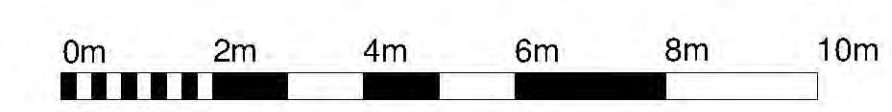
PROJECT
 Northfield / Harcourt House

TITLE
 Proposed North Elevation NB.1

DRAWING STATUS
 SKETCH

| DRAWN | SH | CHECKED | GA |
|-------|----|---------|----|
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SCALE 1:100 @ A1
 DATE 19/10/18



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1. Black Metal Cladding
2. Black Metal Balustrade
3. Black Metal Shading Fin
4. Black Aluminum Flashing
5. Glass
6. Glass Balustrade
7. Bronze effect Perforated Metal Panel
8. Black Aluminum Windows & Doors
9. Dark Grey Spandrel Panel
10. 1100mm High Guard Rail

231



Proposed East Elevation NB.1
1 : 100

| No. | Date | Description | By | CD |
|-----|----------|-----------------------|----|----|
| A | 22/10/18 | Client's name revised | SH | GA |

CLIENT
Baxter Estates Developments Ltd

PROJECT
Northfield / Harcourt House

TITLE
Proposed East Elevation NB.1

DRAWINGS STATUS
SKETCH

| DRAWN | SH | CHECKED | GA |
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SCALE 1 : 100 @ A1
DATE 19/10/18



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1. Black Metal Cladding
2. Black Metal Balustrade
3. Black Metal Shading Fin
4. Black Aluminum Flashing
5. Glass
6. Glass Balustrade
7. Bronze effect Perforated Metal Panel
8. Black Aluminum Windows & Doors
9. Dark Grey Spandrel Panel
10. 1100mm High Guard Rail



Proposed South Elevation NB.1
 1 : 100

| No | Date | Description | By | CD |
|----|----------|-----------------------|----|----|
| A | 22/10/18 | Client's name revised | SH | GA |

CLIENT
 Baxter Estates Developments Ltd

PROJECT
 Northfield / Harcourt House

TITLE
 Proposed South Elevation NB.1

DRAWINGS STATUS
 SKETCH

| DRAWN | SH | CHECKED | GA |
|-------|----|---------|----|
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SCALE 1 : 100 @ A1
 DATE 19/10/18



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1. Black Metal Cladding
2. Black Metal Balustrade
3. Black Metal Shading Fin
4. Black Aluminum Flashing
5. Glass
6. Glass Balustrade
7. Bronze effect Perforated Metal Panel
8. Black Aluminum Windows & Doors
9. Dark Grey Spandrel Panel
10. 1100mm High Guard Rail

235



Proposed West Elevation NB.1
 1 : 100

| No | Date | Description | By | CD |
|----|----------|--|----|----|
| B | 26.10.18 | Drawings amended following comments from planning consultant | SH | GA |
| A | 22.10.18 | Client's name revised | SH | GA |

CLIENT
 Baxter Estates Developments Ltd

PROJECT
 Northfield / Harcourt House

TITLE
 Proposed West Elevation NB.1

DRAWINGS STATUS
 SKETCH

| DRAWN | SH | CHECKED | GA |
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SCALE 1 : 100 @ A1

DATE 19/10/18



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| | | |
|-----------------------------|--|--|
| Reference: | 18/01527/AMDT | |
| Ward: | Leigh | |
| Proposal: | Application to vary condition 2 (approved plans) to amend the west roof pitch, the windows and doors to the north elevation, add a dormer window to the north roof, amend railings to the balcony to match existing and add a conservation roof light to the south roof pitch (minor material amendments to planning permission 96/0365 dated 29th November 1996) | |
| Address: | 11 Leigh Park Road, Leigh-On-Sea, Essex, SS9 2DU | |
| Applicant: | Mr S. Ezra | |
| Agent: | GLS Architects | |
| Consultation Expiry: | 26.09.2018 (neighbour letters); 03.01.2019 (site notice expiry); 10.01.2019 (press advertisement expiry) | |
| Expiry Date: | 13.01.2019 | |
| Case Officer: | Robert Lilburn | |
| Plan Nos: | <p>90043 P106A Site Plan</p> <p>G6003-1 Topographical Survey of 06/18</p> <p>G6003-2 Floor Plans of 06/18</p> <p>G6003-3 Elevations of 06/18</p> <p>202418 P100 Proposed Garage and Ground Floor Plans: 1996 Approved Plans and Proposed Plans</p> <p>202418 P101 Proposed First Floor, Second Floor and Roof Plans: 1996 Approved First Floor, Second Floor and Roof Plans</p> <p>202418 P300 Proposed East and West Elevations: 1996 Approved East and West and Proposed Elevations</p> <p>202418 P301 Proposed North and South Elevations: 1996 Approved North and South and Proposed Elevations</p> <p>202418 P200 Proposed Section AA Floor: 1996 Approved Section and Proposed Section</p> <p>202418 P800 Proposed First Floor Section and Plan</p> <p>202418 SE1/SE2 Existing (1996) Elevations</p> <p>202418 SO1 Existing (1996) Ground and First Floor and Roof Plans</p> | |
| Recommendation: | DELEGATE TO THE DIRECTOR OF PLANNING AND TRANSPORT OR THE GROUP MANAGER OF PLANNING TO REFUSE PLANNING PERMISSION AND TO AUTHORISE ENFORCEMENT ACTION | |



1 The Proposal

- 1.1 Permission is sought to vary the approved plans condition of planning permission 96/0365 granted on 29.11.1996. The description provided by the applicant on the submitted forms does not capture the full extent of the proposed development as shown on the submitted plans. This reflects a pattern of inconsistencies in the applications submitted to regularise the planning status of the site. However it is considered that in order to resolve the planning status of the building the application should be assessed in light of the details shown on the submitted plans. This omission within the description has not materially prejudiced the ability to accurately assess and determine the application.
- 1.2 A letter from an Officer of Southend-on-Sea Borough Council dated 24/01/02 identified that work associated with the permission 96/0365 had commenced within the 5 year period from the date of the decision. Therefore, the permission was found to be extant and can still be implemented despite the lengthy delay in works occurring.
- 1.3 The approved development in application 96/0365 is described as *'Demolish front of dwelling house and rebuild with a bay feature with basement level garage and balcony at first floor level a new front entrance and terrace; and erect a three storey rear extension and form new vehicular access to Leigh Park Road with associated driveway'*.
- 1.4 In summary, the development proposed in application 96/0365 included:
 - a reordering of the front elevation to move the projecting front gable from the west end to the east end;
 - raising of the gable to allow for a useable garage to be positioned at street level (also taking advantage of the dropping ground level);
 - the introduction of a veranda and balcony to the west side, similar to the original building and that seen on other properties in the street;

- 1.5 - changes to the rear elevation included a round turret feature with conical copper roof, extending up to the main roof level.
- 1.6 It has been established that the development in situ is not in accordance with the planning permission granted in 96/0365. The key differences have been identified as follows:
- an increase in height of the main roof;
 - changes to the detailing of the proposed front balcony;
 - introduction of a high-level gable window;
 - an increase in the height of the turret and its visual relationship to the main part of the building and to neighbouring properties.
- 1.7 As such three applications have been determined since 2015, submitted to regularise the planning status of the site. These are referenced 15/01340/FULH, 16/01160/FULH and 17/01007/FULH. Each of these applications has been refused and planning enforcement action has also been authorised in that time.
- 1.8 There have been ongoing difficulties with apparent discrepancies and possible inaccuracies in the submitted plans with each application, including those approved plans under 96/0365 for which it is not possible to gain accurate height dimensions in particular.
- 1.9 The proposal now seeks once again to regularise the planning status of the site. Since the submission of the application, an appeal against the earlier non-determination of the most recent application 17/01007/FULH has been determined (appeal decision dated 28.11.2018). The appeal decision forms a strong material consideration both for the determination of the current application and the nature and extent of enforcement action. A copy is at Appendix 1.

The appeal has been dismissed taking into account harm to the conservation area identified as arising from the following aspects of the proposed development:

1. Turret

- the scale, mass and form of the turret would be inappropriately bulky;
- the prominence of the proposed turret in the street scene from various vantage points;
- the poor integration of the proposed turret to the host building and the host building's positive features in the street scene and conservation area;
- the effect of the turret on the unity of composition of the group of houses of which the host building is a key part.

2. Front Balcony

- Horizontal railings and glazed screen would be at odds with the established pattern of balconies in the locality;
- Extensive areas of glazing would not be in keeping with the building's original character.

3. Gable window

- This feature would diminish the original Arts and Crafts inspired character of the building by removing false half-timbering. An opening window would draw further attention to this and be more harmful.

- 1.10 The main-roof alterations comprising a raising in height of the main roof, a reconfiguration of its profile, and the introduction of a rear dormer and front roof light, have been found in the appeal decision to be acceptable in regard to impacts on the conservation area and street scene.

1.11 The key amendments proposed in the current application, incorporating the development described above as part of application 96/0365, are as follows:

1. The main roof would be a 'cat-slide' form, as opposed to the more regular form of the approved scheme;
2. The ridge height of the main roof would be increased to 9.4m above a datum point, from some 8.7m;
3. The ridge height of the gabled front projection would be marginally higher than the ridge height of the main roof (some 0.2m) where previously it was to be the same height;
4. The peak height of the turret would be some 1.2m higher than that of the original approval;
5. A greater portion of the turret roof and wall would project beyond the side wall of the building and above the roof;
6. Alterations to detailing of the front balcony, introducing horizontal spindles, glazed screen, and extensive glazed screening;
7. Introduction of high-level window to front gable within the area of false half-timbering;
8. Introduction of dormer at rear and roof light to front.

1.12 These amendments were also considered in application 17/01007/FULH, with the exception of the turret, which has been altered in the current proposals to remove a rooftop parapet wall feature and to introduce a degree of fenestration just below eaves level. An amendment shown in the current proposals to the junction of the turret with the main roof is considered not materially different.

1.13 As stated above the proposal has been submitted following the refusal of three earlier applications which have sought to regularise the planning status of the site. These have been submitted as applications for full planning permission. They are shown below in chronological order.

2015 Planning Application

1.14 It was identified that the development that had occurred did not accord with the abovementioned 1996 planning permission and therefore application 15/01340/FULH was submitted to seek a fresh planning permission for the development.

1.15 The main differences for which the planning permission was sought included the following, as far as can be ascertained from the information provided, as there was no fixed datum point included on the plans:

- Altering the roof form of the main roof to a cat-slide roof (also as observed today);
- Increasing the height of the turret above the main roof;
- A slight increase in the height of the front projecting gable roof above the main roof;
- Increasing the maximum height above lowest adjacent ground level of the main roof from 10.8m to 11m;
- Increasing the maximum height above lowest adjacent ground level of the conical turret roof at its peak from 10.8m to 12.6m;
- A rear dormer was introduced;
- Possible lowering of the height of the chimney by 0.6 metres, although that

may be explained by the changes to roof heights;

- Alterations to elevations, such as a change to the ground floor front canopy roof form, balustrades and balcony details, and detail of external works such as steps.

- 1.16 The application was refused for the reason set out below and as the application was retrospective, enforcement action was authorised.

“1. The proposed development, by virtue of the scale, form and architectural features of the resultant dwelling, would cause harm to the appearance of the dwelling at the application site and be a discordant and incongruous addition to the street-scene, thereby not maintaining or enhancing the character or appearance of the Leigh Conservation Area. The proposal is therefore contrary to the National Planning Policy Framework, policies KP2 and CP4 of DPD1 (Core Strategy), policies DM1 and DM5 of DPD2 (Development Management) and the advice contained within SPD1 (Design and Townscape Guidance).”

Authority granted for enforcement action was to require the removal and reconfiguration of the roof of the dwelling and the alteration of the front elevation of the dwelling to accord with the development approved under 96/0365.

2016 Planning Application

- 1.17 Enforcement action was held in abeyance pending further discussions with the applicant which resulted in the submission of application 16/01160/FULH. The application sought to regularise inaccuracies in the previously submitted plans and to address the reason for refusal.
- 1.18 The proposal in the application sought to address the earlier refusal principally by reducing the height of the proposed turret by 0.6m. The application also showed that the main part of the proposed roof (parallel with the highway) would be 0.25 metres taller than the previously approved dwelling and the roof of the front projection would be 0.55 metres taller than the approved dwelling.
- 1.19 The application was refused for the following reason:

“1. The proposed development, by virtue of the scale, form and architectural features of the resultant dwelling, would cause harm to the appearance of the dwelling at the application site and be a discordant and incongruous addition to the street-scene, thereby not maintaining or enhancing the character or appearance of the Leigh Conservation Area. The proposal is therefore contrary to the National Planning Policy Framework, policies KP2 and CP4 of DPD1 (Core Strategy), policies DM1 and DM5 of DPD2 (Development Management) and the advice contained within SPD1 (Design and Townscape Guidance).”

2017 Planning Application.

- 1.20 The application sought to address the earlier reason for refusal, with numerous alterations but principally reducing the height of the turret from 12.5m above the adjacent ground level (10.9m above datum) to 11.5m above the adjacent ground level (9.9m above datum) and introducing a parapet wall around its eaves level.

- 1.21 Had the non-determination appeal not been lodged this application would have been refused for the following reason:
“The proposed development, by virtue of the scale, form and architectural features of the resultant dwelling, would cause harm to the appearance of the dwelling at the application site and be a discordant and incongruous addition to the street-scene, thereby not maintaining or enhancing the character or appearance of the Leigh Conservation Area. The proposal is therefore contrary to the 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 the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)”.

2 Site and Surroundings

- 2.1 The application site is located on the north side of Leigh Park Road. Ground levels in the area are steeply sloping from north to south. To the rear of the site, ground levels rise further and there is an area of wooded open land which is part of a wider curtilage. The dwellings at the opposite side of Leigh Park Road are situated at a substantially lower ground level with roof levels close to the highway surface level.
- 2.2 The site surroundings are residential in land-use and character. The application site is located within the Leigh Conservation Area and is the subject of an Article 4 direction.
- 2.3 As noted in the 2010 Leigh Conservation Area Character Appraisal, the subject building is of an “Arts and Craft” style, is a key part of a unified group and is within an ‘Arts and Crafts Suburban’ character area. This reflects the influence of the movement during the time of construction. At the time of the conservation area appraisal, the subject building was identified as the building within the group of 7-13 Leigh Park Road “which best preserves its original appearance”, although also noted as “derelict and potentially at risk”.

3 Planning Considerations

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

4 Appraisal

Principle of Development

National Planning Policy Framework (2018), Policies KP1, 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 the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 4.1 It is considered that the scheme is broadly the same in principle as that approved under 96/0365. The proposal is considered to fall within the ambit of a minor material amendment to the original consent.

- 4.2 Extensions and alterations to dwellings are acceptable as a matter of general principle, subject to detailed considerations such as impacts on character, visual amenities and neighbour amenities. In a conservation area, any harm to the significance of the heritage asset must be weighed against any public benefits of the proposed development.

Design and Impact on the Character of the Area

National Planning Policy Framework (NPPF), 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 the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 4.3 Paragraph 124 of the NPPF states *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*.
- 4.4 Paragraph 127 of the NPPF advises that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, and create places with a high standard of amenity for existing and future users.
- 4.5 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas. 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"*.
- 4.6 The Design and Townscape Guide also states that *"the Borough Council is committed to good design and will seek to create attractive, high-quality living environments"* and that *"proposed development [should] make a positive contribution to the local area"*. It states at Part 3.3 that *"when designing a new building or extension it is important that the development integrates with existing buildings. This is best done by identifying the positive characteristics and relationships formed by the existing buildings e.g. frontage lines, height of ridges and eaves, proportions, materials etc., and respecting them in new development"*.
- 4.7 Paragraph 348 of the Guide states that *"Whether or not there are any public views, the design of rear extensions is still important and every effort should be made to integrate them with the character of the parent building, particularly in terms of scale, materials and the relationship with existing fenestration and roof form"*.

- 4.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act imposes a duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reiterated in the NPPF, which states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”*. At Paragraph 196 the NPPF states that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”*.
- 4.9 Policy DM5 of the Development Management Document 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”*.
- 4.10 The Leigh Conservation Area Appraisal describes the intrinsic character of the area as a response to rapid development at the time of the railway in the early 20th century, and as being informed by the steep topography in which groups of dwellings are interspersed with small green spaces. There are often groupings of the same house type throughout the conservation area.
- 4.11 The subject building is part of a group of Arts and Crafts inspired houses from the early 20th century. Key features are described as south-facing front balconies with vertical rail spindles, large front gables, projecting bays and false half-timbering detail. The setting on the hillside is found to add to their significance in the conservation area. The subject building has been found to be the best-preserved example of its type in the group, despite the ongoing works.
- 4.12 With reference to the site surroundings, the Conservation Area Appraisal states that *“Nearly all buildings are two or three storeys in height and domestic in scale. The scale of features such as doors, windows, storey heights and roof slopes should be dictated by nearby buildings”*. It also states that the detailing of buildings should feature *“False half-timbering on gables, black window frames, casement windows and machine made clay plain tile roofs on Arts and Crafts inspired buildings”*.
- 4.13 As found at 4.1-4.2 above, the general form of the development is subject to an extant planning permission and remains acceptable. Therefore the assessment of the merits of the proposal shall hereafter be limited to the key amendments described at 1.11 above.
- 4.14 The modified roof form and height of the dwelling are materially different to the previously approved development. In this case it is noted that the dwellings of the surrounding area are not of consistent height and due to the changing ground levels, there is not a uniform or consistent roof height. This is a feature of the conservation area.
- 4.15 The increases in the main roof height and the roof height of the front projecting gable have reduced the gradual stepping effect of the buildings in the row as they sit in line with the falling topography. However, as identified in the appeal decision relating to 17/01007/FULH, the stepped nature of the houses mitigates the effect of the roof alterations.

- 4.16 It is considered that the resultant roof is not materially at greater odds with the character of the site and the surrounding area and is not materially harmful to the building or conservation area.
- 4.17 The form of the turret shown varies from the turret which was found harmful in the recent appeal decision further to application 17/01007/FULH insofar as the upper parapet wall has been removed and new fenestration has been introduced. Otherwise the dimensions, position, form, character and proportions of the turret currently under consideration is the same as that considered in the appeal.
- 4.18 The proposed rear 'turret' extension is hidden to a degree but is also evident to passers-by between the application site and no.9 Leigh Park Road, down the hill. It is also visible from other parts of the public domain up the hill, and on wider views, and within the surrounding rear garden scene.
- 4.19 The round built form of the proposed turret extension and its slightly disconnected relationship with the original dwelling represents the same approach to the extension of the dwelling to the permission that was previously granted. However, it is materially larger and more prominent in relation to the existing building.
- 4.20 Unlike the previously approved scheme (96/0365) the conical roof of the turret is situated in entirety above the main roof. Furthermore a large portion of the wall of the turret is presented outwards to the street scene.
- 4.21 In common with the recent appeal decision, it is considered that this would alter the balance and character of the host building. It would also harm the unity of the group of dwellings of which the site is a key part. It is considered that the proposed amended turret would be a discordant and incongruous addition, poorly integrated, unduly prominent in the street scene and failing to maintain the character and appearance of the conservation area. It would be harmful to the character and appearance of the appeal property and the conservation area.
- 4.22 It is considered that the elimination of the parapet would not be sufficient to overcome the concerns relating to the appealed scheme. The introduction of the fenestration at eaves level would add interest to the large extent of the turret wall. However this would not address the fundamental source of harm arising from the scale and form of the turret in relation to the host building, its relationship to neighbouring properties and to the character of the conservation area.
- 4.23 The proposed balcony arrangements would include horizontal spindles. It is considered that the prevailing characteristic of the buildings in the conservation area is one where the spindles on such balconies are vertical. For this reason, and consistent with the recent appeal decision, this aspect of the scheme would be out of character with the surroundings.
- 4.24 The proposed glazed screen behind the horizontal spindles would also be inconsistent with the conservation area. The larger areas of glazed screening shown on the proposed elevations would also be inconsistent with the Arts and Crafts character. In common with the recent appeal decision, this aspect of the proposal is found unacceptably harmful to the character of the site and the conservation area. Given the prominence of this element of the scheme it is considered that a condition would not be appropriate to secure alterations to these aspects of the proposals.

