

Reference:	17/01716/FUL	
Ward:	Chalkwell	
Proposal:	Form additional self-contained flat to eighth floor with terrace	
Address:	The Shore, 22 - 23 The Leas, Westcliff-On-Sea, Essex	
Applicant:	Westbrook Properties	
Agent:	SKArchitects	
Consultation Expiry:	02.11.2017	
Expiry Date:	15.12.2017	
Case Officer:	Kara Elliott	
Plan Nos:	P42, P30, P41, P22, P21, P10, P11, P53, P72, P61, P73, P52, 134166-LP-CP-13-A	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 The application seeks permission for the modification and extension of the building of The Shore, formerly known as Nirvana, to enable the formation of a new self-contained flat at the eighth floor with a private terrace.
- 1.2 The wider site is the subject of a lengthy planning history that is set out in full detail in section 9. In summary, two buildings were approved at the site under the terms of application 07/00820/FULM and 07/00850/FUL and subsequently erected to a condition that resembled completion. The ownership of the building is understood to have changed and this led to amendments to the building being sought and approved in December 2014 and February 2015. Recent planning application 16/00328/FUL proposed further modifications to the building including the provision of roof terraces, the creation of an additional residential unit within the building and several minor alterations. Similar amendments were also approved under the terms of applications 16/00790/NON and 16/00791/NON. In addition, 16/01103/FUL granted planning permission for two private roof terraces at sixth and eighth floor level. Planning permission was refused and dismissed at appeal earlier this year to layout 16 car parking spaces to the rear and install a replacement entrance gate and acoustic fencing (17/00362/FUL). This application is currently subject to a judicial review.
- 1.3 This application proposes further alterations and extensions and seeks to utilise a communal terrace (E22) on the eighth floor by constructing a new 2 bedroom/4 person apartment measuring 102m², consisting of a flat roof element with continuation of the 'sail' design feature at the rear with two new windows to the rear and one to the front. A large glass opening to the front of the flat roof element would provide access to a private terrace overlooking the estuary, measuring 19m². The overall increase in height of this part of the building at its highest point is approximately 2.95 metres. No part of the proposed development would result in an increase in height above the highest part of the existing building.
- 1.4 The proposed development would result in the number of flats at the site increasing to 48 from the current 47. It should also be noted that planning permission is currently pending for a further flat at the sixth floor which, if granted, would result in 49 flats at the application site.
- 1.5 The application falls to be considered by the Development Control Committee at the request of Cllr Habermel.

2 Site and Surroundings

- 2.1 The application site is located in a prominent location of the seafront at the junction of The Leas and Grosvenor Road. The site measures a maximum of 83 metres deep and 68 metres wide and contains a residential development with 9 floors of residential accommodation.
- 2.2 The application site is located outside The Leas Conservation Area but within close proximity to it.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, design and impact on the character and appearance of the area, traffic and transportation including parking, impact on residential amenity, standard of accommodation, sustainable construction and CIL contributions.

4 Appraisal

Principle of Development

National Planning Policy Framework, Core Strategy (2007) Policies KP1, KP2, CP4 and CP8, Development Management Document (2015) policies DM1, DM3, DM7, DM8 and the Design and Townscape Guide (2009)

- 4.1 The site is previously developed land and it is therefore relevant to Core Strategy policy CP8, which supports the provision of dwellings on such land; subject to detailed considerations where it is expected that the intensification of development will play a role in meeting the housing needs of the Borough.
- 4.2 Government advice currently states that all sites should be examined in order to determine their potential for redevelopment for residential purposes. It should also be noted that Government Policy is to maximise the use of urban land. As such there is no objection in principle to one or two new residential units within this site.
- 4.3 On this basis, subject to the detailed considerations that will be undertaken below, it is considered that the policy framework supports the broad principle of undertaking residential development at this site. Furthermore, at the time of the previous applications, no objection was raised in relation to the principle of the development.

Design and Impact on the Character of the Area

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

- 4.4 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide (2009) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.5 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.”*
- 4.6 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”*.

