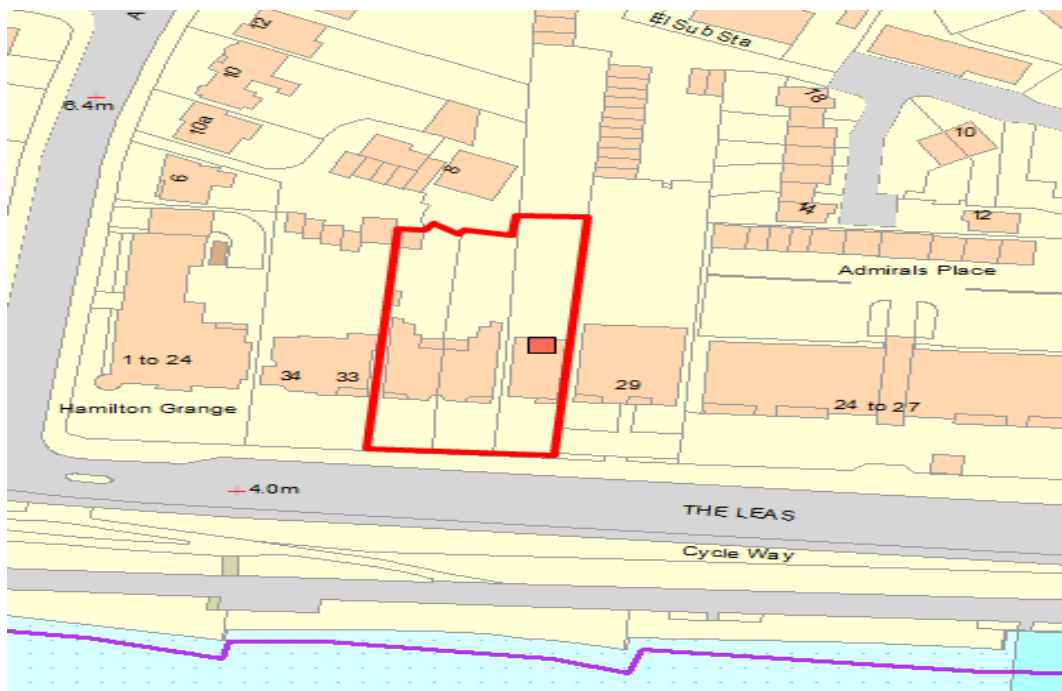


Reference:	17/02047/FUL	
Ward:	Chalkwell	
Proposal:	Demolish existing buildings, erect part three/part four storey building comprising of 9 self contained flats, layout lower ground parking and cycle store and form vehicular access onto The Leas	
Address:	30-32 The Leas, Westcliff-on-Sea, Essex, SS0 8JB	
Applicant:	Elmore Homes Limited	
Agent:	APS Design Associates Ltd	
Consultation Expiry:	11.01.2018	
Expiry Date:	08.03.2018	
Case Officer:	Janine Rowley	
Plan Nos:	2556 01; 2556 02; 2556 03; 2556 04; 2566 05; 2566 06; 2566 07; 2566 08	
Recommendation:	REFUSE PLANNING PERMISSION	



The Proposal

- 1.1 Planning permission is sought to demolish the existing buildings at 30-32 The Leas and erect a part three and part four storey building comprising of 9 self-contained flats, layout lower ground parking and cycle store and form a vehicular access onto The Leas. The site forms part of Crowstone Conservation Area.
- 1.2 30 The Leas is a two storey dwelling house while 31 and 32 The Leas are 3 storey dwellings that have been converted into flats. 31 and 32 are vacant and in a poor seemingly neglected condition, open to the elements.
- 1.3 The proposed building is 25.8m wide; set 1m in from the boundaries to the east and west of the site with a depth of 18m to 19m (excluding terraces) and a height of 12.6m rising to 14.7m. The proposed materials include plain concrete tiles, powder coated aluminium windows, composite doors, white and grey render to the external elevations and rainscreen cladding.