- 4.25 The proposed high level gable window has been found in the appeal decision relating to 17/01007/FULH to unacceptably diminish the character of the building within the street scene by removing part of the false half-timbering. In common with that decision, this aspect of the proposal is found unacceptably harmful to the character of the building and conservation area.
- 4.26 The roof light and dormer window, the main-roof reconfiguration and height increase have been found in the appeal decision relating to 17/01007/FULH to be not materially harmful to the building and conservation area. This remains the case as these elements of the proposal are identical to the appealed scheme. This element of the proposal is considered to be acceptable and policy-compliant.
- 4.27 It is considered that there would be 'less than substantial' harm to the host building and the conservation area as a result of the proposed amendments. There would not be any clear public benefits in the proposal that might outweigh such harm.
- 4.28 The approved scheme of 96/0365 carries some weight as it is an extant permission. It has been recognised that its implementation with respect to the turret is problematic due to a design flaw.
- 4.29 With regard to the character and appearance of the development and its impacts on the character and appearance of the Conservation Area, the proposal is considered not to have overcome the earlier reason for refusal, including the basis for dismissal in the recent appeal decision.
- 4.30 The proposal is materially different and on balance it is considered that the harm arising would be materially greater than that imposed by the approved scheme. In this respect the development would be unacceptable, and contrary to the objectives of the relevant development plan policies.
- 4.31 It was previously considered that if permission was granted, conditions could be imposed to address a number of matters and it remains the case that details could be sought in relation to the proposed garage doors and new meters being provided at the site frontage, in the event of approval.

Impact on Residential Amenity

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)

- 4.32 Paragraph 343 of the Guide (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy DM1 of the Development Management Document also states that development should "*Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight*".

- 4.33 The resultant dwelling would be no closer to the neighbouring property of 13 Leigh Park Road and would have no additional windows in the side elevation than the previously approved scheme. The height and depth of the north west elevation would be very similar to the previously approved development and it is therefore considered that the development proposed by this application would not cause a material loss of light, privacy or outlook within the neighbouring property to an extent that would justify refusal of the application.
- 4.34 At the south east side and east corner, the dwelling would be materially taller than the previously approved dwelling. The development would appear to be marginally closer to the neighbouring property, by some 0.3m. The fenestration at the east end would be similar to the approved development (96/0365). In this instance, it is considered that the increased height of the dwelling would not have a materially greater impact on the light or outlook of the neighbouring property to an extent that would justify the refusal of the application. The small distance between the dwellings means that the existing and approved development would already have an impact on the light received within the amenity area of the neighbouring property and the rooms that face the dwelling at the application site. The increased height of the building would cause the loss of additional light, but not in a manner that would be materially worse than the existing situation.
- 4.35 The resultant dwelling is 6 metres from the north east boundary of the site and 45 metres from the closest property of The Terrace which is being constructed on elevated ground as described above. The additional height of the dwelling and the rear facing windows is visible from within the neighbours property, but due to the separation distance and the height differences between properties, it is considered that the dwelling at the application site will not cause a loss of light, privacy or outlook from the neighbouring property to an extent that would justify the refusal of the application. The development would have a small impact on the view from that property, but this is not of a nature which would justify a refusal of planning permission in its own right.
- 4.36 It is also noted that although third-party representations on grounds of residential amenity impact were made during the appeal hearing relating to the non-determination of 17/01007/FULH, these did not subsequently form a basis for the dismissal of the appeal by the Planning Inspectorate.

Community Infrastructure Levy

- 4.37 The proposed development would result in the creation of approximately 72 square metres of floorspace in comparison to the former dwelling at the application site. As the development creates less than 100 square metres of new floorspace at the application site, the development would not be CIL liable.

Other Matters

- 4.38 The provision of a garage at the frontage of the site and a new vehicular access to the site is not different to the previously approved development. These works could be implemented under the terms of the previous permission and it is considered that the proposed development would be no different now, in terms of highway safety and parking provision, than it would have been in 1996.

It is therefore considered that the fallback position should carry significant weight and no objection should be raised to the means of accessing the site or the on-site parking provision.

- 4.39 It is noted that the site has been a site of construction for a significant period of time and during that time the building and the site has not contributed positively to the streetscene. However, it is considered that this is a temporary (albeit protracted) situation and should not form a basis for supporting the application.
- 4.40 The Council's Development Control Committee has previously resolved to take enforcement action in relation to the development that has occurred at the application site. That enforcement authority was high-level in nature, requiring removal and reconfiguration of the roof of the dwelling and the alteration of the dwelling's front elevation to accord with the development approved under 96/0365.
- 4.41 In light of the basis for refusal of subsequent planning application through which greater detail and clarity has been obtained concerning the nature and degree of the variance between the approved and 'as-built' development, and taking account of the material considerations set out in the appended 2018 appeal decision it is considered that the following which have been built without planning permission constitute material harm against which enforcement action is warranted:
- The excessive height of the turret;
 - The front gable window.
- 4.42 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 including seeking to preserve and enhance the character and appearance of conservations areas. In this particular case it is considered reasonable, expedient and proportionate and in the public interest to pursue enforcement action to require removal of these unauthorised elements of development.
- 4.43 The following, which were otherwise within the ambit of the 2016 enforcement authority are found not to cause material harm and so are no longer proposed for enforcement action:
- Alteration to profile of the main roof;
 - Increase in height of the main roof;
 - Formation of the dormer and installation of the roof light;
 - Changes to the detailed dimensions of the front gable.
- 4.44 This change is reflected in the recommendation in Section 9 of this report.

5 Conclusion

- 5.1 It is considered that the alterations to the building, specifically the turret, the balcony details and the gable window, would be harmful to its character and to the unity of the group of dwellings of which it forms a key part. As a consequence the development would cause a less-than-substantial harm to the heritage asset. There are no clear public benefits of sufficient weight to overcome the degree of harm identified. The scope of enforcement authority requested has been updated and refined in light of the appeal decision.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2018)
- 6.2 Core Strategy (2007): KP1 (Spatial Strategy) Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)
- 6.3 Development Management Document (2015): Policies DM1 (Design Quality), Policy DM3 (Efficient and Effective Use of Land) and DM5 (Historic Environment)
- 6.4 Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015

7 Representation Summary

Leigh-on-Sea Town Council

- 7.1 The application was discussed by the Council Committee and RESOLVED TO OBJECT with regard to amending the west roof pitch and dormer windows to the north roof as this will substantially alter the street scene in a conservation area and is not in keeping with the character of the existing property. It is therefore contrary to Policy DM1 as does not respect the character of the site, its local context and surrounding in terms of its architectural approach. It will not make a positive contribution to the character of the original building (DM5). It must adhere to conservation guidelines. The Committee had further comments regarding the application in the respect of the proposed conservation roof light to the south pitch and questioned whether this was the skylight already in situ.

Public Consultation

- 7.2 Letters were sent to 7 neighbouring residents. A site notice has also been posted and a press advertisement published. One letter of representation has been received:

- Development unacceptable in the conservation area and surroundings;
- The Council are acting unlawfully in accepting the application;
- The building is unsafe and unsecured;
- The development is only a money-making exercise;
- Applicant should not benefit from the 1996 permission as plans were inaccurate;
- Plans are full of inaccuracies;
- Turret does not enhance the street scene;
- The development is a folly;
- Turret should be removed;
- Enforcement notice issued and nothing been done, applicants admitting now built 1m higher;
- Over development of site;
- Overwhelming and oppressive turret towards no.9;
- Shadowing from turret to no.9 [Officer Comment: it is considered that the alterations over and above the approved scheme would not have a significant effect on the visual impact or degree of shadowing to the

neighbouring properties].

- Increased ridge height visually at odds with neighbours;
- Original plans were inaccurate and should not be relied upon [Officer Comment: it has been established that the 1996 permission is extant, however any divergence from the approved scheme would be and is considered on its merits].

7.3 The above points are addressed within the general analysis within the body of the report. These concerns are noted and where relevant to material planning considerations they have been taken into account in the assessment of the application.

7.4 The deadline for responses to the press notice is 10.01.2019 (i.e. after the date of this Development Control Committee (DCC) meeting). In the event that further representations are received outside the scope of those considered at the DCC meeting (including its consideration of information/representations provided via its supplementary document) determination of application 18/01527/AMDT would be referred back to this Committee for consideration of issues raised and not already taken into account. Determination is otherwise proposed to be delegated to officers subject to no further representations being received which raise issues not already covered in the DCC's resolution. The above is reflected in the recommendation at Section 9.

7.5 The application has been called-in to the Council's Development Control Committee by Cllr Arscott.

8 Relevant Planning History

8.1 As set out above, planning permission was granted for the erection of extensions and alterations to the dwelling under the terms of application 96/0365. The relevance of that planning permission is fully discussed above along with the refusal of recent applications 15/01340/FULH, 16/01160/FULH and 17/01007/FULH.

9 Recommendation

9.1 **It is recommended that determination of application 18/01527/AMDT be delegated to the Director of Planning and Transport or the Group Manager of Planning, subject to expiry of the press notice consultation and not receiving any further representations on matters not already taken into account in the DCC's resolution and that planning permission be REFUSED for the following reason:**

1. The proposed development, by virtue of the scale and form of key architectural features would be harmful to the appearance of the building and street scene, and to the character and appearance of the Leigh Conservation Area. There would be no public benefits of sufficient weight to overcome the less than substantial harm that would result. The proposal is therefore contrary to the National Planning Policy Framework (2018), 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 the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

In the event that further representations are received prior to expiry of the press notice and which raise considerations not already taken into account, determination of application 18/01527/AMDT be made by Development Control Committee.

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.

10 Informative

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

11 Enforcement Recommendation

- 11.1 To authorise planning enforcement action to require a) the reduction in height of the turret so as to accord with the planning approval under reference 96/0365 and b) remove the front gable window so as to accord with the planning approval under reference 96/0365 and c) remove of all rubble, materials and equipment associated with complying with the notice, on the grounds that the development that has occurred is of a form that causes harm to the character and appearance of the building and the significance of the conservation area with no public benefits of sufficient weight to overcome the harm caused. The development is therefore contrary to the National Planning Policy Framework (2018), 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 the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).
- 11.2 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.
- 11.3 When serving the Enforcement Notice the Local Planning Authority must ensure a reasonable period for compliance. It is considered that a six month compliance period for the modification of the dwelling is reasonable in these circumstances.

Appendix 1 Overleaf

Appeal Decision

Hearing held on 30 October 2018

Site visits made on 29 and 30 October 2018

by J Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2018

Appeal Ref: APP/D1590/W/17/3190810

11 Leigh Park Road, Leigh-on-Sea, Essex SS9 2DU.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Saul Ezra against Southend-on-sea Borough Council.
 - The application Ref 17/01007/FULH, is dated 31 May 2017.
 - The development proposed is described as "Demolish part of dwelling house and erect part single / part two storey front extension to eastern side of dwelling, erect a three storey rear extension, replace roof and erect dormer to rear and form new vehicular access to Leigh Park Road."
-

Decision

1. The appeal is dismissed and planning permission for demolish part of dwelling house and erect part single / part two storey front extension to eastern side of dwelling, erect a three storey rear extension, replace roof and erect dormer to rear and form new vehicular access to Leigh Park Road is refused.

Procedural Matters

2. The description of development set out in the heading above is taken from the appeal form as it is clearer than the description of development on the application form. This was agreed by the main parties at the hearing.
3. During the hearing, there was discussion regarding which plans had been submitted to the Council prior to the appellant submitting the appeal on the grounds of non-determination, and which plans had been subject to public consultation. The appellant produced a number of amended plans and provided them to the Council along with a letter dated 7 September 2017.
4. The Council confirmed that although a number of plans¹ were received with an accompanying letter in September 2017, no public consultation was undertaken on these plans as they considered them to form part of ongoing discussion outside the planning application process. Furthermore, the Council was unable

¹ 90043/P305B dated 31/07/2017; Option A: Turret Sketch; Option B: Turret Sketch; 90043/NP101 dated 11/11/2016; 90043/NP202 dated 11/11/2016; 90043/NP300 dated 11/11/2016; 90043/NP301 dated 19/05/2016; 90043/P102B dated 10/08/2017; P307C; 90043/P800 dated 31/05/2017; 90043/SP101 dated 11/11/2016; 90043/SP202 dated 11/11/2016; 90043/SP300 dated 11/11/2016; 90043/SP302 dated 11/11/2016; 90043/S110 dated 10/08/17.

to find record of receipt of a number of amended plans². While I acknowledge that the appellant may find the lack of consultation frustrating, I consider that the amended plans would materially alter the proposed development. Furthermore, by providing alternative solutions for the proposed turret's top, the amended plans would give rise to confusion about what the appellant is seeking permission for.

5. It is important that interested people's views have been sought on the plans considered by an Inspector. I consider that accepting the amended plans would potentially deprive those who should have been consulted on the changed development of the opportunity to respond. Discussion at the hearing took place with regard to the plans submitted with the application and subject to public consultation. I shall deal with the appeal accordingly.
6. The appellant's documentation made reference to a petition. During the hearing, the appellant confirmed that the petition formed part of an earlier planning application. I have therefore not taken the petition into account.
7. The appellant had made an application for costs prior to the hearing. At the hearing, the appellant withdrew the costs application. This was subsequently confirmed in writing by the appellant after the hearing.
8. During the hearing, Dr Crystall and the Council submitted photographs of the appeal property from different vantage points, 5 and 29 Leigh Park Road, the flatted block at Sans Souci, and the Leigh Park Road streetscene. I accepted the photographs as late evidence in this instance. Furthermore, in the interests of clarity, I requested the decision notice for the 1996 permission and the Council's putative decision notice relating to this appeal. While I received the Council's putative decision notice, the 1996 decision notice is not before me.
9. In reaching my decision, I have had regard to the revised National Planning Policy Framework (the revised Framework) published on 24 July 2018. The parties had the opportunity to address the revised Framework at the hearing.
10. I held an accompanied site visit on the day of the hearing. I also conducted an unaccompanied site visit the day prior to the hearing.

Background and Main Issue

11. In seeking to address subsidence and hill creep, the appeal property at 11 Leigh Park Road was subject to an approved planning application 96/0365 in 1996 for development described as "demolish front of dwelling house and rebuild with a bay feature with basement level garage and balcony at first floor level a new front entrance and terrace, and erect a three storey rear extension and form new vehicular access to Leigh Park Road with associated driveway."
12. The 1996 permission included moving the front gable from the front elevation's western side to the eastern side, raising the front gable to allow for a garage at street level, roof alterations, and creating a balcony on the front elevation's western side. The three storey rear extension was shown as taking the form of a round copper-roofed turret. In 2002, the Council confirmed that the 1996 permission commenced within 5 years from the date of the decision, and that they considered the 1996 permission to remain extant.

² P385 Comparison of rear elevations; 90043/P2018 dated 31/05/2017 Section; 90043/P3038 dated 31/05/2017 Elevations.

to find record of receipt of a number of amended plans². While I acknowledge that the appellant may find the lack of consultation frustrating, I consider that the amended plans would materially alter the proposed development. Furthermore, by providing alternative solutions for the proposed turret's top, the amended plans would give rise to confusion about what the appellant is seeking permission for.

5. It is important that interested people's views have been sought on the plans considered by an Inspector. I consider that accepting the amended plans would potentially deprive those who should have been consulted on the changed development of the opportunity to respond. Discussion at the hearing took place with regard to the plans submitted with the application and subject to public consultation. I shall deal with the appeal accordingly.
6. The appellant's documentation made reference to a petition. During the hearing, the appellant confirmed that the petition formed part of an earlier planning application. I have therefore not taken the petition into account.
7. The appellant had made an application for costs prior to the hearing. At the hearing, the appellant withdrew the costs application. This was subsequently confirmed in writing by the appellant after the hearing.
8. During the hearing, Dr Crystall and the Council submitted photographs of the appeal property from different vantage points, 5 and 29 Leigh Park Road, the flatted block at Sans Souci, and the Leigh Park Road streetscene. I accepted the photographs as late evidence in this instance. Furthermore, in the interests of clarity, I requested the decision notice for the 1996 permission and the Council's putative decision notice relating to this appeal. While I received the Council's putative decision notice, the 1996 decision notice is not before me.
9. In reaching my decision, I have had regard to the revised National Planning Policy Framework (the revised Framework) published on 24 July 2018. The parties had the opportunity to address the revised Framework at the hearing.
10. I held an accompanied site visit on the day of the hearing. I also conducted an unaccompanied site visit the day prior to the hearing.

Background and Main Issue

11. In seeking to address subsidence and hill creep, the appeal property at 11 Leigh Park Road was subject to an approved planning application 96/0365 in 1996 for development described as "demolish front of dwelling house and rebuild with a bay feature with basement level garage and balcony at first floor level a new front entrance and terrace, and erect a three storey rear extension and form new vehicular access to Leigh Park Road with associated driveway."
12. The 1996 permission included moving the front gable from the front elevation's western side to the eastern side, raising the front gable to allow for a garage at street level, roof alterations, and creating a balcony on the front elevation's western side. The three storey rear extension was shown as taking the form of a round copper-roofed turret. In 2002, the Council confirmed that the 1996 permission commenced within 5 years from the date of the decision, and that they considered the 1996 permission to remain extant.

² P385 Comparison of rear elevations; 90043/P2018 dated 31/05/2017 Section; 90043/P303B dated 31/05/2017 Elevations.

13. In 2015, concerns about non-compliance with the 1996 permission were brought to the attention of the Council with particular reference to the turret having been constructed to a greater height than previously approved. Following a planning enforcement investigation 15/00142/UNAU_B, works paused. A planning application 15/01340/FULH was submitted in November 2015 and refused in February 2016. Subsequently, a further planning application 16/01160/FULH was submitted in August 2016 and refused in October 2016. The appellant then submitted the application 17/01007/FULH to which this appeal relates. I understand there is a current application 18/01527/AMDT, yet to be determined by the Council, and that the Council may issue an enforcement notice which has been in abeyance. However, I am required to deal with the appeal before me on its merits.
14. Although the main parties have described the application 17/01007/FULH as retrospective, based on what I saw on site, it has not been fully implemented. The main issue in this appeal is therefore the effect of the proposed development on the character and appearance of the Leigh Conservation Area.

Reasons

15. The Leigh Conservation Area Appraisal 2010 (LCAA) confirms that the Conservation Area (CA) encompasses the hillside directly above the fishing village and the railway line, and the area around St Clement's Church and its former rectory. The settlement took its current form from the mid 19th century to the early 20th century, when the railway arrived and significant levels of house-building took place. There are a number of steep residential roads, with houses interspersed with small green spaces to address the topography. This is a key feature of the Conservation Area. The primarily residential streets have a mixture of detached, semi-detached, flatted, and terraced housing, often in small groupings of the same house type.
16. Winding down the slope, Leigh Park Road dates from the early 20th century when large detached houses were built in relatively small plots on its northern side. These Arts and Crafts inspired houses generally have south-facing front balconies treated with vertical timber spindle railings. The balconies have views over Leigh on Sea and the Thames Estuary beyond. A number of balconies have been glazed, which slightly diminishes their uniformity. While there is variation in their condition, materials, detailing, and the extent of alterations, the detached houses at 3 and 7 – 13 Leigh Park Road retain a unity of composition. I consider that the significance of Nos 3, and 7- 13 is largely derived from their age, form, fabric and simple, yet well-detailed, architectural features. These include large front gables, projecting bays, balconies, and false half-timbering. Their setting on the hillside also adds to their significance and makes a positive contribution to the CA as a whole.
17. At the point the LCAA was produced in 2009 and adopted in 2010, the appeal site at No 11 was considered to be the best preserved example of its house type, despite appearing derelict at the time. The partially constructed turret aside, and notwithstanding the extensive renovation and repair works undertaken at No 11, there was general agreement at the hearing that the appeal property at No 11 in its present condition retains many features which support its significance within the CA. The appeal property is covered by an Article 4 Direction, withdrawing some permitted development rights.