- 4.7 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*”.
- 4.8 When designing a new building or an extension it is important that the development integrates with existing buildings. This is best done by identifying the positive characteristics and relationships formed by the existing buildings e.g. frontage lines, heights of ridges and eaves, proportions, materials etc. and respecting them in the design of the new development (Paragraph 64, Design and Townscape Guide). Similarly, section 5.3 of the Design and Townscape Guide is clear in that the key to successful integration of infill sites into the existing character is to draw strong references from the surrounding buildings. For example, maintaining the scale, materials, frontage lines and rooflines of the neighbouring properties reinforces the rhythm and enclosure of the street.
- 4.9 The proposed extensions to form the proposed apartment will increase the overall height of the building by approximately 2.95m. Due to the continuation of the existing building form and design when viewed from the rear and due to the very high level of the proposed development and largely unavailable views from the public vista at street level to the front of the building, it is considered that the proposed development would not be at odds with the character or appearance of the existing building and would not cause harm to the character or appearance of the surrounding area.
- 4.10 Furthermore, the arrangement of fenestration and the use of matching materials, including such detailing as the treatment for the terrace balustrading will ensure the development will appear commensurate with the existing building.
- 4.11 Given the pending status of a further apartment on the sixth floor (17/01574/FULM), it is necessary to consider the cumulative effect of both of the proposed developments. Separate assessment is given within the report for the proposed development on the sixth floor with regard to its impact upon the character and appearance of the building or the wider area. However, the cumulative effect of both proposals is not considered to impinge on the resulting character and appearance of the proposed development or the surrounding area.

Impact on Residential Amenity.

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

- 4.12 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.

- 4.13 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy DM1 of the Development Management Document also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.14 Given the existing use of the building as 47 residential apartments, it is considered that an additional unit of accommodation would not have a material impact on neighbouring occupiers in terms of noise, disturbance or levels of activity. In particular, the occupants of the existing apartment E22 which would be located immediately adjacent to the proposed development would not be adversely effected as there would be no opportunities for loss of privacy between properties or loss of outlook or dominant, overbearing impacts within the conditions recommended due to the orientation of the units and the separation distances of exterior amenity areas.
- 4.15 In terms of surrounding properties not within The Shore building, the proposed development would be positioned approximately 10 metres above the neighbouring property of Admirals Court. At the time of the previous application which considered the proposed roof terrace ‘E22’, it was considered that views from the terrace would be outwards and above the neighbouring properties rather than towards the balconies and habitable rooms of the neighbouring flats. This is true with the proposed development. Where downward views would be achieved by a person standing at the edge of the roof terrace, due to its position at the front of the building, views would out towards the estuary and would not impinge on the privacy of any neighbouring occupiers.
- 4.16 Noting that the existing building already features balconies and terraces a many windows on the north elevation, it is considered that the development, which would see a further two windows to the rear north elevation, would not cause overlooking of the neighbouring properties than the existing situation to be considered materially significant or worse and therefore no objection is raised.
- 4.17 Given the pending status of a further apartment on the sixth floor (17/01574/FUL), it is necessary to consider the cumulative effect of both of the proposed developments. Separate assessment is given within the report for the proposed development on the sixth floor with regard to its impact upon the amenity of residential amenity. However, the cumulative effect of both proposals is not considered to negatively affect the amenity of existing occupiers of the building or nearby occupiers due to their positions and orientations as outlined above.

Standard of Accommodation for Future Occupiers

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

4.18 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 2.15m; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

4.19 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 proposed residential unit would measure 102m²; with the revised existing unit measuring 120m², and would both be considered as two bedroom, four person units. Furthermore, the proposed development would provide adequate areas of storage and openings within the unit allow for good levels of daylight and result in a high standard of accommodation for future occupiers.

- 4.21 The required amount of amenity space for a development will be determined on a site by site basis taking into account local parks and the constraints of the site. Developments that provide little or no private amenity space will only be acceptable in exceptional circumstances and will be required to justify their reasons. The existing flats benefit from private balconies providing sitting-out areas for each apartment. A rear ground floor communal amenity space which formed part of the original planning permission is currently unused and is not currently useable.
- 4.22 Whilst the proposed development would result in the loss of the newly formed communal terrace at the eighth floor, 'E22', it is considered, on balance, that the private balcony for each apartment of approximately 10m², coupled with the benefit of the nearby amenities of local public open spaces, including the seafront itself, would mean that the loss of the existing communal terrace would not result in detriment to the amenity of future occupiers from a poor standard of living for future occupiers of the newly formed flat or existing occupiers.
- 4.23 It is therefore considered, on balance, that the proposed residential unit would provide suitable living accommodation for future occupants and the existing occupiers of the development in line with 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.

Traffic and Transport Issues

National Planning Policy Framework, Policies KP2, CP3 and CP4 of the Core Strategy 2007, Development Management 2015 Policies DM1, DM3 and DM15 and the Design and Townscape Guide.

