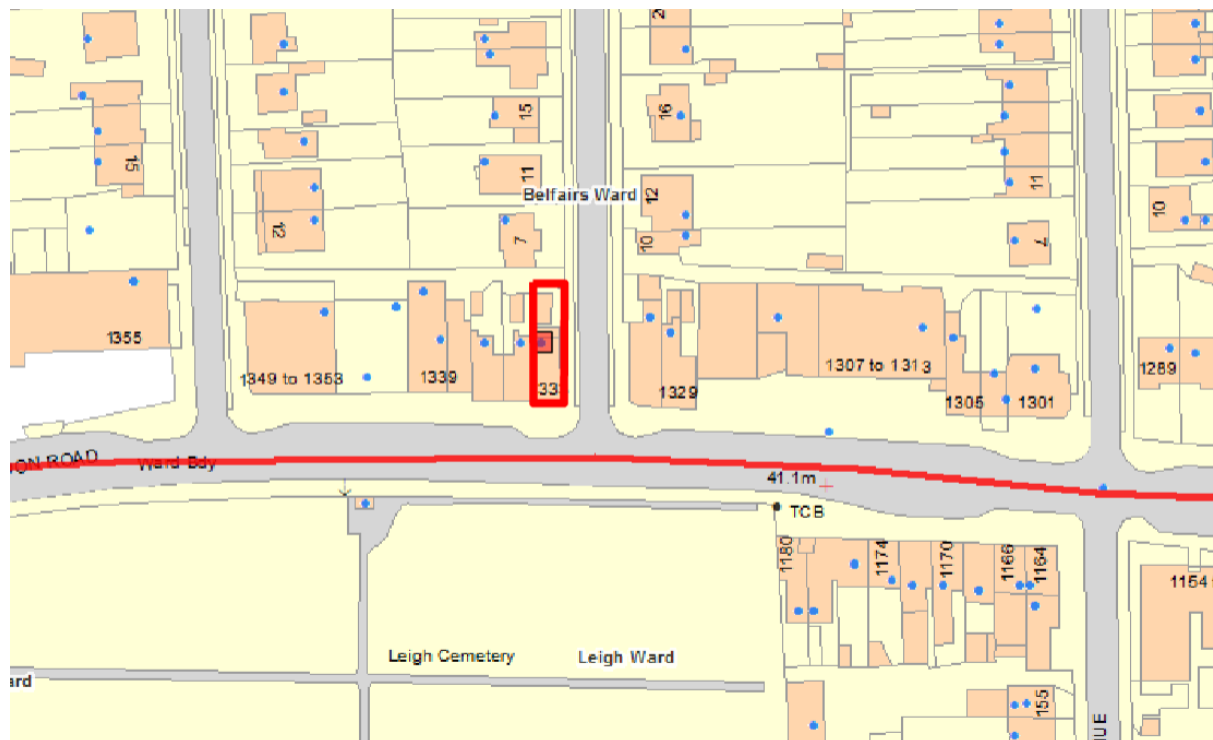


Reference:	17/00303/FUL	
Ward:	Belfairs	
Proposal:	Erect part three/part four storey rear extension, form third and fourth floors to form six self-contained flats, alter elevations, layout parking and bin store and form vehicular access onto Tankerville Drive	
Address:	1333 London Road, Leigh-On-Sea, Essex, SS9 2AD	
Applicant:	Mr M Saunders	
Agent:	Town Planning Experts	
Consultation Expiry:	14.06.2017	
Expiry Date:	17.07.2017	
Case Officer:	Janine Rowley	
Plan Nos:	Location Plan; Site Plan; 01 Existing and Proposed Floor Plans; 02A Proposed Elevations	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to erect a part three and four storey rear extension to form third and fourth floors into six self-contained flats, alterations to the elevations, layout parking to the rear of the site and bin store together with new vehicular access onto Tankerville Drive.
- 1.2 The proposed rear extension has a width of 5m to 5.7m, a depth of between 10.7m at ground and first floor increasing to 20.1m at second floor and 13.5m at third floor.
- 1.3 Undercroft parking is provided to the rear of the site with the formation of a new vehicular access onto Tankerville Drive for three vehicles.
- 1.4 The internal floorspace of the proposed flats is as follows:
 - Flat 1-33sqm (studio flat)
 - Flat 2-62sqm (2 bedrooms)
 - Flat 3-42sqm (bedroom size 13.7sqm)
 - Flat 4-42sqm (bedroom size 13.7sqm)
 - Flat 5-41sqm (studio flat) and 5.3sqm terrace area fronting London Road
 - Flat 6-51sqm (bedroom size 15.2sqm)
- 1.5 It should be noted flat 1 has been implemented following approval of application 16/02245/PA3COU to change the use of part of ground floor shop (Class A1) to one self-contained flat and that the second floor flat is existing with 62sqm of internal floorspace.