18. Turning to the proposed turret, there was discussion at the hearing about the presence of turrets and decorative features to houses locally, and the contribution of those features to the character and diversity of the seaside towns of Leigh and Southend. While a turret is often used as a strong corner feature on a building's frontage to draw the eye, in this instance, the proposed turret would be located to the rear of No 11. I also understand that the turret within the 1996 permission was intended to support No 11's structural stability.
19. The proposed turret would be visible from Leigh Park Road between Nos 9 and 11, and looking down the road towards No 13's side elevation. Furthermore, it would be visible from properties off Hillside Road and from the public open space behind 19 – 23 Leigh Park Road dependent on tree cover, and from Leigh-on-Sea Sailing Club within the CA.
20. With its copper roof and extensive and prominent parapet which seeks to address the junction of the main roof with the proposed turret, the bulk and height of the proposed turret would visually elongate the ridgeline of the main roof at No 11 behind the front gable. This would reduce the prominence of the characteristic front gable. The proposed turret would also change the relationship of No 11's main roof with No 9's roof as the proposed turret would extend upwards adjacent to No 11's main roof. By reducing this gap, not only would the proposed turret alter No 11's balance and character, but it would also affect the unity of the houses at Nos 3 and 7 – 13 by interrupting the sequential descent of roofs down the slope. Given the prominent position of the group of houses winding down Leigh Park Road, their unity of composition would be harmed by the proposed turret, which would be a visually discordant and incongruous element within the streetscene and the CA.
21. Notwithstanding the revisions undertaken to the proposed turret since the 2015 and 2016 applications, and its Arts and Crafts inspired architectural features, the considerable scale, mass and form of the proposed turret would result in an inappropriately bulky development, which would not integrate satisfactorily with its surroundings or be subservient to No 11's main roof.
22. The appellant contends that the bay at No 11 is smaller than before, giving the impression of a larger turret, and that lowering the proposed turret further may make it difficult to access at roof level of the proposed turret. I also acknowledge the appellant's willingness to amend the fenestration of the proposed turret. However, none of these matters would outweigh my concerns about the effect of the proposed turret on both the appeal property and the CA.
23. The proposed development would include a proposed first floor balcony and proposed glazing to No 11's front elevation behind the proposed balcony. While the proposed balcony would replicate a traditional feature along Leigh Park Road, its detailing would be inconsistent with the other houses in the locality as it would incorporate both a glazed screen and horizontal railings. This would be at odds with the general character and appearance of the area.
24. Although the balustrade and railing treatment of No 11's previous front balcony had incorporated horizontal railings, the appellant acknowledged during the hearing that there was evidence to indicate that the balcony railings had historically been vertical. I find that the vertical railings present on other houses on Leigh Park Road would be more suitable for the proposed balcony.

25. With regard to the proposed fenestration behind the proposed balcony, I consider that extensive areas of glazing would not be in keeping with the appeal property's Arts and Crafts character, and that smaller French doors would be more appropriate in both size and potential detailing.
26. The appellant considers that matters pertaining to proposed balcony treatments, including the treatment of the proposed balcony's flank elevation facing No 13, and proposed fenestration, might be addressed by means of condition. However, I concur with the Council's concerns about the possibility of dealing with the level of information required via condition in this instance. I find that the proposed balcony treatments and fenestration would be harmful to the character and appearance of the CA.
27. No 11 has a large front gable with a two-storey projecting bay below. This is an attractive and prominent feature which is similar to those at Nos 3, 7, 9 and 13, despite differences in the location of the front gables and bays on their front elevations. The proposed development would include a proposed window to the top of the front gable. The appellant has suggested that the proposed window would be smaller than the opening between the gable's false half-timbering once the window is in place, and that the proposed window's size could be reduced by means of condition.
28. However, the false half-timbering to the front gable is a prominent feature of No 11 and similar houses. The proposed window would follow the lines of the false half-timbering and would create an unusually shaped window opening. Though there are smaller windows to No 13's front and side gables, these gables lack the characteristic false half-timbering. I find that the insertion of the proposed window would unacceptably diminish No 11's front gable's character. Furthermore, if the proposed window were capable of being opened, this would draw further attention to its siting and unusual shape, further detracting from the character and appearance of the CA.
29. The main roof of No 11 would also be raised in comparison to the roofscape approved within the 1996 permission, and would incorporate a rooflight and a rear dormer window which has been partially built. While I note concerns about the height of the proposed roofscape and the potential for overdevelopment, I consider that the stepped nature of the houses somewhat mitigates the effect of the proposed alterations to No 11's main roof. If considered without the proposed turret, I find that the proposed alterations to the main roof, including the provision of a rooflight and rear dormer, would not have a harmful effect on the appeal property and the CA.
30. The appellant argues that the proposed development would not differ materially in its overall impact on the surrounding area from the 1996 permission. From the details available to me, the turret, the main roof, the balcony and windows and doors in the 1996 permission and the proposed development would differ. As such, I am not persuaded that the 1996 permission is directly comparable with the scheme before me.
31. Notwithstanding the appellant's claim at the hearing that they would complete the 1996 permission in the event that I dismissed this appeal, discussion at the hearing indicated that the 1996 permission would provide inadequate head height within part of the turret, if completed. Furthermore, it has not been suggested, nor do I consider from the evidence available to me, that the impact of the 1996 permission would be materially more harmful than the

proposed development. Consequently, I find that the 1996 permission does not represent an appropriate reason to find in favour of the proposed development.

32. Although the extensions and alterations to properties in Leigh Park Road and the presence of flatted blocks at Sans Souci, Leigh Park Court and 5 Leigh Park Road have incrementally eroded the CA's appearance, much of its original character remains. Due to its prominence, the proposed development would have a discordant and incongruous effect on the character and appearance of No 11 and the CA. As such, the existence of other roof extensions, alterations, and modern infill developments in the locality do not alter the harm identified.
33. While considerable work, money, and effort has been directed towards No 11, and I recognise that the appellant may have preferred to repair the building rather than undertake more extensive renovation, this does not outweigh my concerns about the proposed development. Were it not for the extensive works undertaken to address subsidence to No 11, it is possible that No 11 would have been demolished and replaced by another building³ which may have had a detrimental effect on the character and appearance of the CA. However, this does not justify the proposed development.
34. It follows that the proposal would erode the established character of the Leigh CA and so would fail to preserve or enhance its character or appearance. It would therefore be contrary to policies CP4 and KP2 of the Southend-on-Sea Core Strategy 2007 (CS) and policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document 2015 (DMD) and the Southend-on-Sea Design and Townscape Guide 2009 (DTG).
35. CS policy CP4 states, amongst other things, that development will be expected to safeguard and enhance the historic environment, including conservation areas. CS policy KP2 and DMD policy DM3 confirm that, amongst other things, development should respect an existing area's character. DMD policy DM3 also highlights that alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area. DMD Policy DM1 addresses design quality, while DMD policy DM5 states that, amongst other things, all development proposals affecting a heritage asset will be required to conserve and enhance its historic and architectural character, setting and townscape value. The DTG seeks high quality design, which supports the positive characteristics of an area.
36. The harm identified would amount to "less than substantial harm" which the revised Framework advises must be weighed against the public benefits of the scheme. I understand the appellant's wish to complete the works to No 11, but the subsidence issues affecting the house have been addressed and the enlargement of the dwelling would provide a largely personal benefit, with very limited public benefit in terms of further works to No 11. I attribute only very limited weight to the public benefit the proposal would make to the wider housing stock. This would be insufficient to outweigh the harm identified to the significance of the CA.
37. I therefore conclude the proposal would also fail to comply with national policy outlined in the revised Framework, which seeks to sustain the significance of heritage assets.

³ Previous planning and conservation area consent applications which would have involved demolition of the appeal property were refused in 1989 and 1990. Appeals against the 1990 decisions were then dismissed in 1991.

Other Matters

38. During the hearing, the appellant raised concerns about errors in the Council's officer report, and made reference to the Council stating that they were close to a recommendation for approval when the appeal was submitted. I recognise the appellant's frustrations and the previous efforts made to employ alternative planning consultants and architects. However, the lack of full survey data; difficulties in comparing subsequent proposals against the 1996 plans which are without defined measurements; inaccuracies in plans, whether perceived or otherwise; and confusion over matters of detail such as the chimneys and the overall width of No 11, have led to delays and difficulties in communication. These issues do not alter my overall findings.
39. Local residents have expressed disquiet about the living conditions of neighbouring occupiers, overdevelopment, and unauthorised development taking place. As the proposed development would be unacceptable for other reasons, it is not necessary for me to reach a finding on these matters.

Conclusion

40. For the reasons given above, the appeal is dismissed and planning permission for demolish part of dwelling house and erect part single / part two storey front extension to eastern side of dwelling, erect a three storey rear extension, replace roof and erect dormer to rear and form new vehicular access to Leigh Park Road is refused.

J Gilbert

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Grant Littler GLS Architects

FOR THE LOCAL PLANNING AUTHORITY:

Rob Lilburn Southend-on-sea Borough Council

Patrick Keyes Southend-on-sea Borough Council

Abbie Greenwood Southend-on-sea Borough Council

Julia Byczynski Southend-on-sea Borough Council

INTERESTED PERSONS:

Lyn Long Local Resident

Charlotte Williams Local Resident

Dr Alan Crystall Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

LE1 – LE4 Photographs submitted by Dr Crystall showing 29 Leigh Park Road, 11 Leigh Park Road, Sans Souci, and 5 Leigh Park Road respectively.

LE5 – LE22 Photographs submitted by the Council (titled by the Council unless marked as unlabelled):

- Unlabelled view of appeal property from the seafront at Leigh (LE5 and LE6);
- Outside 38 Hadleigh Road looking south-east (LE7);
- Looking south-east towards Sans-Souci flats (LE8);
- From nos. 21 and 23 Leigh Park Road, looking east towards no.15 (LE9);
- Looking south-east towards gable end of no.13 Leigh Park Road (at end) (LE10);
- Looking at no. 13 Leigh Park Road with blue tarpaulin of turret at no. 11 visible over (LE11);
- Unlabelled view of side gable of No 13 (LE12);
- No. 11 Leigh Park Road front projection (red brick) (LE13);
- Site at No. 11 (LE14);
- No. 13, No. 11, No. 9 (LE15);
- Unlabelled view of Nos 9 – 13 (LE16);
- Unlabelled view of No 11 from opposite side of Leigh Park Road, looking up the slope (LE17);
- Viewed from public open space behind nos. 19-23 Leigh Park Road. Looking south-east with blue tarpaulin of no. 11 (LE18);
- Looking from south-east corner of public open space towards nos. 13 and 11 (LE19);
- Looking south from within public open space towards rear of no. 15 (LE20);
- Nos. 15 and 17 Leigh Park Road at rear (LE21);
- Looking south from Leigh Library Gardens from which no. 11 is not visible (LE22).

LE23 Putative decision notice 17/01007/FULH dated 12 January 2018.

DOCUMENTS SUBMITTED AFTER THE HEARING

LE24 Appellant's confirmation of withdrawal of costs application.

NOTES

1. All dimensions to be checked and confirmed on site.
2. All discrepancies are to be reported to and resolved by the Architects before works are commenced.
3. This drawing is not to be scaled.
4. All work and materials to be in accordance with the Building Regulations and to comply with all relevant codes of practice and British Standards.

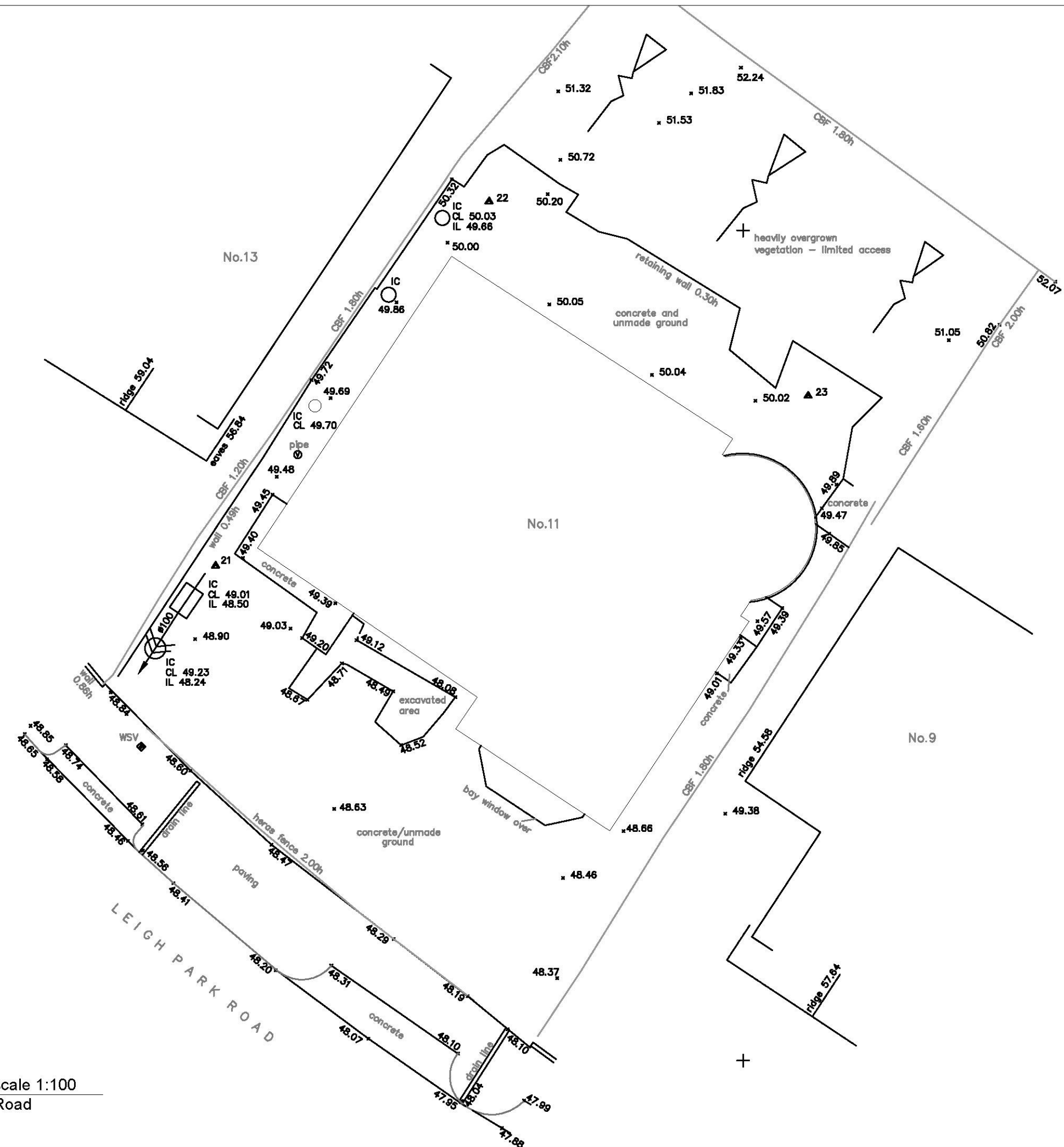


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| Job: | LEIGH PARK ROAD | | |
| Dwg. No | Job No | Scale | Date |
| P106A | 90043 | 1:1250 | 08/10/2015 |
|  | | | |
| 1 DOCK ROAD WATERFRONT STUDIOS LONDON, E16 1AH TEL NO. 020 7404 1000 FAX NO. 020 7404 0500 enquiries@glsearchitects.co.uk Copyright Reserved Architecture, Interiors, Surveying & Planning | | | |

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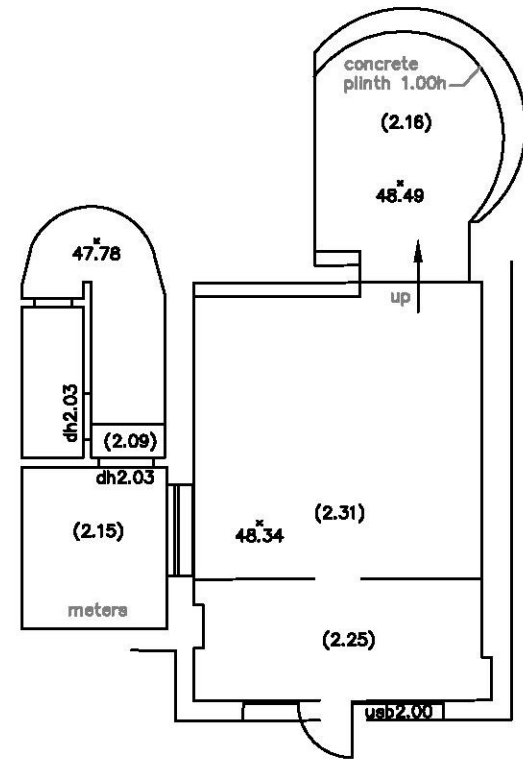
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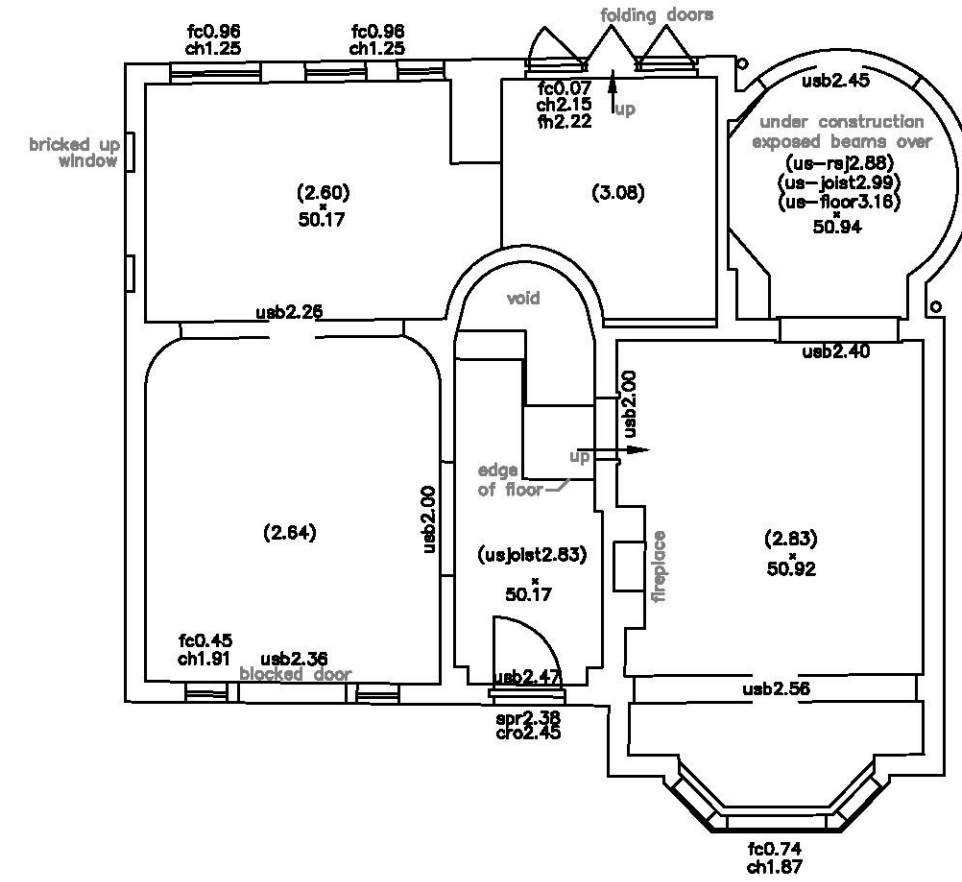
1 SURVEY - scale 1:100
 G6003-1 Leigh Park Road

| Signature | Amendment | Date | Rev. |
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| <small>Unit 5, Copfield Hall Farm, Writtle Road, Margreth, Essex, CM4 0EL Telephone: 01277 212704 e-mail: admin@gryphonsurveys.co.uk</small> | | | |
| Job Title: 11 LEIGH PARK ROAD LEIGH-ON-SEA | | Drawn: JW | Checked: MW |
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| | | Ref: G6003-1 | |

