

Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL

Development Control Committee

Date: Wednesday, 3rd July, 2019

Time: 2.00 pm

Place: Committee Room 4a - Civic Suite

Contact: Tim Row - Principal Committee Officer

Email: committeesection@southend.gov.uk

A G E N D A

1 Apologies for Absence

2 Declarations of Interest

3 Supplementary Report
To follow

****** Contents List and Introduction**

****** Reports on Applications with Pre-Meeting Site Visits**

4 19/00534/FULM - Crowstone Preparatory School, 121-123 Crowstone Road, Westcliff-on-Sea (Chalkwell Ward) (Pages 7 - 54)

5 19/00795/FUL - 135 Carlingford Drive, Westcliff-on-Sea (Prittlewell Ward) (Pages 55 - 70)

6 18/00839/FUL - Land Rear of 106 to 112 High Street, Shoeburyness (Shoeburyness Ward) (Pages 71 - 96)

7 19/00008/UCOU_B - 28 Stock Road, Southend-on-Sea (St Luke's Ward) (Pages 97 - 122)

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

Councillor N Ward (Chair)

Councillors M Borton (Vice-Chair), B Ayling, J Beck, A Chalk, D Cowan, A Dear, F Evans, D Garston, S Habermel, D Jarvis, A Jones, H McDonald, A Thompson, P Van Looy, C Walker and P Wexham

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

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DEVELOPMENT CONTROL COMMITTEE

AGENDA: 3rd July 2019

WARD	APP/REF NO.	ADDRESS
Chalkwell	19/00534/FULM	Crowstone Preparatory School 121 - 123 Crowstone Road Westcliff-On-Sea
Prittlewell	19/00795/FUL	135 Carlingford Drive, Westcliff-On-Sea,
Shoeburyness	18/00839/FUL	Land Rear Of 106 to 112 High Street Shoeburyness
St Lukes	19/00008/UCOU_B	28 Stock Road, Southend-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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1.1 Site and Surroundings

This 'L' shaped corner site fronts Crosby Road and Crowstone Road. The site previously contained school buildings and includes No.6 Crosby Road, a single family dwellinghouse.

- 1.2 The area is largely residential in nature and is mainly characterised by large detached houses, although there are some examples of flats within the vicinity of the site. The scale of the surrounding development is mainly 2 to 2.5 storeys in nature, although anomalous blocks of flats in the vicinity are up to 4 storeys in scale.
- 1.3 The information submitted with the application indicates that the Independent Preparatory School closed in July 2016. The school buildings have already been, quite lawfully, demolished under prior approval (ref. 17/00938/DEM).
- 1.4 The application site has no specific allocation within the Development Management Document proposals map.

2 The Proposal

- 2.1 Planning permission is sought to demolish the existing buildings on the site (already significantly demolished) as well as a rear extension at No.6 Crosby Road and to construct a 2.5 to 3.5 storey block of 18 self-contained flats. Vehicle access will be provided from Crosby Road with parking provided to the south of the site.
- 2.2 The details of the scheme are summarised as follows:
 - Units - 1x 1-bed unit, 14x 2-bed units and 3x 3-bed units.
 - Parking - 18 parking spaces to serve the flats; 1 of which is shown as an accessible space. 18 cycle parking spaces are provided at lower ground level.
 - Amenity space – Each unit is provided with a private amenity area ranging from some 5sqm to 13sqm and a communal raised deck area will be provided.
 - Refuse - A refuse store is proposed at lower ground level accessed from the northern side of the site.
 - Height (max): approximately 13.4m from the streetscene, which due to changes in ground levels increases to a maximum of 16.2m.
 - Width (max): approximately 22.9m
 - Depth (max): approximately 36.5m
- 2.3 In relation to the flats, the floors will include:
 - Lower Ground floor – 1x 2-bedroom flat.
 - Upper Ground floor – 1x 1-bedroom flat and 5x 2-bedroom flats.
 - First floor – 4x 2-bedroom flats and 1x 3-bedroom flat.
 - Second floor – 4x 2-bedroom flats
 - Third floor – 2x 3-bedroom flats.

- 2.4 The information submitted indicates that the development will be finished in a mixture of materials including facing brickwork, render, timber cladding, clay and slate roof tiles and white timber windows and doors.
- 2.5 The application is accompanied by an accommodation schedule, surface water drainage management report, ecological assessment, Design and Access Statement, Noise Report, Arboricultural Impact Assessment Report, Sustainability and Energy Report, Transport Statement, Planning Statement and a Bat Survey.
- 2.6 Planning permission was recently refused under reference 18/00899/FULM to demolish the existing buildings including 6 Crosby Road and to erect four storey building comprising 20 self-contained flats, layout parking, hard and soft landscaping and extend existing vehicular access on to Crosby Road for the following reasons:
1. The proposal would, by reason of its size, scale, bulk, mass, siting and detailed design, constitute a cramped, contrived and incongruous development that would be harmful to the character and appearance of the site and the surrounding area. This is unacceptable and contrary to National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).
 2. The development proposed fails to provide an appropriate dwelling mix that would reflect the Borough's identified housing needs, resulting in the scheme failing to deliver a sufficiently wide choice of homes. This is unacceptable and contrary to the National Planning Policy Framework (2018), Policy KP2 of the Core Strategy (2007) and Policy DM7 of the Development Management Document (2015).
 3. A number of the proposed flats would provide unacceptable levels of amenities for their future occupiers by virtue of the poor levels of light and outlook provided to habitable rooms. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).
 4. The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area. The submission also lacks a formal undertaking to secure a contribution to the delivery of education facilities to meet the need for such infrastructure generated by the development. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007) and policy DM7 of the Development Management Policies Document (2015).
- 2.7 The main changes proposed as part of this proposal include:
- Number of units decreased from 20 to 18.

- Retention of No.6 with only rear extension demolished and garden reduced in size.
- Scale reduced from 4 storeys to 2.5 to 3.5 storeys.
- Design altered.
- Layout and dwelling mix altered.

2.8 Prior to this planning permission was refused under reference 17/02179/FULM for a larger site, including that subject of the current proposal, to demolish the existing buildings including 6 Crosby Road and erect a three storey building comprising 20 self-contained flats, 6 two storey dwellinghouses, layout parking, hard and soft landscaping and extend existing vehicular access on to Crosby Road for the following reasons:

1. The south-western part of the application site constitutes designated protected green space which would be lost as a result of this development. The application has failed to clearly demonstrate that the open space is surplus to requirements or that it will be replaced and the development does not provide an alternative sport or recreation facility to replace the space lost. The development is therefore unacceptable and contrary to the National Planning Policy Framework and Policies KP2 and CP7 of the Core Strategy (2007).
2. The proposal would, by reason of its size, scale, bulk, mass, siting beyond the established building line and detailed design, constitute a cramped, contrived and incongruous development that would be harmful to the character and appearance of the site and the surrounding area. This is unacceptable and contrary to National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).
3. By virtue of the design, layout and siting of the car parking and access road proposed within the site, the development would result in unacceptable levels of noise and disturbance to the detriment of the amenities of the occupiers of the neighbouring dwelling at No.125 Crowstone Road. The development is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).
4. A number of the proposed flats would provide unacceptable levels of amenities for their future occupiers by virtue of their inadequate size in terms of internal floorspace and bedroom size, the insufficient outside amenity areas proposed and the poor levels of light and outlook provided to habitable rooms. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).
5. The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such

housing in the area. The submission also lacks a formal undertaking to secure a contribution to the delivery of education facilities to meet the need for such infrastructure generated by the development. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework, Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007) and policy DM7 of the Development Management Policies Document (2015).

6. The submission does not clearly demonstrate that the proposal would provide a development that is appropriately accessible and adaptable for all members of the community in accordance with the requirements of the M4(2) accessibility standards. This is unacceptable and contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007) and policies DM1, DM3 and DM8 of the Development Management Document (2015).

3 Relevant Planning History

- 3.1 18/00899/FULM - Demolish existing buildings including 6 Crosby Road, erect four storey building comprising 20 self-contained flats, layout parking, hard and soft landscaping and extend existing vehicular access on to Crosby Road (Amended Proposal) – planning permission refused.
- 3.2 17/02179/FULM - Demolish existing buildings including 6 Crosby Road, erect three storey building comprising 20 self-contained flats, 6no two storey dwelling houses, layout parking, hard and soft landscaping and extend existing vehicular access on to Crosby Road – Planning permission refused 3rd April 2018.
- 3.3 17/00938/DEM – Demolish former prep school and associated buildings (application for prior approval for demolition) – prior approval is required and prior approval is granted.

4 Representation Summary

4.1 Highways Team

No objections.

4.2 Education Team

Requests a contribution of £22,040.90 towards Southchurch High School or any other similar projects.

4.3 SuDS Engineers

No objections subject to conditions.

4.4 Environmental Health Team

No objections subject to conditions.

4.5 Essex and Suffolk Water

No objections.

4.6 Anglian Water

Recommends conditions are imposed.

4.7 Essex Police

Invite the developer to discuss crime prevention with them.

4.8 Design Officer

Raises a number of concerns which are incorporated into the assessment of the application.

5 Public Consultation

5.1 A site notice was displayed, the application was advertised in the press and 67 neighbour letters were sent out. 26 letters of representation have been received which make the following summarised comments:

- Residential amenity concerns.
- Overlooking, overshadowing, loss of privacy, including from balconies and amenity deck, overbearing, loss of light and outlook and noise and disturbance to neighbours. Harm neighbour's health, well-being and rights to enjoy a quiet and safe residential environment – Human Rights concerns. Noise and air pollution. Amenity deck crosses 45 degree line.
- Concerns in relation to density and quantity of units proposed. Cramped, contrived and prominent. Forward of the building line, too close to neighbours, impact on streetscene, out of character with the area and visually incongruous. Concerns relating to scale, height, size and mass. Higher and overpowers neighbours, including bungalows in the area. Out of keeping with the pattern of development and urban grain. Crosby Road is predominantly bungalows in large plots providing a spacious feel. Existing flats are not good examples to follow. Concerns relating to the proportions of the building. Balconies are out of keeping and flat roof section is awkward. Detrimental to the local environment. Limited space for landscaping. Loss of green space. Underground car park and acoustic fence are out of keeping. Limited buffer between car park and buildings and boundaries.
- Overdevelopment, oversized and town cramming. Underground parking is a sign that the site is not large enough to accommodate the development.
- Inadequate parking for occupiers, visitors and trade vehicles. Concerns relating to an increase in congestion, traffic and on-street parking. Parking restrictions imminent in Crosby Road. Insufficient parking for existing residents. Transport Statement relies on out of date data from 2011 census and concerns are raised regarding the trip generation methodology. Crosby Road and Crowstone Road suffer parking stress and are busy rat-runs and suffer parking from commuters and visitors to the seafront, Chalkwell Park, the tennis clubs, neighbouring elderly and nursing homes and a local church. Highway safety concerns and concerns relating to traffic accidents. Inadequate public transport. Owners likely to have 2 cars. Concerns relating to emergency service access and ability of larger vehicles to gain access due to narrowness of roads. Changes to the access will result in the loss of on-road parking. Concerns relating to the loss of double yellow lines which will cause viability issues.
- Concerns relating to the loss of the garden to No.6 Crosby Road which is not brown field land, in design and visual terms and impacts on the living conditions of the occupiers. Link road to playing fields to enable further building would cause further overdevelopment in the future. Concerns

relating to possible future applications on playing fields which is used by badgers and should be protected for the community. Playing field is not being well kept.

- Unacceptable dwelling mix. Loss of family dwelling.
- No affordable housing provisions.
- Some of the proposed flats only have north facing windows. Balconies are cramped and insufficient for families. Frontages cannot be classed as usable amenity space. Concerns relating to the size of some of the flats and lack of outlook from rooflights.
- Privately owned garages by Nos 125 and 127 Crowstone Road cannot be removed. Development of parking and access will harm the owners of these buildings.
- Concerns relating to drainage. No provision for increasing capacity of sewer. Flooding occurs in the area. Remedial waste water drainage works have just been completed – no provision for increasing the capacity so could cause more problems. Surface water flooding issues. Query if there is a watercourse under the land.
- Number of proposals for flats in area already.
- Concerns relating to ground stability and subsidence.
- Contrary to planning policy.
- Previous applications submitted. Not an improvement over previous applications and the issues previously raised have not been addressed.
- Sets a precedent.
- Impacts on rights of way. Concerns relating to loss of access gates.
- Disappointing previous buildings have already been demolished.
- Concerns relating to description of development as 2.5 to 3.5 storeys which is misleading. Concerns that there are inaccuracies and misrepresentations in the application.
- Concerns relating to adequacy of ecology report submitted.
- Loss of views.
- Council has 6 years land supply so no requirement for scheme.
- Covenant that land must be used for a single dwelling has been ignored.
- A number of neighbours suggest a smaller scheme of flats or houses would be more appropriate.
- Developer profits.

5.2 Officer comment: The comments made have been considered in the determination of the application. The matters that do not form the reasons for refusal, as set out in section 10 of the report, are not found to represent a reasonable basis to reuse planning permission in the circumstances of this case.

6 Planning Policy Summary

6.1 National Planning Policy Framework (NPPF) (2019)

6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure) and CP8 (Dwelling Provision)

6.3 Development Management Document (2015): Policies DM1(Design Quality), DM2 Development Control Report

(Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), and DM15 (Sustainable Transport Management)

6.4 Design & Townscape Guide (2009)

6.5 Planning Obligations (2010)

6.6 Waste Storage, Collection and Management Guide for New Developments (2019)

6.7 Community Infrastructure Levy CIL Charging Schedule (2015)

6.8 National Technical Housing Standards (2015)

6.9 National Planning Practice Guide

7 Planning Considerations

7.1 The main considerations in relation to this application include the principle of development, design, impact on the street scene, residential amenity for future and neighbouring occupiers, traffic and parking implications, sustainability, developer contributions and CIL (Community Infrastructure Levy). The planning history is a material consideration in the determination of this application. It is noted that the NPPF has been updated since the determination of the previous applications, however, it is considered that the policy context has not significantly altered since the previous, most recent applications were determined.

8 Appraisal

Principle of the Development

Loss of a School and the principle of residential development:

8.1 Paragraph 117 of the NPPF states *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*

8.2 The site is located within a residential area and largely constitutes previously developed land. Amongst other policies to support sustainable development, the NPPF requires development to boost the supply of housing by delivering a wide choice of high quality homes.

8.3 Policy KP1 of the Core Strategy identifies a need to deliver 6,500 net additional dwellings in the period 2001-2021 within Southend. Policy KP2 of the Core Strategy requires all new development to *make the best use of previously developed land; to ensure sites and buildings are put to best use.* Policy CP8 of the Core Strategy requires the *'provision of not less than 80% of residential development on previously development land (brownfield sites).'*

8.4 Paragraph 94 of the NPPF states that *'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities'.*

- 8.5 Policy CP6 of the Core Strategy states that developments should support *'improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies...[and] safeguarding existing and providing for new leisure, cultural, recreation and community facilities...'*
- 8.6 The school closed in July 2016. The application has been submitted with a letter from Ayers and Cruiks (a Local Estate Agents) which indicates that the private school closed due to it being financially unviable. The letter indicates that there has been a succession of small private schools closing in Essex, including the Former St Hildas School in Westcliff-on-Sea which closed in July 2014.
- 8.7 In this respect the constraints of the site are noted; it is a small site for a school and surrounded by residential development. The school was closed some time ago and this was a private, preparatory school and as such would have served only a very limited part of the community. It is also noted that prior approval has already been granted for the demolition of the school buildings and that the school buildings have been substantially demolished, quite lawfully. No objection is therefore raised to the principle of the loss of the school use and its redevelopment for housing. It is also noted that no objection was previously raised to the principle of the loss of the school site and its redevelopment for residential purposes under the previous applications; references 17/02179/FULM and 18/00899/FULM.

Dwelling Mix

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

Dwelling size: No bedrooms	1-bed	2-bed	3-bed	4-bed
Policy Position (Market Housing)	9%	22%	49%	20%
Proposed	5%	78%	17%	0%

- 8.9 The proposed development mainly provides 2-bedroom units, however, some 3-bedroom units are proposed. Whilst the scheme does not exactly reflect the requirements of Policy DM7, on balance, the dwelling mix proposed is considered acceptable and no objection is therefore raised on this basis.
- 8.10 Other material considerations such as design and the impact on the amenity of adjoining residents are discussed below.

Design and Impact on the Character of the Area

- 8.11 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework and Core Development Control Report

Strategy Policies KP2, CP4 and CP8.

- 8.12 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.'*
- 8.13 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development.
- 8.14 Policy DM3 states that *"The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification."* Moreover, policy DM1 states that development should *"Add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features"*.
- 8.15 The information submitted with the application states *'The development takes the form of two 'blocks'...this ensures that the development does not appear as one large building but as separate buildings similar to the existing. The development faces both Crowstone Road and Crosby Road, creating a strengthened street-scene and building line.'*
- 8.16 The surrounding area is mainly characterised by fairly large detached houses, generally of individual styles, but similar characters, that are characteristically 2 to 2.5 storeys in scale, the majority of which have hipped roofs, providing a spacious character to the area. There are two buildings in the area which stand out from this established character; Sunningdale Court which is a 4 storey block of flats to the north of the site and Britannia Lodge to the south-east of the site which is a three storey block of flats.
- 8.17 In terms of scale, the block of flats proposed wraps around Crosby Road and Crowstone Road. It is 3.5 storeys on this corner, reducing to 2.5 storeys in Crosby Road. The block of flats has been partially set into the ground creating a lower level in part. Whilst the scale has been reduced compared to the previous refused schemes, the scale, size and mass of the building is still significant and has a much greater size, scale and mass than the surrounding development overall. Whilst there has been an attempt to break up the block by recessing entrances, its scale and form is still much bulkier than the surrounding buildings and fails to integrate with the streetscene and the bulk of the proposal will still be evident, especially at roof level and in longer views. This is clearly demonstrated within the streetscene elevations submitted (drawing number 773.207.02) The width of the block on Crosby Road is significantly wider than the surrounding plots and as a result, the proposal will appear bulky in this context. On the Crowstone Road frontage the widths are narrower, but the height is significantly greater than the neighbouring

properties and the proposal will not achieve a positive relationship or transition in scale from No.125 Crowstone Road.

- 8.18 It is considered that the proposed development would dominate the streetscene and would be out of character with the existing well-spaced detached family housing. The adjoining dwelling at No.125 Crowstone Road has an eaves height of some 5.5m and a ridge height of some 10.4m and the development closest to No.125 has an eaves height of 7.7m and a ridge height of 12.5m. Whilst the development has been designed to slope away from No.125, given its position on higher ground level than No.125, its greater size, scale and mass, it is considered that the development would dwarf and visually dominate No.125 and would appear unduly bulky and incongruous in the streetscene. The mass and bulk of the development would be accentuated by the forward projection of the large block of flats in front of the established building line on both frontages. The presence of the existing anomalous blocks of flats in the vicinity does not provide any justification for the scale, size and mass of the proposed block of flats. The articulation of the building, provides limited relief to its scale and mass.
- 8.19 The development is located materially forward of the established building line in Crosby Road and Crowstone Road. Crowstone Road benefits from a staggered building line and as such the forward siting in Crowstone Road would not be objectionable in principle, however, the forward projection serves to heighten the harmfully excessive scale and mass of the bulky development. Equally, the proposed block of flats is located significantly beyond the building line in Crosby Road which is unacceptable and results in a prominent and visually incongruous development. The area is characterised by generous frontages and this proposal, due to its forward position would be at odds with this.
- 8.20 The proposal also includes unacceptable design detailing and is of an unacceptable appearance. When viewed from the south, the blank sides to the gables, which step forward significantly, would have a negative impact on the streetscene. The set-backs of the entrances to the development would result in the street elevations lacking legible entrances and a focus at street level and would be unwelcoming and out of keeping in the area which is characterised by clear frontage entrances often with a feature porch. The west elevation would be prominent in the streetscene given the vehicular access proposed and would appear unresolved with a poor relationship between the significant bulk of the eastern block to the detriment of the visual amenity of the area. The roof includes unresolved elements for example, the slope to the south side and the gablet feature on the north elevation appear out of place. There is also great variation in the gable features, resulting in a lack of cohesion. The scale of the gables/bays lack cohesion, some are too small for the scale of the building and others are too tall in relation to their width which makes them appear elongated and out of proportion. There is no consistency in how the gables and bay relate to the roof, resulting in a number of awkward junctions which constitutes poor design. Overall the scheme has a traditional character, except for the recessed balconies in the gables which are at odds with the character of the development. The lack of step back between the balconies and the largest gables would result in an awkward detail. The balconies that wrap around the corner would be a dominant feature and at odds with other balconies in the area which are more modest and secondary to the bay features. The height of the chimneys is weak in relation to the scale of the roof.

- 8.21 In terms of materials, it is considered that the use of slate roof tiles will be out of keeping with the character of the area. Concern is also raised regarding the extent of the timber boarding proposed. However, a condition could be imposed on any grant of consent in this respect, should the application be otherwise considered acceptable. Similarly a condition could be imposed on any grant of consent requiring full landscaping details.
- 8.22 Taking all these factors into account, it is considered that the proposed development is contrived and represents an overdevelopment of the site, with the proposed building being of an unacceptable size, scale, mass and bulk that would be materially out of keeping with the scale and appearance of the mainly 2-storey adjoining dwellings. The building is located materially forward of the established building line, creating an overly prominent and incongruous development and includes unacceptable and poor design detailing. The development is therefore of a poor design that, in failing to respond satisfactorily to the site circumstances and by failing to suitably reference the urban grain, is out of keeping with and would result in material harm to the character and appearance of the area.
- 8.23 The development is therefore unacceptable and contrary to policy and the application is recommended for refusal on this basis. The revised scheme has failed to overcome the concerns raised in this respect in the previous submissions.

Standard of Accommodation

- 8.24 Paragraph 127 of the NPPF states *'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...'* It is considered that most weight should be given to the Technical Housing Standards that have been published by the Government which are set out as per the below table:

- Minimum property size for residential units shall be as follow:
 - 1 bedroom (2 bed spaces) 50sqm
 - 2 bedroom (3 bed spaces) 61sqm
 - 2 bedroom (4 bed space) 70sqm
 - 3 bedroom (5 bed space) 86sqm
 - 3 bedroom (6 bed spaces) 95sqm
- 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.

8.25 The following is also prescribed:

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

8.26 The application has been submitted with an accommodation schedule which indicates that all of the units proposed satisfy the minimum requirements of the technical housing standards. However, it is apparent that unit 12 on the second floor, which is a 2 bedroom unit only measures some 58sqm and the bedrooms measure 9.5sqm and 8.5sqm and therefore neither constitute a double bedroom, this is contrary to the technical housing standards which states '*The standard requires that a...dwelling with two or more bedspaces has at least one double (or twin) bedroom...in order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5sqm.*' As such this unit would be of an inadequate size with inadequately sized bedrooms which weighs against the proposed development.

8.27 All habitable rooms will be provided with suitable fenestration to provide adequate levels of light and outlook. It is unfortunate that the unit on the lower ground floor would have rear windows that open directly onto the parking area, however, they are adjacent to the access road and manoeuvring area rather than a parking space and this room is also served by a side window with a more attractive outlook. As such, whilst this too weighs against the proposal, it is not considered to result in such material harm that a reason for refusal on this basis could be reasonably justified.

8.28 A raised communal amenity deck is proposed which is located adjacent to unit 07. Unit 07 has windows directly adjacent to this space, however, this unit has a small, intervening private amenity area and is separate from the communal space by landscaping. As such, it is considered that this layout and arrangement would not

result in substandard living conditions for the future occupiers of the site.

- 8.29 There are habitable rooms within the development which are only served by roof lights which is not ideal, but would not result in such material harm to the living conditions of the future occupiers that a reason for refusal on this basis could be reasonably sustained on this basis. The Design and Access Statement submitted indicates that a daylight quality study was carried out in this respect, which found *'Roof windows provide significantly more light in the room than a vertical or dormer window...Having roof windows in these flats will give them a greater amount, as well as better quality of light as there is less glare and more of an even spread. The windows will provide natural ventilation to these flats and will reduce the use of electricity as less artificial light is needed.'*
- 8.30 All of the units proposed would be provided with a small private amenity area measuring between some 5sqm and some 13sqm. A communal rear amenity deck is also proposed. The information submitted with the application states *'All apartments will be provided with a private balcony with an additional 331sqm of communal amenity space which comprises a large area of landscaped communal amenity space to the front of the building and a large amenity deck (50sqm) sited to the rear of the building...'* The areas to the front of the site form a landscape buffer rather than usable amenity space. The balconies and raised deck proposed are considered adequate to meet the needs of the occupiers. As such it is considered that the proposal would provide adequate living conditions for any future occupiers of the site in this respect. Whilst the development would result in the reduction in the size of the rear garden at No.6 Crosby Road, a garden area of some 112sqm will be retained which is considered acceptable and adequate.
- 8.31 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. Policy DM8 also requires that 10% of dwellings in 'major applications' should be built to be wheelchair accessible.
- 8.32 The accommodation schedule submitted confirms that units 1 and 3 would be M4(3) compliant and all of the other flats would be M4(2) compliant. Subject to a condition requiring this no objection is raised on this basis.
- 8.33 The application has been submitted with an Environmental Noise Assessment which includes a survey of the existing noise levels at the site. The report concludes *'A scheme for glazing and ventilation has been provided to demonstrate compliance with BS 8223/WHO criteria for internal noise levels. The impact on outside amenity space has also been assessed and the noise levels predicted for private balconies for the apartments will not exceed the WHO guidelines due to the distance from the railway line and low sporadic traffic flow on the local quiet residential roads.'* The report concludes *'In conclusion it is considered that if the recommendations within this report are incorporated into the design of the dwelling facades and boundary treatment, the impact of environmental noise on future residents as well as the existing neighbouring residents will be deemed to meet the requirements of planning criteria and will ensure that the noise environment, both internally and externally, will not adversely affect the amenity of existing or future residents.'*

Given the findings of the report, and subject to the development being undertaken in accordance with the recommendations of this report, it is considered that the development would provide adequate living conditions for the future occupiers of the site in terms of noise and disturbance.