2 Site and Surroundings

- 2.1 The existing site is a two storey building with a retail shop to the ground floor and residential flats to the rear of the ground floor and at first floor. The site is located on the northern side of London Road at its junction with Tankerville Drive. Opposite the site is Leigh Cemetery and the surrounding area to the east and west of the site are commercial premises to the ground floor and residential flats above. To the rear of the site is Tankerville Drive that is characterised by two storey residential properties.
- 2.2 The site is not the subject of any site specific policy designations

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, design, traffic and transportation and impact on residential amenity, sustainable construction and CIL.

4 Appraisal

Principle of Development

National Planning Policy Framework, Core Strategy Policies KP1, KP2, CP4 and CP8, Development Management Document DPD2 policies DM1, DM3, DM7 and the Design and Townscape Guide

- 4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD1 Policies KP2, CP4 and CP8. The core planning principles of the NPPF the need to:

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

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

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

- 4.3 Policy DM3 of the Development Management Document states:

“Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:

(i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building and ensures successful integration with it; and

(ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and

(iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area.”

- 4.4 The provision of additional dwellings is considered acceptable in principle, subject to compliance with other relevant planning policies and guidance.

- 4.5 There is no objection in principle to the introduction of residential accommodation and extending the building, subject to the scheme satisfying each of the considerations detailed below.

Design and Impact on the Street Scene

National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Development Management DPD2 policy DM1 and DM3 and the Design and Townscape Guide (SPD1)

- 4.6 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management DPD. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*

- 4.7 Paragraph 56 of the NPPF states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 4.8 Policy DM1 of the Development Management DPD states that all development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.
- 4.9 According to Policy KP2 of Core Strategy (CS) new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of CS requires that development proposals should *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 4.10 London Road forms is generally characterised by a fine grain of traditional buildings, mostly of two storeys abutted together to form terrace blocks. The buildings are of mixed designs but within the individual street blocks is an element of consistency in style although there are, in places, variations in the heights of the buildings. Despite this mix of styles and heights, the fine grain of the buildings, is a key characteristic of the street.
- 4.11 Paragraph 99 of the Design and Townscape Guide (SPD1) states:
- “Where larger buildings are considered appropriate they can be designed in a way so as they do not appear over dominant in the wider streetscene. For example:*
- The impact may be significantly reduced by the introduction of setbacks at upper levels. This makes the upper most storeys less visible from the street and can reduce the perception of scale.*
 - Stepping the upper storeys away from the side flanks is also a recognised way of smoothing the transition between adjacent buildings of different sizes.*
 - Careful detailing of the elevations can also lessen the scale of a larger development. For example, introducing some form of layering such as balconies or breaks in the building line can be effective. Greater transparency at upper floors can also lessen the impact.*
 - Articulating a frontage with strong vertical rhythms in can also help break up long facades.”*
- 4.12 There is a mix of scales in the wider streetscene of between one and two storeys although it is acknowledged there is a third floor of accommodation to the west of the site at 1341 London Road. However that site was redeveloped to erect a three storey building with commercial premises and residential flats to the upper floors (13/00505/FUL). This site is constrained by utilising the existing site with excessively taller rear extensions to provide the additional residential accommodation.