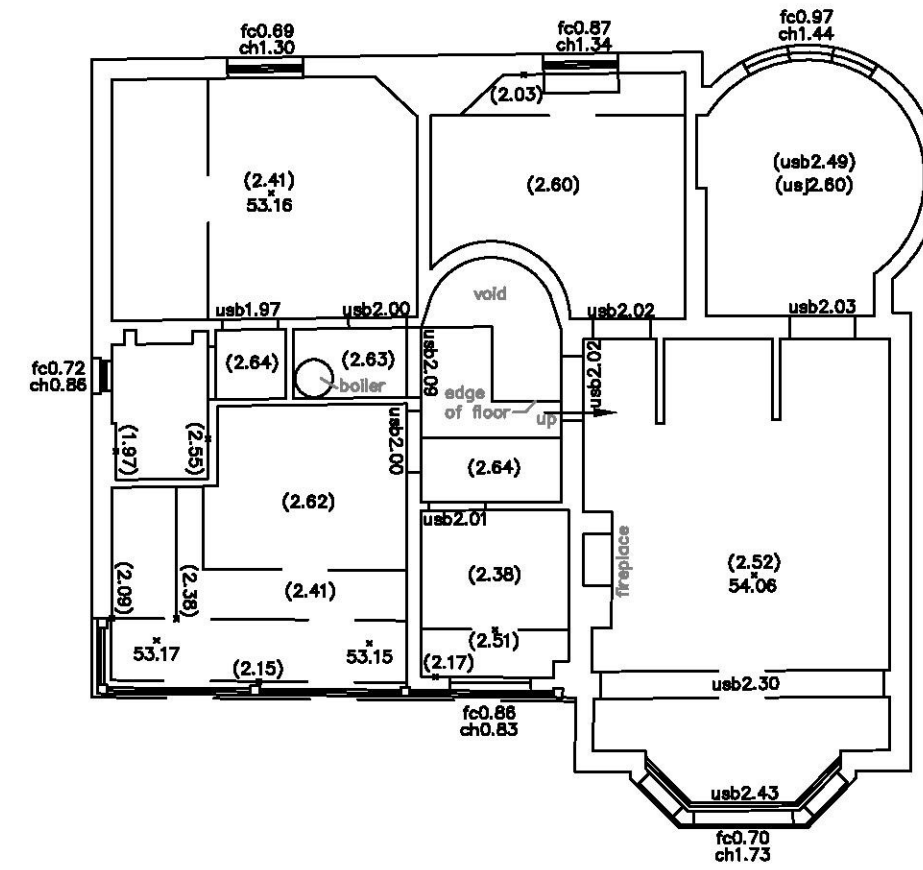
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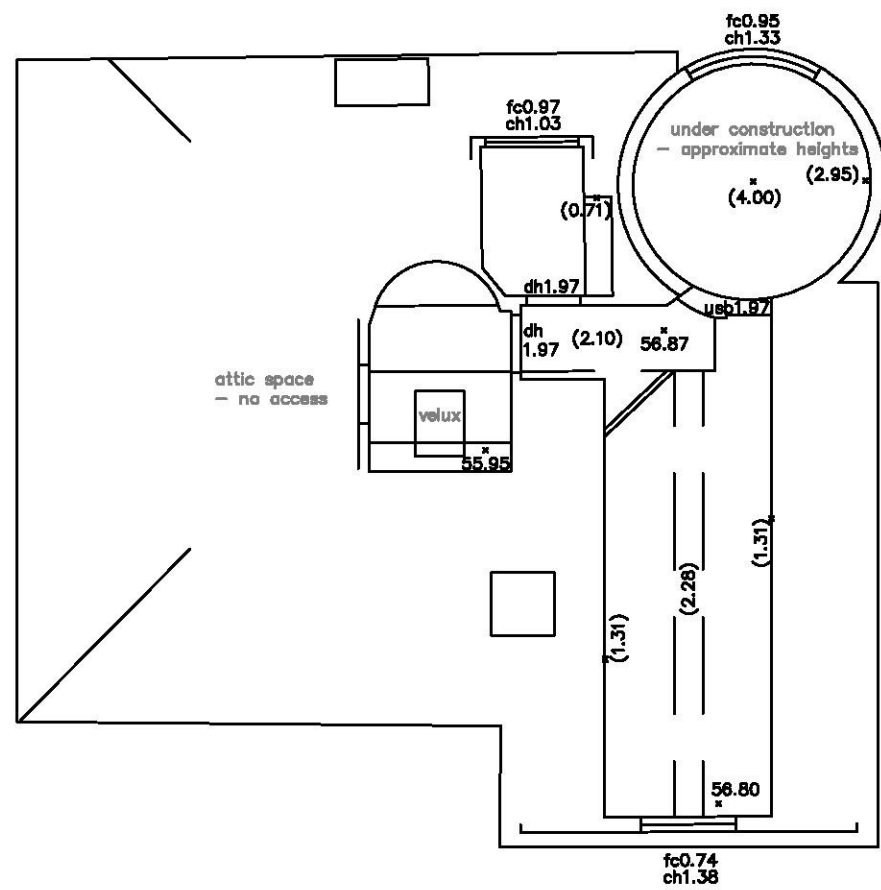
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G6003-2 Leigh Park Road



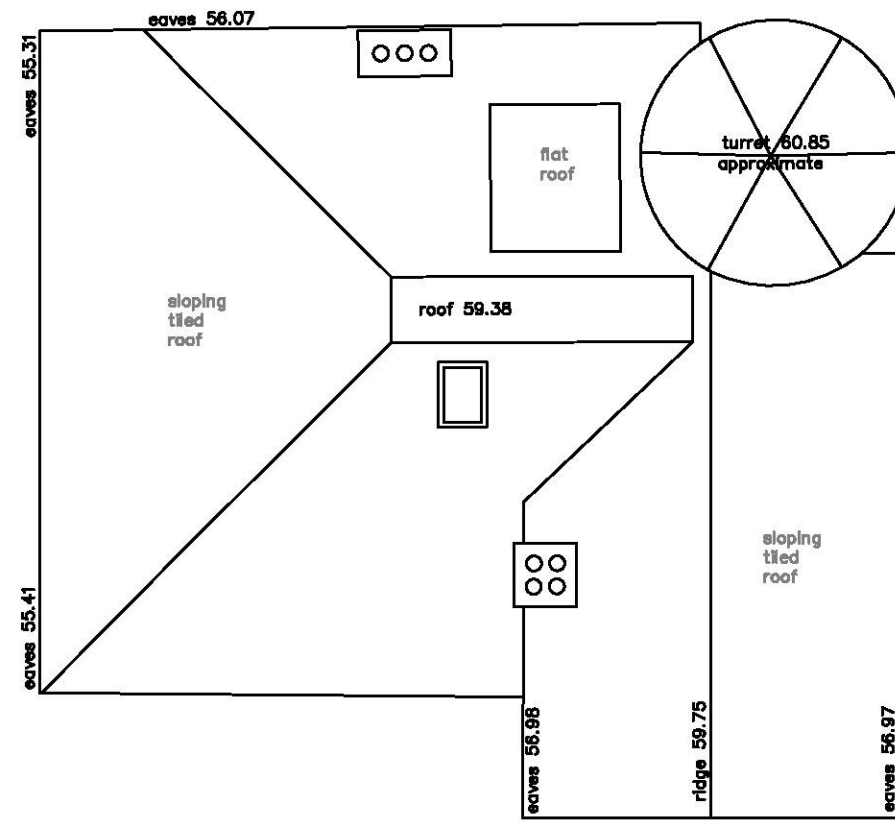
2 GROUND FLOOR PLAN - scale 1:100
G6003-2 Leigh Park Road



3 FIRST FLOOR PLAN - scale 1:100
G6003-2 Leigh Park Road



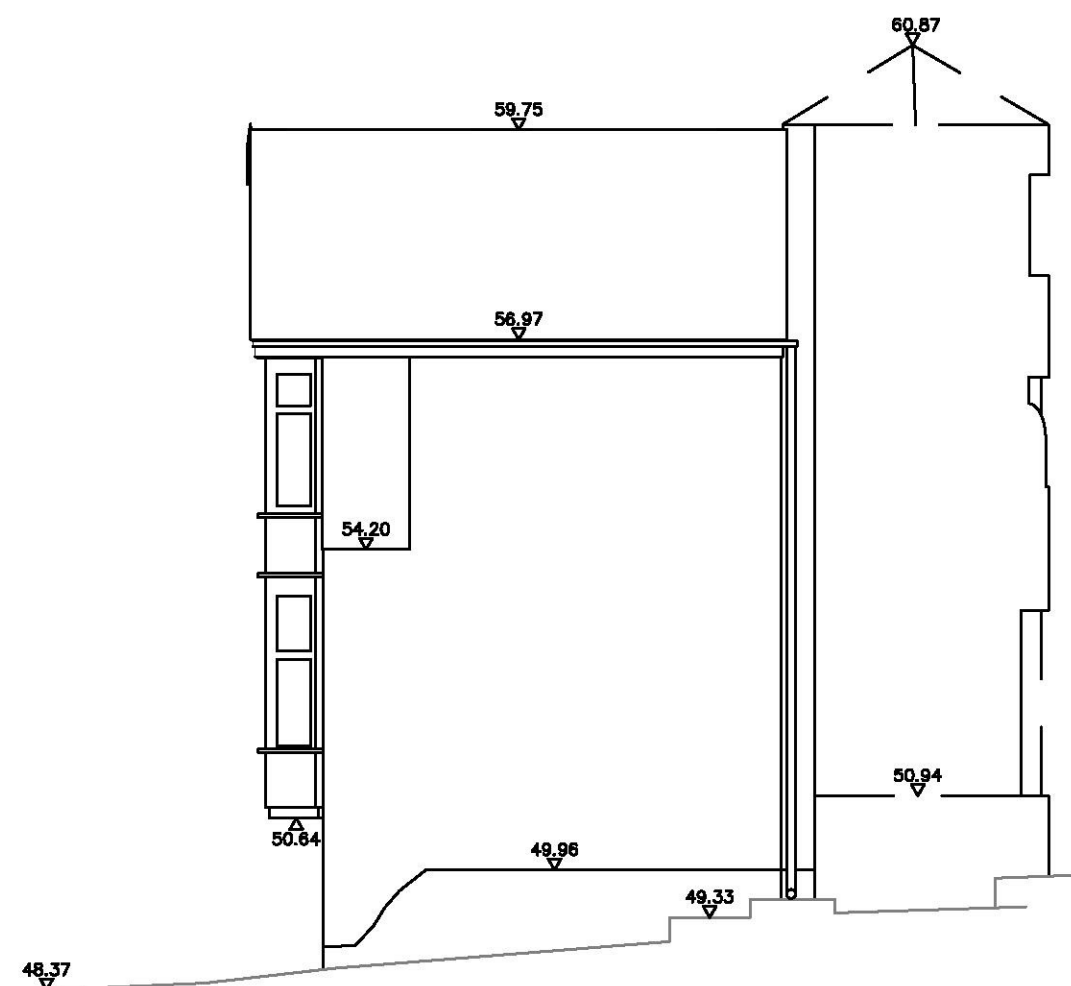
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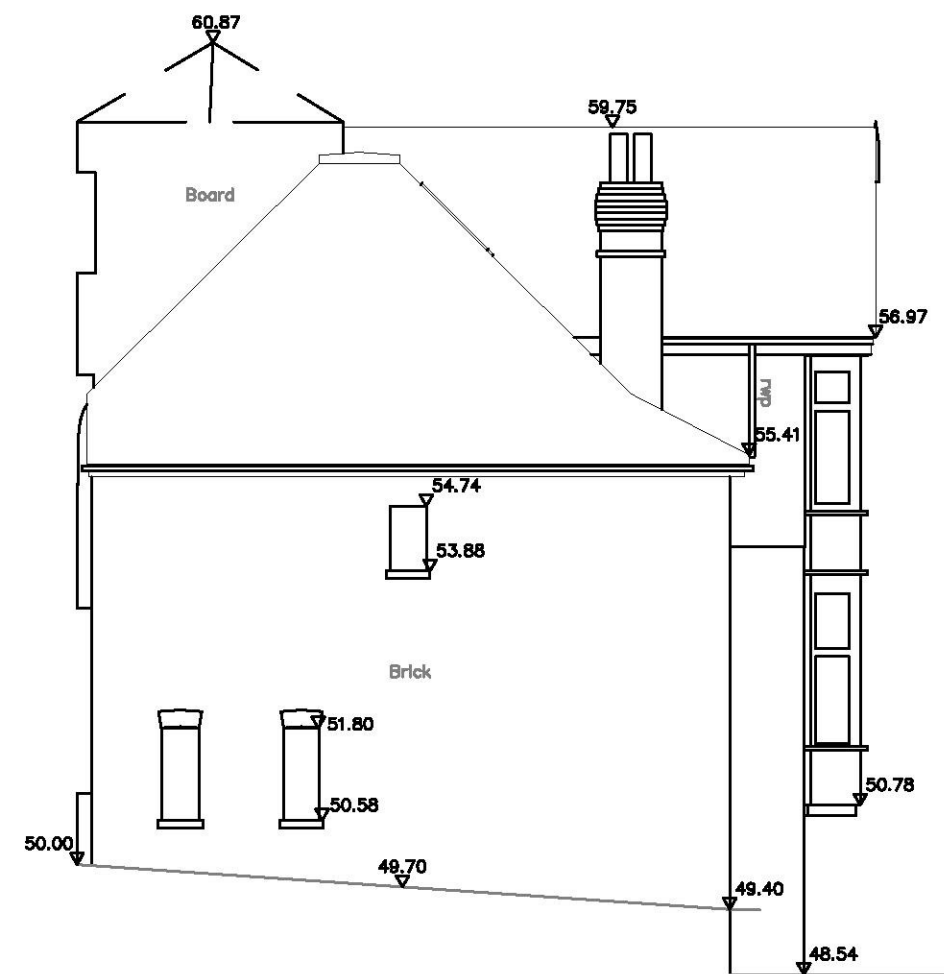
5 ROOF PLAN - scale 1:100
G6003-2 Leigh Park Road

| Signature | Amendment | Date | Rev. |
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| GRYPHON SURVEYS | | | |
| <small>Unit 5, Copford Hall Farm, Writtle Road, Margreth, Essex, CM4 0EL Telephone: 01277 212784 e-mail: admin@grypionsurveys.co.uk</small> | | | |
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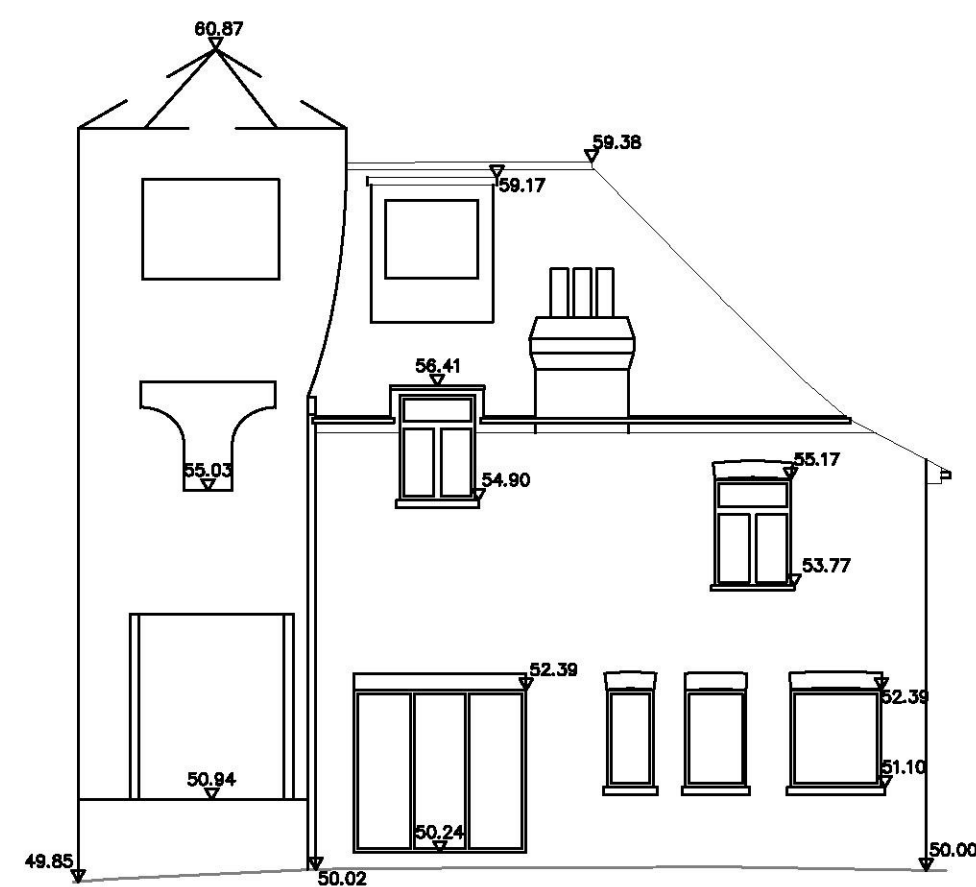
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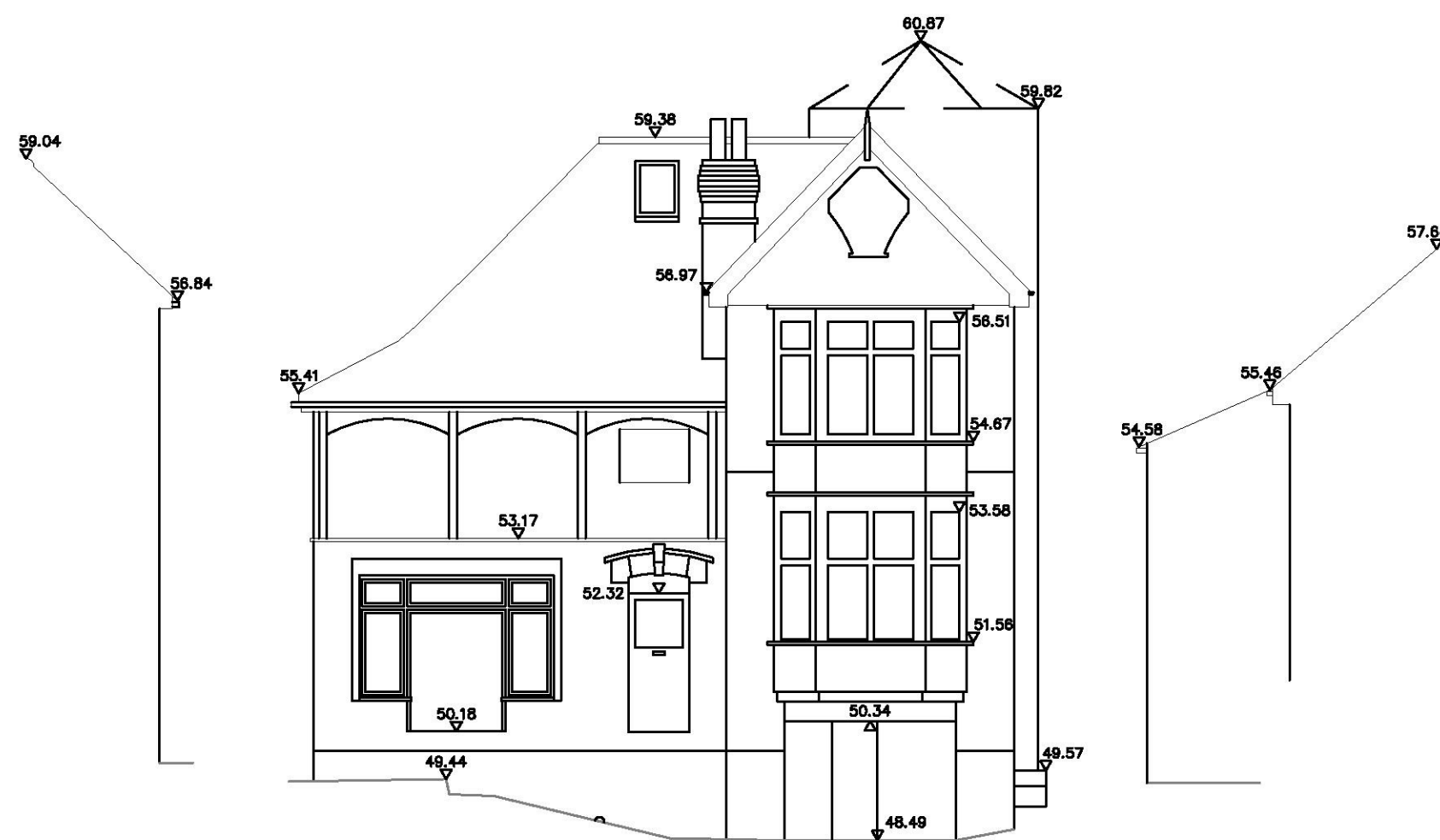
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G6003-3 Leigh Park Road