- 8.34 Subject to a condition requiring the development to be undertaken in accordance with the recommendations and conclusions of the environmental noise impact assessment submitted, it is therefore considered that the proposal would provide adequate living conditions for the future occupiers of the site in this respect and no objection is therefore raised on this basis.
- 8.35 No contaminated land assessment has been submitted with this application; however, a condition could be imposed on any grant of consent in this respect.
- 8.36 Subject to conditions, on balance, the development would provide adequate living conditions for any future occupiers of the site and is acceptable and policy compliant in this respect.

Traffic and Transport Issues

- 8.37 Policy DM15 of the Development Management Document seeks a minimum of 1 car parking space per 1 and 2+ bedrooms flat. As such there is a requirement for 18 parking spaces to serve the development.
- 8.38 The application has been submitted with a Transport Statement which concludes that the traffic impact from the development is immaterial. It is stated *'In comparison with the extant operation as a school, it is considered that there will be a reduction in vehicle movements in the AM peak, and a slight increase in movements in the PM peak hour'* and the report concludes *'Having fully considered highways/transport matters, we consider that planning permission for the proposed development at the site should be granted.'*
- 8.39 The proposal provides 18 parking spaces and 18 cycle parking spaces and is therefore policy compliant in this respect. The Highway Team has raised no objection, commenting that the Transport Statement submitted demonstrates that the proposal represents a traffic reduction within the local area when compared to the previous use as a school. The layout ensures that vehicles can enter the site, manoeuvre and exit in a forward gear and that the parking provisions are policy compliant. It is also noted that the site is within a relatively sustainable location with regard to public transport and the Highways Team therefore conclude that the proposal would not have a detrimental impact on the public highway. The development is acceptable and policy compliant in this respect.
- 8.40 In terms of refuse facilities, a covered and secure refuse store is provided close to the car park. The information submitted states *'Refuse will be collected internally on the site with a refuse vehicle able to get within acceptable distances of all properties.'* Subject to a condition requiring full details of the refuse storage facilities proposed, including the sizes of the containers no objection is therefore raised on this basis.

Impact on Residential Amenity

8.41 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.

8.42 Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 of the Development Management requires that all development should (inter alia):

“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;”

8.43 In terms of overlooking, the windows, openings and balconies facing Crosby Road and Crowstone Road would overlook the public realm and are sufficiently removed from the adjacent dwellings and would not therefore result in any material overlooking or loss of privacy. The western windows proposed would be located a minimum of some 16.9m from the boundary with No.8 Crosby Road and as such would not result in any material overlooking or loss of privacy to the adjoining residents in Crosby Road. The windows in the southern elevation adjacent to No.125 Crowstone Road have been limited to non-habitable room windows or roof lights. The windows that serve non-habitable rooms can be conditioned to be obscure glazed with limited openings and the roof lights given their nature and position within the roof would not result in any material overlooking or loss of privacy. To prevent any material overlooking or loss of privacy from the raised communal deck, a condition could be attached to any grant of consent, requiring full details of the visibility screens. The nearest southern window serving habitable rooms would be located some 12m from the boundary with No.125 Crowstone Road and as such would not result in any material overlooking or loss of privacy to these residents.

8.44 Subject to conditions, the development would not result in any material overlooking or loss of privacy to the adjoining residents and is therefore policy compliant in this respect.

8.45 The proposed block of flats has a staggered footprint and has been designed such that the development nearest to No.125 Crowstone Road extends beyond the rear elevation of this dwelling by some 2m. A raised deck would extend some 10m beyond the rear wall of No.125. Whilst the deck would be 4m from the southern boundary, given this significant projection, the changes in levels, the requirement for a privacy screen which would introduce further physical form and given that this part of the proposal would infringe upon a notional 45 degree guideline, as demonstrated on the submitted plans, it is considered that this part of the proposal would result in material harm to the occupiers of No.125 Crowstone Road in terms of dominance and a material sense of enclosure when looked at in the round. The development is unacceptable in this respect and is recommended for refusal on this basis.

- 8.46 In terms of noise and disturbance, the site is located within a residential area and the proposal to develop the site for residential purposes would not result in any material harm to the adjoining residents in principle. It is noted that this proposal seeks to provide areas of car parking immediately adjacent to the private, residential amenity area of No.125 Crowstone Road. In this respect, an Environmental Noise Assessment has been submitted with the application which concludes *'The noise impact on neighbouring properties from car parking spaces on site is generally predicted to be low, given the residential nature of their use and the location of most spaces in the under-croft of the new building. However due to the close proximity of the few outside spaces to the house and garden of 125 Crowstone Road, it has been recommended that a suitable acoustic barrier consisting of masonry wall or robust timber fence be erected along the boundary with 125 Crowstone...In conclusion it is considered that if the recommendations within this report are incorporated into the design of the dwelling facades and boundary treatment, the impact of environmental noise on future residents as well as the existing neighbouring residents will be deemed to meet the requirement of planning criteria and will ensure that the noise environment, both internally and externally, will not adversely affect the amenity of existing or future residents.'* Given these findings, subject to a condition requiring details of the acoustic wall or fencing proposed, no objection is raised on this basis.
- 8.47 However in light of the above the proposal's impact on residential amenity is found unacceptable and in conflict with policy.

Trees, Landscaping and Ecology

- 8.48 There are no trees subject to Tree Preservation Orders (TPOs) on the site. The application has been submitted with an Arboricultural Impact Assessment which concludes that the development would result in the removal of 9 trees which are all categorised as low quality with the exception of a magnolia tree which is of moderate quality. The report concludes that the visual impact of the removal of these trees is low as the trees are largely less than 7m high and mostly located within the site. There is scope for new tree planting to enhance the setting of the proposal. The report confirms that the street trees will be protected during works by tree protection and ground protection. Given the findings of this report and that a condition could be imposed requiring the development to be undertaken in accordance with the recommendations and conclusions of this report no objection is raised to the proposal on this basis.
- 8.49 The information submitted indicates that additional soft landscaping will be provided, details of which could be secure via condition. Subject to a landscaping condition attached to any grant of consent, no objection is therefore raised on this basis.
- 8.50 In terms of ecology the application has been submitted with an ecological assessment dated September 2017 and a bat survey dated August 2017.
- 8.51 The ecological survey submitted concludes that there was no evidence of badger setts or foraging activity by badgers on the site; however, the report recommends a number of precautionary measures in relation to badgers, such as covering trenches at night. Recommendations are also made in relation to hedgehogs which could be present at the site, but comments that the site has negligible potential for

great crested newts and low potential for reptiles. The report makes recommendations in relation to breeding birds; it is recommended that the areas of scrub and trees are cleared outside the bird-nesting season (March to August inclusive).

- 8.52 The bat survey found no evidence of the presence of bats within the site and concludes that the proposal would not have a detrimental effect on the local bat population.
- 8.53 Whilst these reports are somewhat dated, given the nature of the site and the findings of the reports no further surveys are considered necessary, subject to conditions requiring the recommendations made in the report being adhered to.

Sustainability

- 8.54 Policy KP2 of the Core Strategy states; *“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources”* and that *“at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)”*. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design
- 8.55 The Sustainability and Energy Report submitted indicates that PV panels will be mounted on the roof which will produce at least 10% of the development's energy demands. Subject to a condition in this respect no objection is raised on this basis.
- 8.56 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.
- 8.57 The application has been submitted with a SuDS/surface water drainage statement which confirms that the site is located within flood zone 1 and that the development would seek to reduce the surface water discharge rate by around 50% to ensure there is no increased risk of flooding elsewhere as a result of the development. Detailed hydraulic modelling has been carried out which demonstrates that the surface water drainage system can withstand the impact of a 1:100 year rainfall event (including an additional 40% as an allowance for climate change). The report concludes the redevelopment scheme and its occupants will not be at an increased risk of flooding, the redevelopment scheme will not increase the risk of flooding elsewhere and a sustainable drainage scheme can be implemented.
- 8.58 Given the above findings and subject to a condition requiring full details of the sustainable urban drainage system proposed no objection is raised on this basis.
- 8.59 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 (lppd) (110 lppd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Subject to a condition in this respect no objection is raised on this basis.

Community Infrastructure Levy

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

Planning Obligations

- 8.61 The Core Strategy Policy KP3 requires that:

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

- 8.62 In this instance, affordable housing and a contribution towards secondary education are of relevance. For information, primary education is covered by the Community Infrastructure Levy, as set out in the Council’s Infrastructure Delivery Plan and CIL Regulation 123 Infrastructure List, but the impact on secondary education is currently addressed through planning obligations (subject to complying with statutory tests and the pooling restriction).
- 8.63 Paragraph 63 of the NPPF states *‘Provision of affordable housing should not be sought for residential developments that are not major developments...To support the use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contributions should be reduced by an appropriate amount.’*
- 8.64 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.’*
- 8.65 The NPPG states *‘Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of the gross development value, costs, land value, landowner premium and developer returns...viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission.’* (Paragraph 010 reference 10-010-20180724).
- 8.66 The need for negotiation with developers, and a degree of flexibility in applying affordable housing policy, is outlined in Core Strategy Policy CP8 that states the following:

The Borough Council will:

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

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

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

- 8.67 Furthermore, the responsibility for the Council to adopt a reasonable and balanced approach to affordable housing provision, which takes into account financial viability and how planning obligations affect the delivery of a development, is reiterated in the supporting text at paragraph 10.17 of the Core Strategy and paragraph 2.7 of "Supplementary Planning Document: Planning Obligations"
- 8.68 The application has been submitted with a viability assessment which concludes *'The viability test has not passed having regard for S106 costs and cannot sustain onsite affordable housing nor any commuted sum.'*
- 8.69 The Council has had the viability assessment submitted with the application independently reviewed. The independent review states *'We have been unable to draw firm conclusions regarding the viability of the scheme due to a number of areas which require further clarification. We have sought to establish contact with ADC through the applicant's planning consultants but as yet have received no response, as such clarification has not been possible prior to issuing this report.'* Having considered the information submitted to date, the report concludes *'We are satisfied that the proposed scheme can viably contribute towards the full affordable housing contribution on-site.'*
- 8.70 In this respect, no S106 legal agreement has been completed to secure such a payment and it has not been clearly shown that on site affordable housing cannot be provided. Therefore the proposal would fail to meet the Council's policies for provision of affordable housing contributions and is unacceptable and is contrary to the Development Plan in this respect.
- 8.71 In terms of the secondary Education requirements, the Education Team has confirmed that all secondary schools within acceptable travel distance are oversubscribed. A contribution of £22,040.90 is therefore requested towards the cost of works at Southchurch High School, or any other similar project that seeks to address the increased demand for secondary places created as a consequence of this development.
- 8.72 In this respect, no S106 legal agreement has been completed to secure the necessary payment towards secondary education, to meet the needs generated by the development, contrary to the Development Plan.
- 8.73 The proposal is therefore unacceptable and contrary to the Development Plan in the above respects as the development would not provide adequate affordable housing contributions and does not provide a contribution towards secondary education to meet the needs generated by the development.

9 Conclusion

- 9.1 Having taken all material planning considerations into account, it is found that the proposal does not constitute sustainable development, is unacceptable and would be contrary to the development plan and is therefore recommended for refusal. The proposed development is of a contrived and unacceptable poor design that would result in material harm to the character and appearance of the area. The development results in material harm to the residential amenity of the adjoining occupiers at No.125 Crowstone Road and no Section 106 legal agreement has been completed to date to secure appropriate contributions for affordable housing and secondary education facilities. The scheme therefore fails to provide affordable housing to meet local needs and fails to mitigate the resulting increased pressure on local education infrastructure.
- 9.2 The benefits of the proposal, including the additional housing, do not outweigh the significant and material harm identified as a result of this proposal and the application is therefore recommended for refusal.

10 Recommendation

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

- 01 The proposal would, by reason of its size, scale, bulk, mass, siting and detailed design, constitute a cramped, contrived and incongruous development that would be materially harmful to the character and appearance of the site and the surrounding area. This is unacceptable and contrary to National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).
- 02 The siting, size and design of the proposed development is such that it would result in undue dominance, an overbearing relationship and a significant sense of enclosure to No.125 Crowstone Road, to the material detriment of the amenities of the occupiers of this property. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).
- 03 The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area and it has not been shown that such a contribution is not viable. The submission also lacks a formal undertaking to secure a contribution to the delivery of education facilities to meet the need for such infrastructure generated by the development. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007) and policy DM7 of the Development Management Document (2015).

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

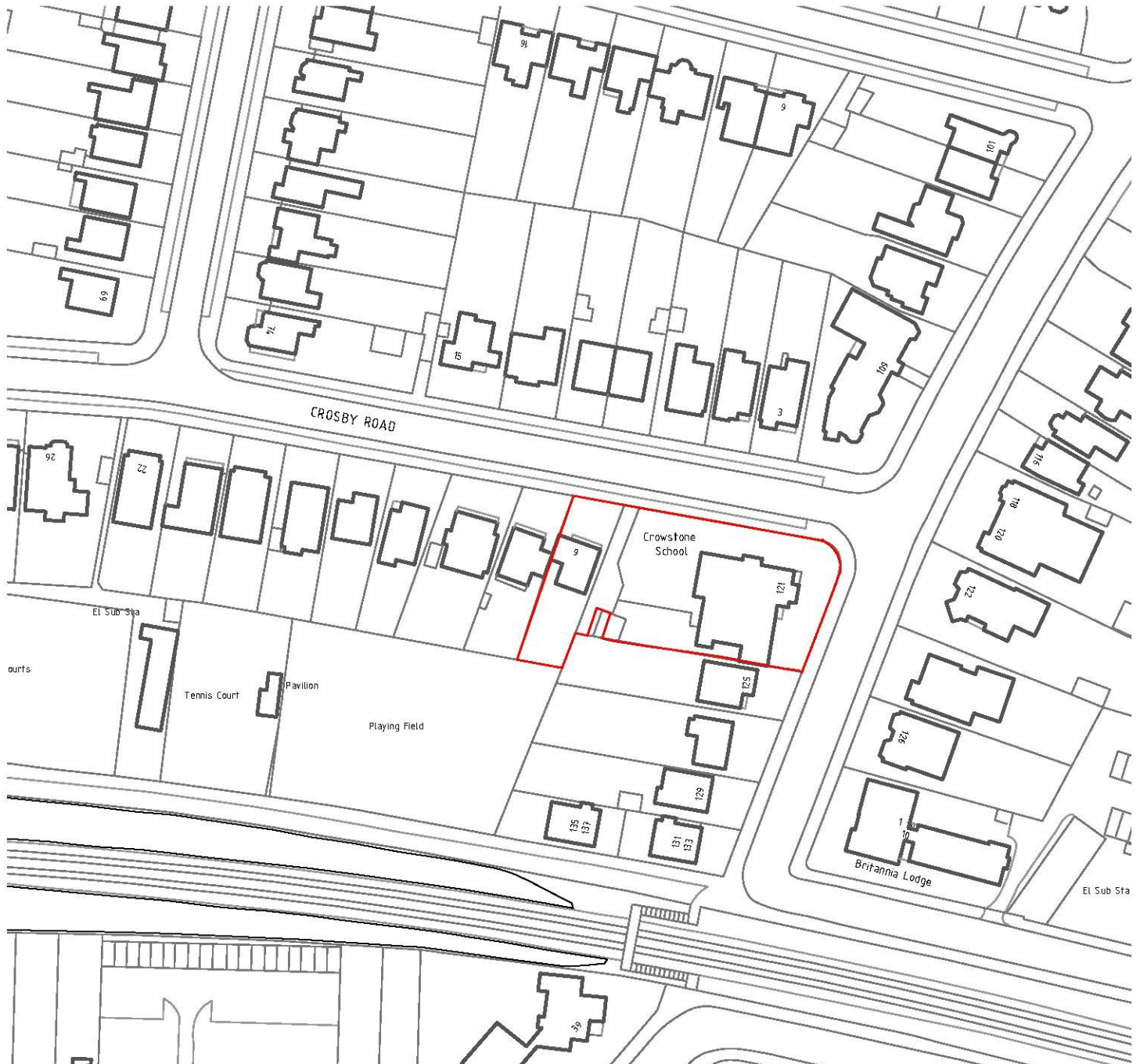
Informatives

- 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.**

CROWSTONE ROAD

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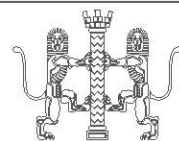
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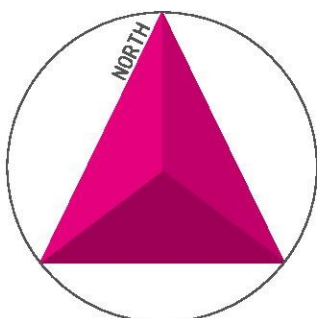
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ISSUE STATUS
EXISTING

PROJECT No. DWG No. REVISION

773.001.01

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CHELMSFORD

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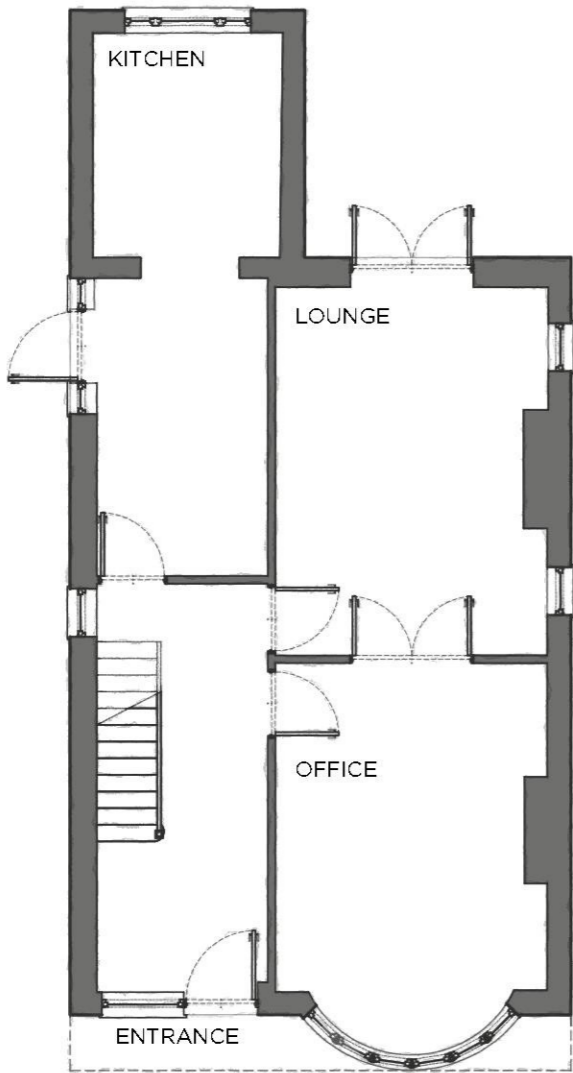
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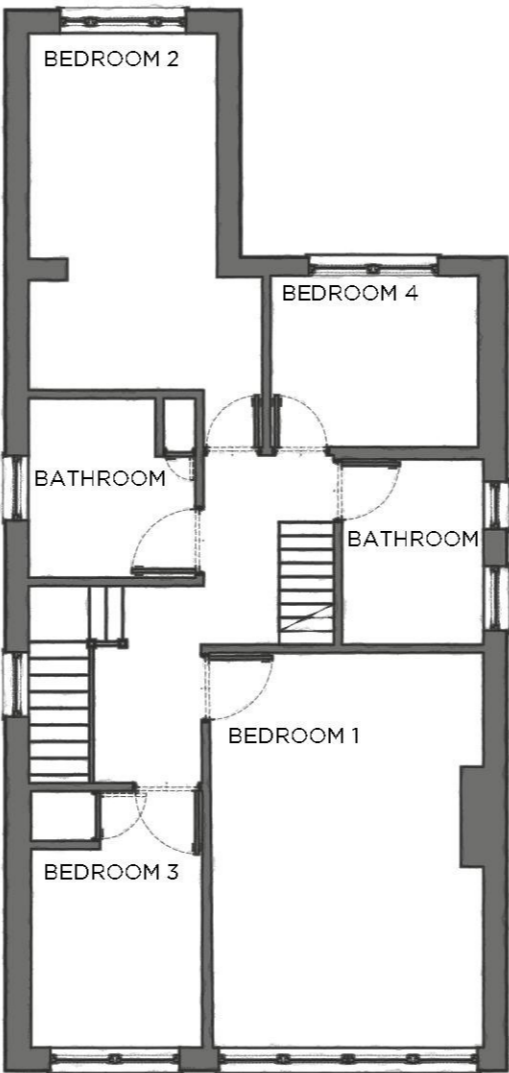
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GROUND FLOOR PLAN

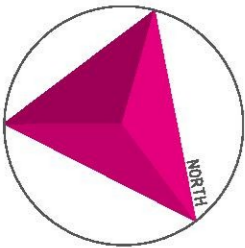


FIRST FLOOR PLAN



SECOND FLOOR PLAN

31



AS EXISTING: 6 CROSBY ROAD FLOOR PLANS

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ADDRESS		121-123 CROWSTONE ROAD, WESTCLIFF-ON-SEA, ESSEX SS0 8LH	
PROJECT No.		DWG No.	
DATE		SCALE	
05.04.19		1:100 @ A3	
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HJG		DAP	
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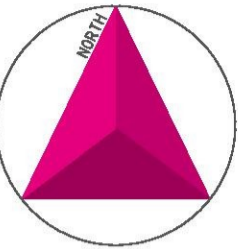
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CROWSTONE ROAD, WESTCLIFF-ON-SEA

RESIDENTIAL SCHEME: 18NO. APARTMENTS



GROUND FLOOR PLAN



FIRST FLOOR PLAN

AS EXISTING: 121-123 CROWSTONE ROAD FLOOR PLANS

REV.	DESCRIPTION.	DATE.
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PROJECT			
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DRAWING			
AS EXISTING STREET-SCENES			
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BESB CONTRACTS LTD			
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PROJECT No.	DWG No.	REVISION	
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ISSUE STATUS			
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	a. 3 + 5 Hospital Approach The Millars Chelmsford ESSEX, CM1 7FA e. studio@daparchitecture.co.uk t. (0844) 854 9007 w. www.daparchitecture.co.uk		

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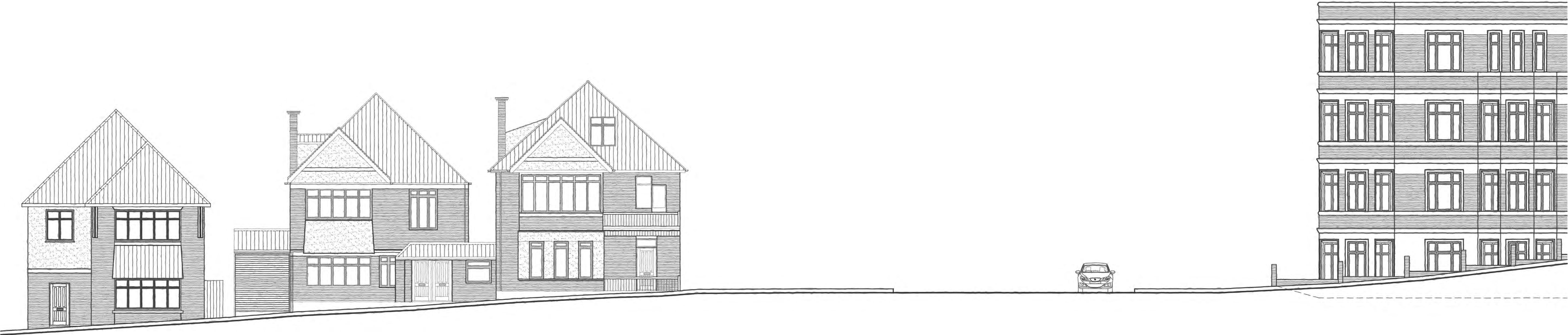
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Prefer larger scale drawings

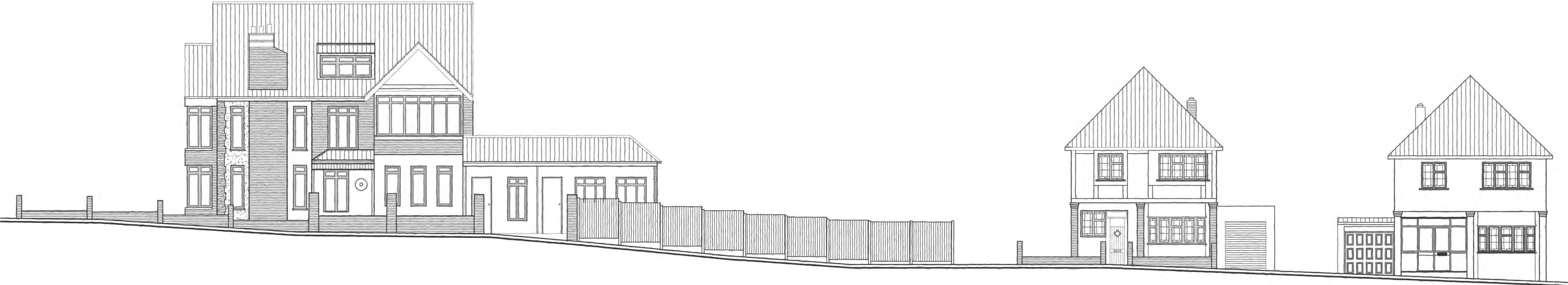
All dimensions are in millimeters (mm) unless otherwise noted.