- 4.13 Whilst there is a mix of properties, the site is located on the corner of London Road and Tankerville Road, which is dominated by two storey properties. In this instance the proposed extensions by reason of their excessive height at 11.2m, poor quality design, roof form and excessive bulk (due to the overall depth of the extensions) is considered to result in a detrimental visual impact on the appearance of the property and the locality more widely. It is considered that this would fundamentally change the emphasis of this end of the street block from vertical fine grained divisions to wide horizontal layering which would conflict with the character and appearance of the block and streetscene.
- 4.14 Whilst the applicant has sought to set the second and third floor 2.1m-3.5m from the front elevation the scale and bulk of the proposed development will still result in a dominant form to the detriment of the character and appearance of the area.
- 4.15 The undercroft parking will result in a dominant feature along Tankerville Drive, which is out of character with the property and streetscene.
- 4.16 The overall design quality of the proposed development is poor; with the facades being dominated by cladding materials uncharacteristic of the area or the host building. The flat roof form appears top heavy and will be dominant in the streetscene when viewed from the north, east and west of the site, the basic and miss matched fenestration arrangement still lacks interest and would be detrimental to the streetscene. It would also result at large areas of blank walls at first floor.
- 4.17 The proposed new vehicle crossover to be installed along Tankerville Drive has a width of 7.4m. The siting of the vehicle crossover along Tankerville would result in the loss of an existing mature street tree that has significant amenity value and results in a large expanse of hardstanding surface. The siting of the new extensions will also be detrimental to the health of the existing street tree to the immediate south adjacent to the east elevation of the existing building along Tankerville Drive. The proposed vehicular crossover by reason of loss of a street tree and impact on the street tree to the south would be detrimental to the amenity of both of these trees resulting in their loss. This would be detrimental to the visual amenities of the streetscene and contrary to the National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Policies DM1 and DM15 of the Development Management Document and the Design and Townscape Guide (SPD1).
- 4.18 The proposed development by reason of its design, height, scale, bulk, depth, relationship with neighbouring development, appearance and use of materials would appear overly dominant, representing overdevelopment of the site and out of keeping with and detrimental to the character and appearance of the streetscene. This is contrary to the National Planning Policy Framework policies KP2 and CP4 of the Core Strategy DPD1, Policies DM1, DM3 of Development Management Document DPD2 and policies and the Design and Townscape Guide.

Standard of Accommodation:

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

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

- Minimum property size 1 bedroom (1 person) 37sqm-39sqm, 1 bedroom (2 persons) 50sqm, 2 bedroom (3 persons) 61sqm and 2 bedrooms (4 persons) 70sqm
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m²; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

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

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

4.20 The internal floorspaces of the flats are as follows:

- Flat 1-33sqm (studio flat) existing
- Flat 2-62sqm (2 bedrooms) existing
- Flat 3-42sqm (bedroom size 13.7sqm)
- Flat 4-42sqm (bedroom size 13.7sqm)
- Flat 5-41sqm (studio flat)
- Flat 6-51sqm (bedroom size 15.2sqm)

4.21 Flats 1 and 2 are existing flats on site. Flat 5 is a studio flat and the internal floorspace complies with the aforementioned standards. Flats 3, 4 and 6 will provide 42sqm of space and one bedroom units. The sizes of the bedrooms serving the flats are in excess of 11.5sqm at 13.7sqm for flat 3, 4 and 15.2sqm at flat 6. They could therefore accommodate 2 people and need to be considered as such. .

4.22 In light of the above, for two persons to be accommodated a minimum floorspace of 50sqm is required. Thus, the proposal, by reason the limited size of some units and would result in an unacceptable standard of living accommodation for future occupants contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies DM1, DM3 and DM8 and the National Technical Housing Standards and advice contained within the Design and Townscape Guide SPD1.

4.23 Part M4 (2) of the Building Regulations adopted by the National Technical Housing Standards 1st October 2015 requires the need to provide accessible and adaptable dwellings. It is not considered reasonable to enforce building regulation M4(2) given the proposal it for an extension to the existing building.