2 WEST ELEVATION - scale 1:100
G6003-3 Leigh Park Road



3 NORTH ELEVATION - scale 1:100
G6003-3 Leigh Park Road



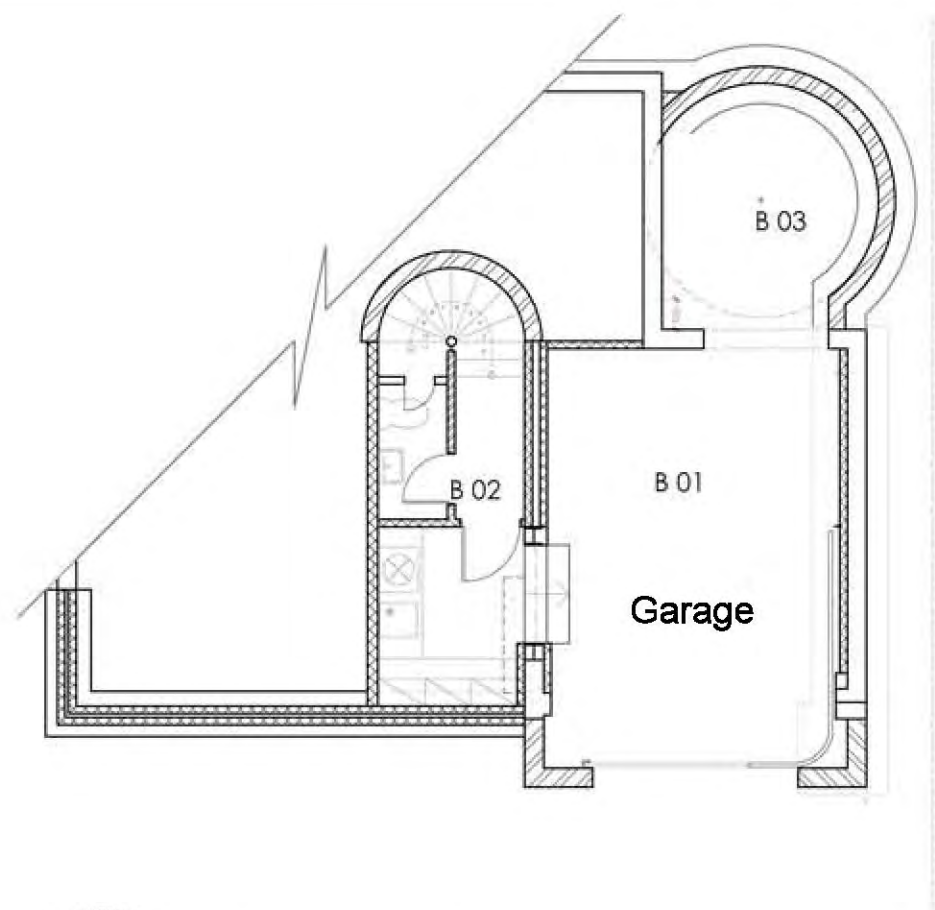
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G6003-3 Leigh Park Road

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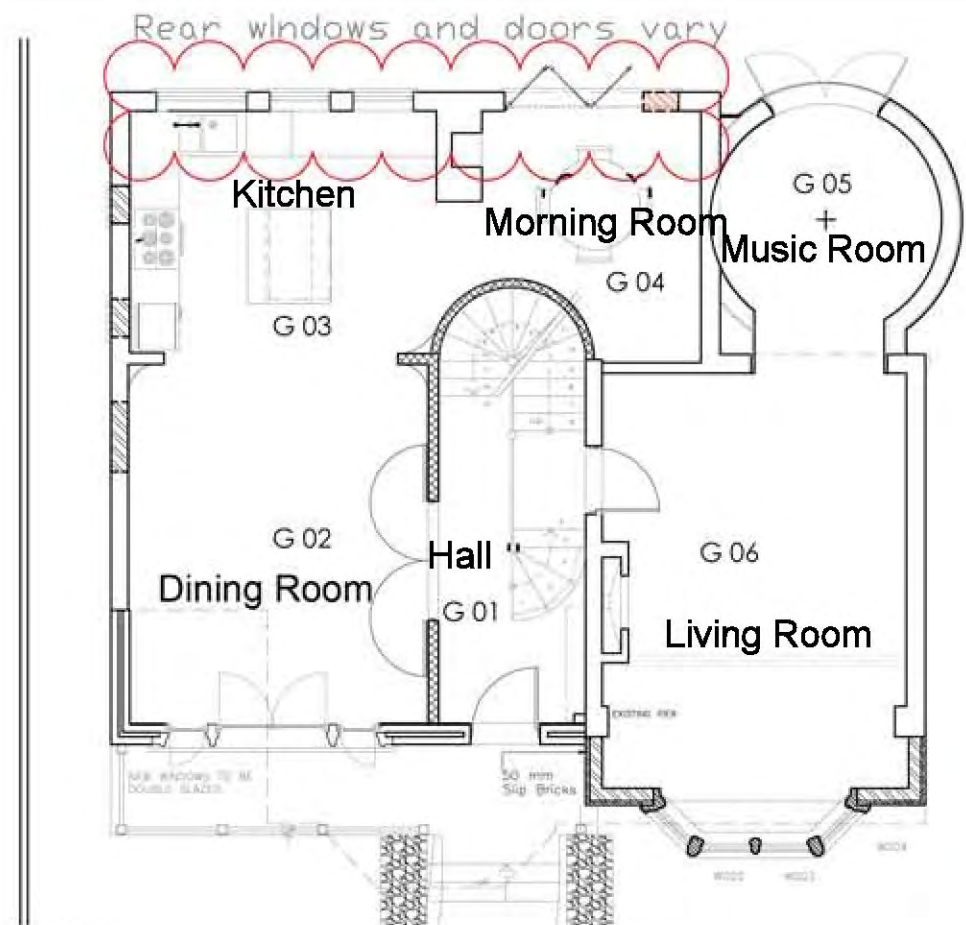
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| <small>Unit 6, Copford Hall Farm, White Road, Margerett, Essex, CM4 0EL Telephone: 01277 212794 e-mail: info@grypkonsurveys.co.uk</small> | | | |
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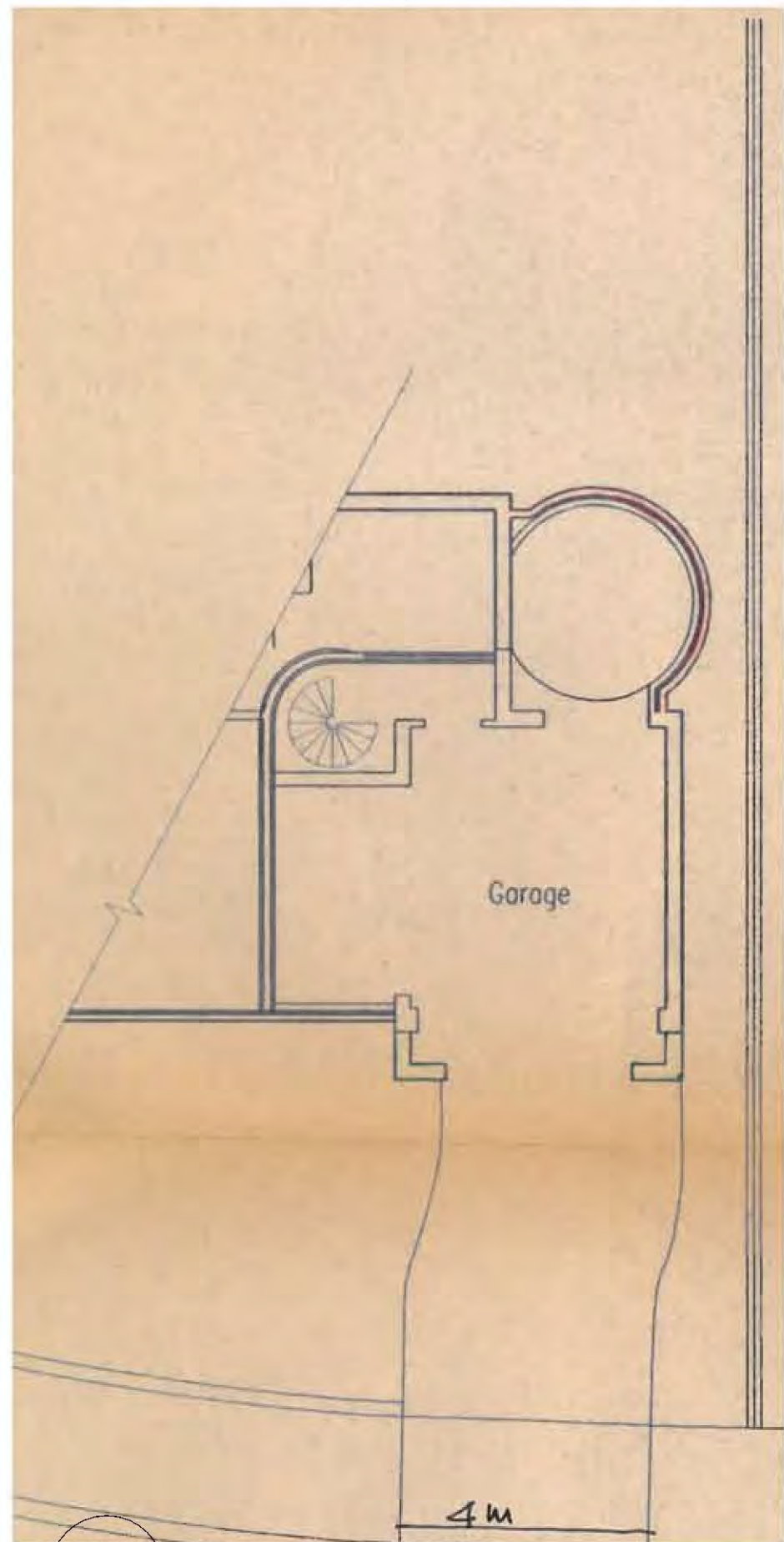
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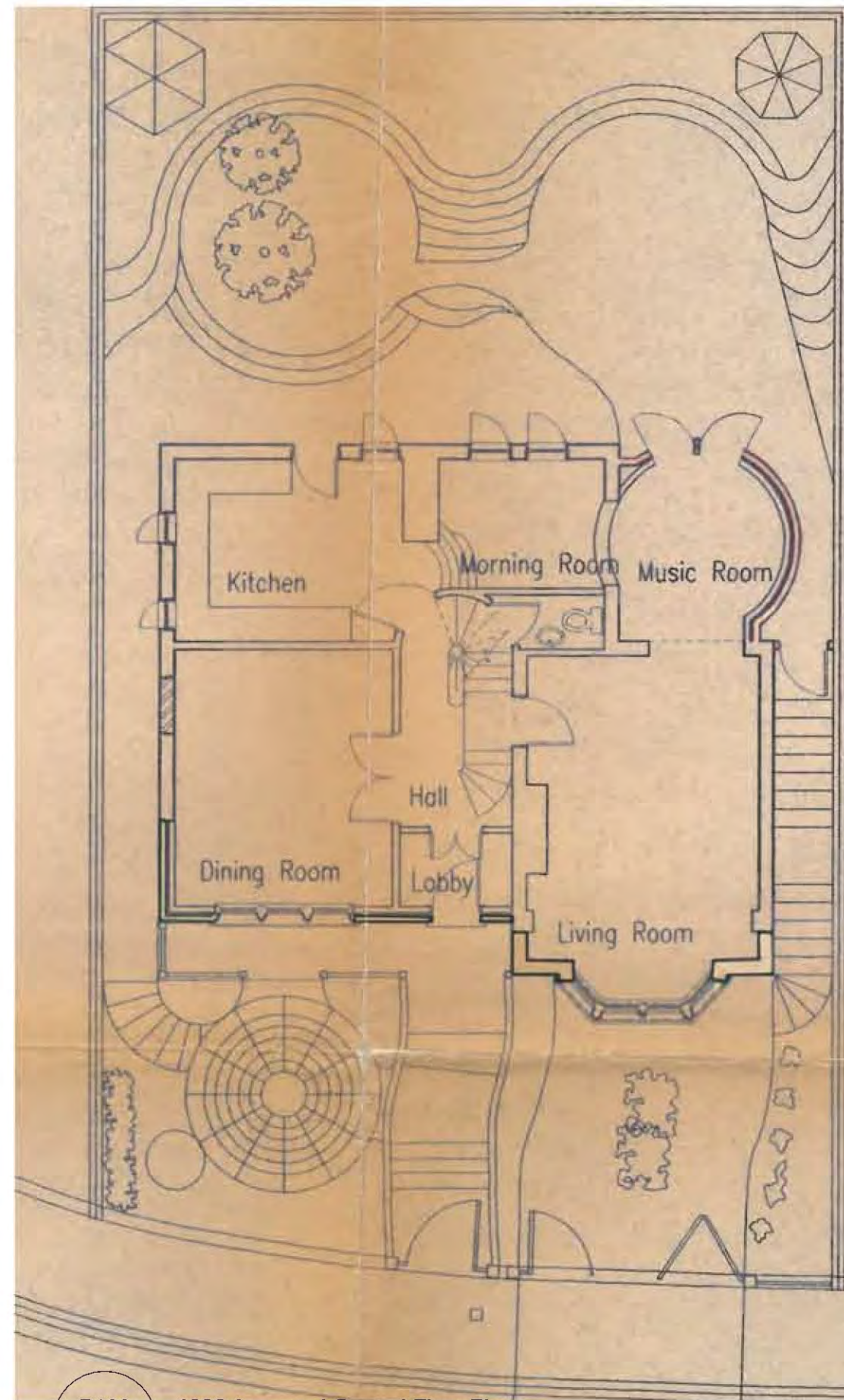
P100 Proposed Garage
1 Leigh Park Road



P100 Proposed Ground Floor
2 Leigh Park Road



P100 1996 Approved garage plan
3 Leigh Park Road



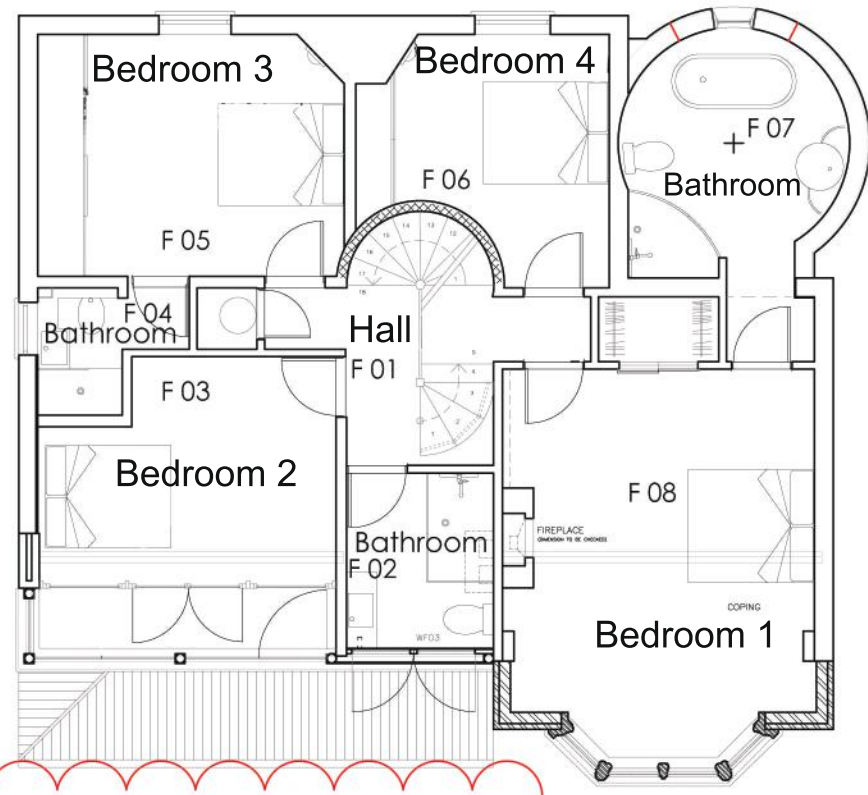
P100 1996 Approved Ground Floor Plan
4 Leigh Park Road



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| JOB: | LEIGH PARK ROAD | 202418 |
| CLIENT: | SAUL EZRA | |
| 1996 APPROVED PLANS AND PROPOSED PLANS | | |
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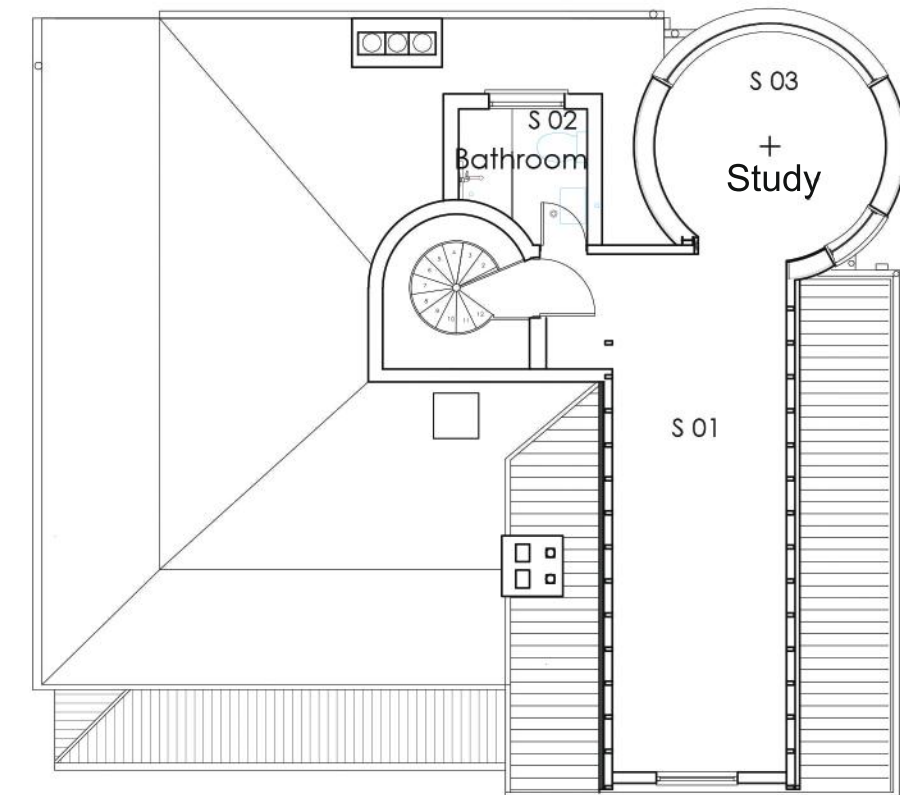