Check all relevant dimensions, lines and levels on site before proceeding with the work.

This drawing is to be read in conjunction with all Architect's drawings, schedules and specifications, and all relevant consultants and/or specialists' information relating to the project. Refer all discrepancies to DAP Architecture Ltd.



STREET-SCENE AA, along Crowstone Road



STREET-SCENE BB, along Crosby Road

AS EXISTING: STREET-SCENES

REV.	DESCRIPTION	DATE
DAP		
ARCHITECTURE LTD		
PROJECT		
RESIDENTIAL DEVELOPMENT		
DRAWING		
AS EXISTING STREET-SCENES		
CLIENT		
BESB CONTRACTS LTD		
ADDRESS		
121-123 CROWSTONE ROAD WESTCLIFF-ON-SEA ESSEX SS0 8LH		
DATE	SCALE	DRAWN BY
01.02.2019	1:100 @A1	DAP
PROJECT No	DWG No	REVISION
773.002.00		
ISSUE STATUS		
RIBA STAGE 3: PLANNING		
a. 3 + 5 Hospital Approach The Millars Chelmsford ESSEX, CM1 7FA e. studio@daparchitecture.co.uk t. (0844) 854 9007 w. www.daparchitecture.co.uk		

CHELMSFORD LONDON BIRMINGHAM

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CROWSTONE ROAD, WESTCLIFF-ON-SEA

RESIDENTIAL SCHEME: 18NO. APARTMENTS



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CROSBY ROAD

CROWSTONE ROAD

REV.	DESCRIPTION	DATE
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ARCHITECTURE LTD

PROJECT

RESIDENTIAL DEVELOPMENT

DRAWING

AS PROPOSED

SITE + LOWER GROUND FLOOR PLAN

CLIENT

BESB CONTRACTS LTD

ADDRESS

121-123 CROWSTONE ROAD

WESTCLIFF-ON-SEA

ESSEX

SS0 8LH

DATE

11.03.2019

SCALE

1:100 @A1

DRAWN BY

DAP

CHECKED BY

DAP

PROJECT No

773.200.02

DWG No

REVISION

ISSUE STATUS

RIBA STAGE 3: PLANNING

a. 3 + 5 Hospital Approach

The Millers

Chelmsford

ESSEX, CM1 7FA

e. studio@daparchitecture.co.uk

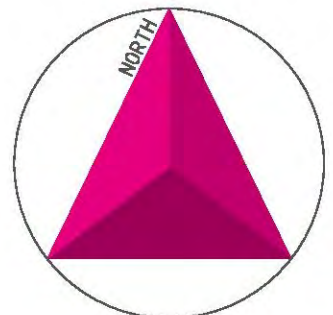
t. (0844) 854 9007

w. www.daparchitecture.co.uk

CHELMSFORD

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AS PROPOSED: SITE + LOWER GROUND FLOOR PLAN

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CROWSTONE ROAD, WESTCLIFF-ON-SEA

RESIDENTIAL SCHEME: 18 NO. APARTMENTS



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CROSBY ROAD



CROWSTONE ROAD

REV.	DESCRIPTION	DATE
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DAP

ARCHITECTURE LTD

PROJECT

RESIDENTIAL DEVELOPMENT

DRAWING

AS PROPOSED

SITE + UPPER GROUND FLOOR PLAN

CLIENT

BESB CONTRACTS LTD

ADDRESS

121-123 CROWSTONE ROAD

WESTCLIFF-ON-SEA

ESSEX

SS0 8LH

DATE

11.03.2019

SCALE

1:100 @A1

DRAWN BY

DAP

CHECKED BY

DAP

PROJECT No.

773.201.02

DWG No.

REVISION

ISSUE STATUS

RIBA STAGE 3: PLANNING

a. 3 + 5 Hospital Approach

The Millers

Chelmsford

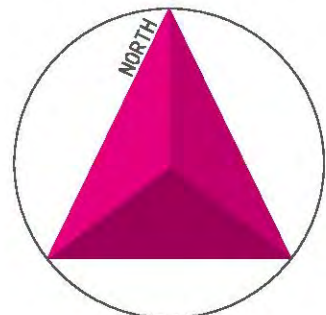
ESSEX, CM1 7FA

e. studio@daparchitecture.co.uk

t. (0844) 854 9007

w. www.daparchitecture.co.uk

CHELMSFORD LONDON BIRMINGHAM

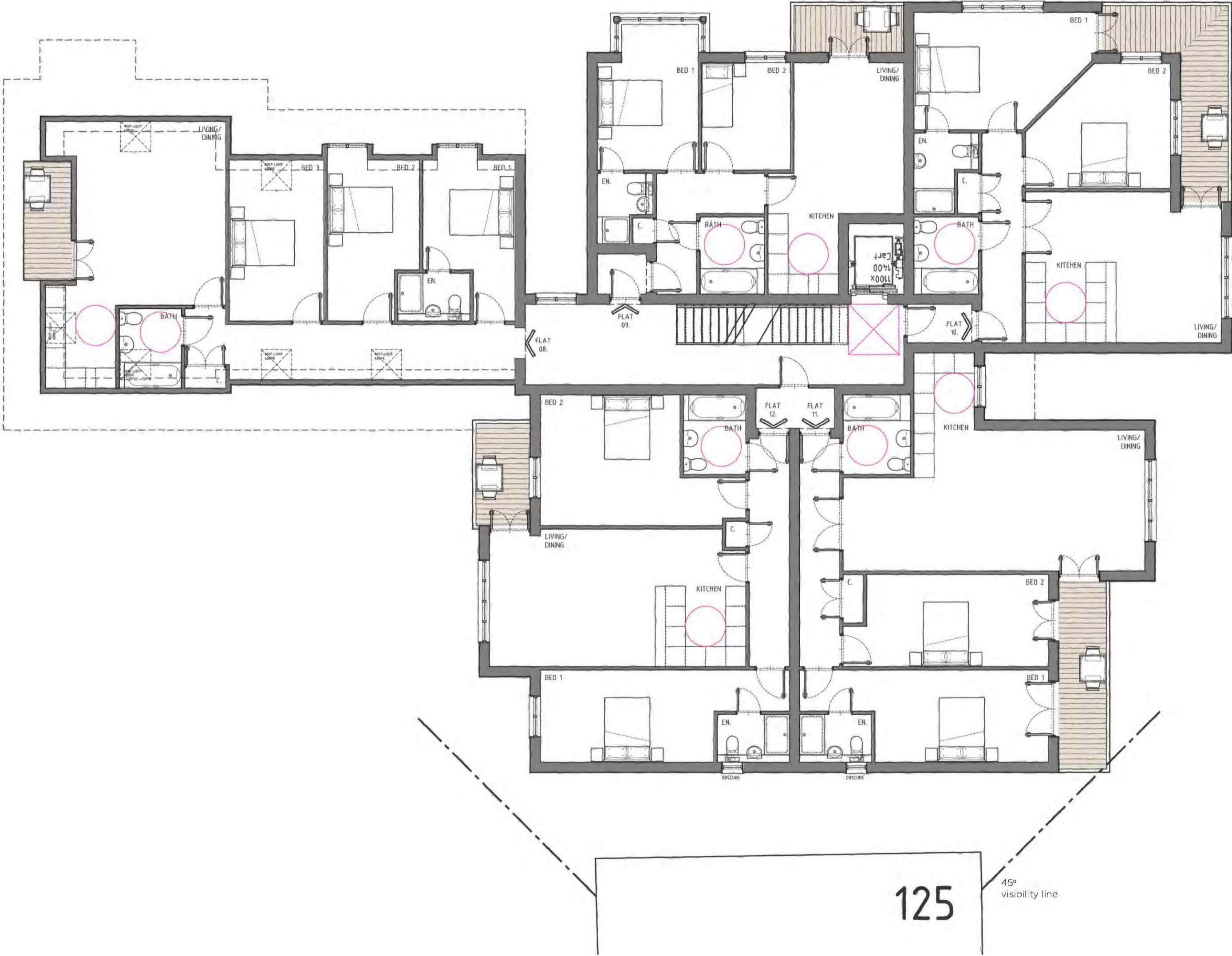


AS PROPOSED: SITE + UPPER GROUND FLOOR PLAN

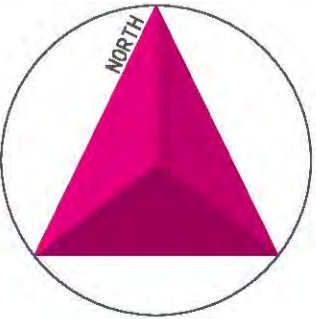
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CROWSTONE ROAD, WESTCLIFF-ON-SEA

RESIDENTIAL SCHEME: 18 NO. APARTMENTS



41



AS PROPOSED: FIRST FLOOR PLAN

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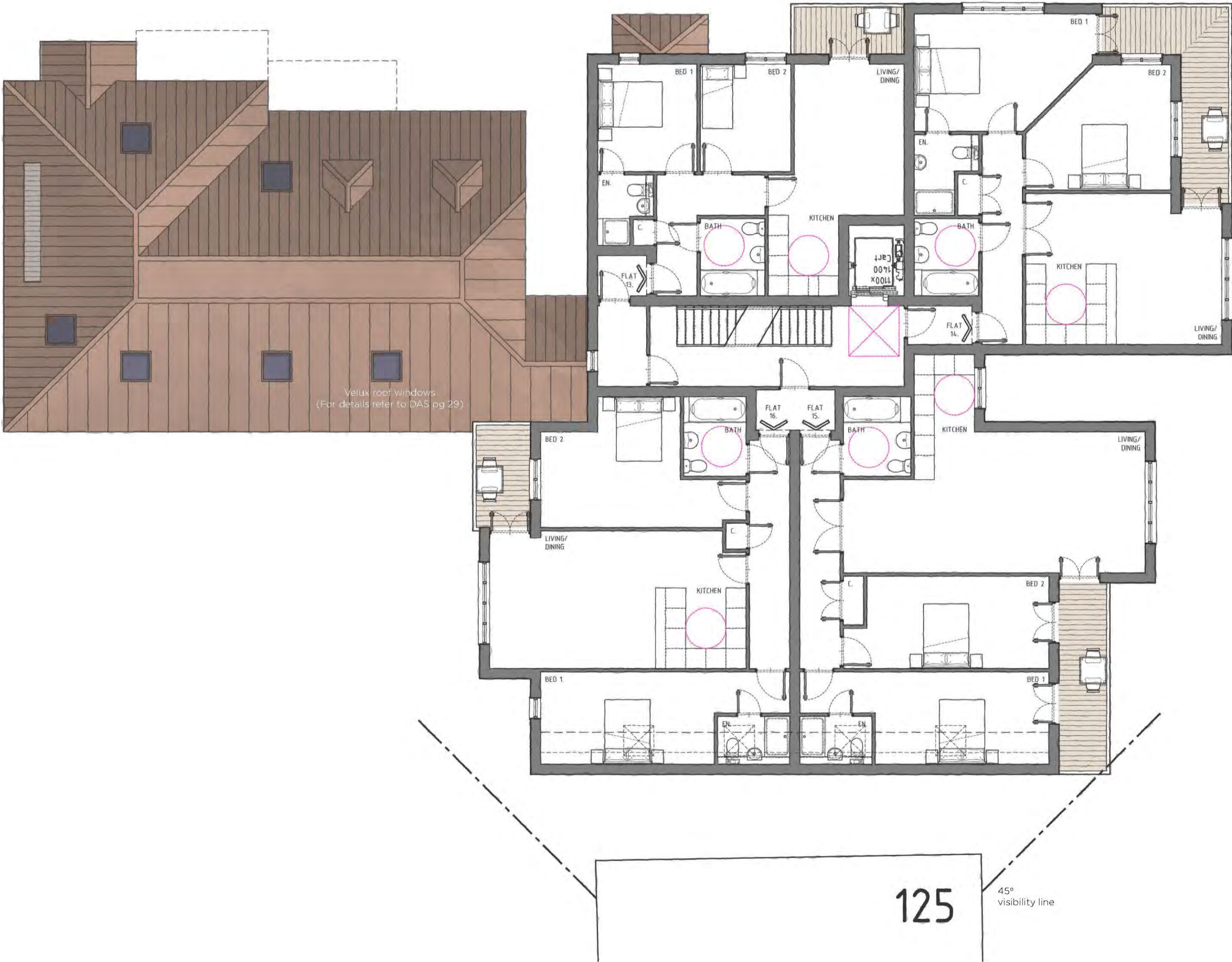
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ADDRESS 121-123 CROWSTONE ROAD WESTCLIFF-ON-SEA ESSEX SS0 8LH		
DATE 18.02.2019	SCALE 1:100 @A2	DRAWN BY DAP
PROJECT No. 773.202.01		CHECKED BY DAP
DWG No.		
REVISION		
ISSUE STATUS RIBA STAGE 3: PLANNING		
		
a. 3 + 5 Hospital Approach The Millers Chelmsford ESSEX, CM1 7FA e. studio@daparchitecture.co.uk t. (0844) 854 9007 w. www.daparchitecture.co.uk		

CHELMSFORD LONDON BIRMINGHAM

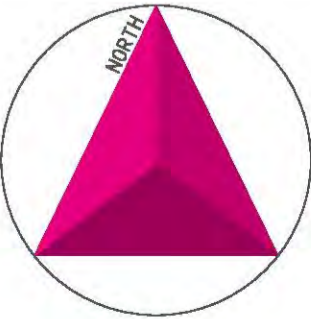
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CROWSTONE ROAD, WESTCLIFF-ON-SEA

RESIDENTIAL SCHEME: 18 NO. APARTMENTS



43



AS PROPOSED: SECOND FLOOR PLAN

GENERAL NOTES

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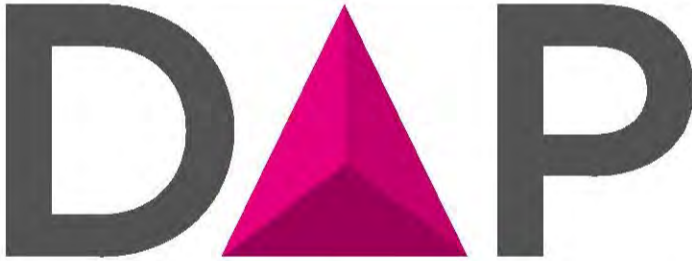
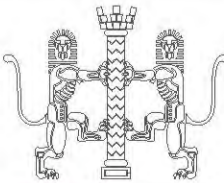
Do not scale from this drawing, use figured dimensions only.

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DRAWING AS PROPOSED SECOND FLOOR PLAN		
CLIENT BESB CONTRACTS LTD		
ADDRESS 121-123 CROWSTONE ROAD WESTCLIFF-ON-SEA ESSEX SS0 8LH		
DATE 18.02.2019	SCALE 1:100 @A2	DRAWN BY DAP
PROJECT No. 773.203.01		CHECKED BY DAP
DWG No.		
REVISION		
ISSUE STATUS RIBA STAGE 3: PLANNING		
		
a. 3 + 5 Hospital Approach The Millars Chelmsford ESSEX, CM1 7FA e. studio@daparchitecture.co.uk t. (0844) 854 9007 w. www.daparchitecture.co.uk		
CHELMSFORD	LONDON	BIRMINGHAM

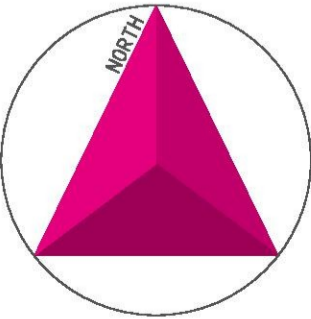
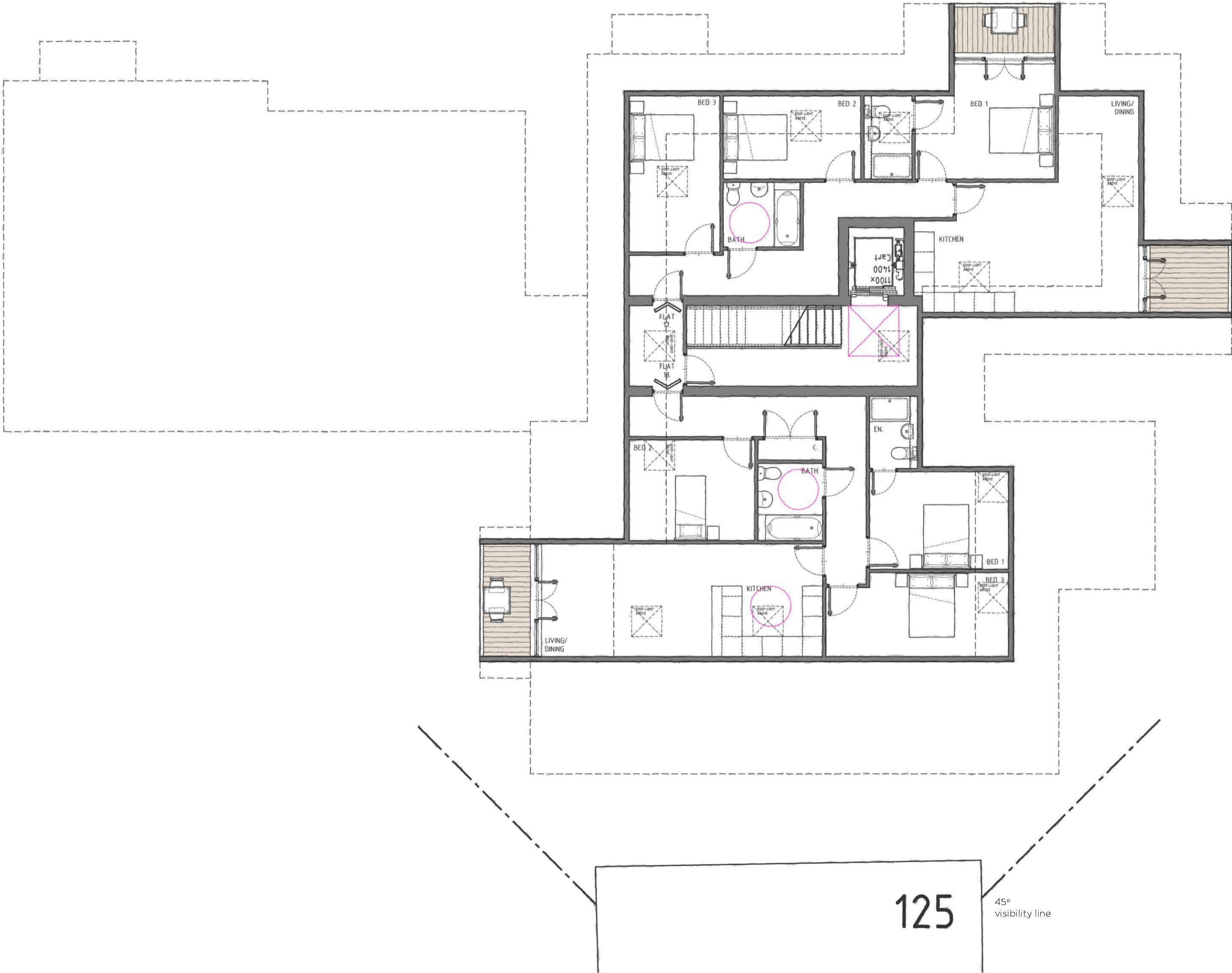
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CROWSTONE ROAD, WESTCLIFF-ON-SEA

RESIDENTIAL SCHEME: 18 NO. APARTMENTS



45



AS PROPOSED: THIRD FLOOR PLAN

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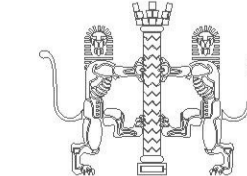
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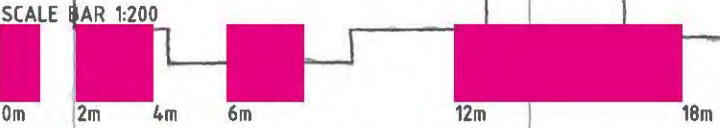
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CLIENT BESB CONTRACTS LTD		
ADDRESS 121-123 CROWSTONE ROAD WESTCLIFF-ON-SEA ESSEX SS0 8LH		
DATE 18.02.2019	SCALE 1:100 @A2	DRAWN BY DAP
PROJECT No. 773.204.01		CHECKED BY DAP
DWG No.		
REVISION		
ISSUE STATUS RIBA STAGE 3: PLANNING		
		
a. 3 + 5 Hospital Approach The Millers Chelmsford ESSEX, CM1 7FA e. studio@daparchitecture.co.uk t. (0844) 854 9007 w. www.daparchitecture.co.uk		

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REV.	DESCRIPTION.	DATE.
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DAP

ARCHITECTURE LTD

PROJECT
RESIDENTIAL DEVELOPMENT

DRAWING
AS PROPOSED
SITE + ROOF PLAN

CLIENT
BESB CONTRACTS LTD

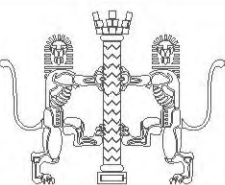
ADDRESS
121-123 CROWSTONE ROAD
WESTCLIFF-ON-SEA
ESSEX
SSO 8LH

DATE	SCALE	DRAWN BY	CHECKED BY
11.03.2019	1:200 @A2	DAP	DAP

PROJECT No.	DWG No.	REVISION
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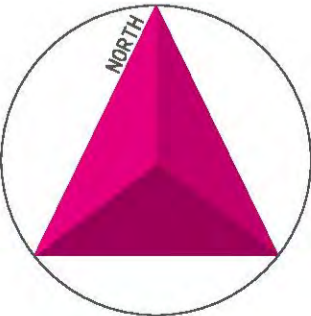
773.205.02

ISSUE STATUS
RIBA STAGE 3: PLANNING



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

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AS PROPOSED: SITE + ROOF PLAN

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CROWSTONE ROAD, WESTCLIFF-ON-SEA