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

4.25 Policy DM8 of the Development Management Document DPD2 states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space.

4.26 Whilst the Council’s Design and Townscape Guide states:

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

4.27 Flat 5 will have access to a small terrace area of 5.3sqm, whereas the remainder of the units will not benefit from amenity space, which is not acceptable where the units are not already in place and have other limitations. The proposed development by reason of lack of good quality useable amenity space for potential future occupiers of units 3 and 4 would result in a poor living environment for future occupiers and is indicative of overdevelopment of the site and contrary to the provisions of the National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, policy DM1 of the Development Management Document DPD2 and advice contained within the adopted Design and Townscape Guide (SPD1).

Highways and Transport Issues:

National Planning Policy Framework, Policy KP2, CP3 and CP4 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide.

4.28 The existing site is served by a vehicle crossover to the rear of the site adjoining an access road serving the rear of properties fronting London Road. The existing site does not currently benefit from off street parking and there appears to be a single storey rear extension for storage that has previously served the retail unit. There are a number of parking restrictions along Tankerville Drive to the north including double yellow lines and short stay parking London Road to the south.

4.29 Policy DM15 of the Development Management Document DPD2 states:

“5. All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.

Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity”.

4.30 The proposed development will provide three off street parking spaces accessed via a 7.4m wide vehicle crossover and result in the loss of a street tree. The retail use would therefore not benefit from off street parking, which is an existing situation and the existing storage to the rear of the site will be removed. The design and access statement accompanying this application states that the proposed use will result in on street parking, which is considered acceptable.

4.31 The site is located within an area of high parking stress and the proposal by reason of insufficient provision of parking will cause additional on street parking in an area of parking stress to the detriment highway safety and the local highway network. Furthermore, the width of the vehicle crossover is detrimental to highway safety and local highway network contrary to guidance contained within the National Planning Policy Framework, policy CP3 of the Core Strategy, and Development Management Document (DPD2) Policy DM15.

4.32 Furthermore, the Councils Highway Officer states the loss of the existing street tree is contrary to the vehicle crossover policy.

Cycle and Refuse Storage

- 4.33 Insufficient information has been submitted to demonstrate that safe and secure cycle parking and refuse storage can be provided within the site avoiding an adverse impact on the amenity. Thus the development would be contrary to the NPPF, Policy DM15 of the Development Management DPD and National Housing Standards 2015 in this regard.

Impact on Residential Amenity.

National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM8 and Design and Townscape Guide.

- 4.34 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 4.35 The proposed development by reason of its siting, size, bulk and height will result in an obtrusive overbearing form of development to the detriment of amenities enjoyed by existing occupiers of 7 Tankerville Drive.
- 4.36 It is not considered the proposed development will result in loss of privacy or overlooking to the amenities of residential occupiers given the overall separation distance to the nearby residential occupiers.
- 4.37 Whilst windows are proposed to the rear elevation, a condition can be imposed to ensure they are obscure glazed and fixed shut.

Sustainable Construction

National Planning Policy Framework; DPD1 (Core Strategy) policy KP2, DP2 policy DM2 (Development Management Document) and the Design and Townscape Guide SPD1.

- 4.38 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 SPD 1 Design and Townscape Guide”.

- 4.39 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design in this instance the submitted drawings detail the use of solar panels however, no specific calculations have been provided to how the energy will be the Councils requirement of onsite 10% renewable energy. It is considered a condition can be imposed if found acceptable.
- 4.40 Policy KP2 of the Core Strategy DPD1 requires the need for all new development to incorporate SUDs to enable surface water attenuation for the site. No details have been submitted at this time however, if the application is deemed acceptable a suitable condition could be imposed.
- 4.41 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, this can be dealt with by condition if the application were deemed acceptable.

Community Infrastructure Levy (CIL) Charging Schedule.