The proposed 9 flats comprise 8 x 3 bed units and 1 x 2 bed units (it should be noted drawing 04 has been annotated incorrectly for the flat type as this differs from floorplans). The internal floorspace proposed per unit is:

- Flat 1-3 bedroom (5 persons) 116sqm
 - Flat 2-3 bedroom (5 persons) 125sqm
 - Flat 3-3 bedroom (6 persons) 126sqm
 - Flat 4-3 bedroom (5 persons) 120sqm
 - Flat 5-3 bedroom (6 persons) 124sqm
 - Flat 6-3 bedroom (6 persons) 126sqm
 - Flat 7-3 bedroom (5 persons) 162sqm
 - Flat 8-3 bedroom (6 persons) 125sqm
 - Flat 9-2 bedroom (4 persons) 135sqm
- 1.4 16 parking spaces are proposed to the basement. The proposal will also include cycle storage at the basement level.
 - 1.5 Amenity space will take the form of private terraces for each flat, a communal garden and terrace area to the rear of the site.
 - 1.6 The application is accompanied by a Design and Access Statement, Structural Appraisal Report, Flood Risk Assessment and Arboricultural Report.
 - 1.7 There is an extensive history relating to this site. The most relevant application is 15/01492/FUL, which sought planning permission to demolish the existing buildings and erect a part two/part three/part four and part five storey building comprising of 9 self-contained flats with balconies, cycle and refuse storage, lay out parking and landscaping and form new vehicular access onto The Leas. The application was refused planning permission for the following reason:
 1. *"The proposed development will result in the loss of buildings which make a significant contribution to the character of the Crowstone Conservation Area and historical reference to seafront architecture within Westcliff-on-Sea.*

Furthermore, the proposed replacement building by reason of its scale, bulk, mass, siting and design would fail to integrate with the streetscene and wider seafront and would fail to preserve or enhance the character of the Crowstone Conservation Area to the detriment of the character of the area contrary to the NPPF, Policies KP1, KP2 and CP4 of the Core Strategy (DPD1), Policies DM1 and DM5 of the Development Management Document and the Design and Townscape Guide (SPD1)”.

1.8 The appeal following the above application 15/01492/FUL was subsequently dismissed (reference: 3149155) and will be discussed further within the Appraisal section of this report. The main conclusions of the appeal decision by the Inspector were that:

- The proposed block would be significantly taller and wider than the traditional buildings it would replace;
- The development would be highly prominent in the streetscene particularly when approaching from the east where the proposed forward projection and turret would partly restrict views of Crowstone House;
- The proposed roof rising significantly above the roof line of No 29 The Leas would dominate the skyline of the Conservation Area;
- The prominence, scale and positioning, and the proposed building in place of the modest traditional buildings which complement Crowstone House, would be a dominant feature of the Conservation Area which would detract from the setting of Crowstone House and thus the overall significance of the Conservation Area.
- The development would fail to preserve the character and appearance of the Conservation Area.
- There are other buildings along the Seafront of a similar age and construction to no
- Based on the evidence submitted the condition of Nos 30-32 is the result of a lack of appropriate maintenance over a considerable period of time. Therefore little weight has been attached to the current condition of Nos 30-32.

1.9 The main changes from the previously refused planning application and subsequent appeal include:

- The design approach has changed to a contemporary interpretation intended to replicate the general form of the frontage of no. 31 and 32 The Leas with modern fenestration and detailing and a modern box addition on the east side on the site of number 30.
- The width of the building has increased from 25.3m to 25.8m;
- The depth has reduced from 23m to between 18m to 19m;
- The height has reduced from 17.7m to between 12.6m and 14.7m