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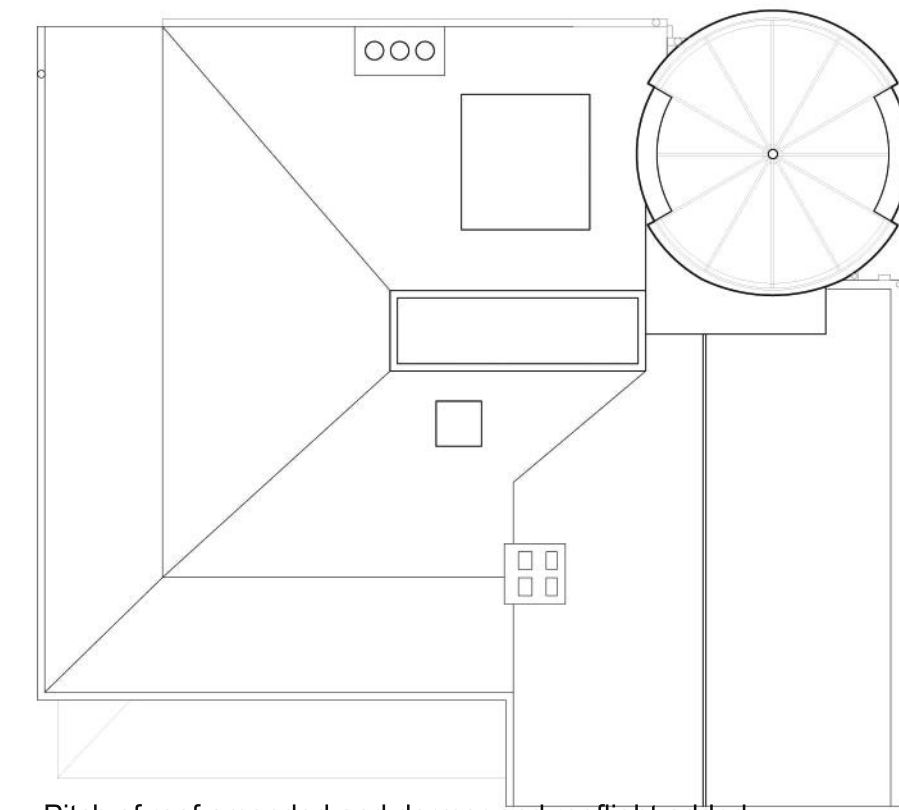
Amendments to balcony doors to separate detail

P101 Proposed First Floor
1 Leigh Park Road



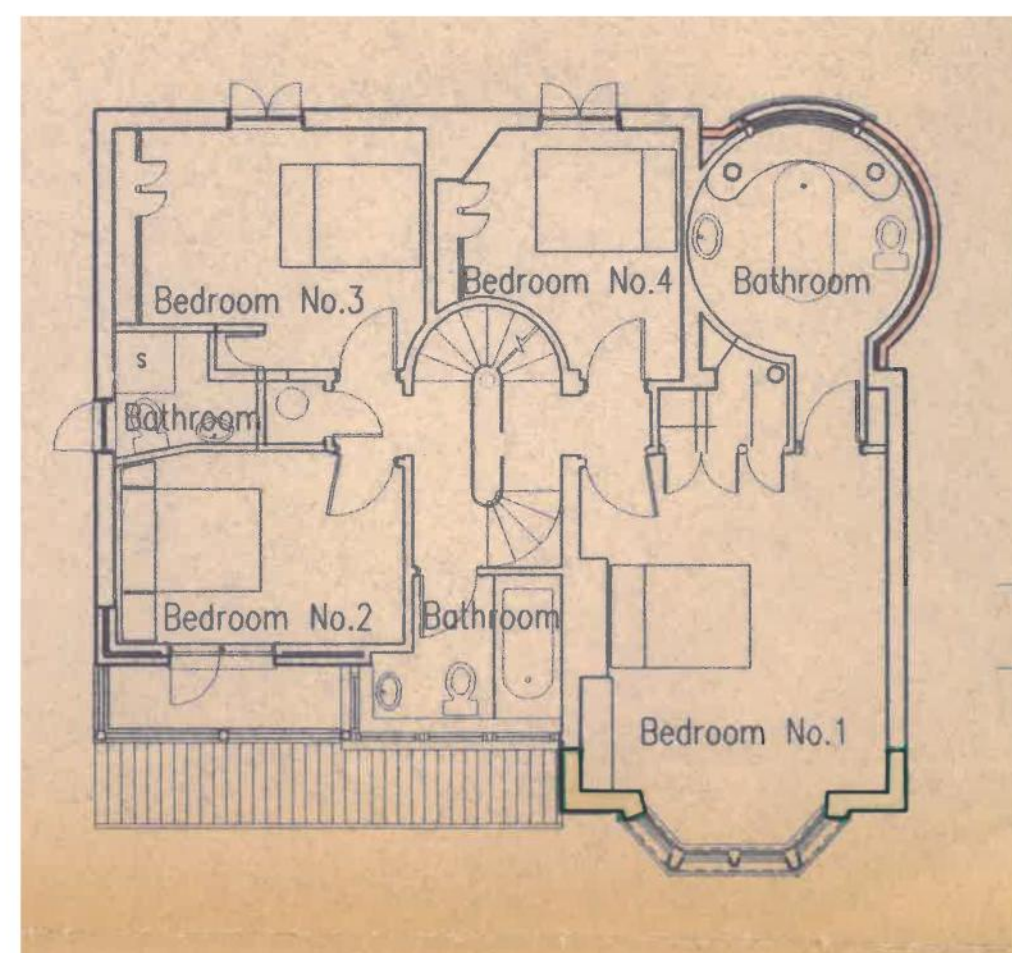
Dormer window and conservation rooflight added

P101 Proposed Second Floor
2 Leigh Park Road

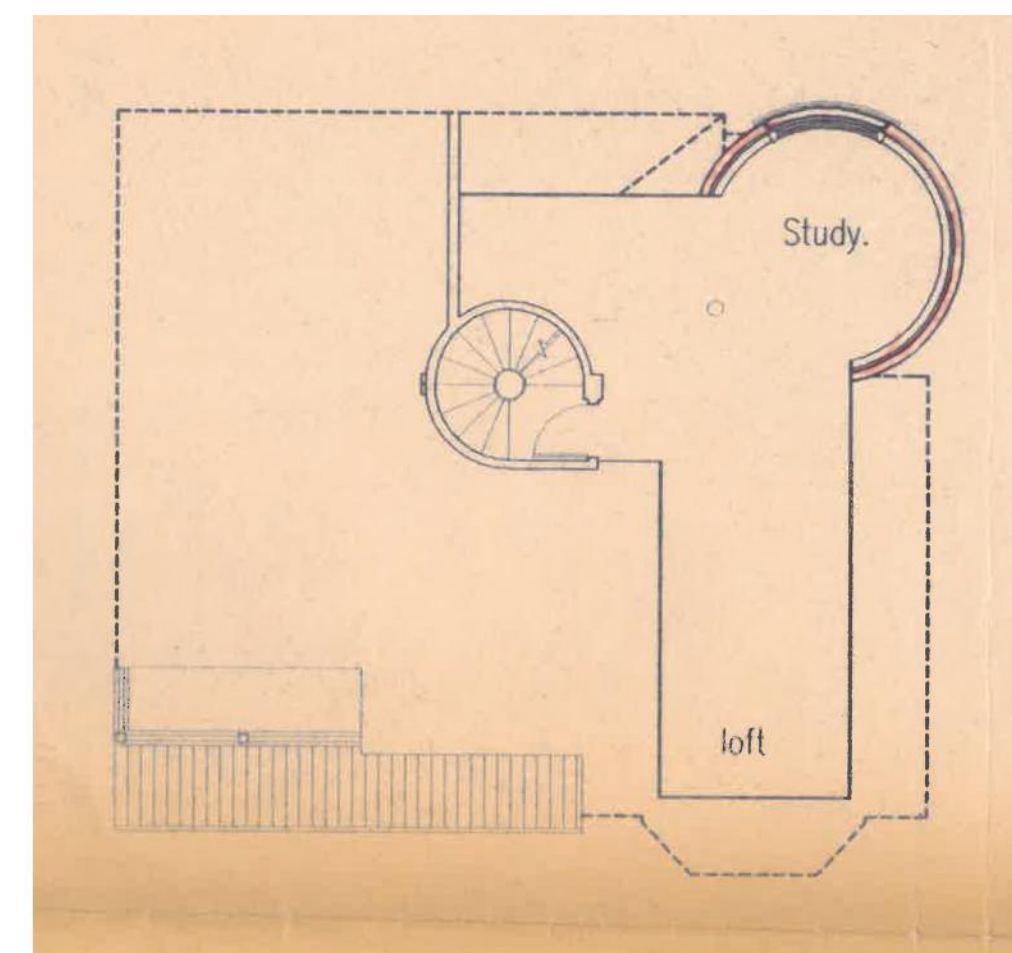


Pitch of roof amended and dormer and rooflight added

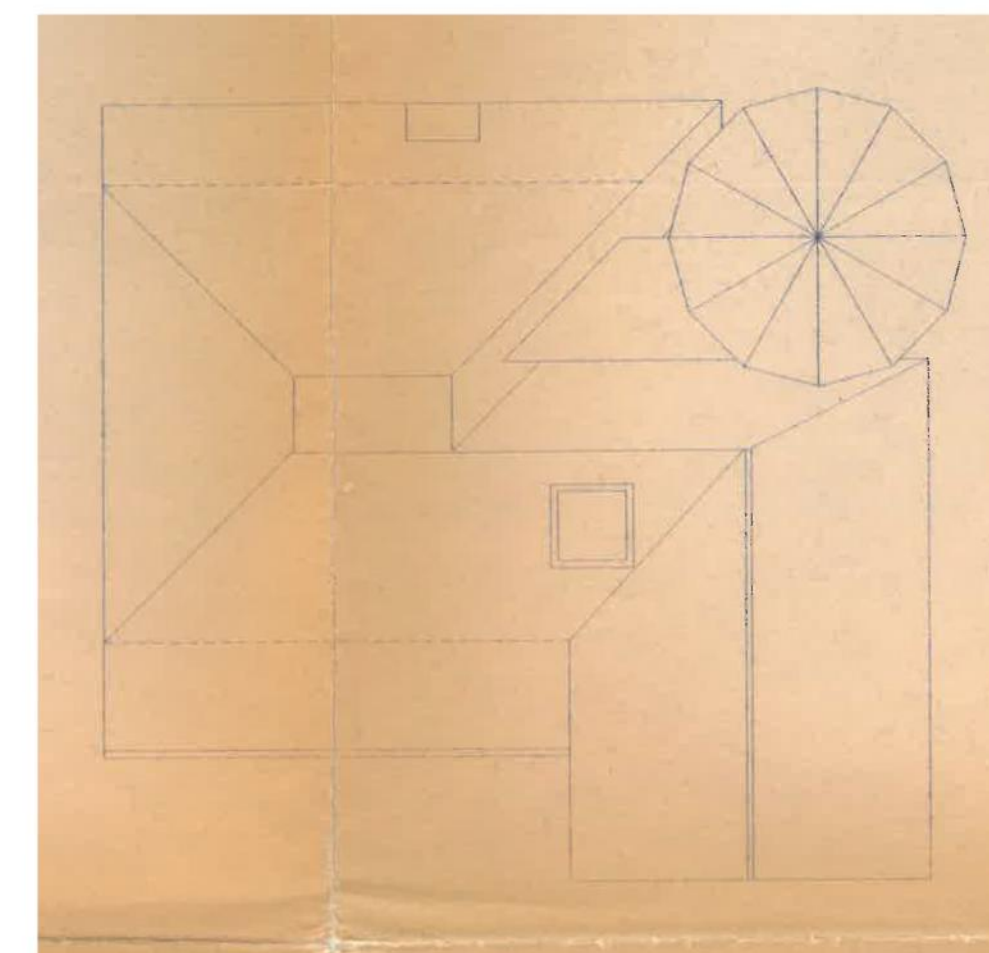
P101 Proposed Roof
3 Leigh Park Road



P101 1996 Approved Roof
4 Leigh Park Road



P101 1996 Approved Roof
5 Leigh Park Road



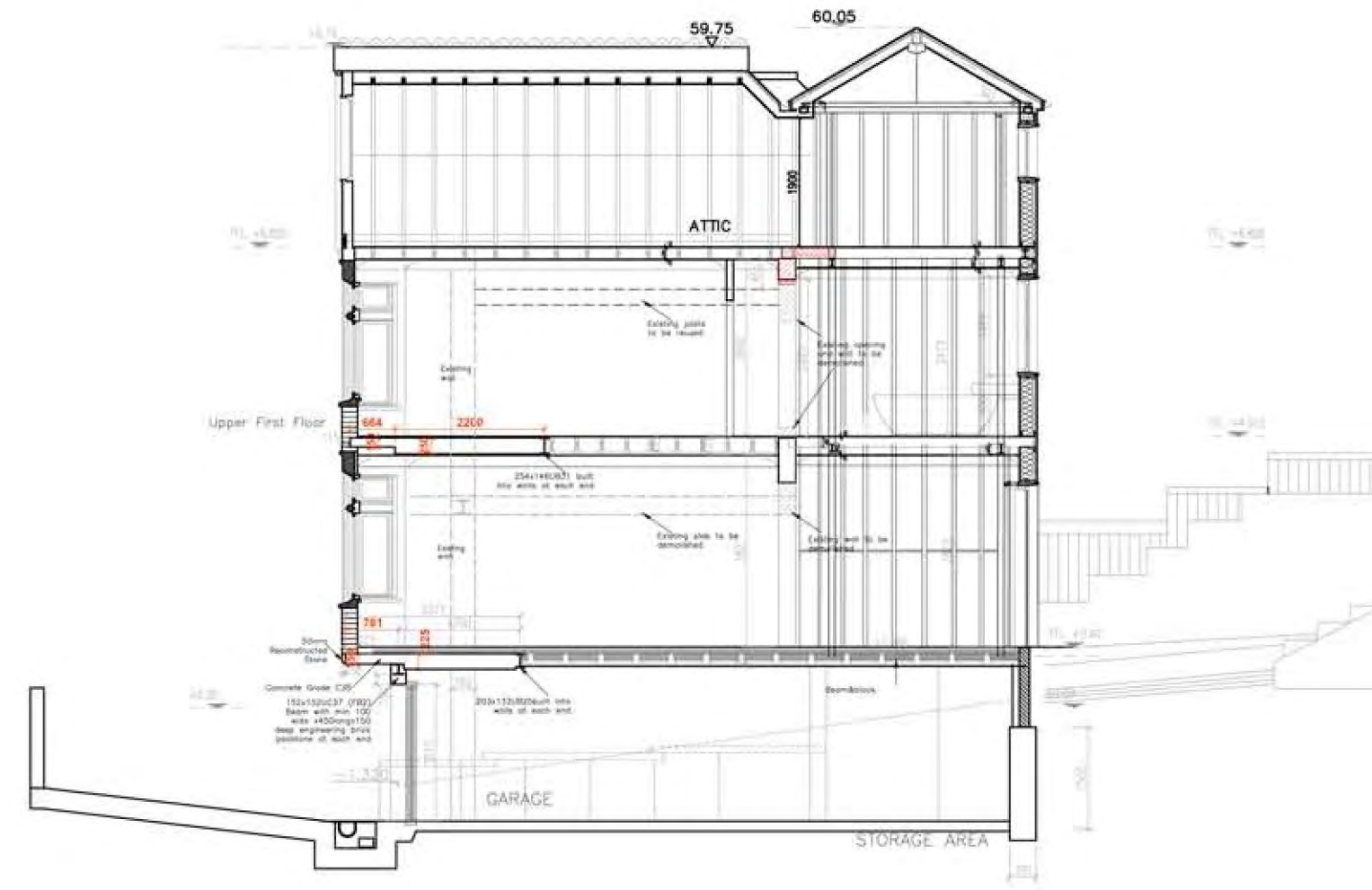
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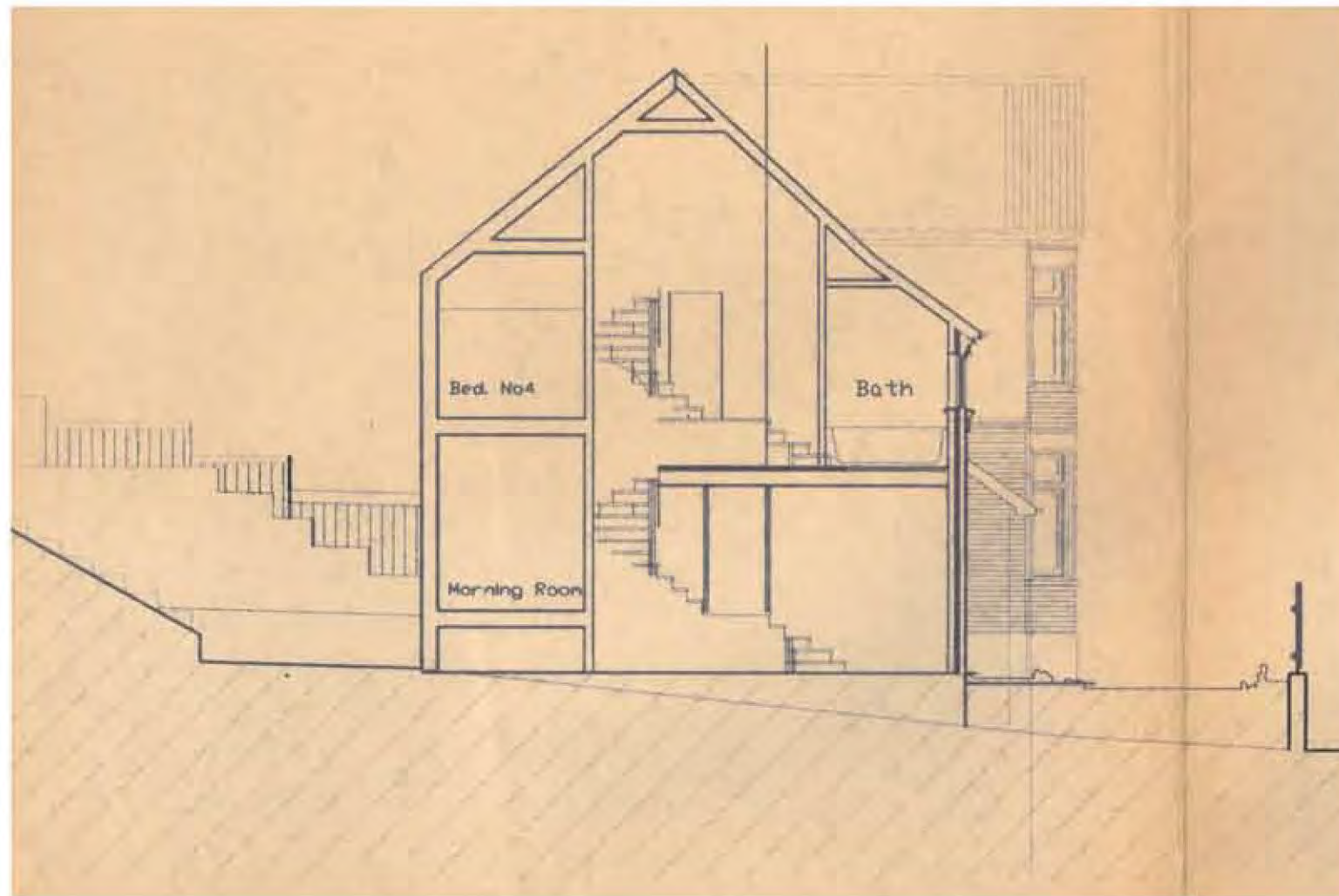
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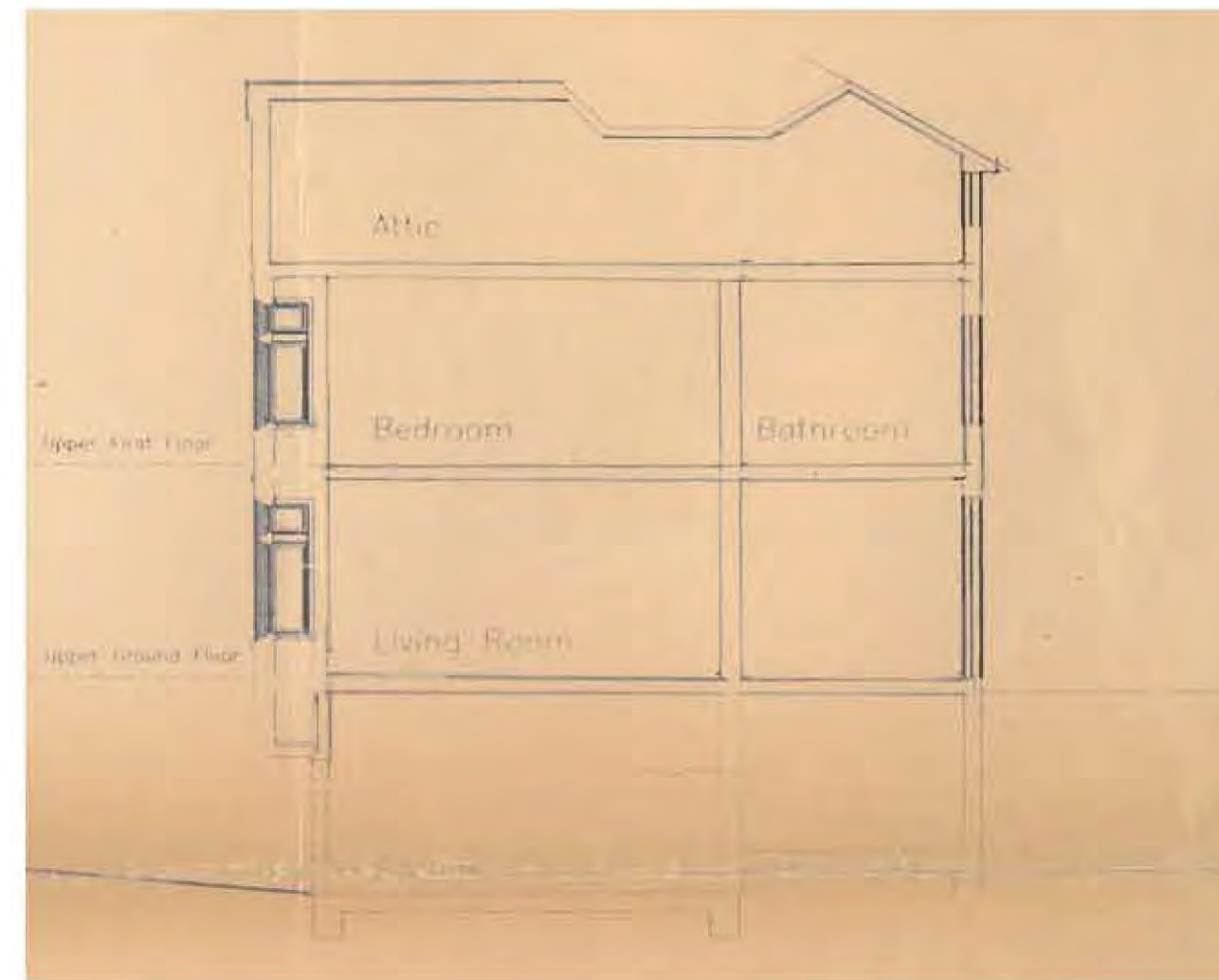
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P200 Section AA Floor
1 Leigh Park Road