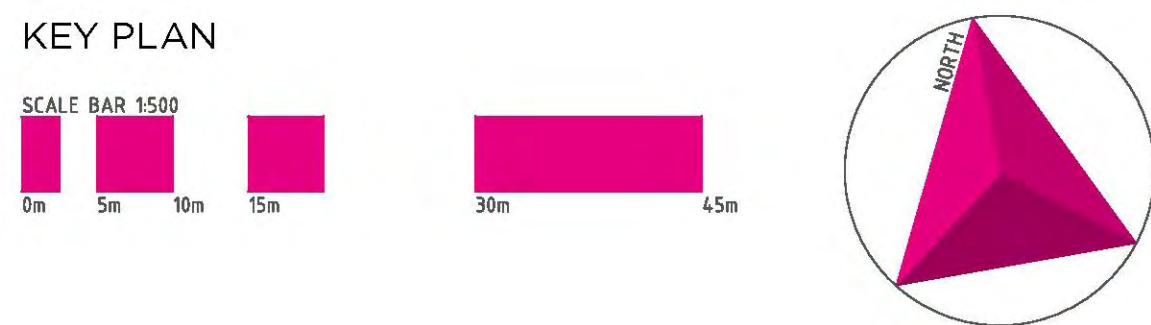
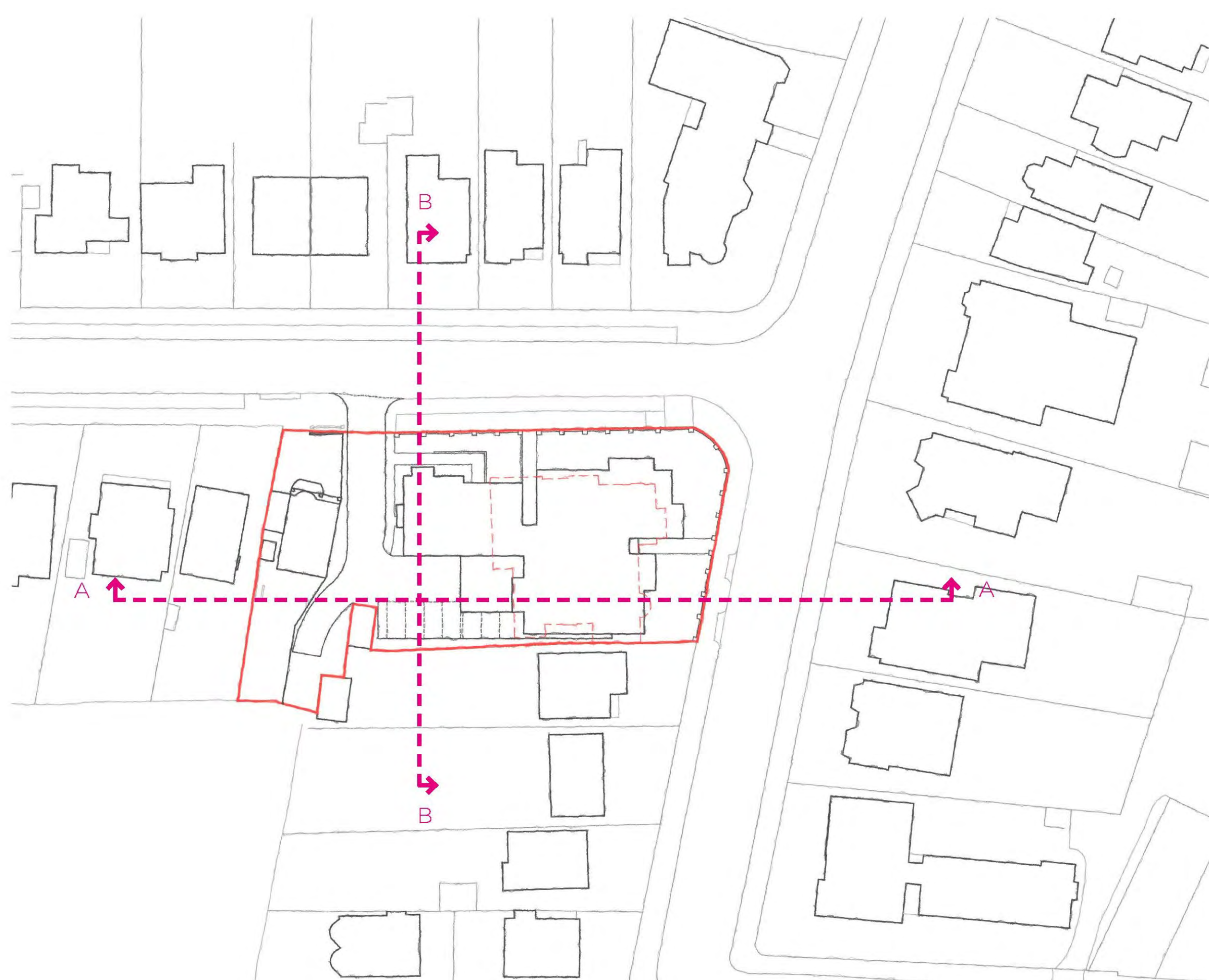
RESIDENTIAL SCHEME: 18 NO. APARTMENTS



SECTION AA



SECTION BB



PROJECT		RESIDENTIAL DEVELOPMENT	
DEV.	DESCRIPTION	DATE	
DRAWING		AS PROPOSED SITE SECTIONS	
CLIENT		BESB CONTRACTS LTD	
ADDRESS		121-123 CROWSTONE ROAD WESTCLIFF-ON-SEA ESSEX SS0 8LH	
DATE		11.03.2019	
SCALE		1:100 @A0	
DRAWN BY		DAP	
CHECKED BY		DAP	
PROJECT NO.		773.208.02	
REVISION			
ISSUE STATUS		RIBA STAGE 3: PLANNING	
a. 3 + 5 Hospital Approach		The Millers Chelmsford ESSEX, CH1 7FA studio@daparchitecture.co.uk t: (0844) 854 9007 www.daparchitecture.co.uk	
CHELMSFORD		LONDON	
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CROWSTONE ROAD, WESTCLIFF-ON-SEA

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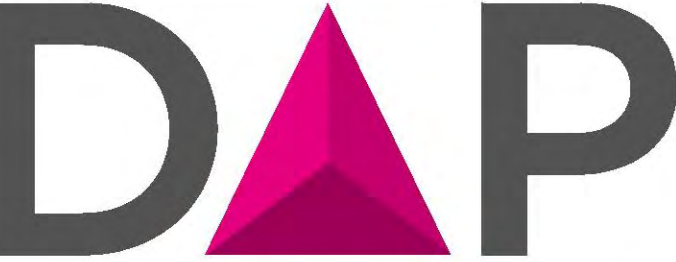
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AS PROPOSED: ELEVATIONS

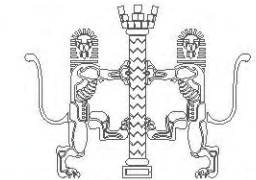
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WESTCLIFF-ON-SEA							
ESSEX							
SS0 8LH							
DATE		SCALE		DRAWN BY		CHECKED BY	
18.02.2019		1:100 @A1		DAP		DAP	
PROJECT No.		DWG No.		REVISION			
773.206.01							



DAP
ARCHITECTURE LTD

ISSUE STATUS

RIBA STAGE 3: PLANNING



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

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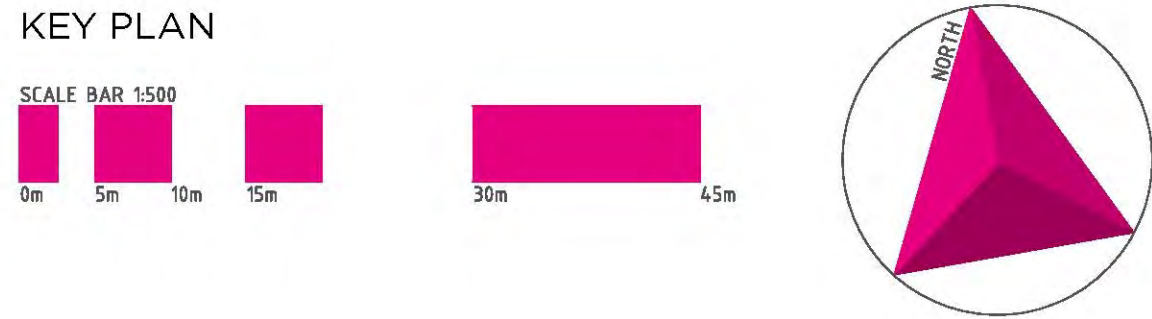
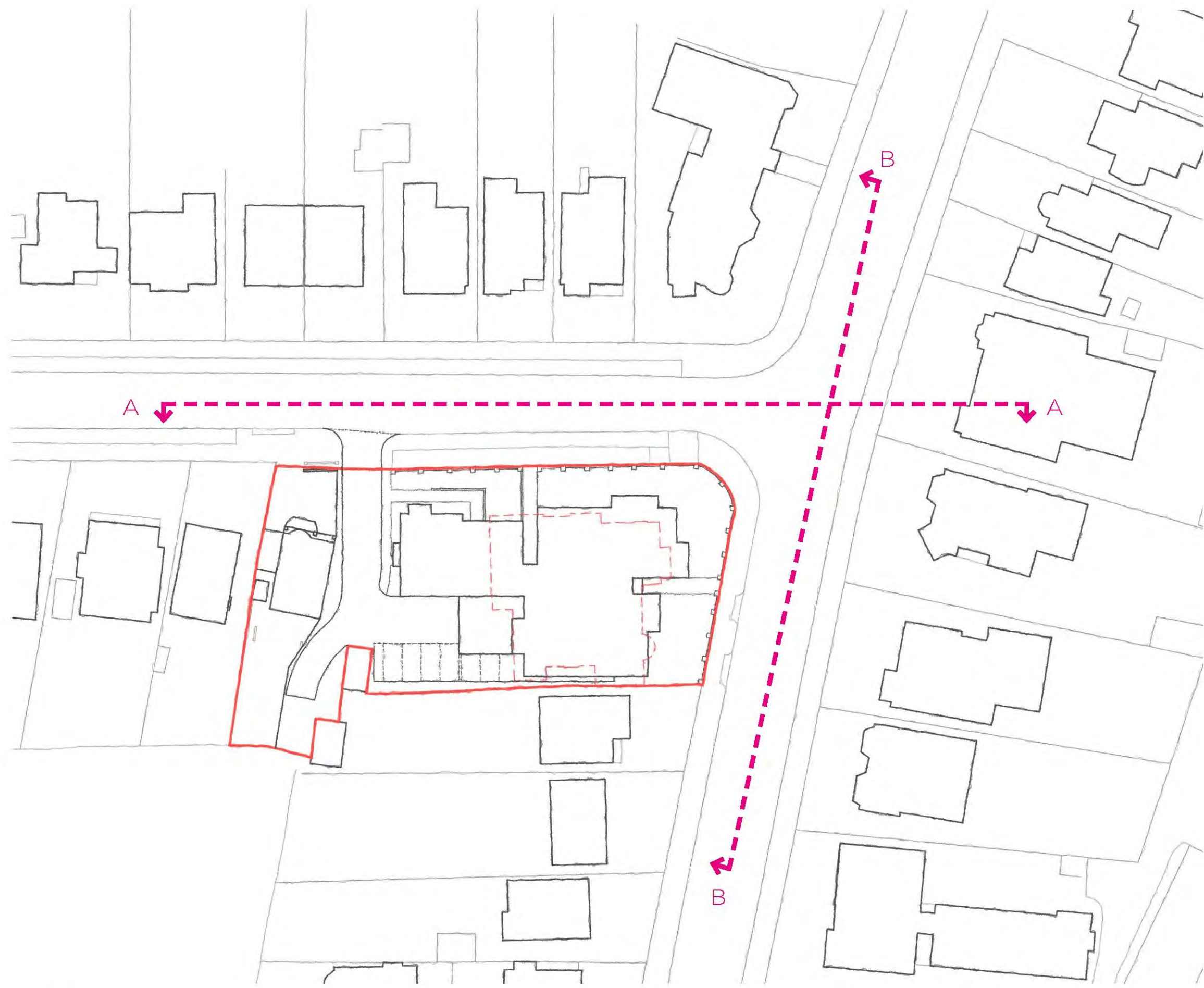
124 Crowstone Road | Footpath | Crowstone Road | Proposed Development | 8 Crosby Road

STREET-SCENE AA, along Crosby Road



125 Crowstone Road | Proposed Development | Footpath | Crosby Road | Footpath | Sunningdale Court

STREET-SCENE BB, along Crowstone Road

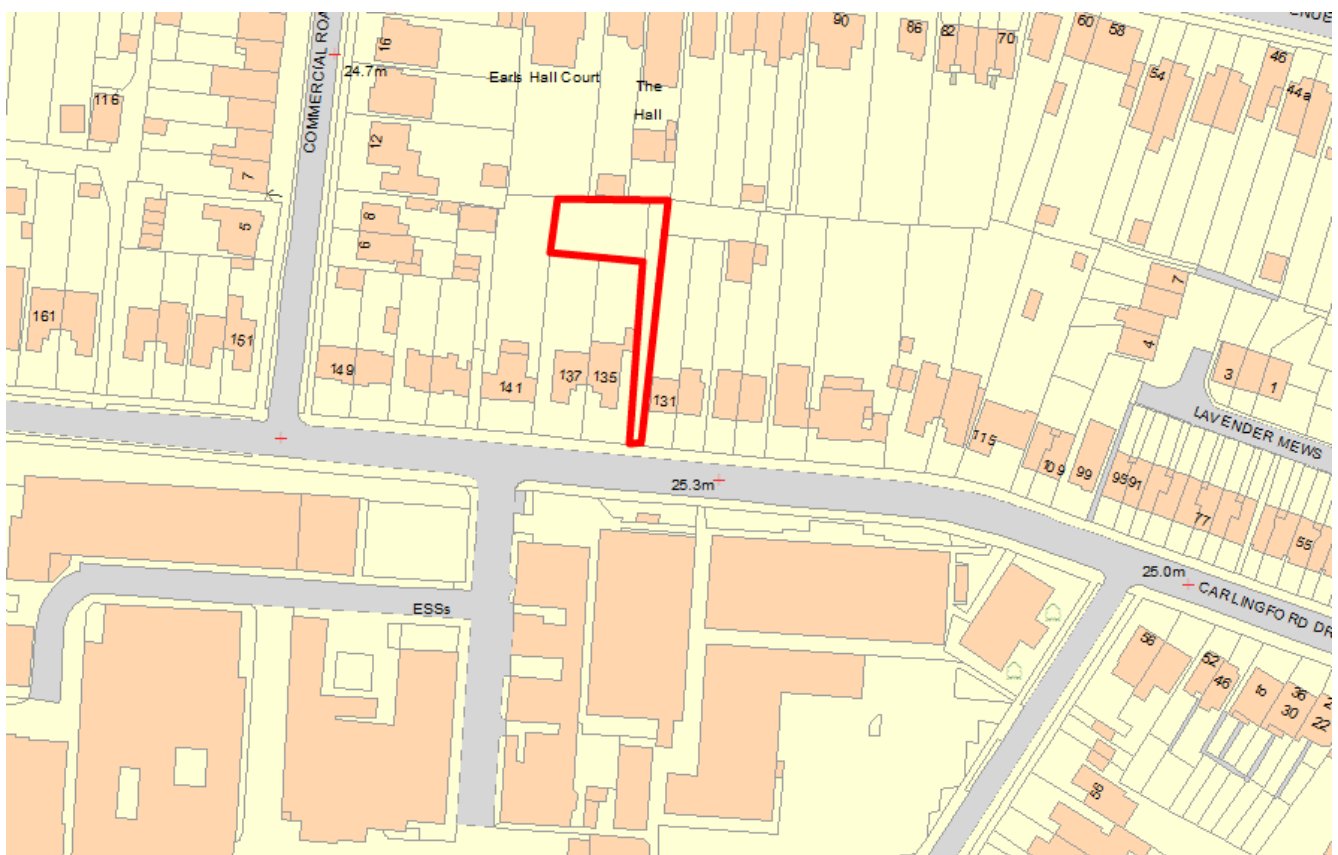


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DATE		11.03.2019		SCALE		1:100 @ A0	
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ISSUE STATUS		RIBA STAGE 3: PLANNING					
DRAWN BY		DAP		CHECKED BY		DAP	
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Reference:	19/00795/FUL
Ward:	Prittlewell
Proposal:	Erect detached chalet bungalow with associated parking at land r/o 135 Carlingford Drive (Amended Proposal) Retrospective)
Address:	135 Carlingford Drive, Westcliff-On-Sea, Essex, SS0 0SD
Applicant:	Mr Graham Eiles
Agent:	DK Building Designs Ltd
Consultation Expiry:	05.06.2019
Expiry Date:	08.07.2019
Case Officer:	Scott Davison
Plan Nos:	3534 -04 Revision A
Recommendation:	GRANT PLANNING PERMISSION

5



1 Site and Surroundings

- 1.1 The application site is a backland site on the northern side of Carlingford Drive located to the rear of 135 Carlingford Drive. The application site is an irregular shaped plot some 21m deep and ranges in width from 12m - 14m. The site is accessed by an existing vehicular access from Carlingford Drive. Prior to development commencing on site, it was a vacant overgrown plot of land that had been formerly occupied by garages.
- 1.2 The application site abuts the rear gardens of 135, 137 and 141 Carlingford Drive to the south and west of the site and the rear of 104, 102 and the Gospel Hall in Carlton Avenue to the north. The front of the site adjoins the rear garden of 131 Carlingford Drive to the east. The site is located within a residential area comprising of detached and semi-detached bungalows and terraced houses. The surrounding area is characterised by traditional residential development where the fronts of dwellings line the street with private gardens located at the rear. However there is some backland development evident in the surrounding area notably in Lavender Mews some 100m to the east.
- 1.3 The site is not located within a conservation area or within flood zones 2 or 3 and is not subject to any site specific planning designations.

2 The Proposal

- 2.1 The application seeks planning permission for the erection of a detached dwelling on a former garage plot to the rear of 135 Carlingford Drive and to layout parking and amenity areas. The applicant has commenced development and the shell of the building has been erected.
- 2.2 The proposed dwelling would be a chalet bungalow measuring some 6.5m in height, some 10.3m in deep and 12m wide with a pitched roof. Vehicular and pedestrian access to the site would be via an existing vehicle crossover on Carlingford Drive that would be shared with a garage that is located to the rear of the site.
- 2.3 The proposed dwelling would have an internal floor area of some 136 sqm with 3 bedrooms that would measure 9 sqm, 23.3sqm and 21.6 sqm, together with an open plan lounge / diner / living area and utility room on the ground floor and a bathroom on the first floor. The proposed development would have two parking spaces to the front of the dwelling and a roughly rectangular shaped amenity area to the rear of the building of some 102 sqm.
- 2.4 The external finishing materials for the proposed dwelling include welsh slate, white upvc doors and windows and Hoskins Flemish Antique brick in red, beige and blue

3 Planning History

- 3.1 04/01339/FUL Erect detached bungalow with garage to side - Permission granted. This development was not built out and although the applicant states that development commenced on site, no evidence to support this position has been submitted.

4 Representation Summary

Public Consultation

- 4.1 Councillor D Garston has called the application in for consideration by the Development Control Committee.
- 4.2 19 neighbours were notified of the application and a site notice was displayed. 3 letters of objection have been received and are summarised as follows:
- Size and height of the building is excessive
 - Harm to neighbouring amenity
 - Overlooking and loss of privacy
 - Use of the site is unlawful
 - Impact on drainage
 - Design is unacceptable and harms character of site and area

[Officer Comment: These concerns are noted and where relevant to material planning considerations they have been taken into account in the assessment of the application. Those remaining are found not to represent a reasonable basis to refuse planning permission in the circumstances of this case].

Anglian Water

- 4.3 No comment

Highways

- 4.4 There are no highway objections to this proposal. Two off street parking spaces have been provided which is policy compliant. Vehicles can enter the site, manoeuvre and leave in a forward gear. It is not considered that the proposal will have a detrimental impact upon the public highway.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (2019)
- 5.2 Core Strategy (2007) Policies CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), CP8 (Dwelling Provision), KP1 (Spatial Strategy) & KP2 (Development Principles).
- 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), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).
- 5.4 Community Infrastructure Levy Charging Schedule (2015)
- 5.5 Design & Townscape Guide (2009).
- 5.6 Waste Storage, Collection and Management Guide for New Developments (2019)

6 Planning Considerations

- 6.1 The main considerations in the determination of this application are the principle of the development, design and impact on the rear garden environment, the impact on residential amenity of neighbouring residents, the standard of accommodation for future occupiers, traffic and highways issues, impact on ecology and CIL (Community Infrastructure Levy) issues.

7 Appraisal

Principle of Development

- 7.1 This proposal is considered in the context of Council planning policies relating to design. Also of relevance are National Planning Policy Framework sections 124, 127 & 130 and Core Strategy Policies KP2, CP4 and CP8. Para.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.* Paragraph 127 states: *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.* Paragraph 130 states: *Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.*
- 7.2 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP8 requires that development proposals contribute to local housing needs.
- 7.3 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough. Policy CP8 also expects 80% of residential development to be provided on previously developed land.
- 7.4 Policy DM3 of the Development Management Document promotes *“the use of land in a sustainable manner that responds positively to local context. It further states that; “all development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:*
- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or*
 - (ii) Conflict with the character and grain of the local area; or*
 - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or*

(iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.”

- 7.5 Paragraph 193 of the Design and Townscape Guide (2009) states *“Backland sites are defined to be landlocked areas between existing development, usually with a single and often narrow access onto an existing street. They encompass areas such as disused garage courts, vacant sites and other odd shaped areas left over between housing blocks which may offer an opportunity for redevelopment. Where acceptable in principle, such development can take advantage of access to local facilities and infrastructure, provide natural surveillance and generally lift an area which may be susceptible to crime and disorder”*.
- 7.6 The surrounding area is characterised largely by traditional residential development where the fronts of dwellings line the street with reasonably sized private gardens located at the rear of the dwellings although there is some backland development evident in surrounding area. In this instance Council photographic records show that this site has been vacant for a number of years however it is understood it was formerly occupied by a garage court. Whilst planning permission was granted in 2004 for a detached bungalow with garage to side on this site, no evidence has been submitted to demonstrate that this development commenced and this is considered not to set a precedent for supporting development proposals.
- 7.7 Given the nature of the proposed development and backland development evident in surrounding area in Lavender Mews, on balance, there is no objection to the development of the site in principle subject to other detailed considerations in relation to the proposed development such as the design, impact on the residential amenity of the adjoining residents, parking implications and whether the development can provide adequate living conditions for the future occupiers of the site. These are addressed below.

Design and Impact on the Character of the Area

- 7.8 In the Council's Development Management Document, Policy DM1 states that development should “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”
- 7.9 Policy DM3 states that *“all development on land that constitutes backland and infill development will be considered on a site-by-site basis.*
- 7.10 The Design and Townscape Guide (paragraph 116) states: “All buildings must have the same high quality of design for all facades, limited views of the side and rear elevations or of backland development are not an excuse for bland or ‘dumbed down’ elevations”.
- 7.11 The sections of Carlingford Drive and Carlton Avenue that surround the application site have a residential character with the fronts of dwellings lining the street and private spaces such as gardens located at the rear of dwellings. The area is made up mainly of detached and semi-detached houses of various designs fronting onto the highway. They are of a similar scale and cohesion is provided by the prevailing

building line, set back from the highway and the scale of frontages, the materials including brick, render and red/brown tiles and entrances to the street providing an active frontage to the properties.

- 7.12 The proposed chalet dwelling is of a traditional design and whilst of limited merit, is shown to incorporate traditional materials including brick and slate which would be acceptable in principle. Brick, tiles and light coloured render are evident in the surrounding street scene. The scale of the proposed development is similar to the surroundings and acceptable in principle.
- 7.13 The dwelling will have limited visibility from the wider street scene given its backland position, however the proposed development would be a pitched roof dwelling that would reflect the height of other dwellings in the locality. Whilst the detailed design is functional and of limited merit, there is a mix of roof forms in the surrounding street scene and the proposed pitched roof and gable features are not considered to detract from the prevailing character and appearance of the area. Therefore, on balance, the design and external appearance is not harmful to the character and appearance of the surrounding area. It is considered that the development would draw satisfactory reference from the neighbouring dwellings and would not be detrimental to the character of the wider area.
- 7.14 In terms of the relationship to the surrounding properties, the dwelling would sit some 6m from the western boundary, 1m in from the northern boundary and some 7m off the eastern boundary. A 4.5m section of the southern elevation would be parallel to the southern site boundary. The north and south facing elevations would be blank and the absence of window openings in the flank elevations is a measure intended presumably to protect neighbouring residential amenity given the proximity of the built form to the site boundaries.
- 7.15 It is considered that the proposed development has an acceptable degree of separation and spacing from other surrounding dwellings. In layout terms, it is noted that the position of the built form would be located close towards one of the site boundaries. However given that this is only a 4.5m long section, it is not considered that this would result in the dwelling having a cramped appearance in the plot. The height of the dwelling above ground level would on balance not appear as an unduly prominent feature when viewed from the surrounding dwellings and garden areas.
- 7.16 Dwelling houses in the immediate surrounding area are typically set within reasonably sized linear plots. The plot for this residential development would be smaller than development fronting onto surrounding roads but not dissimilar to backland development evident in the surrounding area to the east of the site in Lavender Mews. Given the size of the plot it would be reasonable to restrict permitted development rights for the proposed development because of adverse impacts on amenity which could result from uncontrolled use of permitted development rights.
- 7.17 For the reasons set out above, It is considered that the proposed development would be acceptable and policy compliant.