2 Site and Surroundings

- 2.1 The application site consists of 3 buildings within The Leas. No.30 is a detached two storey dwelling house and No's. 31 and 32 is a pair of semi-detached properties which contain self-contained flats and non-self-contained accommodation on 3 floors. No.30 The Leas is the only dwelling house within the street block between Crowstone Avenue and Grosvenor Road (the rest are flats). The plot of land on which No.30 The Leas sits, extends some distance to the north up to the end of Grosvenor Mews and behind a number of properties fronting Crowstone Avenue. It sits within the Crowstone Conservation Area.
- 2.2 The street block in which the application site sits has undergone significant redevelopment over the last 15 years. This redevelopment has seen much of the original urban fabric removed and replaced with blocks of flats of varying design and scale, several of which were allowed on appeal. The application site contains 3 original Edwardian buildings which have been extended and altered in the past but retain characteristic architectural features. The heights of buildings within the street block vary from 2 storeys up to 11 storeys, with the general character of the area being residential.
- 2.3 Each property currently has a vehicular access to a forecourt with off street parking. There is also vehicular access to the rear of the application site from Crowstone Avenue.
- 2.4 The rear of 30 The Leas has been granted planning permission for the erection of three two storey dwellinghouses with vehicle access via Grosvenor Mews (11/01485/FUL), which is extant.

3 Planning Considerations

- 3.1 The main considerations are the principle of the development, flood risk, design and impact on the character of the area and the conservation area, traffic and transportation issues, impact on residential amenity, amenities of future occupiers, sustainable construction, CIL and whether the proposal has overcome the previous reasons for refusal of application 15/01492/FUL and its dismissal on appeal.

4 Appraisal

Principle of Development

Principle of Development

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP1, KP2, CP3, CP4, and CP8; Development Management Document (2015) Policies DM1, DM3, DM5, DM6, DM7, DM8 and the Design and Townscape Guide (2009), Crowstone Conservation Area Appraisal (2009).

- 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 and Core Strategy Policies KP1, KP2, CP4 and CP8. The core planning principles of the NPPF state 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”

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.”

4.2 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.”

4.3 Policy DM6 of the Development Management Document requires all new development within the Seafront Area to ensure that *“existing buildings along the seafront form a cohesive frontage, have a historic context or are recognised as key landmarks and/or contribute to a distinctiveness Southend Southend sense of place will be retained and protected from development that would adversely affect their character, appearance, setting and the importance of the Seafront.”*

All development within the Seafront Area must accord with the development principles set out in Policy Table 1 of Policy DM6 of the Development Management Document:

“4. Chalkwell Esplanade to San Remo Parade

‘(iv) Resist inappropriate development fronting the Seafront to ensure that established seafront architectural style and form is maintained in this location.

(v) The total or partial demolition of a heritage asset will be resisted, in accordance with Policy DM5, where there is no clear and convincing justification for this.

(vi) In all areas the vernacular form and fine urban grain of the seafront that defines this character zone will be preserved. Further amalgamation of existing plots and large format bulky buildings are not considered appropriate and will be resisted.

(vii) The low rise height of existing buildings should also be maintained in future development. Development will only be allowed where it is appropriate to context and where it adds to the overall quality of the area."

- 4.4 The above policy is reinforced by Policy DM5 of the Development Management Document given that this site is within the Crowstone Conservation Area. Policy DM5 states:

"2. Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this. High quality redevelopment of existing buildings within conservation areas which are considered to be of poor architectural quality will be encouraged".

- 4.5 This site is in a prominent location on the seafront and can be viewed from a considerable distance in both directions along the promenade. The context for this proposal is therefore wider than just the immediate street block. At present there is a difference in character between this street block and the blocks to the east and to the west. The eastern half of this block is characterised by developments of larger mass and height culminating in the 11 storey element of the Shore development on the corner with Grosvenor Road. The rest of the street block ranges from 3-6 storeys. The two adjacent street blocks are more modest in their development ranging from 2-4 storeys. Crowstone House on the adjacent corner (Crowstone Road) is also a historic local landmark.

- 4.6 Paragraph 131 of the National Planning Policy Framework relating to conserving and enhancing the historic environment states:

"In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- the desirability of new development making a positive contribution to local character and distinctiveness".*

4.7 Paragraph 128 of the National Planning Policy Framework, states that when determining applications, Local Planning Authorities should require applicants to describe the significance of the heritage assets affected and the contribution made by their setting. The level of detail provided should be proportionate to the significance of the asset and sufficient to understand the impact of the proposal on this significance. This is supported by paragraph 129, which requires local planning authorities to identify the significance of any heritage assets. Paragraphs 132 to 136 consider the impact of a proposed development upon the significance of a heritage asset, emphasising the importance of conserving heritage assets and that harm or loss to a heritage asset requires clear and convincing justification.