- 4.24 Policy DM15 of the Development Management Document states: *"5. All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context. Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity"*.
- 4.25 The newly formed apartment would require one off-street parking space in line with the adopted standards. The existing car park for the development contains a total of 51 spaces for the 47 apartments. Comments have been received from objectors which suggest that car parking spaces have been sold to existing residents and in some cases more than one space per apartment and therefore the availability of parking has been reduced. However, the applicant has provided a plan which confirms that the proposed development would have a parking space. Therefore it is considered that the existing car park can suitably accommodate the existing and proposed parking needs and would not result in an increase in the need for nearby on-street parking, to the detriment of the free flow of traffic or the movements of pedestrians.

- 4.26 The existing bin store and cycle parking within the building is also considered to suitably and conveniently accommodate the proposed development.
- 4.27 Given the pending status of a further apartment on the sixth floor (17/01574/FUL), it is necessary to consider the cumulative effect of both of the proposed developments. Separate assessment is given within the report for the proposed development on the sixth floor with regard to its impact upon highway and parking. However, the cumulative effect of both proposals is not considered to impinge on the resulting availability of on-site parking or highway movements/safety.

Sustainable Construction

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

- 4.28 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”.

- 4.29 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design. No details have been provided in relation to renewable energy. However, it is considered that an appropriate condition in relation to submission of details and features of on-site renewables could be imposed.

Community Infrastructure Levy (CIL)

CIL Charging Schedule 2015

- 4.30 The application is for creation of a new dwelling. This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material ‘local finance consideration’ in planning decisions. The CIL chargeable rate for residential units in this location is £60 per square metre and this equates to a CIL charge of £7,260.00.

5 Conclusion

- 5.1 Having regard to all material considerations assessed above, it is considered that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local development plan policies and guidance as well as those contained within the National Planning Policy Framework. The proposed development would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site and the locality more widely.

The proposal would not result in any adverse impact on parking provision or highways safety and it provides adequate amenities for its future occupiers. This application is therefore recommended for approval, subject to conditions.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework; 4. Promoting sustainable transport, 6. Delivering a wide choice of high quality homes, 7. Requiring good design, 8. Promoting healthy communities, 10. Meeting the challenge of climate change, flooding and coastal change.
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision)
- 6.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (The Efficient and effective use of land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management)
- 6.4 The Design & Townscape Guide 2009

7 Representation Summary

Transport & Highways

- 7.1 No objection

8 Public Consultation

- 8.1 A site notice was posted at the site and letters were sent to 95 neighbouring residents. 17 letters of representation have been received.

Summary of objections;

- Noise and disturbance during construction;
- Loss of light and air;
- Loss of privacy;
- Contravention of lease;
- Previous planning conditions not complied with;
- Harm to neighbouring occupier amenity;
- Strain on elevators;
- Harm to air quality;
- Concerns regarding scaffolding;
- Lack of parking including adequately sized spaces;
- Lack of space for more refuse bins;

- The pleasing design and appearance of the existing building would be compromised;
- Loss of communal amenity spaces.

8.2 Officer Comment: These concerns are noted and they have been taken into account in the assessment of the application and discussed in the relevant above sections. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case. Furthermore, appropriate conditions could be attached to any positive decision in order to minimise or mitigate potential harm from construction work.

9 Relevant Planning History

9.1 Under the terms of application 07/00850/FUL planning permission was granted for the erection of a 9 storey block of 9 flats linked to and utilising parking facilities beneath the development at no. 22 The Leas. The development of 22 The Leas was granted under the terms of application 07/00820/FULM. Various applications have since been submitted which related to conditions and minor amendments but are not considered to be of relevance to considerations of this application.

9.2 Recent planning applications 16/00328/FUL proposed further modifications to the building including the provision of roof terraces, the creation of an additional residential unit within the building and several minor alterations. In addition, 16/01103/FUL granted planning permission for two private roof terraces at sixth and eighth floor level. Similar amendments were also approved under the terms of applications 16/00790/NON and 16/00791/NON.

10 Recommendation

Members are recommended to GRANT planning permission subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: P42, P30, P41, P22, P21, P10, P11, P53, P72, P61, P73, P52

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

03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

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 (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD policy DM1, and Design and Townscape Guide) (2009).

- 04** Prior to occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2 and CP4, and SPD1 (Design and Townscape Guide

- 05** One parking space within the existing on site car park shall be allocated to the occupier/s of the development hereby approved in accordance with drawing 134166-LP-CP-13-. The parking space shall be permanently retained thereafter for occupiers and visitors to the dwelling.

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

- 06** Prior to commencement of development, details of the terrace privacy screen shall be submitted to and approved by the Local Planning Authority. The screen shall be installed in accordance with the approved details prior to first use of the balcony and shall be permanently retained thereafter.

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

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). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced.

Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

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.