Impact on Residential Amenity

National Planning Policy Framework (2019), Policies KP1, KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

- 7.18 Policy DM1 of the Development Management Document 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.”
- 7.19 In the east facing (front) elevation, the distance between the front roof light windows and rear of the nearest dwellings to the east of the site on the northern side of Carlingford Drive is some 25m. The proposed dwelling would be some 6.5m in height above ground level. Given the separation distance, it is not considered that the development would appear as an overly dominant feature that would have an overbearing impact or result in an unacceptable sense of enclosure to surrounding dwellings. Windows could be obscure glazed to prevent adverse impacts in terms of overlooking or loss of privacy.
- 7.20 The west facing rear elevation would contain a dormer window that would be some 6m from the rear (western) boundary of the site. The distance between this rear window and the rear of the nearest dwellinghouses to the west of the site would be some 25m to Carlingford Drive, 40m to Carlton Avenue and some 45m to Commercial Road. Given these separation distances it is considered that the development would not result in materially harmful overlooking or loss of privacy to the rear of surrounding dwellings and gardens. Windows could be obscure glazed to prevent adverse impacts in terms of overlooking or loss of privacy.
- 7.21 In terms of the relationship to the south of the site with 131, 135 & 137 Carlingford Drive, a 4.5m wide section of the south facing flank elevation would be set 0.3m off the southern boundary. There would be a separation distance of some 19m from the rear of No.135. The south facing elevation would be some 22m and 26m from the rear elevations of No's 137 & 131. No windows are proposed in the south facing elevation and it is not considered that this relationship would result in materially harmful overlooking or loss of privacy. Whilst there would be a close relationship to the southern boundary, on balance, it is not considered that this element of the proposal would appear as an unduly overbearing and dominant feature nor would it result in an undue sense of enclosure within the rear gardens of neighbouring properties to the south of the site.
- 7.22 In regard to the relationship to the north of the site with properties in Carlton Avenue, the north facing flank elevation would be set 1.0m in from the northern boundary. There would be a separation distance in excess of 30m to the rear of No.104 and 102 Carlton Avenue. No windows are proposed in the north facing elevation and it is not considered that this relationship would result in materially harmful overlooking or loss of privacy or would appear as an overly dominant feature that would have an overbearing impact or result in an unacceptable sense of enclosure to surrounding dwellings.

- 7.23 Given the size of the dwelling and its relationship within the site layout, it is considered necessary to remove certain permitted development rights including enlargements, improvements and alterations to the proposed dwelling, additions to the roof and outbuildings in order to protect the amenities of surrounding occupiers and visual amenity of the site.
- 7.24 In summary, for the reasons set out above, it is not considered that the proposed development would result in material harm to any adjoining neighbours in terms of overlooking and loss of privacy. The proposed development would not result in any adverse impacts in terms of undue dominance, an overbearing impact or a sense of enclosure or loss of light. Subject to conditions regarding permitted development rights and obscure glazing, no objection is raised to the proposal in these regards as it is not considered to result in any adverse impacts on the amenity of neighbours and is therefore acceptable and policy compliant in this respect.

Standard of Accommodation for future occupiers

- 7.25 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”. It is considered that most weight should be given to the Technical Housing Standards that have been published by the government which are set out as per the below table:

- Minimum property size for a 3 bedroom (5 person bed space) 2 storey dwelling shall be 93 square metres.
- 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.

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.

- 7.26 The proposed dwelling would be built to dimensions as set out in paragraph 1.3 of this report and would comply with the abovementioned standards. The layout and outlook for habitable rooms is considered acceptable.
- 7.27 Policy DM8 states that new dwellings should make provision for usable private outdoor amenity space for the enjoyment of intended occupiers. The garden area for the proposed dwelling would be located to the rear of the proposed building within a rectangular shaped area. It is considered that this would be sufficiently screened and private and would provide an acceptable and usable amenity space for future occupants capable of meeting day to day activities such as providing an outdoor sitting out space or for hanging out washing etc. The proposed amenity space would therefore be acceptable and policy compliant.
- 7.28 Facilities for refuse storage are shown to the side of the side of the dwelling. The "Waste storage, Collection and Management Guide for New Developments" published in January 2019 states that a waste producer is not expected to collect and carry wastes more than 30m to the public highway. The distance from the dwelling to the public highway is in excess of 40m and a refuse collection point is indicated towards the front of the access drive. It is considered that it would be possible to address this matter through the imposition of a condition to secure detail of the refuse facilities and waste management.
- 7.29 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 states that the design is compliant with Part M4 (2) of the Building Regulations. This matter can be controlled through the imposition of a condition.

Highways and Transport Issues

- 7.30 Policy DM15 states that a 2+ Bedroom Dwelling (house) should provide a minimum of two spaces per dwelling. Policy DM15 states that "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."

- 7.31 Access to the site is via the existing driveway. The scheme provides 2 off street parking spaces to the front of the proposed dwelling with one parallel space and one at right angles. Parking provision would be in accordance with policy.
- 7.32 There are no highway objections to this proposal. Two off street parking spaces have been provided which is policy compliant and vehicles can enter the site, manoeuvre and leave in a forward gear. It is not considered that the proposal will have a detrimental impact on highway safety.
- 7.33 No details of secure covered cycle storage are shown. Details of this can be secured via a condition.
- 7.34 The highways and parking implications are therefore considered acceptable and policy compliant.

Sustainability

- 7.35 Core Strategy Policy KP2 and the Design and Townscape Guide require that 10% of the energy needs of a new development should come from on-site renewable resources, and also promotes the minimisation of consumption of resources. No details have been submitted to demonstrate this proposal would provide 10% of the energy needs from renewable energy resources however there is space to provide this, e.g. PV cells and measures to comply with policy can be achieved by condition.
- 7.36 Policy DM2 states that water efficient design measures should be incorporated into development. Changes to legislation means that these standards have now been incorporated into Building Regulations and as such it is considered that it is reasonable and necessary to impose conditions to any permission granted at this site to require development to achieve the 'enhanced standard' of building regulations. No detailed information has been submitted, but measures to ensure compliance with policy can be achieved by condition.

Community Infrastructure Levy

- 7.37 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. This application is being considered on the basis that it is retrospective. The application site is located within Zone 1 therefore a CIL rate of £24.46 per sq.m is required for the proposed development. The proposed development equates to approximately 136sq.m of new residential floorspace which may equate to a CIL charge of approximately £3326.56 (subject to confirmation). As development has commenced in relation to this chargeable development, no exemption or relief can be applied for.

8 Conclusion

Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would, on balance, 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, the proposed development would provide satisfactory internal living conditions for future occupiers and would have an acceptably sized external amenity space. The proposal would have an acceptable impact on the amenities of neighbouring occupiers, highway safety and parking and the character and appearance of the application site, the street scene, and the locality more widely. The provision of additional housing is considered to be a public benefit of the scheme which has been weighed in the balance of material factors. The application is recommended for approval subject to conditions.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan numbers: 3534 -04 Revision A**

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

- 03 Prior to the occupation of the development hereby permitted, the development shall be constructed in accordance with details of materials shown on application form, Hoskins Flemish Antique mixture bricks, (red/blue/beige), natural welsh slate, white upvc windows and doors unless alternative details of external materials have previously been submitted to and agreed in writing by the Local Planning Authority.**

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Design and Townscape Guide (2009).

- 04 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 and made available for use 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).

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

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

- 06** Prior to the first occupation of the dwelling hereby approved, full details of refuse, recycling and secure, covered bicycle storage facilities at the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the dwelling hereby approved, refuse, recycling and bicycle storage facilities shall be provided and made available for use at the site in accordance with the approved details and retained in perpetuity thereafter.

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2, CP3 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

- 07** Prior to the occupation of the dwelling hereby approved the car parking spaces shall be provided and made available for use in accordance with the details shown on approved plan 3534 -04 Revision A. The car parking spaces shall be kept available for the parking of motor vehicles of occupiers of the dwelling hereby approved and their visitors and shall be permanently retained as such thereafter.

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

- 08** Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works to be carried out at the site must be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to:-

- i. means of enclosure, of the site including any gates or boundary fencing;
- ii. car parking layouts;
- iii. other vehicle and pedestrian access and circulation areas;
- iv. hard surfacing materials;
- v. details of the number, size and location of the trees, shrubs and plants to

be retained and planted together with a planting specification
vi. details of measures to enhance biodiversity within the site;

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority

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

- 09 Notwithstanding the provisions of Classes A, B, D and E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no development within those classes shall be undertaken at the site without express planning permission first having been obtained from the Local Planning Authority.

Reason: To safeguard the design and appearance of the proposed development in the interest of visual amenities of the locality and in order to protect the amenities of surrounding occupiers in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

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

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

- 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 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the dwelling hereby granted consent shall not be occupied unless and until plans and other appropriate details are submitted to the

Local Planning Authority and approved in writing which specify all windows in the proposed dwelling that are to be permanently glazed with obscured glass (to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent) and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. Before the dwelling hereby approved is occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

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

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

10 Informatives

- 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 and when this is payable. As this chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will shortly be issued. Charges and surcharges may apply 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.**

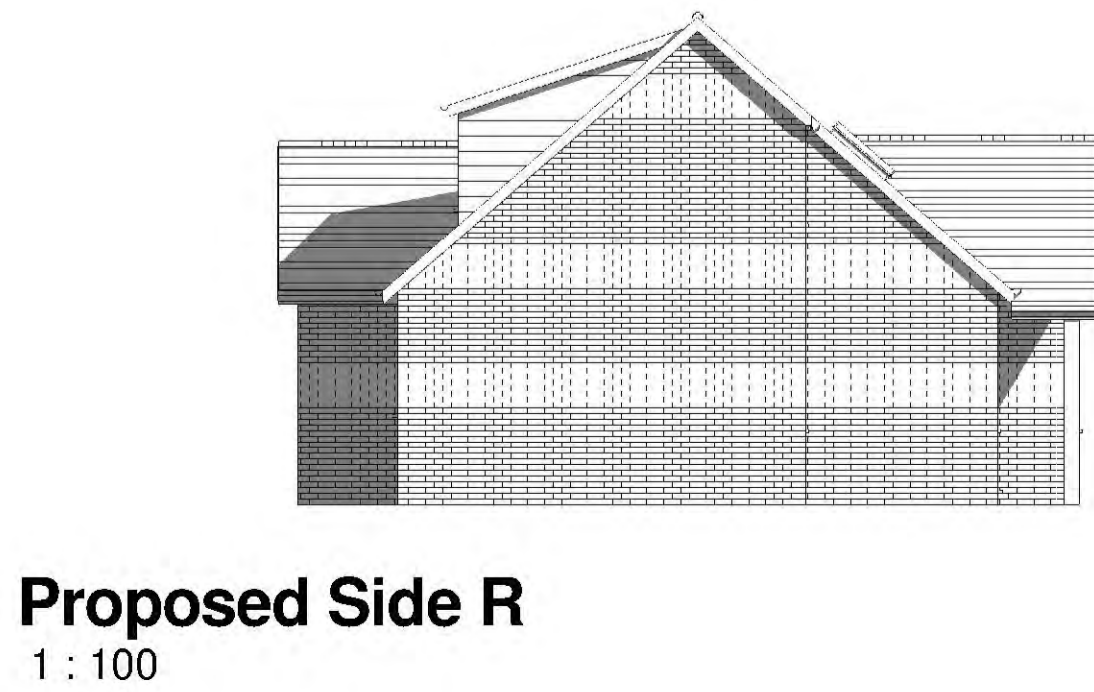
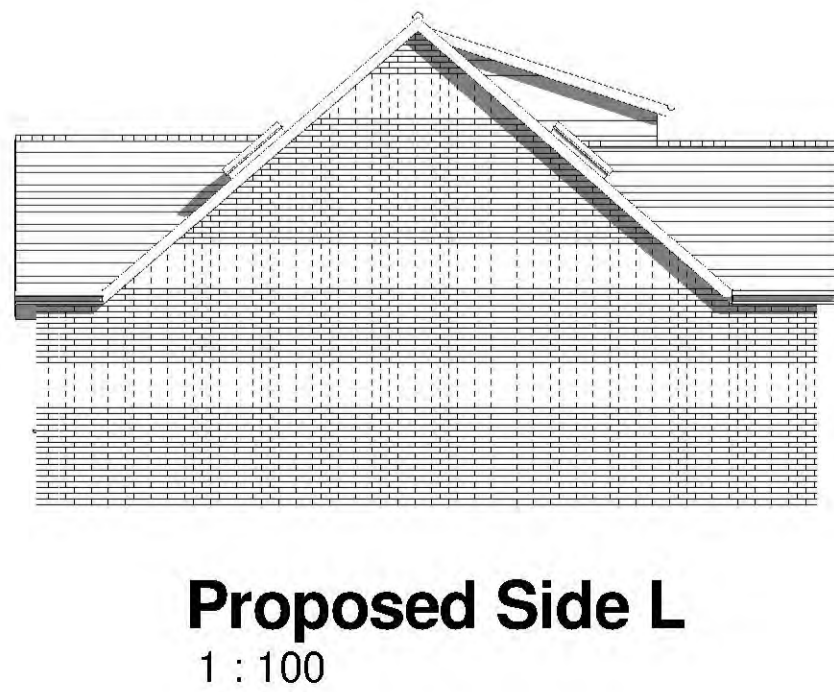
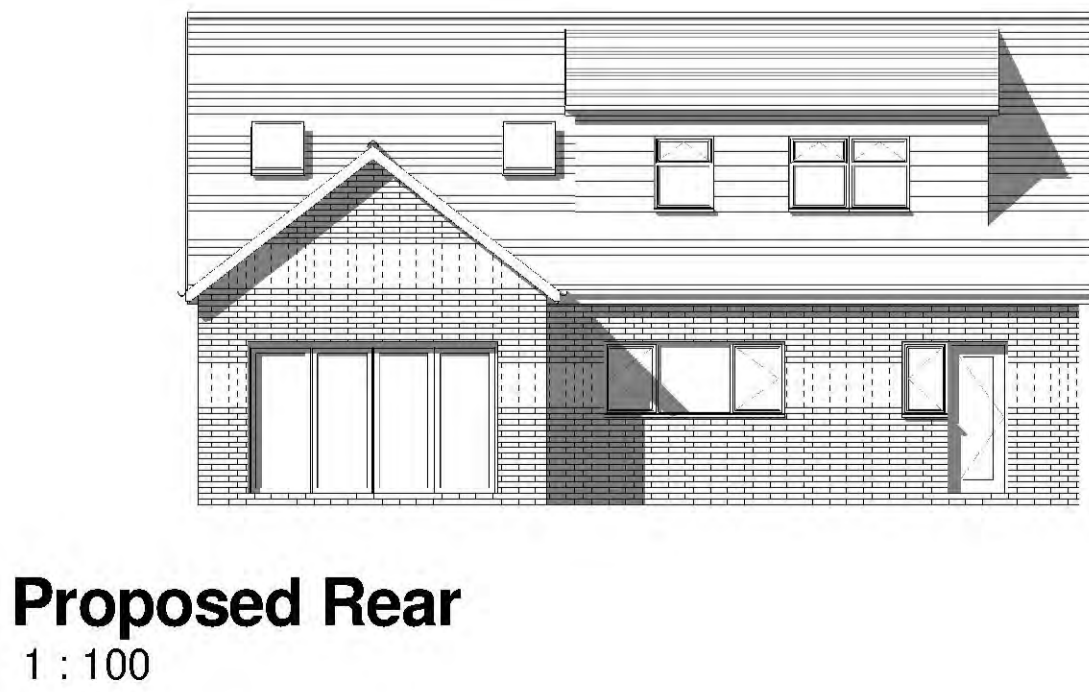
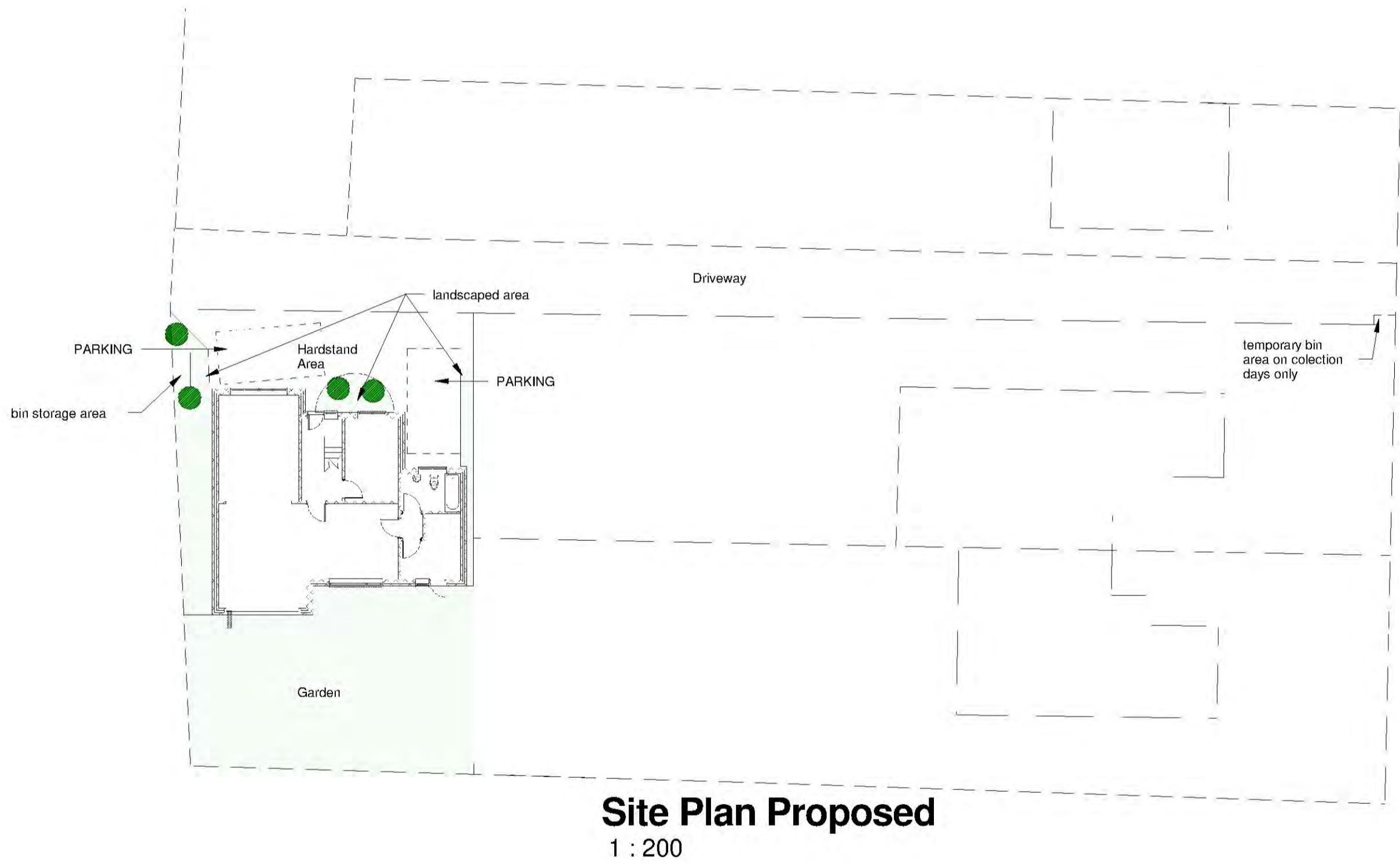
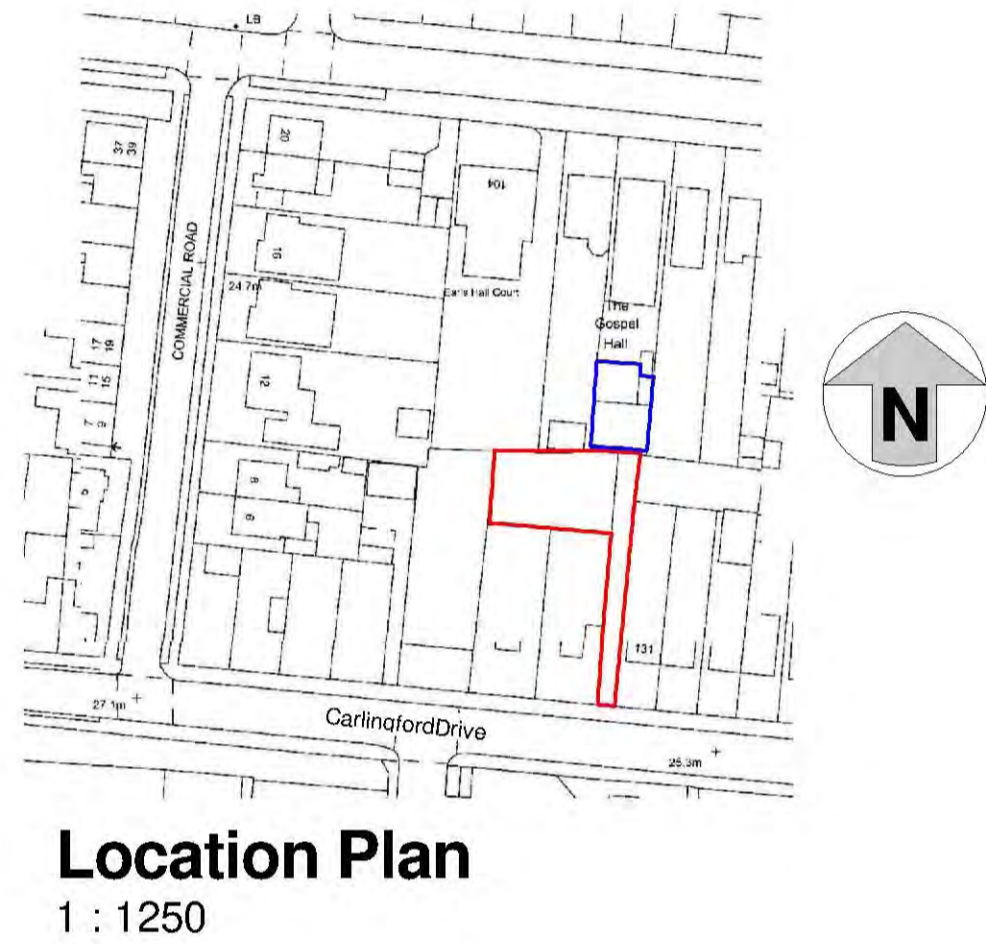
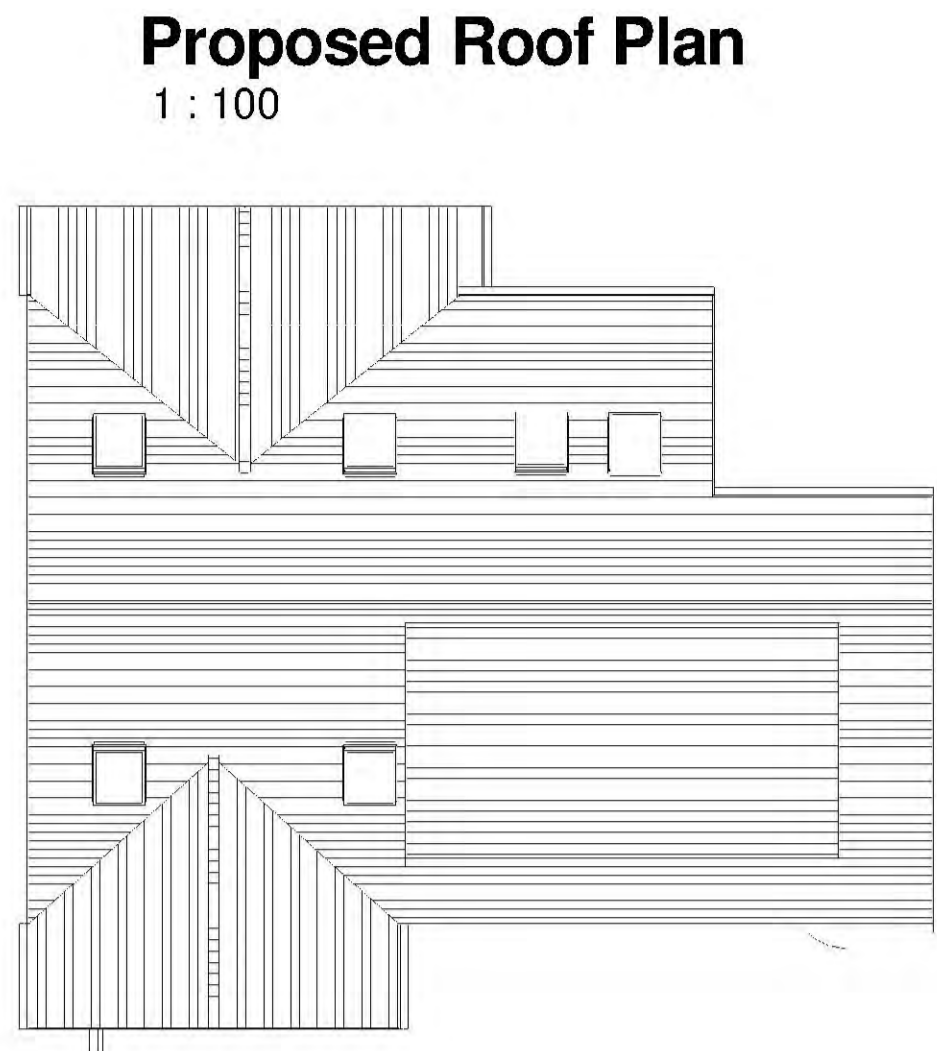
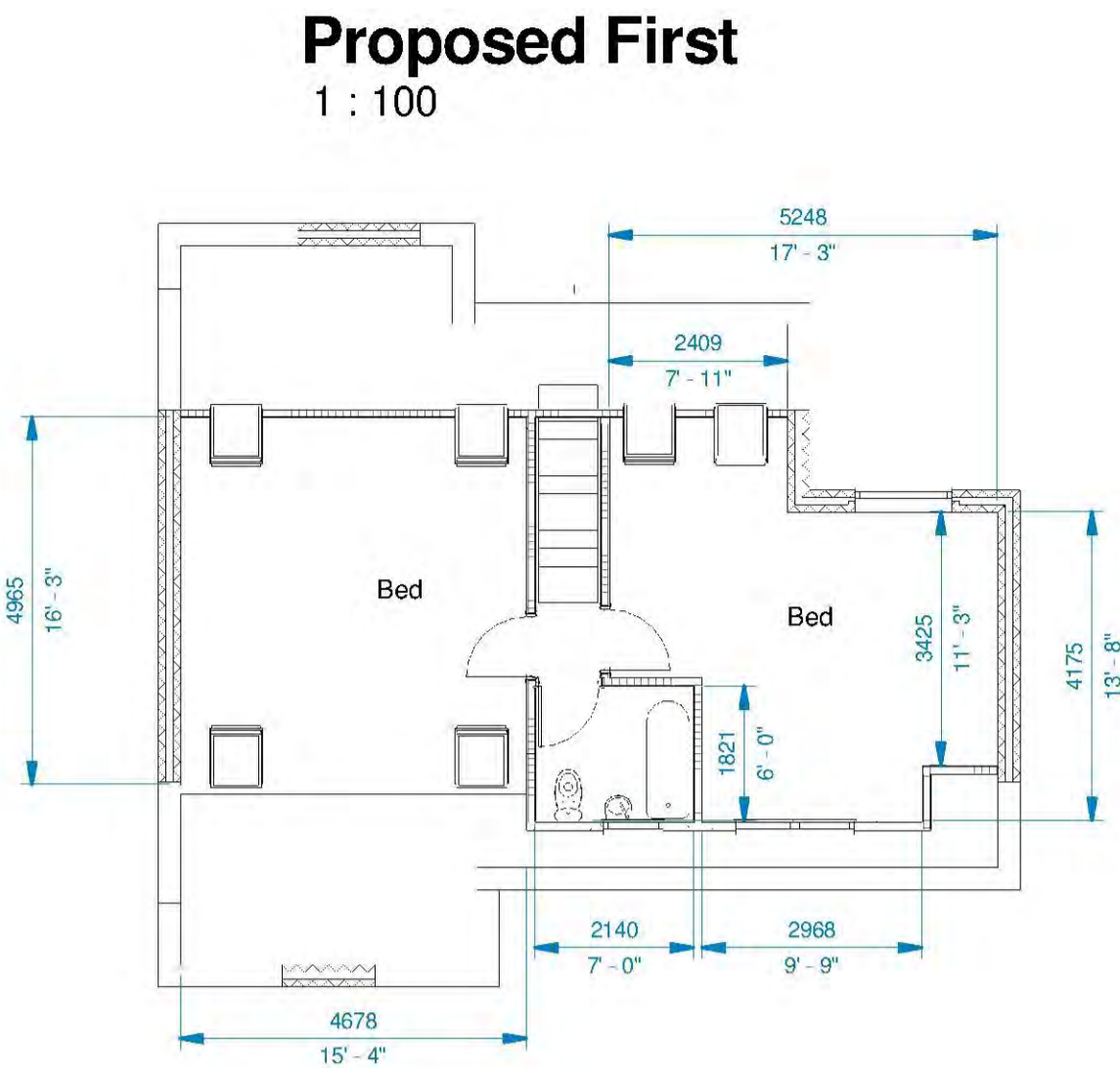
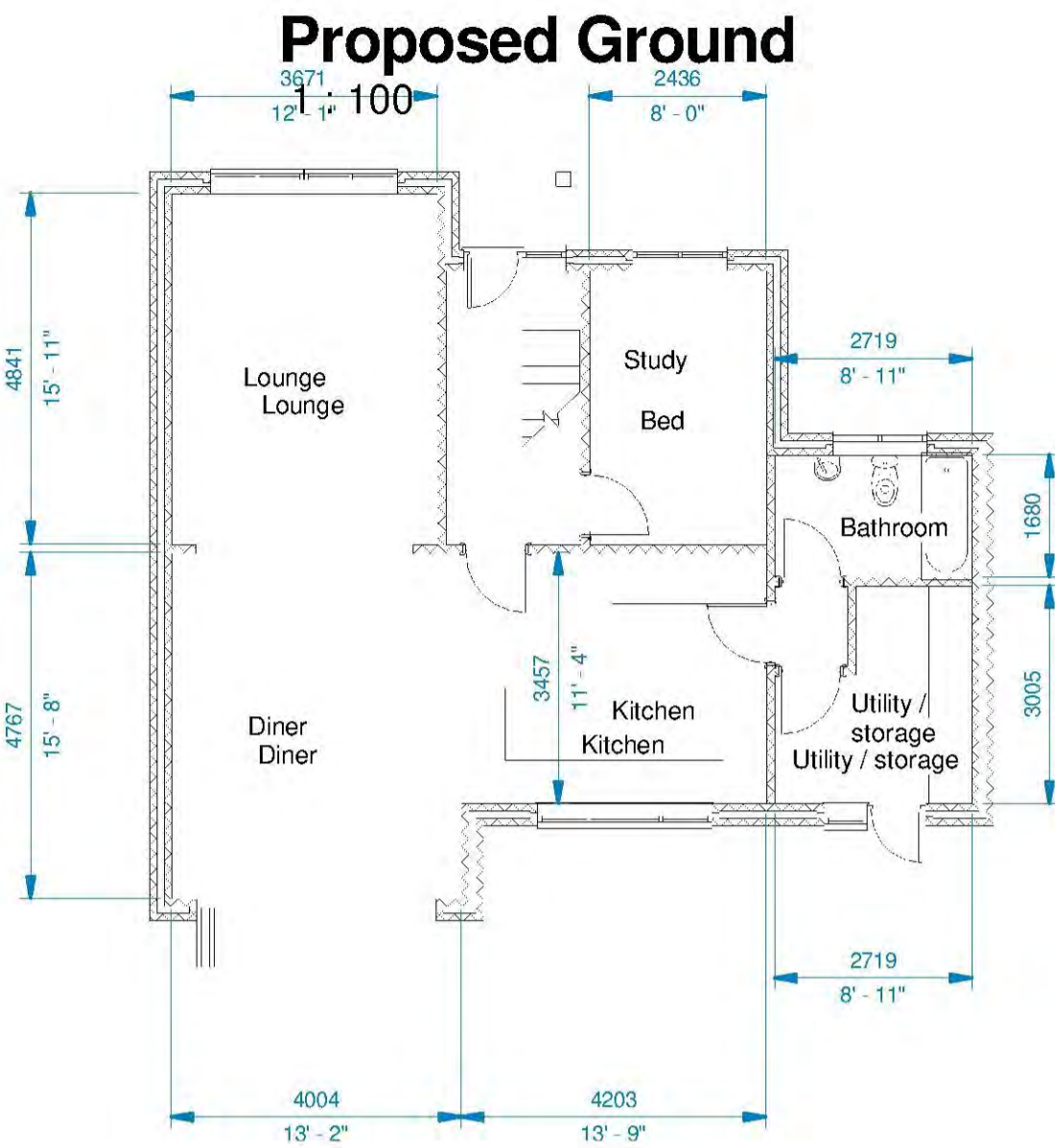
Notes