P200 Section AA Floor
2 Leigh Park Road



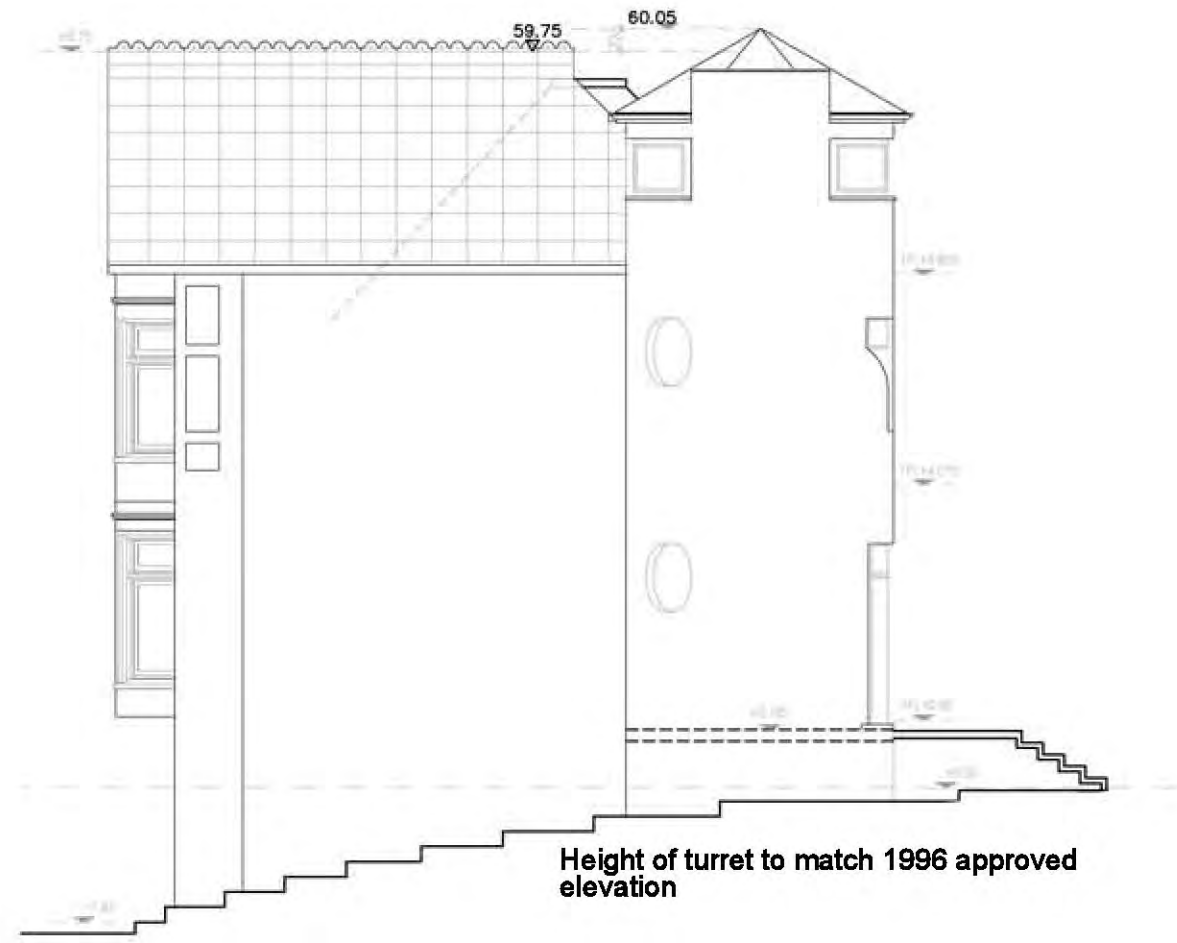
P200 Section AA Floor
3 Leigh Park Road



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| CLIENT: | SAUL EZRA | |
| 1996 APPROVED SECTION AND PROPOSED SECTION | | |
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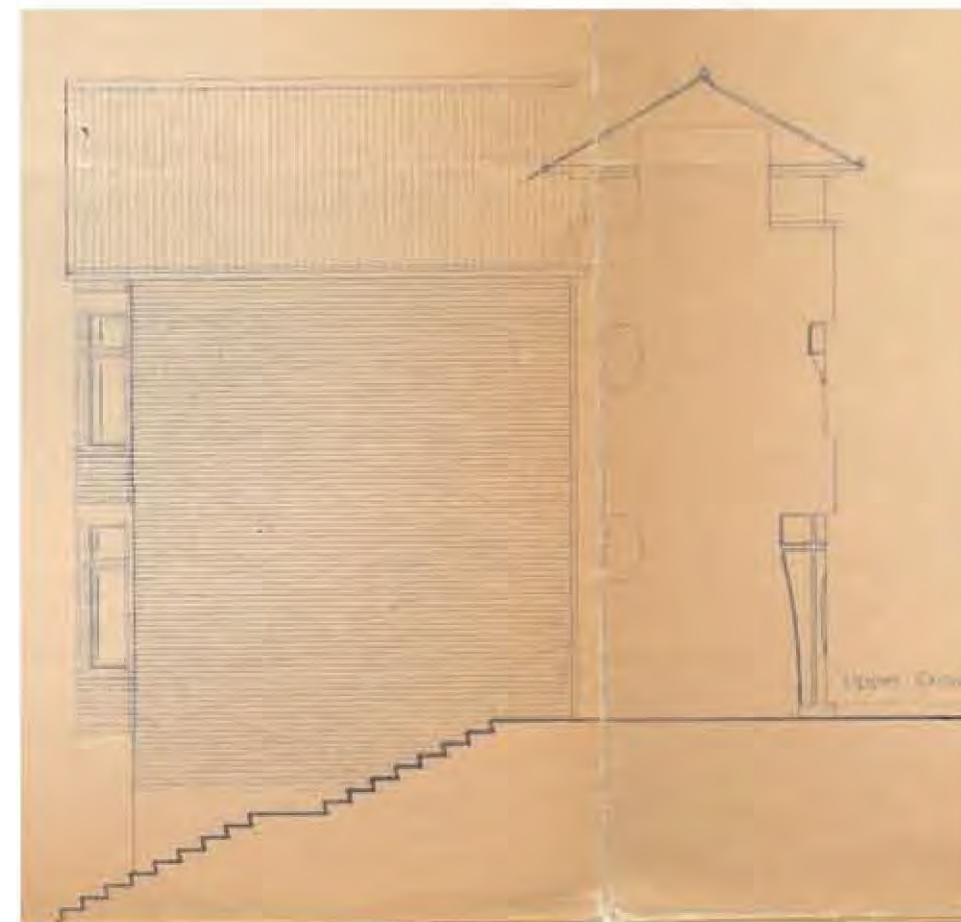
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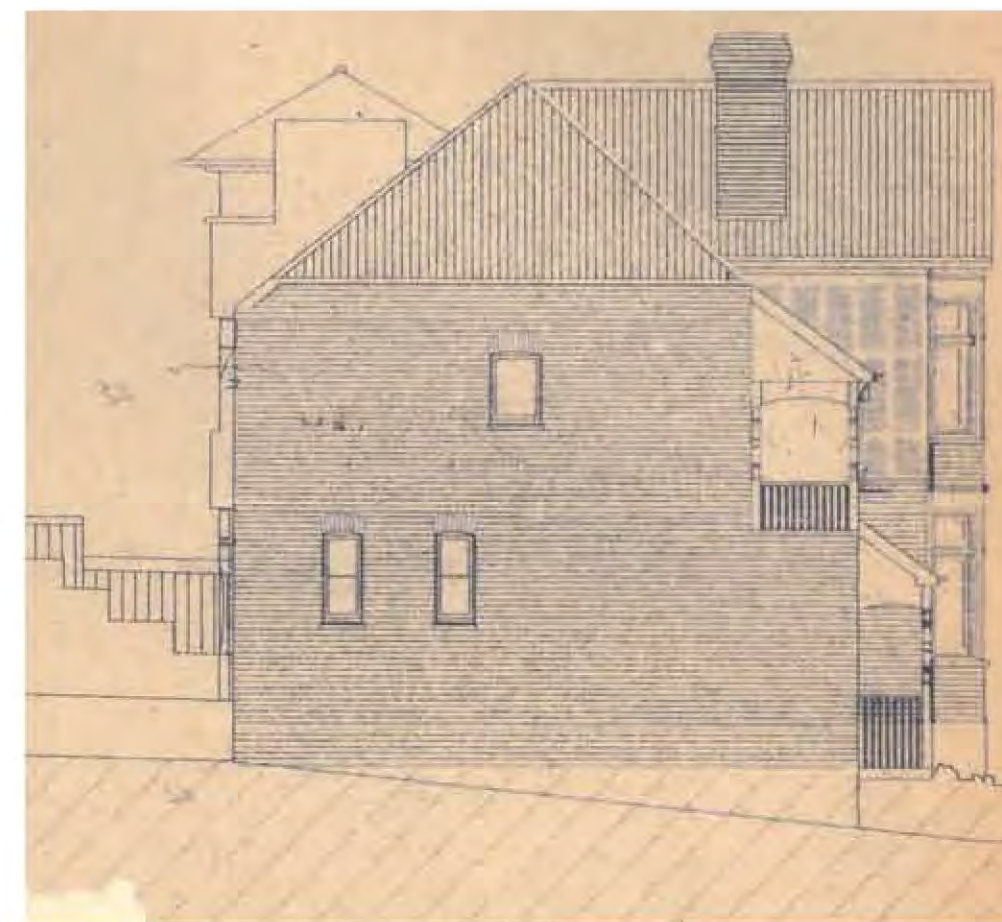
P300 Proposed East Elevation
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P300 Proposed West Elevation
2 Leigh Park Road



P300 1996 Approved East Elevation
1 Leigh Park Road



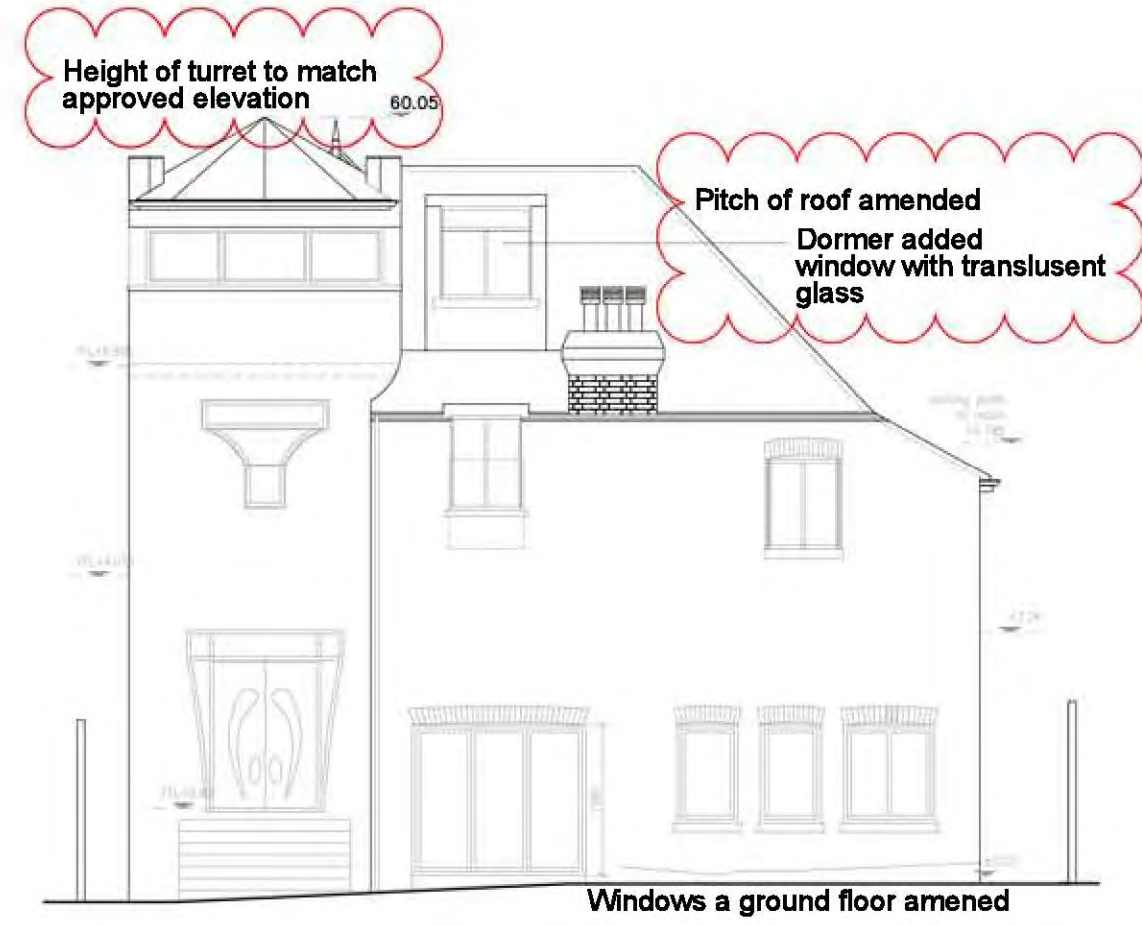
P300 1996 Approved West Elevation
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| | | |
|--|------------------------|-----------------------|
| JOB: | LEIGH PARK ROAD | 202418 |
| CLIENT: | SAUL EZRA | |
| 1996 APPROVED EAST AND WEST AND PROPOSED ELEVATIONS | | |
| JOB NUMBER: | P300 | DATE: 08-08-18 |
| SCALE: | 1:100@A2 | |
| DRAWN: | GR | CHECKED: GL |



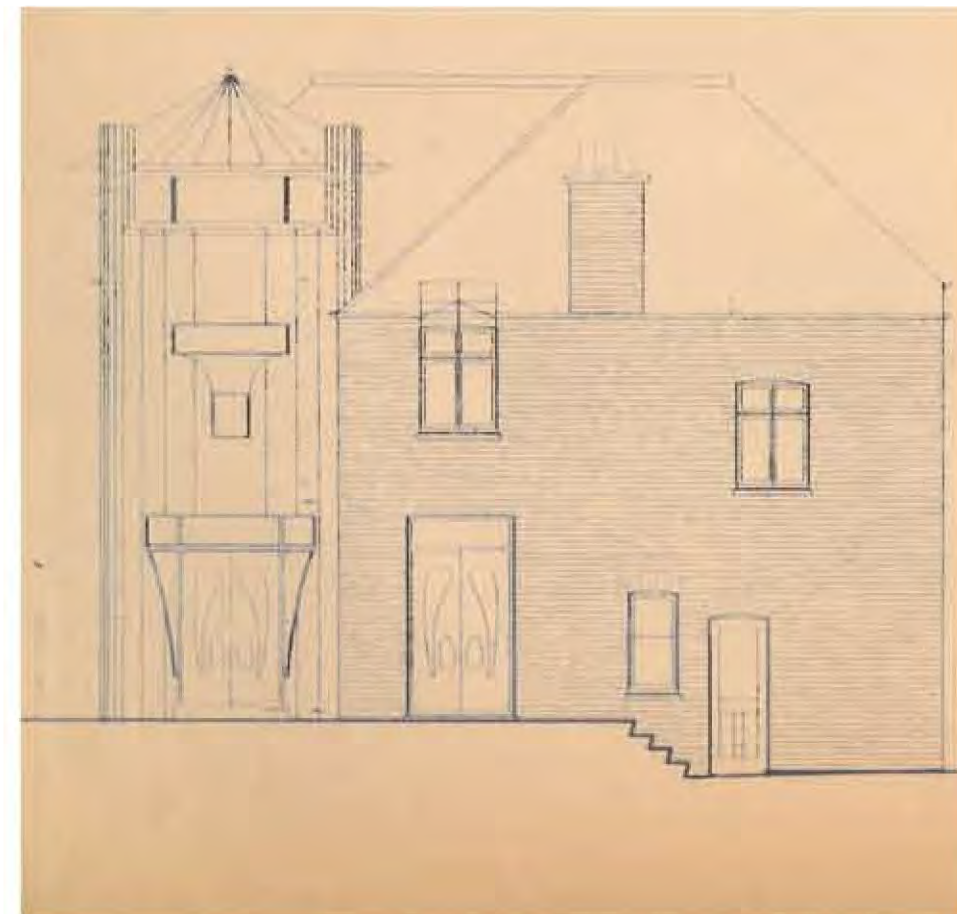
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P301 Proposed North Elevation
1 Leigh Park Road