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

Conclusion

- 4.43 Having taken all material planning considerations into account, it is found the proposed development by reason of its design, height, scale, bulk, depth, relationship with neighbouring development, appearance and use of materials would appear overly dominant, representing overdevelopment of the site and out of keeping with and detrimental to the character and appearance of the site, streetscene and wider area. The proposal will adversely impact on residential amenity resulting in an overbearing form of development. The limited size of the flats, lack of amenity space and insufficient space for refuse and cycle storage together with lack of parking provision and loss of two street trees is found to result in significant harm. The proposal is considered unacceptable and contrary to development plan policy in each of these regards.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework 2012
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision)

5.3 Development Plan Document 2: Development Management Document Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM7 (Dwelling Mix), DM8 (Residential Standards). DM15 (Sustainable Transport Management)

5.4 SPD1 Design & Townscape Guide 2009

6 Representation Summary

Design and Regeneration

6.1 No comments.

Traffic and Transportation

6.2 The proposed location of the vehicle crossover would mean the removal of a mature street tree, which is against current policy and a highway objection is raised as insufficient parking is provided contrary to policy DM15 of the Development Management Document.

Aboricultural Officer

6.3 No agreement has been made to remove this tree. It is council policy to retain street trees and therefore no support is given to removing the sycamore. There are also concerns in relation to the comments on the planning application regarding the impact on the overall health of the second sycamore.

Leigh on Sea Town Council

6.4 No objections.

Public Consultation

6.5 A site notice displayed on the 24th May 2015 and 8 neighbours notified of the proposal. 32 letters of representation have been received stating:

- Loss of light;
- Overlooking;
- Dangerous for vehicles;
- Out of character with the whole road;
- Dwarfs properties to the rear;
- Overdevelopment;
- Insufficient parking;
- Effect on environmental mental health;
- Height excessive;
- Restricted access to the site for emergency vehicles;
- No refuse collection;
- Loss of mature street trees;
- Development too large;
- Overbearing;

- Loss of existing views from neighbouring properties;
- Too many flats in the surrounding area;
- Materials bland and not inkeeping with the surrounding area;
- Overshadowing to surrounding properties;
- Drains are not sufficient to take on more flats in this area

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

6.6 Councillor Salter has requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

7.1 Erect single storey rear extension, lay out one parking space to rear and erect 1.8 metre high timber fence to side boundaries- Granted (02/00969/FUL)

7.2 Change of use of part of ground floor shop (Class A1) to one self-contained flat (Class C3)(Prior Approval) - Prior approved granted (16/02245/PA3COU)

8 Recommendation

8.1 Members are recommended to REFUSE PLANNING PERMISSION subject to the following reasons:

- 1 The proposed development would by reason of its design, height, scale, bulk, appear as an overly dominant and incongruous addition that is out of keeping with and detrimental to the character and appearance of the host property, the streetscene and the area more widely. This is contrary to the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).**
- 2 The proposed development would by reason of its siting, size, bulk, massing and scale result in a visually obtrusive and overbearing form of development which causes an unacceptable sense of enclosure to the detriment of amenities enjoyed by existing occupiers of 7 Tankerville Drive contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of Development Management Document (2015), and the advice contained within the Design and Townscape Guide (2009).**
- 3 The proposal, would by reason of the limited internal size of a number of the dwellings, the provision of insufficient outdoor amenity space and refuse and cycle storage result in a poor quality living environment for future occupiers. This would be contrary to National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3 and DM8 of the Development Management (2015) and National Technical Housing Standards 2015 DCLG 2015.**

- 4 The proposed development by reason of insufficient provision of parking would cause additional on street parking in an area of parking stress to the detriment highway safety and the local highway network contrary to guidance contained within the National Planning Policy Framework Section 4 and Development Management Document (2015) Policy DM15 and Core Strategy (2007) policy CP3 and advice contained within the Design and Townscape Guide (2009).**
- 5 The proposed vehicular crossover by reason of extent of hardstanding proposed and its proximity to both two street trees would result in their loss. This would be detrimental to the visual amenities of the streetscene and contrary to the National Planning Policy Framework, Policy KP2, CP3, CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015) and the Design and Townscape Guide (2009).**

Informative

- 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.**

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.