All dimensions and/or load-bearing walls to be checked and agreed on site as correct by contractor prior to commencement of works and ordering of materials. Any discrepancies to be reported to DK Building Designs prior to commencement of works. DK Building Designs will accept no responsibility for works commenced on site prior to planning approval (if relevant) and building control approval.

Plans are copyright and are not to be used without consent from DK Building Designs.

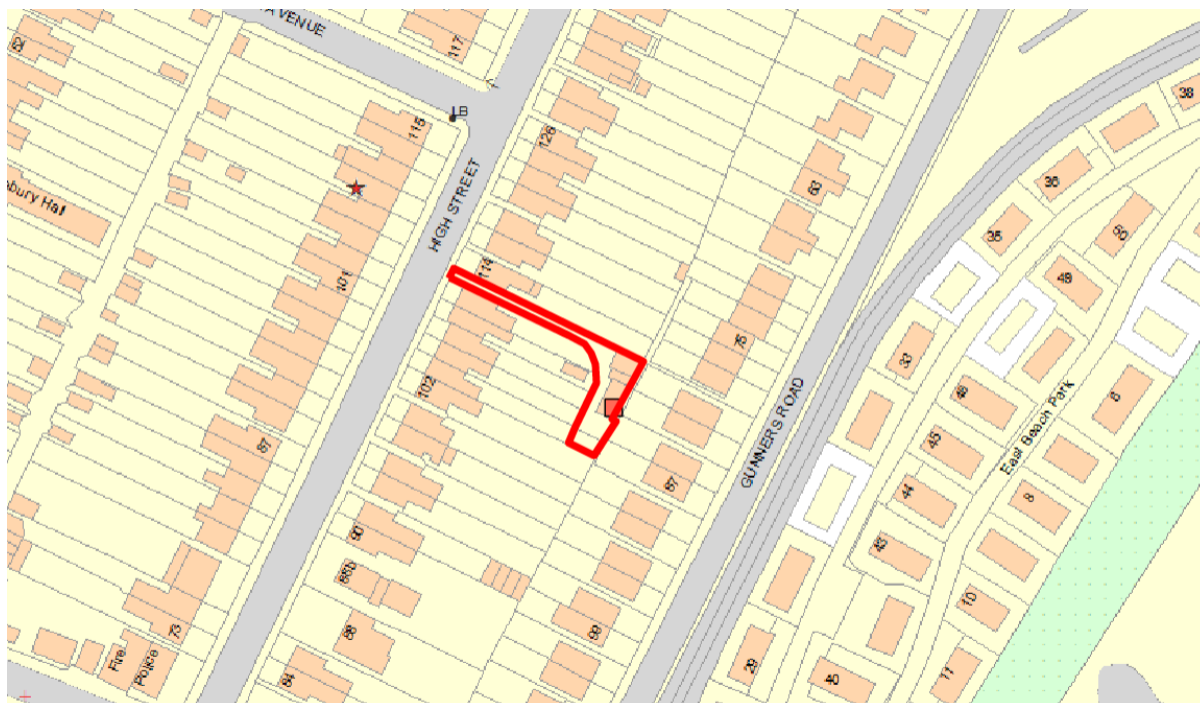
If applicable, clients / contractor to liaise with neighbours to abide with party wall act etc.

All beam calculations (if applicable) as per separate sheet. All stated spans of beams are clear spans only, between supports. Additional length to be added for end bearing of beams. Beams to cover full length of padstones.



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Reference:	18/00839/FUL	6
Ward:	Shoeburyness	
Proposal:	Demolish existing commercial buildings, erect single storey dwelling, layout parking and amenity area rear of 104-112 High Street (Amended Proposal)	
Address:	Land Rear Of 106 To 112 High Street, Shoeburyness	
Applicant:	Mr Hundal	
Agent:	N/A	
Consultation Expiry:	19.04.2019	
Expiry Date:	08.07.2019	
Case Officer:	Kara Elliott	
Plan No:	338-01 Rev A, 338-02 Rev C, 338-03 Rev A, 338-04	
Recommendation:	GRANT PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The application site is located to the rear of residential properties at 102-112 High Street, Shoeburyness and is accessed via an existing access between 112 and 114 High Street which is some 36m long.
- 1.2 The site access is 2.4m wide and leads to a rectangular site which incorporates garages and a former commercial workshop. The existing buildings are single storey with a mixture of flat and pitched roofs.
- 1.3 The site lies to the rear of residential properties in High Street which are mainly two storey terraced houses. It also backs onto the rear of semi-detached two storey housing within Gunners Road which have rear gardens of limited depth.
- 1.4 High Street, Shoebury is a classified road and there is a bus stop sited adjacent to the entrance of the site.

2 The Proposal

- 2.1 Planning permission is sought to demolish the existing workshop/garage/storage building on site and to erect a single storey dwelling, layout parking for two vehicles and amenity area at the rear of 102-112 High Street, Shoeburyness.
- 2.2 Planning permission was granted on 08.06.2015 for a very similar development but has since expired (reference 15/00505/FUL).
- 2.3 The proposed dwelling will measure a maximum of 4.8m wide x 14.6m deep x 3.5m high and have a mono-pitched roof.
- 2.4 The proposed dwelling will have two bedrooms (double bedroom approximately 12m², single bedroom approximately 7.5m²), a total floorspace of approximately 62sq.m overall and a private rear garden of 70sq.m.
- 2.5 One car parking space is proposed together with space to turn a car.
- 2.6 Materials to be used on the external elevations of the dwelling include white render and cedar cladding, grey roof membrane, grey aluminium windows and timber doors.
- 2.7 Consideration of the application was deferred from the October 2018 Development Control Committee meeting in order to allow the applicant to submit a corrected ownership certificate. The application was subsequently deferred from the April 2019 Development Control Committee meeting in order to enable the applicant to respond to parking concerns. Revised plans were submitted repositioning the building approximately one metre further south, enabling two on-site parking spaces to be formed. However, following assessment of the layout by the Council's Highways department, it has been evidenced that the proposed layout with two parking spaces restricts the

vehicular movement within the site and does not enable a vehicle to enter and leave in a forward gear in no more than a 3 point turn. This is a requirement of the Vehicle Crossing Policy as High Street Shoebury is a classified road. Therefore, the application is proposed as originally submitted, with one on-site parking space. The application was deferred from the June 2019 Development Control Committee meeting in order to clarify a proposed speaking request.

3 Relevant Planning History

- 3.1 14/01981/FUL: Demolish existing commercial buildings, erect single storey dwelling, layout parking and amenity area rear of 104-112 High Street – Refused planning permission on 24.02.2015 for the following reasons:

“01. The proposed dwelling by reason of its siting, height and position up to the site boundary would be overbearing upon and result in an undue sense of enclosure, to the detriment of the amenities of the occupiers of 83 and 85 Gunners Road. This would be exacerbated by the limited depth of these neighbour's rear gardens and the span of the proposed dwelling along the width of these neighbour's rear gardens. This is contrary to the National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies H5 and H10 and the Design and Townscape Guide (SPD1).

02. The applicant has failed to demonstrate how renewables would be incorporated into the development to meet at least 10% of the energy needs of the dwelling. It is unclear whether the required amount of renewables could be accommodated on the site to meet the requirements of Policy KP2 and the visual impact of the renewable options would need to be assessed. This is contrary to National Planning Policy Framework, Core Strategy Policy KP2 and the Design and Townscape Guide (SPD1).”

- 3.2 15/00505/FUL: Demolish existing commercial buildings, erect single storey dwelling, layout parking and amenity area rear of 104-112 High Street (Amended Proposal) - Granted 08.06.2015.

4 Representation Summary

- 4.1 Councillor N Ward called the application in for consideration by the Development Control Committee.

Highways

- 4.2 No objection.

Environmental Health

- 4.3 No objection. Suggests conditions in relation to contaminated land etc.

Public Consultation

- 4.4 19 neighbours were notified and a site notice was displayed. Neighbours were re-notified following receipt of revised plans submitted in response to the April 2019 Development Control Committee deferral. Five letters of representation have been received.
- 4.5 Letters of objection (4);
- Neighbour uses land for parking;
 - Loss of privacy;
 - Harm to neighbour amenity and amenity of area;
 - Loss of light;
 - The land must be kept clear for access and parking;
 - Difficult for emergency vehicles to gain access;
 - Security of the neighbour's property once fences removed.
 - Land not under ownership of applicant;
 - Loss of right of way for neighbours;
 - Object to replacement of the neighbour's fencing. **[Officer Comment: This is a private matter between the applicant and those neighbours concerned.]**
- 4.6 Letter of representation (1)
- Would like applicant to make offer to purchase land.
- 4.7 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. Following deferral of the application, the applicant has submitted the correct ownership certificate and served the requisite notices upon all person/s with an interest in the land. A grant of planning permission would not override any property rights held by interested parties.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (2019)
- 5.2 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).
- 5.3 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), DM11 (Employment Areas), and DM15 (Sustainable Transport Management).
- 5.4 The Design & Townscape Guide (2009)
- 5.5 The Nationally Described Space Standards (2015)

6 Planning Considerations

- 6.1 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 i.e. new local and national policy considerations and guidance, to the previous consent granted.

7 Appraisal

Principle of Development

National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2, CP1, CP4 and CP8; Development Management Document (2015) Policies DM1, DM3, DM11 and advice contained within The Design & Townscape Guide (2009)

- 7.1 Policy CP1 of the Core Strategy seeks to resist planning permission for proposals which would involve the loss of existing employment land unless it will contribute significantly to the objective of regeneration of the economy in other ways, including significant enhancement of the environment, amenity and condition of the local area. Similarly, Policy DM11 of the Development Management Document states that applications for alternative uses on sites used (or last used) for employment purposes will only be acceptable if it will no longer be effective or viable to accommodate the continued use of the site for employment purposes.
- 7.2 The site is currently occupied by a disused garage, and a smaller garage not used for any associated parking. The largest building is a vacant workshop which has a floor area of 101sq.m and is used for storage. Therefore, the site is generally used for storage and its loss will have negligible to no impact upon employment. Given the constraints of the site, tightly surrounded by residential properties, it is recognised that there would be little value in marketing the site for commercial use. No objection was raised by Members to the loss of the existing use at the time of the previous application.
- 7.3 Policy DM3 of the Development Management Document, in respect of backland development states;

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

- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or*
- (ii) Conflict with the character and grain of the local area; or*
- (iii) Result in contrived and unusable garden space for the existing and proposed dwellings;*

or

(iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.”

- 7.4 The site is tightly surrounded and within close proximity of neighbouring residential occupiers which adjoin the site in the High Street and at the rear in Gunners Road.
- 7.5 Although the siting of the dwelling is out of keeping with the pattern of development within the local area in certain regards, given that there are existing buildings on the site, no objection is raised on this basis.
- 7.6 It is considered that the residential use of the site would be more compatible and appropriate in the local area than the existing workshop use. Therefore, there is no objection to the principle of development subject to each of the considerations detailed below being satisfactorily achieved.
- 7.7 Additionally, at the time of granting the now expired planning permission in June 2015, no objection was raised to the principle of development. It is considered that there are no new material considerations which alter this view.

Design and Impact on the Streetscene

National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management (2015) policies DM1, DM3 and the Design and Townscape Guide (2009).

- 7.8 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management 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.”*
- 7.9 *Paragraph 124 of the NPPF (2019) 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.”*
- 7.10 *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”.*
- 7.11 The proposed dwelling is single storey and given its rearward siting some 41m from High Street, it will not be visible from nor have any impact in the streetscene.

- 7.12 Whilst the proposed dwelling is relatively wide, it is of limited height and there is no objection to its design and appearance. The use of cedar panelling and larger height windows will help break up the width of the building and use of render. Furthermore, due to its single storey nature and similarity to the existing buildings on site in terms of size, scale and bulk, the proposal would not appear overly dominant in this location and would not result in demonstrable harm to the character and appearance of the site or the wider area.
- 7.13 The existing buildings are in a relatively poor state of repair and make no positive contribution to the site and their surroundings. The proposed development would 'tidy up' and improve the appearance of the site overall.
- 7.14 Furthermore, at the time of granting the now expired planning permission in June 2015, no objection was raised to the proposed development in terms of its impact upon the character and appearance of the site and the wider area. It is considered that there are no new material considerations which alter this view.
- 7.15 The proposed development satisfies the policies detailed above.

Impact on Neighbouring Occupiers

National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Development Management (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

- 7.16 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.
- 7.17 The application site is surrounded by the rear gardens of residential properties in High Street to the north, south and west of the site and Gunners Road to the east of the site.
- 7.18 The total height of the dwelling is 3.5 metres. The proposed mono-pitch roof varies from 2.9m to 3.5m in height, with its highest point being located away from the rear of neighbouring properties in Gunners Road, located to the east of the site and 2.9m to the boundary. Additionally, whilst it is appreciated that the general siting of the building remains very similar to the previous application, the proposed dwelling has been slightly set off the eastern boundary adjacent to the rear of properties in Gunners Road by 100mm.
- 7.19 Submitted plan no. 338-03 Rev A details the outline of the existing structures to be demolished. The proposed dwelling will be a maximum of one metre higher than the existing buildings on site at its highest point. However, the majority of the building is only 400mm higher than the existing.

- 7.20 The building is sited approximately 10m to the rear of dwellings in Gunners Road and 23m from the rear of dwellings in High Street. It is not considered that the proposed fenestration would give rise to overlooking or loss of privacy to neighbouring occupiers. The windows on the eastern elevation of the building are high level only and would be primarily concealed behind existing fencing and the proposed rooflights will be at an angle away from neighbouring occupiers, with no direct views creating overlooking. All other windows will face out onto boundary fencing, sufficient to prevent overlooking and loss of privacy.
- 7.21 Neighbouring occupiers in High Street have relatively deep rear gardens at some 21m in depth. It is considered that the proposed dwelling would not be overbearing upon these neighbours given the level of separation (some 23m), limited scale and siting.
- 7.22 With regard to the impact on neighbouring occupiers which adjoin the site in Gunners Road, these properties have gardens, ranging from approximately 7m – 12m in depth. Those properties with the shortest gardens (no's 81 & 83) have flat roof single storey rear extensions. Given the minimal height of the building and its acceptable design, size, scale, bulk and siting it is not considered that the proposed dwelling would be overbearing on or result in an undue sense of enclosure to neighbours in Gunners Road. It is not considered that the proposal would have a detrimental impact upon the amenities of neighbouring occupiers.
- 7.23 The activity associated with a domestic dwelling would be no greater, and probably less than that of the existing use (storage). Furthermore, at the time of granting the now expired planning permission in June 2015, no objection was raised to the proposed development in terms of its impact upon neighbouring occupiers. It is considered that there are no new material considerations which alter this view. The proposed development is acceptable and satisfies the policies detailed above.

Standard of Accommodation for Future Occupiers

National Planning Policy Framework (2019), Policy KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM8 and the Design and Townscape Guide (2009), National Technical Housing Standards (2015).

- 7.24 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"*.
- 7.25 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.

- 7.26 It is considered that most weight should be given to the Government's Technical Housing Standards which were introduced on 1st October 2015 and introduce a new material consideration which was not in place at the time of the previous permission.
- 7.27 The proposed dwellinghouse would have a floorspace of approximately 62m². Since the granting of the previous planning permission, the National Technical Standards prescribing the minimum sizes for dwellings state that a 2 bedroom, 3 person dwelling must have a minimum floorspace of 61m². 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.
- 7.28 Bedroom two is served solely by a high level window. However, this is not considered to result in a poor standard of accommodation overall as the other rooms main outlooks are to the north and south and on balance, the light and outlook for the main habitable room is satisfactory.
- 7.29 The proposed dwelling will have a private rear garden of 70sq.m. This is considered to be an acceptable, useable size to meet the needs of future occupiers.
- 7.30 It is considered that the standard of environment would be acceptable for future occupiers and would satisfy the policies and standards detailed above.

Traffic and Transportation

National Planning Policy Framework (2019); Core Strategy (2007) Policies KP2, CP4, CP3; policy DM15 of the Development Management Document (2015) and the Design and Townscape Guide (2009)

- 7.31 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".*
- 7.32 The proposed dwelling would benefit from one off-street parking space. Following the April 2019 Development Control Committee the applicant submitted revised plans showing two spaces on site with the dwelling sited one metre to the south. However, it has been evidenced that providing two parking spaces on site does not result in adequate turning space and manoeuvrability for vehicles to enter and leave the site in a forward gear in no

more than a 3 point turn, resulting in material harm to pedestrian and highway safety. This is a requirement of the Council's Vehicle Crossing Policy as High Street Shoebury is a classified road.

- 7.33 Minimum standards are expressed within DM15 of the Development Management Document and a flexible approach may be applied in relation to parking provision on a site by site basis. In this instance, regard should be had to its sustainable location within short walking distance of Shoeburyness Station and local bus stops (there is a bus stop outside the site on the High Street). Additionally, the proposed development is likely to create less parking demand than its former use as a workshop and the proposed dwellinghouse is of limited size with only two bedrooms. The Council's Highways Officer has raised no objection to providing one parking space for the above reasons and it should also be noted that the approved application in 2015 (15/00505/FUL) only proposed one off-street parking space for the dwelling. Therefore, in this instance, the level of off-street parking is considered to be acceptable.
- 7.34 The site is accessed off a classified road whereby vehicles are required to be able to enter and leave a site in forward gear, i.e. able to turn a car on site. There is sufficient internal space to turn a car on site. No objection has been received from the highways department.
- 7.35 There is also no objection in respect of the access way which is an existing established access and this also meets emergency vehicles guidance (45m).
- 7.36 An area for refuse storage has been allocated to the north of the building adjacent to the proposed parking. Whilst this is outside of collection guidance distance which is 15m, it has been detailed that this can be placed on the roadside for kerbside collection on collection days by future occupiers and there has been no objection raised to this by the Council's Highways Officer.
- 7.37 It is considered that the highway and parking provision would be acceptable for future occupiers and satisfies the policies detailed above. Furthermore, at the time of granting the now expired planning permission in June 2015, 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 (2019), Core Strategy Policy KP2, Development Management Document Policy DM2 and the Design and Townscape Guide (2009)

- 7.38 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”.