4.8 The Design and Access Statement accompanying this report states:

The main consideration would appear to be the loss of the existing buildings, which were considered to be an asset to the Conservation Area. We had considered retaining the facades, particularly to the pair of semi-detached to the west of the site, however, it was clear on inspection that the facades were in bad condition and had deteriorated considerably over many years”.

4.9 A Structural Appraisal dated July 2017 carried out by John Sime Surveys Limited, accompanies this application to demonstrate the condition of the existing front facades. The conclusion states:

“It is not viable to retain the majority of façade due to the structural movement noted on site and the lack of stability of the small areas of masonry on the gables and the defective structural stone whose structure integrity has been compromised by the cracking caused by settlement of the front elevation. We conclude that these areas would need to be removed as they cannot be relied upon which would create health and safety issues if their retention was attempted”.

4.10 Further supporting information on the general condition of the buildings carried out by John Sime Surveys Limited has been submitted for consideration following a fire that took place in December 2017. Significant damage was noted to the floors and roof as a direct result of the fire. The survey concludes that it would not be possible to salvage the front façade.

4.11 It is noted that the Design Statement makes much of an earlier Council suggestion that the conservation area should be considered for de-designation. However, following consultation on this suggestion the Council decided to undertake an independent review and the conservation area was reappraised by Essex County Council Historic Buildings Section in 2009 concluding that the Conservation Area is worthy of retention. This Appraisal (quoted above) is a material consideration for this application. It should be noted that in relation to the redevelopment pressures in this area the Appraisal makes the following comment:

4.12 **‘6.1 Problems and Pressures**

The attractive views and location have put the seafront under intense pressure for redevelopment. This can be seen to the east of the Conservation Area where there are modern apartment blocks. Where these adjoin older housing, they overwhelm it because of their greater scale, and the failure to evolve a sympathetic and relatively uniform architectural style means that little of this new development is visually satisfactory. The Conservation Area has already seen significant new development on the corner opposite Crowstone House. This apartment block is better than average, if out of scale with its surroundings, but in this context represents an erosion of the historic character of the Conservation Area. The Area is generally in good condition, but further development would damage its character irrevocably.

The test used in appraisals of conservation areas to determine whether buildings are suitable for redevelopment is the assessment of contribution to character (Fig 4.). None of the buildings in the Conservation Area have been graded as making a negative contribution to character, which would imply that they might have redevelopment potential.’

- 4.13 The application site buildings are not identified in the appraisal as being of poor architectural quality. They are all considered to be positive contributors to the historic character of the conservation area.

- 4.14 The Inspector comments on the de-designation of the conservation area (CA), where acknowledged in the dismissed appeal (appeal reference: 3149155):

“I acknowledge that the Council have previously taken steps to de-designate the CA. I have also considered the appellant’s evidence with regard to the overall significance of the CA and the buildings which are included within it. However, the fact remains that the CA was not de-designated and is a designated heritage asset. Furthermore, the Crowstone Conservation Area Appraisal (2009) (CCAA) has since been adopted by the Council. There is nothing before me to indicate the CCAA was not prepared by people with appropriate expertise and following the correct procedures. Thus, consistent with the Inspector’s findings in the appeal decisions relating to Crowstone House, I attach significant weight to the CCAA as the Council’s most up to date position with regards to the significance of the CA”.

- 4.15 In relation to the condition of the buildings and architectural quality, the Inspector comments in paragraph 8 (appeal reference: 3149155):

“I acknowledge that No 30 The Leas is of a lesser architectural quality than Nos 31 and 32 The Leas. However, all three properties have attractive traditional characteristics including red brickwork, clay roof tiles, asymmetrical roof form, decorative gables, bay windows and relatively grand entrances. Even though they are vacant and in relatively poor condition, it is clear to me that all three are historic buildings which contribute to the historic character of the Seafront and the significance of the CA”.