P301 Proposed South Elevation
2 Leigh Park Road



P301 1996 Approved North Elevation
3 Leigh Park Road



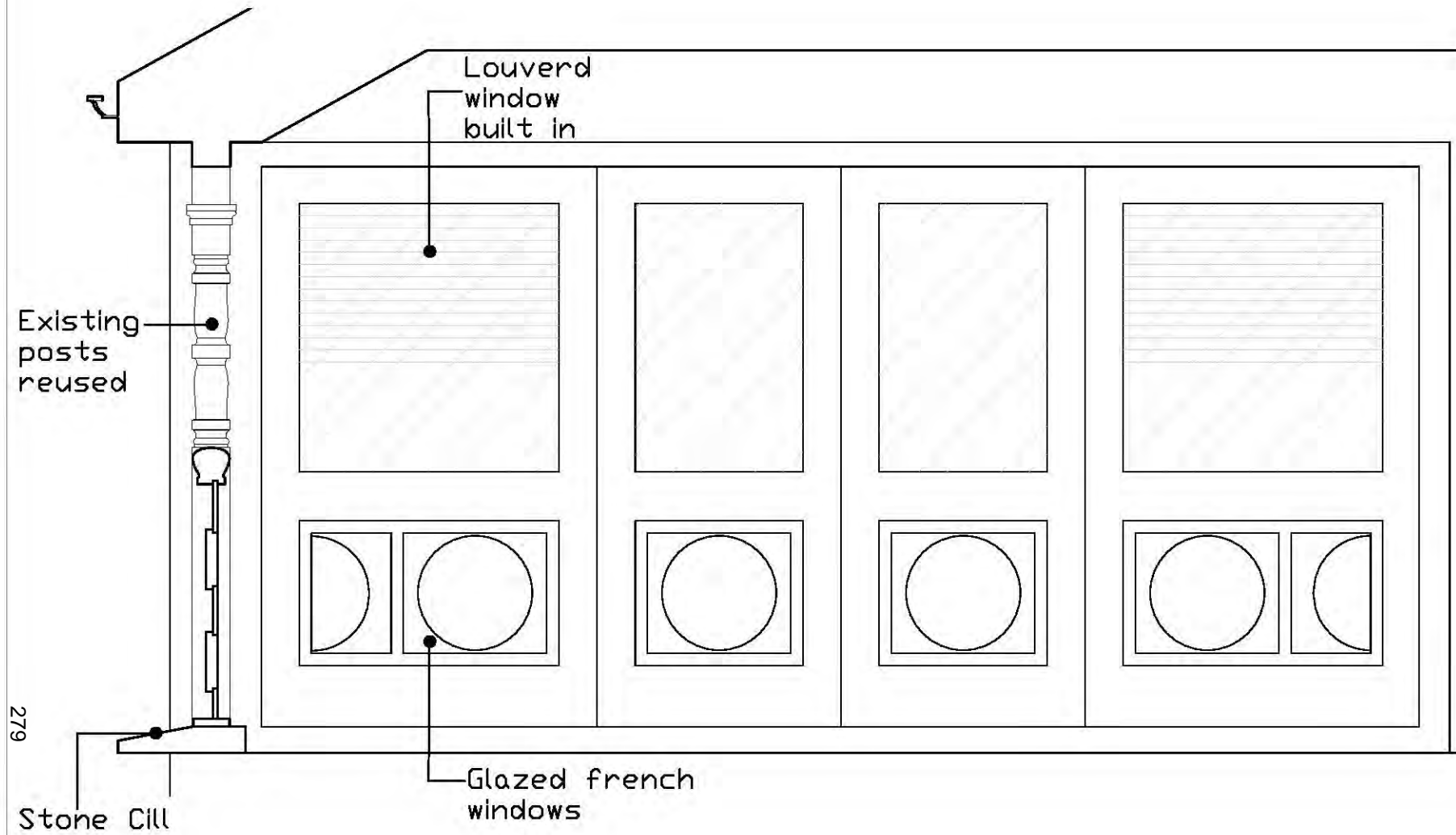
P301 1996 Approved South Elevation
4 Leigh Park Road



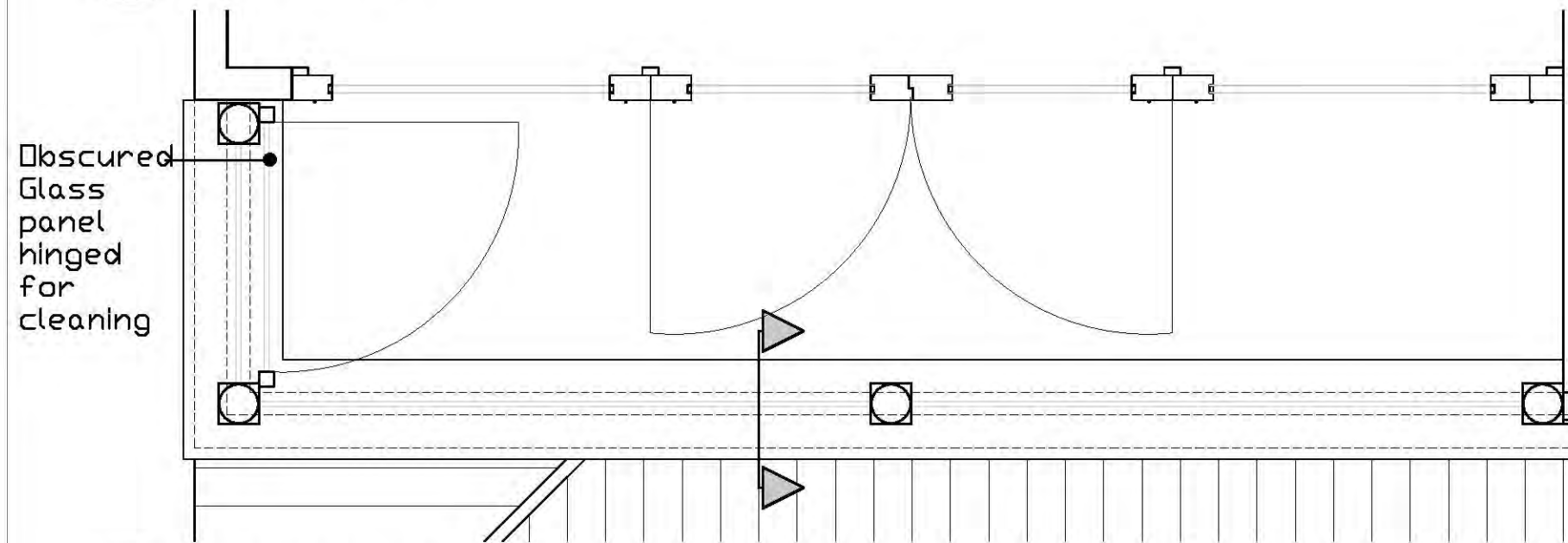
| | | |
|--|-----------------|----------------|
| JOB: | LEIGH PARK ROAD | 202418 |
| CLIENT: | SAUL EZRA | |
| 1996 APPROVED NORTH AND SOUTH AND PROPOSED ELEVATIONS | | |
| JOB NUMBER: | P301 | DATE: 08-08-18 |
| SCALE: | 1:100@A2 | |
| DRAWN: | GR | CHECKED: GL |



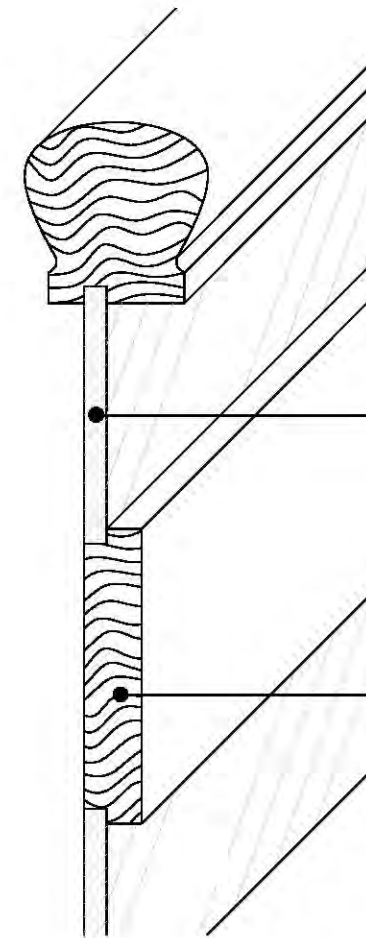
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1 First Floor section - scale 1:20
P800 Proposed in 2017



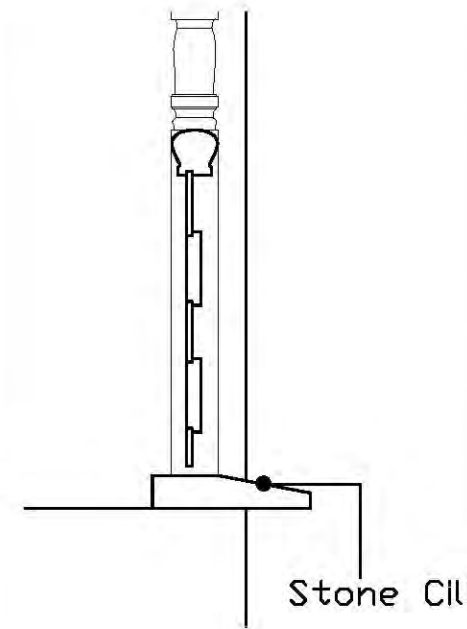
1 First Floor Plan - scale 1:20
P800 Proposed in 2017



1 Balustrade Detail - scale 1:5
P800 Proposed in 2017

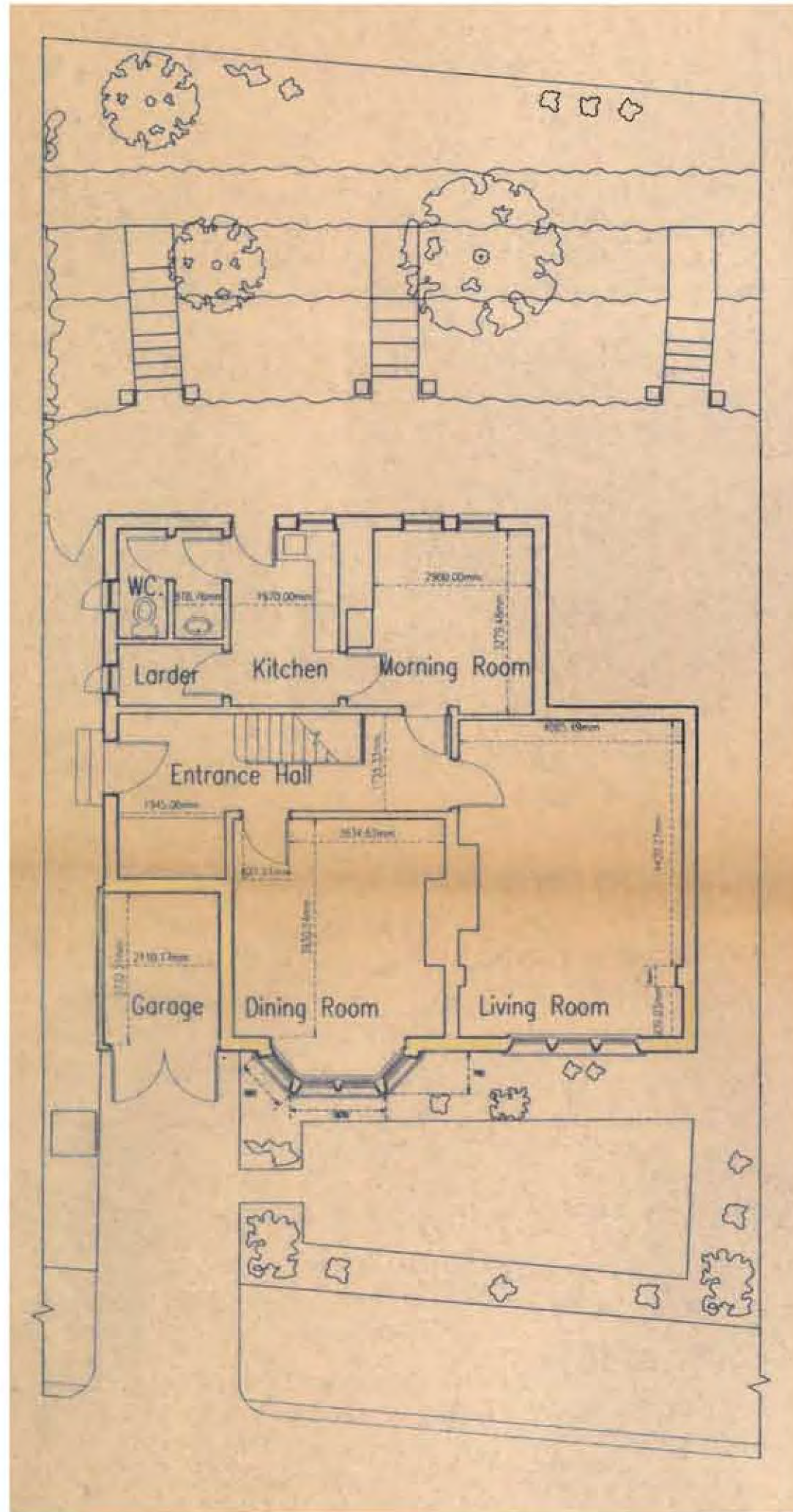
- NOTES
1. All dimensions to be checked and confirmed on site.
 2. All discrepancies are to be reported to and resolved by the Architects before works are commenced.
 3. This drawing is not to be scaled.
 4. All work and materials to be in accordance with the Building Regulations and to comply with all relevant codes of practice and British Standards.

| REVISION A | | | |
|-------------|---------|-----------------|------------|
| MARK | DATE | DESCRIPTION | |
| JOB: | | LEIGH PARK ROAD | |
| CLIENT: | | EZRA/LITTLER | |
| DRAWING: | | PROPOSED PLANS | |
| JOB NUMBER: | 202418 | DATE: | 08-08-2018 |
| SCALE: | 1:50@A3 | | |
| DRAWN: | GR | CHECKED: | GL |
| DRAWING_NO | PLANN | PRELIM | TENDER |
| P800 | | | CONSTR |

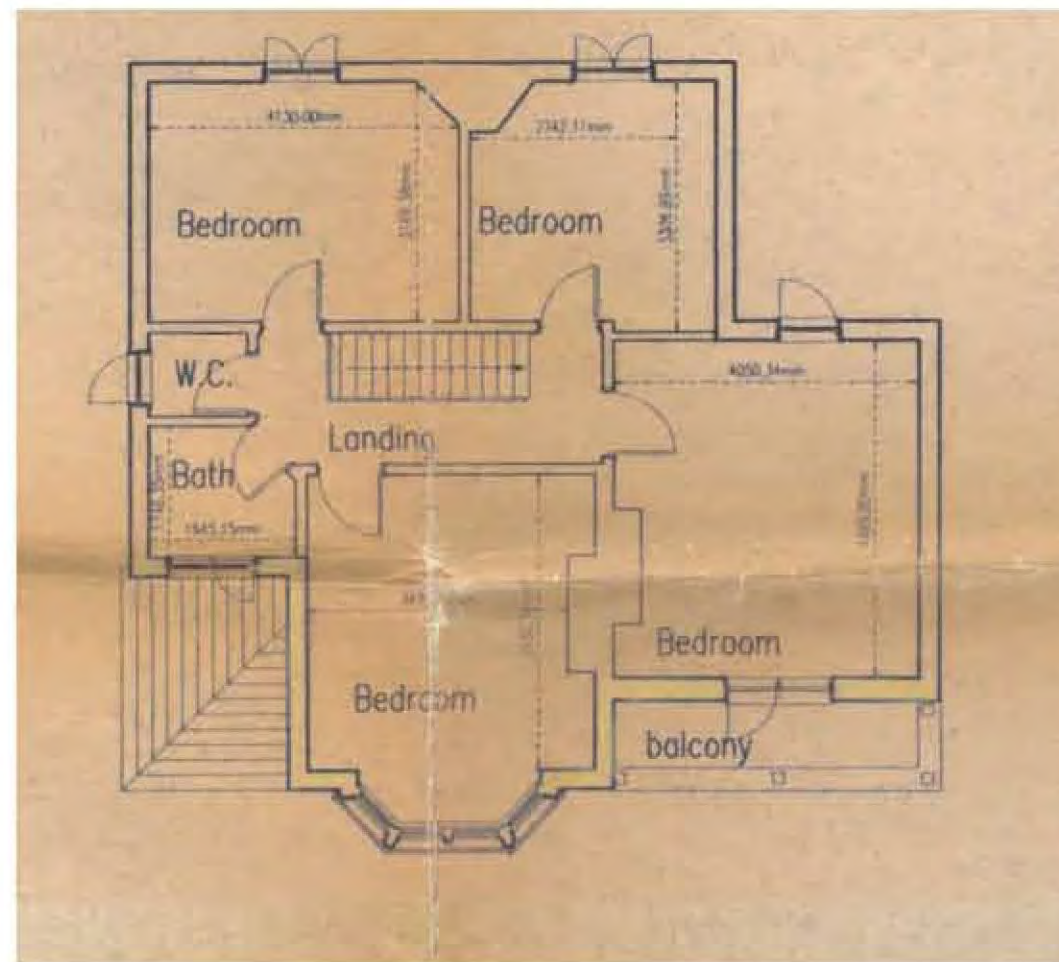


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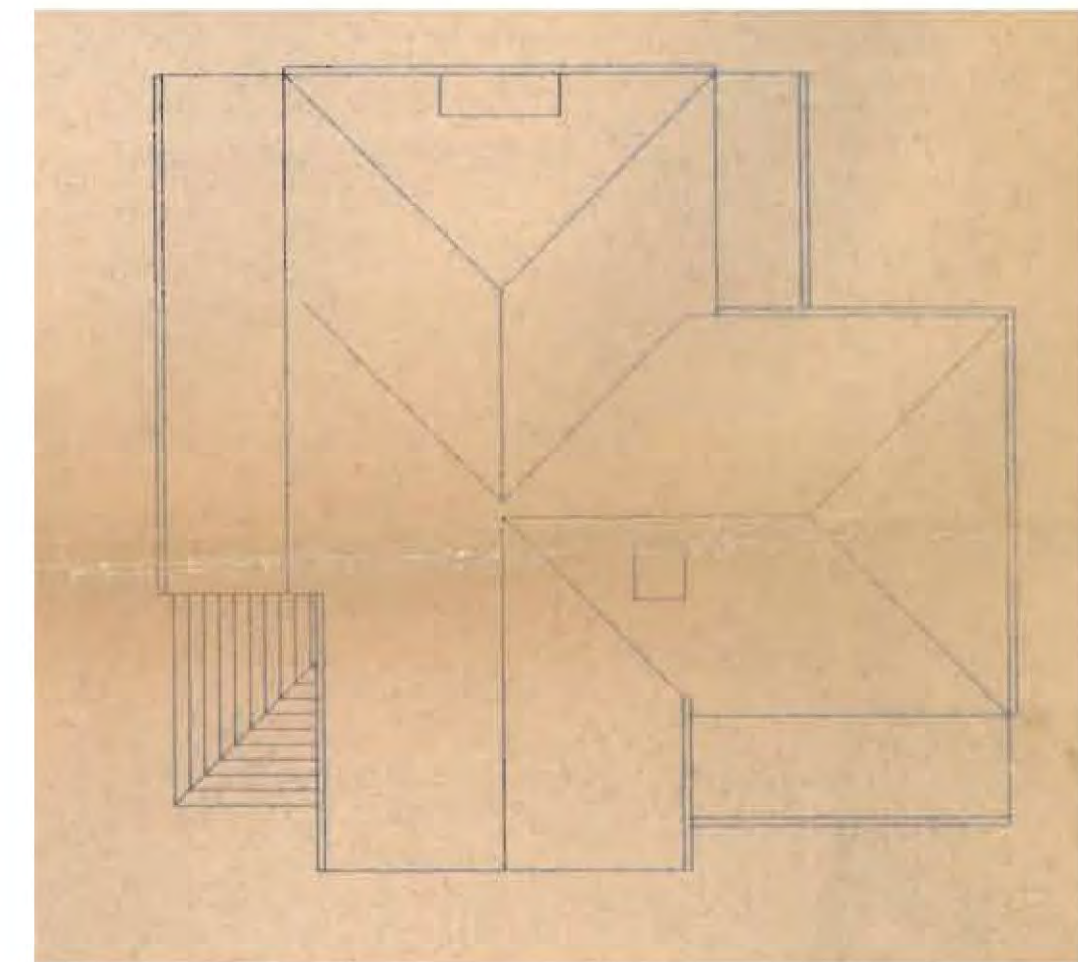
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S01 1996 Existing Ground Floor
1 Leigh Park Road



S01 1996 Existing First Floor
2 Leigh Park Road



S01 1996 Existing Roof
3 Leigh Park Road

SOUTHEND-ON-SEA BOROUGH COUNCIL
 PERMISSION GRANTED
 29 NOV 1996
 SUBJECT TO CONDITIONS
 UNDER
 TOWN & COUNTRY PLANNING ACTS
 DIR. FOR DEVELOPMENT

| | | |
|--|------------------------|-----------------------|
| JOB: | LEIGH PARK ROAD | 202418 |
| CLIENT: | SAUL EZRA | |
| 1996 EXISTING PLANS FOR APPROVED SUBMISSION | | |
| JOB NUMBER: | S01 | DATE: 03-08-18 |
| SCALE: | 1:100@A2 | |
| DRAWN: | GR | CHECKED: GL |

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