- 7.39 The applicant has detailed that solar photovoltaic panels or a ground source heat pump could be installed to sufficiently meet the 10% renewable energy requirements in accordance with Policy KP2 of the Core Strategy. It is considered that further details can be dealt with by condition should permission be granted.
- 7.40 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

- 7.41 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 62 sqm, which may equate to a CIL charge of approximately £1,443.60 (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.

Other Issues

National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policy DM14

- 7.42 The site is classed as being potentially contaminated land which would need to be addressed and could be dealt with by condition should permission be granted.

8 Conclusion

- 8.1 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, have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the streetscene and the locality more widely. The highways

impacts of the proposal are not considered to be such that they would cause a conflict with development plan policies. The application is therefore recommended for approval, subject to conditions.

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: 338-01 Rev A, 338-02 Rev C, 338-03 Rev A, 338-04**

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, until and unless details of the materials to be used in the construction of the external elevations of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out 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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the Design and Townscape Guide (2009).

- 04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above ground floor slab level shall take place until full details of both hard and soft landscape works proposed for the site, have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours, means of enclosure, hard surfacing materials. Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification and the initial tree planting and tree staking details. The approved hard landscaping works shall be carried out prior to first occupation of the development hereby approved and the soft landscaping works shall be carried out within the first planting season following first occupation of the development. Any trees or shrubs**

dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity, biodiversity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to 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** No development shall take place until a site investigation of the nature and extent of any land contamination present has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority.

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

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

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

- 06** 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).

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

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

- 08 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 advice within the Design and Townscape Guide (2009).

- 09 No part of the development shall be occupied until space has been laid out within the site in accordance with drawing 338-01C for 1 car to be parked. The parking space shall be made available for use prior to first occupation of the dwelling hereby approved and shall be permanently retained thereafter only 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).

- 10 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 on the new dwellinghouse within Schedule 2, Part 1, Classes A, B, C, D, E, F or G to those Orders without express planning permission from the Local Planning Authority.**

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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management

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

- 11 Secure, covered refuse and recycling storage areas to serve the development hereby approved shall be provided and made available for use 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).

- 12 The development hereby approved shall be carried out in a manner to ensure the dwelling complies with building regulation M4(2) 'accessible and adaptable dwellings' prior to first occupation.

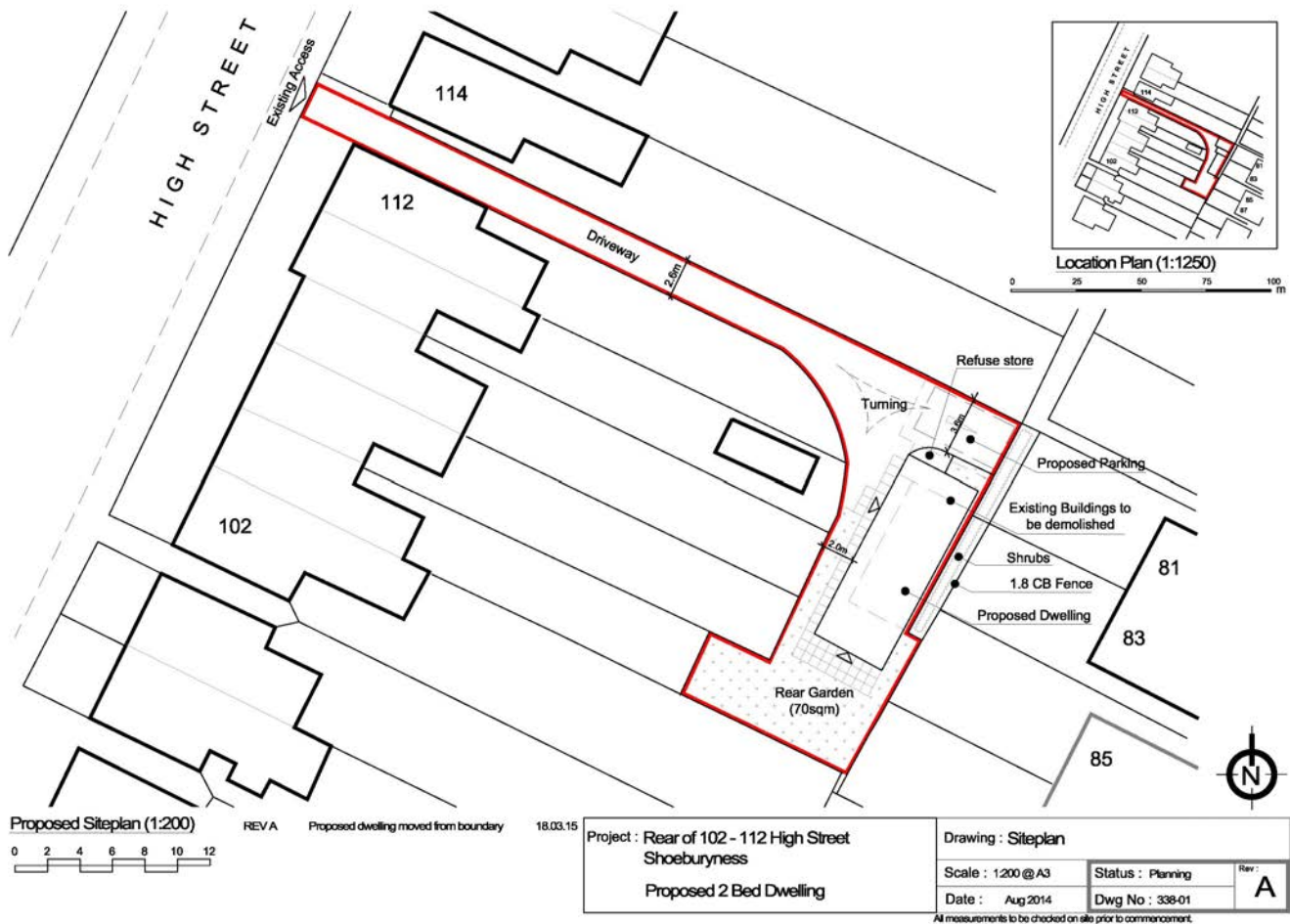
Reason: To ensure the residential unit hereby approved provides high quality and flexible internal layout to meet the changing needs of residents in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Design and Townscape Guide (2009).

Informative

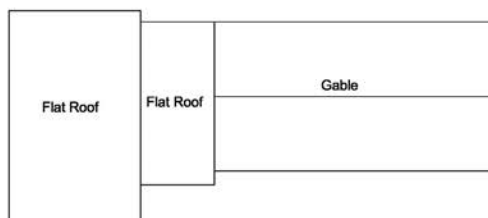
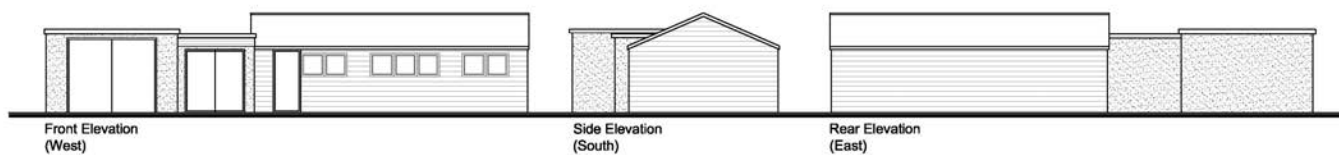
1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains 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.

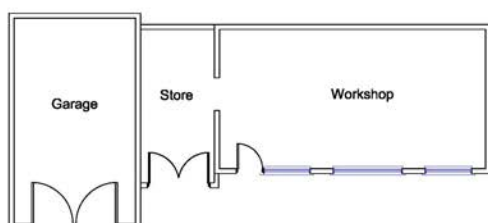
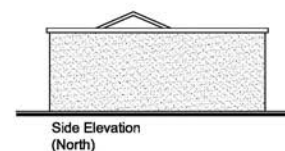
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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



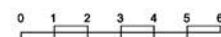
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Existing Buildings to be demolished
Roof Plan



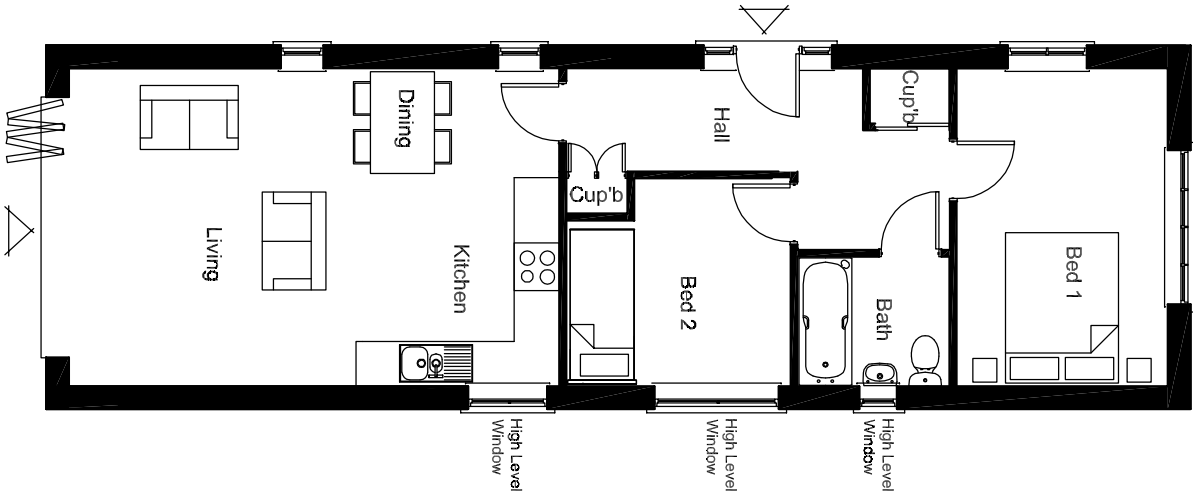
Existing Buildings to be demolished
Floor Plans



Project : Rear of 102 - 112 High Street Shoeburyness		
Proposed 2 Bed Dwelling		
Drawing : Existing buildings to be demolished		
Scale : 1:100 @A3	Status : Planning	Rev : -
Date : Aug 2014	Dwg No : 336-04	

All measurements to be checked on site prior to commencement.

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Floor Plan (1:100)



Roof Plan (1:100)

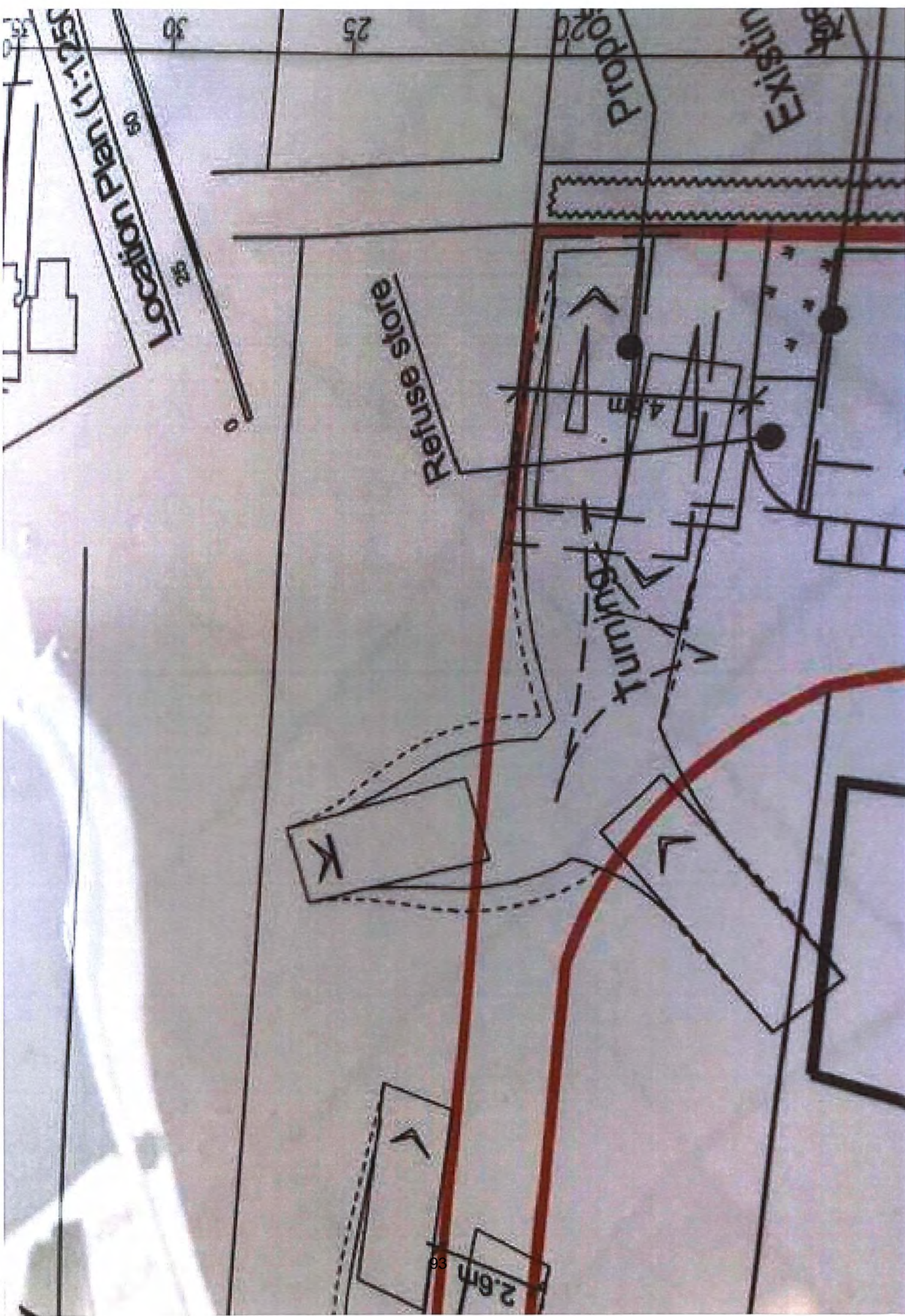
REV C	Single Bedroom's size increased	23.08.18
REV B	Internal floor space increased	23.08.18
REV A	Re-Designed Roof	18.03.15



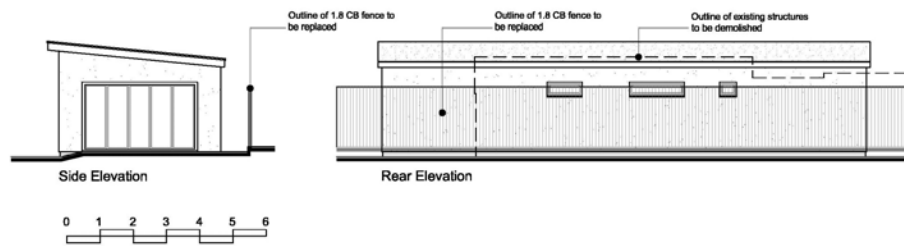
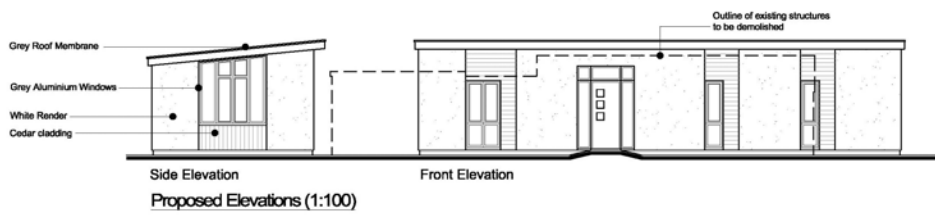
Project : Rear of 102 - 112 High Street			
Shoeburyness			
Proposed 2 Bed Dwelling			
Drawing : Proposed Plans			
Scale : 1:100 @A3	Status : Planning	Rev : A, B, C	
Date : Aug 2014	Dwg No : 338-02		

All measurements to be checked on site prior to commencement.

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REV A	Re-Designed Roof	18.03.15
Project : Rear of 102 - 112 High Street Shoeburyness		
Proposed 2 Bed Dwelling		
Drawing : Proposed Elevs		
Scale : 1:100 @ A3	Status : Planning	Rev : A
Date : Aug 2014	Dwg No : 338-03	

All measurements to be checked on site prior to commencement.

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Reference:	19/00008/UCOU_B	7
Ward:	St Lukes	
Breach of Control:	Change of use from coachworks (Class B1) to aggregate handling (Class B2) and erection of temporary modular buildings, raised height of perimeter walling and formation of storage bays	
Address:	28 Stock Road, Southend-On-Sea, Essex, SS2 5QF	
Case opened :	8 January 2019	
Case Officer:	Patrick Keyes	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	



1 Site location and description

- 1.1 This site is in the west end of Temple Farm Industrial Estate, situated between a line of trees next to the London to Southend Victoria railway line and Sutton Road cemetery.
- 1.2 To the west of the nearby railway line is a residential area, with Thornford Gardens the closest residential road. The site is immediately next to a complex of small commercial units to the south, Robert Leonard Industrial Park, with a further row of similarly sized units to the north at Potters Way. There are HQ offices and higher technology businesses located in the immediate vicinity as well as two established concrete mixing plants.
- 1.3 The use at No 28 is operated in conjunction with a similar use at 25 Stock Rd a short distance to the south, the latter benefitting from planning permission. The overall aggregate handling activity expanded/ transferred onto No 28 around 2015/2016 and is now operated across both Nos 25 and 28.
- 1.4 The site is identified on the policies map of the Development Management Document as being part of an Employment Area. It is situated some 20m from the Prittle Brook, which is identified as a 'main river' by the Environment Agency.

2 Lawful Planning Use

- 2.1 The former lawful use of the site was as a 'coachworks' considered to fall under Use Class B1. Planning permission has previously been granted for the use of the site for the processing of scrap metal and recycling yard under the terms of application 09/00966/FUL but not implemented.

3 Relevant Planning History

- 3.1 17/01236/FUL: Change of use from coachworks (Class B1) to aggregate handling (Class B2) and erect three temporary modular buildings and storage bays (Retrospective). Refused
- 3.2 15/01676/FUL: Change of use from coachworks (Class B1) to aggregate handling (Class B2) and erect three portacabins and storage bays. Refused.
- 3.3 09/00966/FUL: Change of use of coachworks as premises for the processing of scrap metal and recycling yard (Amended Proposal). Approved.
- 3.4 08/00757/FUL: Change of use of coachworks as premises for the processing of scrap metal and recycling yard. Refused.
- 3.5 02/01192/FUL: Erect single storey building to be used as workshop at the rear for vehicle repair and paint spraying. Approved.

4 The alleged planning breach and the harm caused

- 4.1 Despite refusal of retrospective planning application 17/01236/FUL, which sought change of use from coachworks (Class B1) to aggregate handling (Class B2) and

erection of three temporary modular buildings and storage bays, the site continues to operate for such unauthorised purposes in conjunction with the lawful use of No 25. The unauthorised use of No 28 is harmful to the amenities of neighbouring residents and businesses, and the general environmental quality of the area. This is due to noise disturbance, and dust generated at the site, which is exacerbated in cumulative terms in conjunction with the ongoing lawful operation at 25 Stock Road. A copy of the officer report for the refused application 17/01236/FUL is attached as appendix 1.

5 Background and efforts to resolve breach to date

- 5.1 Planning application 17/01236/FUL was submitted following a previous refusal of planning permission, under application 15/01676/FUL. That earlier application sought permission for 'Change of use from coachworks (Class B1) to aggregate handling (Class B2) and erect three temporary modular buildings and storage bays'. It was refused on the following grounds:

"1. The proposed development, by virtue of its layout and appearance, would be of detriment to the character and appearance of the application site and the surrounding area. The proposal would therefore be contrary to the NPPF, policies KP2 and CP4 of the Core Strategy, Development Management DPD policy DM1 and advice contained within the adopted Design and Townscape Guide (SPD1).

2. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed use would not cause harm to the amenities of neighbouring residents by virtue of noise and dust generated at the site as a result of the proposed use of the land. The proposal is therefore contrary to the National Planning Policy Framework and policy DM1 of the Development Management DPD".

- 5.2 The key differences between the submitted details in refused application 17/01236/FUL and those in the earlier refused application 15/01676/FUL were that the 2017 application was accompanied by :
- an acoustic assessment;
 - a dust suppression specification;
 - a copy of an Environment Agency permit in relation to waste operations.
- 5.3 The 2017 planning application sought, without success, to provide mitigation measures to deal with the identified environmental harm. Significant opportunity was given to the applicant during the processing of that application to address weaknesses in both the environmental impact surveys and mitigation measures proposed to address the identified issues. During that time and up to the current time complaints have been received by Regulatory Services/ Environmental Health about the impact of dust on the surrounding environment particularly its effect on nearby businesses.
- 5.4 No appeal has been submitted against the refusal of the retrospective 2017 planning application.

6 Harm caused by the breach as assessed against relevant planning policies and justification for enforcement action

- 6.1 The officer's report for planning application 17/01236/FUL setting out its reasons for refusal is attached at Appendix 1.
- 6.2 The officer's report sets out a full analysis of the policy and other material considerations. It finds that the principle of the use of the site for aggregate handling is acceptable and that there is no material harm to highway safety thereby complying in those regards with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2, KP3, CP1, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM10, DM11, DM14 and DM15, and the advice contained within the Design and Townscape Guide (2009).
- 6.3 However despite having been given opportunity to seek to do so during the course of the 2017 planning application, the applicant has failed to date to evidence that noise, disturbance and dust impacts from the use are not materially harmful to surrounding occupiers and the situation on site continues to generate regular complaints to Regulatory Services in this regard. This harm is unacceptable and contrary to the objectives of the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, KP3 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Design & Townscape Guide (2009)
- 6.4 Furthermore, the appended report explains that the applicant has been unable to agree terms for a cessation of the established use of their site at 25 Stock Road to which the site at No28 is situated in close proximity. The cumulative impacts of similar operations at the lawful site (No 25) and this unauthorised site (No 28) site have caused reported nuisance in terms of dust, and it has not been demonstrated that there is not a materially harmful impact on residential occupiers, business users and the general standard of the environment in the wider surrounding area in terms of noise, dust and disturbance. This is unacceptable and contrary to the objectives of the above policies and any benefits from the use at No 28 do not clearly outweigh the identified harm.
- 6.5 Efforts to remedy the identified harm through consideration of the amended 2017 application have been to no avail as that has not overcome the continuing harm. In view of the nature and extent of weaknesses in that application so far as mitigation of impact is concerned it was considered that conditions could not reasonably be imposed to overcome the identified harm.
- 6.6 In view of the protracted period for which this unresolved breach has continued and the nature and impact of continuing harm which it is causing, it is considered necessary and justified to take enforcement action to seek to address the environmental harm and negative effect on amenity caused by the unauthorised development. That would involve taking action to require cessation of the use of the site for those unauthorised purposes to the extent that the insufficiently controlled/ mitigated operation at No 28 is harming environmental conditions and amenity. The 2017 planning application was also refused because it was considered that the proposed siting and appearance of a pair of raised modular buildings/ containers alongside the site's northern boundary would be detrimental to the character and appearance of the site and surrounding area.
- 6.7 The unauthorised pair of demountables/ containers, used as offices for the aggregate handing facility, is now positioned along the site's northern boundary just

rearward of the main storage building associated with the use. Other works have been carried out at the site without planning permission including the raising of the height of perimeter enclosures mainly through the erection of solid metal fencing. Walled bays have been erected within the site to contain aggregate materials and external working areas including concrete crushing equipment. Given the primarily industrial/ business nature of the surroundings, that use for aggregate handling in itself has not been found to be unacceptable in principle on this site (it was not a reason for refusal of the 2017 application) and that the taller perimeter enclosures better contain activity on the site including acting as a screen for the demountable buildings/ containers which were differently sited within the site when the 2017 permission was refused, it is not proposed that those unauthorised developments in themselves warrant inclusion within an enforcement notice because, judged on their merits they do not cause material harm to local character, amenity or any similar interests of acknowledged importance.

- 6.8 Taking enforcement action in this case may amount to an interference with the owner/occupier's human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area. In this particular case it is considered reasonable, expedient, and proportionate and in the public interest to pursue enforcement action to require the unauthorised use as an aggregate handling facility to cease.

7 Recommendation

- 7.1 Members are recommended to AUTHORISE ENFORCEMENT ACTION to require:
a) cessation of the unauthorised use of the site for an aggregate handling facility
- 7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.
- 7.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 4 months is considered reasonable for the cessation of the use.