- 4.16 In light of the above, whilst the applicant has provided supporting information to suggest that substantial works would be required to retain the front section of 31-32 The Leas due to the poor condition, the proposed development would fundamentally result in the loss of buildings which make a significant contribution to the character of the Crowstone Conservation Area and historical reference to seafront architecture within Westcliff-on-Sea.
- 4.17 In this regard it is pertinent to note that in his appeal decision (paragraph 9) the Inspector referred to paragraph 130 of the National Planning Policy Framework which states that where there is evidence of deliberate neglect of a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.
- 4.18 Accordingly, whilst, in principle, the Council seeks to achieve additional housing to meeting the Borough's needs, in this case the Conservation Area considerations have a very important bearing on the principle of this particular form of development and the structural case put forward in support of the proposal has little or no weight when balancing heritage considerations and the impact of the proposal. The principle of the demolition proposed as part of the development is therefore unacceptable.

Design and impact on the Crowstone Conservation Area.

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2, CP4; Development Management Document (2015) Policies DM1, DM3, DM5, DM6 and the Design and Townscape Guide (2009), Crowstone Conservation Area Appraisal (2009).

- 4.19 Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act states that local planning authorities should pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.
- 4.20 Paragraph 131 of the National Planning Policy Framework states that local planning authorities should seek to conserve and enhance the significance of heritage assets.
- 4.21 The above-noted development plan policies seek that development responds positively to local context respects the character of the site and conserves and enhances the significance of heritage assets.
- 4.22 Policy DM5 of the Development Management Document states:
- "All development proposals that affect a heritage asset will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value".*

- 4.23 This amended design proposes broadly to achieve a similar general form of the frontage of 31 and 32 The Leas in certain regards interpreting this in a contemporary manner, by modern fenestration and detailing with a link and a modern box addition on the east side on the site of number 30. This proposal has addressed some of the concerns raised with the previously refused scheme 15/01492/FUL including that the building is no longer set forward and is now sited on the same building line as the adjacent buildings to the east and west of the site. The design has sought to break up the scale of the front elevation and references the grain of the area. However this revised approach and form also raises a number of concerns about the design and detail of this proposal.
- 4.24 In terms of scale, no objection is raised to the principle of a three storey block given the character to the east and west of the site; however the scheme results in a form of development incongruous within the streetscene and Crowstone Conservation Area. The detailed design of the frontages and overall appearance is discussed in further detail below.
- 4.25 The design concept underpinning the proposed development is considered to be poor. The detailed proposal lacks the overall integrity of the original building and is dependent on the loss of the historic detail in relation to the windows, balconies, turrets, roof and porch. The balcony and associated framing to the front of the bay windows appears unrefined resulting in an unduly dominant addition to the frontage. The flat roof design is poor and fails to relate to the rest of the traditional form of development as proposed. The modern element including the flat roof to the east elevation of the street frontage lacks quality and sufficient detailing to deliver a high quality design. The overall design would result in a number of conflicting styles, roof forms and bland design features which, in isolation and also in combination fail to preserve the character and appearance of the Crowstone Conservation Area, which is unacceptable and contrary to policy. The impacts in terms of the loss of historic fabric in terms of the demolition of the existing buildings is discussed in earlier sections of this report.
- 4.26 The overall architectural approach and detailed design lacks architectural finesse or sufficient respect for the role of the existing buildings on the site or the character and appearance of the Crowstone Conservation Area. The proposed development by reason of its muddled architectural form and poor design would appear obtrusive, visually incongruous and overly dominant and so would fail to respect the character of the site and its local context and surroundings and would not preserve or enhance the character of Crowstone Conservation Area. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1, DM3, DM5 and DM6 of Development Management Document and advice contained within the Design and Townscape Guide.
- 4.27 The applicants have submitted a structural condition case demonstrating the façade of the existing building would require substantial works due to the poor condition. This is a material consideration. However, officers have to consider the quality and acceptability of the replacement proposal and whether the replacement

proposal satisfactorily reinstates the heritage features. It is considered in this instance the contemporary re-interpretation of the 31-32 The Leas gabled frontages is a contemporary pastiche rather than a concerted effort to reflect the importance of these original features in the design and appearance of 31 and 32 and to the character and appearance fundamental to the Crowstone Conservation Area.

- 4.28 It is not considered that the structurally based arguments justify the harmful form of the development proposed. This is unacceptable and the proposal conflicts with policy in that regard.

Standard of Accommodation:

National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1, DM3 and DM8 and the Design and Townscape Guide (2009), National Technical Housing Standards (2015)

- 4.29 The National Technical Housing Standards require minimum property sizes for residential units shall provide an internal floorspace of 70sqm for a 2 bedroom (4 persons) unit, 86sqm for a 3 bedroom (5 person unit) and 95sqm for a 3 bedroom (6 persons) unit. The proposed internal floorspaces include:

- Flat 1-3 bedroom (5 persons) 116sqm
- Flat 2-3 bedroom (5 persons) 125sqm
- Flat 3-3 bedroom (6 persons) 126sqm
- Flat 4-3 bedroom (5 persons) 120sqm
- Flat 5-3 bedroom (6 persons) 124sqm
- Flat 6-3 bedroom (6 persons) 126sqm
- Flat 7-3 bedroom (5 persons) 162sqm
- Flat 8-3 bedroom (6 persons) 125sqm
- Flat 9-2 bedroom (4 persons) 135sqm

- 4.30 All of the flats above comply with the relevant internal space standards.

- 4.31 All flats would benefit from sufficient daylight and outlook. Whilst it is noted that the (single) 3rd bedrooms serving flats 1, 2, 4 and 5 would look out onto a well design due to the layout of the building, the windows would still benefit from adequate outlook and daylight. On balance, taking into account the bedroom is only for single occupancy and that the other two bedrooms serving the units have full glazing no objection is raised.

- 4.32 One of the core planning principles of the National Planning Policy Framework 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”*.

- 4.33 Policy DM8 of the Development Management Document states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space.
- 4.34 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".*
- 4.35 Future occupiers will benefit from terraces and balconies to the front of the site and to the north of the site is a communal terrace and garden area in excess of 660sqm. The amenity space proposed is useable and is considered acceptable provision for future occupiers.
- 4.36 The proposal is therefore found to be acceptable and policy compliant in these regards.

Traffic and transportation

National Planning Policy Framework (2012), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design and Townscape Guide (2009)

- 4.37 A new vehicle access is proposed to be formed to the front of the site and existing vehicle crossovers will be redundant. The proposal will include a ramped gradient to the basement parking. The Council's highways officer has raised no objections to the proposed vehicular access.
- 4.38 Policy DM15 of the Development Management Document states that a minimum 1 car parking space per flat shall be provided in this location. The proposed development will include 16 spaces to the basement including 1 disabled space in excess of current policy requirements, thus no objection is raised on parking grounds.
- 4.39 Bike storage will be located within the basement, which can be controlled by condition if the application were deemed acceptable.

Refuse storage

- 4.40 No details of refuse storage have been provided in line with collection guidance criteria. This can be controlled by condition if the application were deemed acceptable.
- 4.41 The proposal is therefore found to be acceptable and policy compliant in these regards.