Appendix 1 – Officer Report in application reference 17/01236/FUL

Reference:	17/01236/FUL
Ward:	St Lukes
Proposal:	Change of use from coachworks (Class B1) to aggregate handling (Class B2) and erect three temporary modular buildings and storage bays (Retrospective)
Address:	28 Stock Road, Southend-On-Sea, Essex, SS2 5QF
Applicant:	Mr P. Cook (W.H. Roads)
Agent:	Mr N. Kenney (The Draughtsman)
Consultation Expiry:	09.10.2017
Expiry Date:	16.10.2017
Case Officer:	Robert Lilburn
Plan No's:	Site Location Plan Existing Layout 485 SR/NAK/001 REV A Existing Elevations 485 SR/NAK/002 REV A Proposed Layout and Elevations 485 SR/NAK/003 REV A Sections & Axonometrics 485 SR/NAK/004 REV A Construction Notes 485 SR/NAK/005 REV B
Recommendation:	REFUSE PLANNING PERMISSION

1 The Proposal

- 1.1 Planning permission is sought retrospectively for the change of use of the site to a place of aggregate crushing and handling with associated operational development.

The following operational development is shown on the submitted plans:

- elevation alterations associated with the re-purposing of the former office/workshop/storage building as a dry screening shed;
- installation of 6m high box-profile fence, high level palisade fence and access gate;
- formation of 7no. storage and aggregate bays to south-west end of site by erection of concrete-block walls;
- formation of 2no. aggregate bays to east end of site by erection of three concrete-block walls;
- installation of 70 ton silo;
- installation of weigh bridge;
- installation of 2no. temporary modular building to east end of site;
- installation of 1no. high-level temporary modular building, supported on 3.6m high concrete-block supports;
- installation of screener/grader.

An area for crushing and screening is proposed at the west edge of the site. Dust-suppression cannon are noted on the submitted layout plan.

- 1.6 The application has been submitted following a previous refusal of planning permission, in application 15/01676/FUL. The application was for 'Change of use from coachworks (Class B1) to aggregate handling (Class B2) and erect three temporary modular buildings and storage bays'. It was refused on the following grounds:

"1. The proposed development, by virtue of its layout and appearance, would be of detriment to the character and appearance of the application site and the surrounding area. The proposal would therefore be contrary to the NPPF, policies KP2 and CP4 of the Core Strategy, Development Management DPD policy DM1 and advice contained within the adopted Design and Townscape Guide (SPD1).

2. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed use would not cause harm to the amenities of neighbouring residents by virtue of noise and dust generated at the site as a result of the proposed use of the land. The proposal is therefore contrary to the National Planning Policy Framework and policy DM1 of the Development Management DPD".

- 1.7 The key differences between the submitted details in the application under consideration and those in the refused application 15/01676/FUL are:

- The application is accompanied by an acoustic assessment;
- The application is accompanied by a dust suppression specification;
- The application is accompanied by a copy of an Environment Agency permit in relation to waste operations.

No changes to the previously proposed layout and designs are shown.

2 Site and Surroundings

- 2.1 The application site is located in the west end of Temple Farm Industrial Estate, wedged between a line of trees adjacent the London to Southend Victoria railway line and Sutton Road cemetery.
- 2.2 The site is identified on the policies map of the Development Management Document as being part of an Employment Area. It is situated some 20m from the Prittle Brook, which is identified as a 'main river' by the Environment Agency.
- 2.3 To the west of the nearby railway line lies a residential area, with Thornford Gardens being the closest residential street. The site is immediately adjacent a complex of small commercial units to the south, Robert Leonard Industrial Park, with a further row of similarly sized units to the north at Potters Way. There are HQ offices and higher technology businesses located in the immediate vicinity as well as two established concrete mixing plants.
- 2.4 It is understood that the former lawful use of the site was as a 'coachworks' which has been described as use class B1. Planning permission has previously been granted for the use of the site for the processing of scrap metal and recycling yard under the terms of application 09/00966/FUL.

3 Planning Considerations

- 3.1 The main considerations of this application are the principle of the development, effects on the environmental quality of the area, impacts on neighbouring occupiers, design and the impact on the street-scene, and traffic and transport implications.

4 Appraisal

Principle of Development

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2, KP3, CP1, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM10, DM11, DM14 and DM15, and the advice contained within the Design and Townscape Guide (2009)

- 4.1 Government guidance with regard to planning matters is set out in the National Planning Policy Framework (NPPF). The NPPF states that there are three dimensions to sustainable development: economic, social and environmental. The NPPF encourages the effective use of land by re-using land that has been previously developed (para.8).
- 4.2 The NPPF at section 17 recognises the importance of aggregates supplies, including the provision and the decentralisation of supply, handling and storage sites. At Paragraph 204 the NPPF recognises the impacts of such operations and requires that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality.

- 4.3 Policies KP1 and KP2 seek to promote sustainable development, including appropriate regeneration and growth within the identified industrial areas, and Policy KP2 seeks to put land and buildings to their best use. Policy CP4 seeks the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend, including maintaining and enhancing the amenities, appeal and character of residential areas.
- 4.4 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 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.
- 4.5 Policy CP1 of the Core Strategy states that *“Industrial and distribution uses will be supported on existing and identified industrial/employment sites, where this would increase employment densities and/or reinforce their role in regeneration”*. Policy DM11 of the Development Management Document states that *“The Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas”*. The Southend-on-Sea Employment Land Review 2010 identifies Temple Farm industrial estate as suitable for retention for future employment purposes.
- 4.6 The use for which planning permission is sought generates impacts in terms of noise, vibration, dust and visual impacts. The associated large vehicle movements generate their own impacts of fumes, noise and vibration and highway safety implications.
- 4.7 The aggregate handling use provides an economic function, for example in supporting construction. High transportation costs of the inputs and outputs require a degree of decentralisation. It is therefore reasonable to expect that such a use should be accommodated to a degree, where suitable opportunities exist and there is no material harm or any such harm identified is clearly outweighed by the benefits of the use.
- 4.8 Policy DM11 of the Development Management Document seeks to protect employment sites by retaining Class B uses unless there is no reasonable prospect of a site being used for the designated employment use. The use of the site as sought supports employment and economic activity.
- 4.9 The Southend borough is tightly defined with limited opportunities for the provision of such ‘unneighbourly’ types of use. Policy DM10 of the Development Management Document seeks to direct low density type of uses to the existing employment areas. In the broadest sense, as part of an Industrial Estate the site is likely to be a sequentially preferable location for this type of use.
- 4.10 The industrial estate is characterised by a mixture of uses as noted at 2.3 above. The use has previously been carried on at 25 Stock Road, which is situated to the south of the site at the other side of Robert Leonard Industrial Park. The application has been made further to the applicant moving the operation from 25 Stock Road.
- 4.11 In light of the above, the use is not uncharacteristic of the immediate area. As a

matter of broad locational principle, the site is an appropriate location for such a use.

- 4.12 The applicant has stated that it is intended to surrender the waste permit for no.25 Stock Road, which is under separate ownership. This intention is acknowledged. However, no.25 benefits from an established use in the same manner as that for which planning permission is now sought. The applicant has been unable to enter a legal agreement to ensure that the operations do not continue at 25 Stock Road in the event that planning permission is granted for the application at hand. Accordingly, as submitted the proposal offers no mechanism of control to prevent Nos.25 and 28 Stock Road both operating as aggregate handling facilities, irrespective of ownership.
- 4.13 The site is identified as potentially contaminated land. Policy DM14 requires that an appropriate Contaminated Land Assessment be carried out to inform remedial works where necessary. This issue has not been addressed in the submitted plans and supporting information. However the matter has not formed a reason for refusal on the previous application relating to the site and would be controlled though conditions.
- 4.14 The site is acceptable for B2 purposes of the character described as a matter of broad principle. However the acceptability of the proposal depends on the specific impacts on the quality of the surroundings and these are considered further below.

Design and visual impacts

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

- 4.15 At Paragraph 130, the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document, and the Design and Townscape Guide, advocate the need for new development to respect and complement local character.
- 4.16 In the Council's Development Management Document, Policy DM1 states that development should *"add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."*
- 4.17 Policy KP2 of Core Strategy states that new development should *"respect the character and scale of the existing neighbourhood where appropriate"*. Policy CP4 of 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"*.
- 4.18 The surrounding area features a variety of commercial land uses, including a modern employment complex to the North, conventional light industrial units and offices to the South and relatively untidy land uses much further to the South,

including a similar aggregate handling operation and a civic waste processing facility. A heavily landscaped cemetery is located to the East of the site and to the West of the site is a railway line, the other side of which is a residential area. The former use of the site as a coach works involved the use of a large building at the site, which has been retained, but the majority of the operations would have occurred to the rear of the site, behind tall gates and fencing.

- 4.19 The application proposes the provision of palisade fencing at the site frontage, of unspecified height. This fencing is proposed to be positioned on the highway-facing elevation of Stock Road and the adjacent fencing to the south of the application site and therefore, provided that the fencing is in-keeping with the height and design of the neighbouring properties, it is considered that the proposed fencing can be accepted. The fencing in situ is a dark colour-coated metal box-panel form of around 2m height and is also acceptable. The gates match in colour, are visually permeable and are acceptable in appearance. Although the gates are visually permeable, it is considered that they adequately screen the operations within the site.
- 4.20 The 6 metre tall fencing on the west and north boundaries of the site is considered to be of functional design and visually impactful. The fencing successfully screens the walls, equipment, temporary modular buildings and banded materials on site and plays a role mitigating the noise and dust that is created by the operation. The posts and panels are finished in neutral colours which blend to a degree with the trees and shrubs around the site. The height of the fence is marginally above the commercial units at Potters Way, similar to the taller trees around the site and to the height of the main building within the application site.
- 4.21 The layout of the proposed aggregate bays means that seven are located at the rear of the site, thereby having a limited impact on the character and appearance of the wider area. Two are provided at the frontage of the site and these are separated from the public frontage by the entrance and exit gates, meaning that they are on a largely uninterrupted view from the street.
- 4.22 The site is within a commercial area, and although the operations are consistent with this character, it would ordinarily be encouraged to screen open storage from public view as it may be deemed unsightly. However in this instance, the relative prominence of the associated open storage is limited as it is merely glimpsed through the gates, is a small feature within the bays laid out and is seen in an entirely industrial context. This aspect of the proposal is, on balance, acceptable.
- 4.23 The positioning of the proposed silo is considered to be suitably discreet and it is noted that it would be largely enclosed, thereby having a limited visual impact. The plant would be visible from the frontage of the site, but would not cause significant visual harm that would exceed a visual impact that would reasonably be expected at a commercial site.
- 4.24 The applicant has proposed the provision of two temporary modular buildings at the site, one of which would be provided in a raised position to enable additional space to be utilised at ground level. One temporary modular building has been positioned to the front of the site.
- 4.25 To the rear the high-level temporary modular building would make a prominent

feature of a structure that would have a temporary appearance. This would be an unsightly feature and lend the site a makeshift appearance that would be harmful to the appearance of the site or the surrounding area.

- 4.26 Concerns were raised under application 15/01676/FUL with respect to the height of boundary treatments and the position of two of the aggregate bays, and the appearance of the proposal formed a reason for refusal. The plans have not altered from the proposals within that submission. The development is largely acceptable in character and appearance terms in the industrial estate context. However it is considered that reason for refusal 01 of application 15/01676/FUL has not been satisfactorily overcome due to the proposed high-level temporary modular building.
- 4.27 In this instance, despite the commercial character of the surrounding area, it is considered that the proposed development would have an unacceptable visual impact through the proposed high level temporary modular building and would be unacceptable and contrary to the objectives of the development plan policies in this regard.

Impact on Neighbouring Properties

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2, KP3 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Design & Townscape Guide (2009)

- 4.28 Policy DM1 of the Development Management Document 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.”*
- 4.29 The closest residential properties to the application site are located 95 metres to the west of the site, at the opposite side of the railway line, with the back gardens being approximately 81 metres from the edge of the application site.
- 4.30 Due to the separation distance, topography and intervening tree cover, the development does not cause a material impact in terms of loss of light or privacy to those residential occupiers that are closest to the site. It is considered that the separation distance would ensure that the tall structures and boundary treatments would not be materially perceptible in the outlook of these residential properties.
- 4.31 The use of land has potential to generate significant noise and as such it is considered that the Local Planning Authority should satisfy itself that the proposed use of land would not cause noise disturbance to the harm of the nearby residential properties and commercial premises. It is noted that the applicant currently operates a similar use at another site within Stock Road which is 64 metres from the closest neighbouring properties and has been the subject of noise complaints and investigations by the Council’s Environmental Health Team, despite the presence of the railway line between the residential and commercial uses. Therefore, it is considered that this is a material consideration that is of significant relevance to the proposals.
- 4.32 A noise assessment has been submitted as part of the application, compiled by

Sound Acoustics Limited dated April 2016. The Council's Environmental Health Officer has assessed the details submitted. The noise survey has been based on the assumption that the operations at 25 Stock Road will cease when 28 Stock Road is put into use. No provision has been made for the site to continue being used for similar purposes although it is understood that activities are currently being carried out on both sites and have been for some time.

- 4.33 Approval of the application would not alter the lawful use of no.25 Stock Road and as such that site could continue to generate noise whether used independently or not from the operation at no.28 which is the subject of this application. The applicant has not demonstrated that a cumulative impact would not be materially detrimental to nearby occupiers. The applicant has stated that a benefit of the proposal is that the application site is located further away from the nearby residential properties. It is considered that any benefit arising in this respect is far outweighed by the potential for harm caused by the cumulative effect of both sites in noise-generating operation.
- 4.34 The submitted noise assessment has not been accompanied by a plan to show the noise measurement positions. The measurement results from the background noise surveys have also not been supplied.
- 4.35 The noise assessment included manned and unmanned components. At the times of the manned survey some plant on site was not working to its full capacity. The survey states that all equipment was understood to have been in operation at the times of the unmanned survey. However this assumption cannot be verified and officers are not satisfied that the readings taken are reflective of the normal or worst-case scenarios.
- 4.36 The highest LA_{max} reported during the unmanned survey was 93dB, however the manned survey states that the maximum level recorded at the site during the survey period was 94dB. Given this discrepancy, it is not possible to agree that the readings are typical of the worst-case noise scenarios. In the absence of a fully detailed noise assessment, it is not possible to establish whether the development would cause noise disturbance to neighbouring residential properties.
- 4.37 The recommendations of the acoustic report detail mitigation measures to be provided in the form of the 6m high boundary fence. However, the applicant has not demonstrated that this would provide a noise reduction. The report also recommends a 3m high acoustic screen to be installed at the applicant's existing site 25 Stock Road, but this proposal falls outside of the scope of this application.
- 4.38 The submitted proposals are also unable to address the cumulative noise impacts of both the application site and the applicant's former premises at 25 Stock Road. There has been a history of complaints to Environmental Health relating to noise arising from the operation of the sites and causing a disamenity to residents. This history of complaints is a material consideration. In the absence of a legal agreement which would be required to control the relationship of the current proposal to any future operation at 25 Stock Road, it is not possible to establish to a satisfactory degree that the development in combination with the existing use of 25 Stock Road would not lead to materially harmful noise impacts to nearby receptors, especially given the close proximity of the two sites to one another.

- 4.39 Waste operations at the site have been shown in submitted documents to benefit from an Environment Agency permit. Conditions of the permit relate to noise from the site. This is covered by a separate regulatory framework and does not outweigh the concerns identified above.
- 4.40 The more sensitive receptors are nearby residents especially at Thornford Gardens, but there would also be a degree of impact on businesses and general quality of the environment around the industrial estate. This is unacceptable and contrary to Policies KP1, KP2 and CP4 of the Core Strategy and Policies DM1 and DM3 of the Development Management Document.
- 4.41 The use would also have the potential to create impacts on surrounding occupiers from airborne dust. The applicant has indicated that an 'Air Spectrum Mobile Dust Cannon' would be used at the site. The cannon would spray a mist of water to suppress dust. The supporting information is considered insufficiently precise as there is no detail of how and where the equipment would be used. As such it has not been possible to be satisfied that the equipment, in addition to the 6m high fencing, would be adequate to prevent the spread of dust outside the application site. Furthermore there has been a history of complaints over some three years to Environmental Health, relating to dust arising from the operation of the sites. This has affected businesses and residents in the vicinity of the site and having been identified as arising from both the application site and no.25 Stock Road. The fences have been in situ in that time as has a sprinkler system. This history of complaints is a material consideration.
- 4.42 In the absence of an assessment, or a legal agreement in relation to operations at 25 Stock Road it is not possible to establish to a satisfactory degree that the development in combination with the existing use of 25 Stock Road would not lead to materially harmful cumulative dust impacts to nearby receptors, especially given the close proximity of the two sites to one another. These include nearby residents and businesses, in particular technology businesses which may be sensitive to contamination. The general quality of the environment around the industrial estate and in the wider area is also a key consideration. This is unacceptable and contrary to Policies KP1, KP2 and CP4 of the Core Strategy and Policies DM1 and DM3 of the Development Management Document.
- 4.43 Within the course of the current application, significant opportunity has been given to the applicant to robustly address the noise and dust impact issues described above, including by appointing suitable qualified advisors in these fields. Despite considerable opportunities having been given, neither the survey methodology nor impact mitigation considerations have been satisfactorily addressed.
- 4.44 It has not been demonstrated that the development in isolation or cumulatively in conjunction with no.25 Stock Road maintains the amenities of surrounding occupiers or the quality of the area to a satisfactory degree. A material degree of harm has been identified from the operations in situ as a result of noise and airborne dust. The development does not address the previous reasons for refusal in this respect. The benefits of the use do not clearly outweigh these concerns and is therefore found unacceptable and contrary to the objectives of the above-noted policies in this regard.

Transport Management and Highway Safety

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and the advice contained within the Design & Townscape Guide (2009)

- 4.45 Policy DM15 of the Development Management Document and Policy CP3 of the Core Strategy seek to maintain highway safety for all users, and to improve road safety and quality of life for all.
- 4.46 The site would previously have been accessed by large vehicles. The surrounding commercial area is arranged to enable access by large vehicles. It is therefore considered that the proposed use of the site would not cause harm to highway safety. The potential cumulative effect of the use of the site together with no.25 Stock Road, in terms of vehicle movements on the road network, has not warranted an objection in this case. Parking provision within the site is adequate and no objection is raised on this basis. The proposal is therefore acceptable and policy compliant in these regards.

Community Infrastructure Levy

- 4.47 The proposed development would see the creation of less than 100 square metres of new floor space and the proposal would retain a commercial use of the site. It is found that the development is not CIL liable

Conclusion

- 4.48 Having taking all material planning considerations into account, it is found that the principle of the use of the site for aggregate handling is acceptable. However despite having been given ample opportunity to seek to do so, the applicant has been unable to evidence that the noise and dust impacts from the use are not materially harmful to surrounding occupiers. This is unacceptable and contrary to the objectives of the development plan policies. Furthermore, the applicant has been unable to agree terms for a cessation of the established use of their former site at 25 Stock Road to which the site is situated in close proximity. The cumulative impacts of similar operations at both sites have caused reported nuisance in terms of noise and dust, and it has not been demonstrated that there is not a materially harmful impact on residential occupiers, business users and the general standard of the environment in the wider surrounding area. This is unacceptable and contrary to the objectives of the development plan policies, and any benefits from the use do not clearly outweigh the identified harm. The appearance of the proposed high level temporary modular building would also be unacceptable. The development conflicts with the objectives of the development plan policies, and has not satisfactorily overcome the previous reasons for refusal.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (2018)
- 5.2 Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development Principles) KP3 (Implementation and Resources) CP1 (Employment Generating Development) CP2 (Town Centre and Retail Development) CP3 (Transport and Accessibility) CP4 (Environment & Urban Renaissance)

- 5.3 Development Management Document (2015): Policies DM1 (Design Quality) DM3 (The Efficient and Effective Use of Land) DM10 (Employment Sectors) DM11 (Employment Areas) DM14 (Environmental Protection) DM15 (Sustainable Transport Management)
- 5.4 The Southend-on-Sea Design & Townscape Guide (2009)
- 5.5 CIL Charging Schedule 2015

6 Representation Summary

Highway Authority

- 6.1 There are no highway objections to the proposal. Consideration has been given to the previous use of the site which would generate a considerable amount of traffic movements. The proposal will not have a detrimental impact on the public highway.

Environmental Health Officer

- 6.2 The above application is for a change of use from B1 to B2 – aggregate handling and associated works. A noise assessment has been submitted as part of the application, compiled by Sound Acoustics Limited dated April 2016.
- 6.3 The noise survey has been based on the assumption that the operations at 25 Stock Road will cease when 28 Stock Road is put into use. No provision has been made for the site to continue being used for similar purposes although I understand that activities are currently being carried out on both sites and have been for some time. Although the application details that the applicant would be transferring the current waste license, this would not prevent the current or a new occupier of that site applying for a new waste licence. It is therefore considered that the noise assessment should be based on the assumption that both sites are in operation, unless we have reason to be satisfied that this will not be the case. It is not possible to impose a condition to limit the use of both sites as only 28 Stock Road has been included in the application.
- 6.4 No location plan detailing the noise measurement positions has been provided. A plan detailing the locations of where the measurements were taken from needs to be submitted to allow us to fully assess the noise report. It details measurements were taken at 25 Stock Road and that background noise readings were taken from near to Southend Rugby Club. These locations need to be clearly identified and the measurement results from the background noise surveys that were undertaken should also be submitted as these have not been included in the noise report.
- 6.5 The manned noise survey demonstrates that some plant on site was not working to its full capacity. It is 'understood' that all equipment was in operation when the survey equipment was unmanned, but this assumption cannot be verified. We therefore cannot be satisfied that the readings taken are reflective of the normal or worst-case scenarios.
- 6.6 The highest LA_{max} during the unmanned survey was 93dB. This reading and other comparable readings around that time would have influenced the loudest hour (15:00 to 16:00 on 31/03/16) which has been used as the basis for much of the

written assessment. However, the manned survey demonstrates that the max level recorded at the site during that survey period was 94dB. This therefore demonstrates that noises occur which exceed those which have been measured during the unmanned survey. For both of these reasons it is not possible to agree that the readings are “typical of the worst-case operations” as suggested by the report.

- 6.7 The recommendations of the report detail mitigation is to be provided in the form of a 6m high boundary fence however there is uncertainty over the noise reduction of this barrier. This detail is required. It also recommends extending the barrier along the Western, Northern and Southern boundaries; however it is unclear from the plans if this has been/will be implemented. The report also recommends a 3m high acoustic screen to be installed at the existing site (25 Stock Road) to reduce cumulative noise levels however as previously advised we are unable to impose conditions at this site as it is not included in the application.
- 6.8 It appears that there has been no assessment of the noise generated by the dust suppression cannons. The submitted document indicates the noise rating level of 82dB measured at 3 metres. This would need to be included in the assessment.
- 6.9 No air quality assessment has been provided. A 6m high fence/barrier and dust suppression cannons to suppress dust have been indicated however an air quality assessment including dust mitigation measures is required to be submitted and approved. The Council’s Environmental Protection Team has recently had to visit the site due to complaints of excessive noise and dust from the site. At the time of a site visit dust was witnessed and no suppression methods were in use.
- 6.10 Finally the site is identified as potentially contaminated land. This issue has been raised previously however it does not appear to have been addressed. Until this information is submitted the application cannot be appropriately assessed.

Environment Agency

- 6.11 No comments. The applicant would require an environmental permit.

Public Consultation

- 6.12 16 neighbouring properties were notified of the proposal and a site notice was posted at the site. One letter of objection has been received which raises concerns about the dust, lorries driving against the flow of traffic and damage to the road surface.

7 Relevant Planning History

- 7.1 15/01676/FUL: Change of use from coachworks (Class B1) to aggregate handling (Class B2) and erect three portacabins and storage bays. Refused.
- 7.2 09/00966/FUL: Change of use of coachworks as premises for the processing of scrap metal and recycling yard (Amended Proposal). Approved.
- 7.3 08/00757/FUL: Change of use of coachworks as premises for the processing of scrap metal and recycling yard. Refused.

- 7.4 02/01192/FUL: Erect single storey building to be used as workshop at the rear for vehicle repair and paint spraying. Approved.
- 7.5 Other planning history relates to developments that are ancillary to the former use of the site and are therefore considered to be of little relevance to the application.

8 Recommendation

REFUSE PLANNING PERMISSION for the following reasons:

1. It has not been demonstrated to the satisfaction of the Local Planning Authority that the use can be carried on without it resulting in material harm to the amenities of neighbouring residents and businesses, and the general environmental quality of the area by virtue of noise disturbance, and dust generated at the site, and in cumulative terms in conjunction with the ongoing operation at the nearby site known as 25 Stock Road. The development is therefore unacceptable and contrary to the objectives of the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).
2. The proposed development, by virtue of the siting and appearance of the raised temporary modular building, would be of detriment to the character and appearance of the site and the surrounding area. The proposal would therefore be 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) and advice contained within the adopted Design and Townscape Guide (2009).

9 Informatives

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

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

Appendix 2 – Photographs of 28 Stock Road















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