Impact on neighbouring amenity

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

- 4.42 Policy DM1 of the Development Management Document states that any new 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. Paragraph 343 of the Design and Townscape Guide (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.
- 4.43 The proposed building is sited 1m from each flank boundary which is the same as the existing buildings. It is not considered that the siting of the building will result in material harm to the surrounding neighbours in terms of being overbearing or resulting in a material loss of light. The building projects 4m further rearward than 33 The Leas to the west of the site but the development is not considered to be overbearing nor result in an undue sense of enclosure and the proposal also complies with a notional 45 degree line in terms of light impacts.
- 4.44 Whilst the proposal may result in some loss of light from the east given there are windows the flank elevation of 29 The Leas this is not considered to be so material as so as to warrant refusal. The proposed building will project 2m beyond the existing rear wall of no. 29 but it is not considered that the development would be overbearing nor result in an undue sense of enclosure and the proposal also complies with the notional 45 degree rule.
- 4.45 In terms of the relationship of the front of the building and the neighbouring properties, the proposed building will be set in line with the existing properties to the east and west of the site. The proposed balconies project effectively entirely beyond the properties either side of the site and the central section of the building. While this will make the building appear more prominent in the streetscene, on balance, it is not considered that it would be materially harmful in terms of the outlook afforded to these residents or that it would result in an undue sense of enclosure which would be unneighbourly.
- 4.46 While it is recognised that the building will be taller and thus allow for views beyond the scope of the existing buildings, particularly to the north, it is not considered that this would be harmful to surrounding residents due to the distances from nearby buildings.
- 4.47 It is recognised that there are windows within the flank walls of the adjacent buildings at no's. 29 and 33 as discussed above. No windows are proposed within the flank walls of the proposed scheme. The separation distance between the windows on the rear elevation and nearest residential property to the north is 30m, which is sufficient to mitigate against any potential overlooking or loss of privacy.

The roof terrace for the penthouse suite will include access to the sides, front and rear. In order to safeguard the amenities of properties to the rear of the site a condition could be imposed to prevent access to the roof if the application were deemed acceptable.

- 4.48 The proposal is therefore found to be acceptable and policy compliant in regards to its impacts on neighbour amenity.

Flood Risk

National Planning Policy Framework; Core Strategy Policies KP1, KP2

- 4.49 Flood risk is a material planning consideration and is relevant to this application given its proximity to the seafront, although lies just outside flood zone 3, the high risk zone as defined by the Environment Agency Flood Zone Maps. As the site is just outside flood zone 3 the Council is not required to undertake the sequential or exception tests, however it is required to consider surface water management. The application is accompanied by a Phase 1 Flood Risk Assessment dated January 2018 carried out by Ambiental. The site is shown to be at a 'very low' risk of flooding from surface water on the Environment Agency Risk of Flooding from "Surface Water" map. The surrounding roads however, have areas of 'low' and medium' risk. The ground floor of the development is to be raised to 6.25m AOD and 6.55m AOD above the 1:200 year 2120 floor level for habitable rooms and sleeping accommodation. The ground floor is to be set 1.2m above existing ground levels. The proposal includes an automatic flood gate which will be installed across the entrance to the lower ground floor car park so the risk from this source is considered to be relatively low. The developer has committed to attenuate the surface water runoff from the site to the existing site runoff rates for events up to and including allowance for climate change. Further details on surface drainage measures could be dealt with by condition if this application were deemed acceptable including measures such as rainwater harvesting from roofs and permeable surfaces to reduce the potential impact of any run-off.

Sustainable Development

Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice contained within the Design and Townscape Guide (2009)

- 4.50 Policy KP2 of the Core Strategy states that at least 10% of the total energy needs of a new development should be provided through on-site renewable sources of energy provision (and/or decentralised renewable or low carbon energy sources). Policy DM2 of the Development Management Document requires all new development to contribute to minimising energy demand and carbon dioxide emissions.
- 4.51 The Design and Access Statement accompanying this application states that based on calculations carried out by MH Energy Consultants 36 photovoltaic panels could be installed to the roof. Whilst no calculations have been provided to demonstrate the 10% of the energy from the development will be renewable, this could be controlled by condition.

- 4.52 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 could be dealt with by condition if the application were deemed acceptable.

Other Issues

- 4.53 In terms of landscaping, applications for new buildings will be required to respect existing tree and planted areas. There is a significant amount of soft landscaping and vegetation within the site which includes some significant trees. The application is accompanied by a tree survey and planting scheme. Any trees to be retained would require protection during construction and this could be dealt with by condition if the application were deemed acceptable.

Community Infrastructure Levy (CIL) Charging Schedule.

- 4.54 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

- 4.55 Having taken all material planning considerations into account, it is found that the proposed development will result in the loss of buildings which make a significant contribution to the character of the Crowstone Conservation Area and historical reference to seafront architecture within Westcliff-on-Sea. Furthermore, the proposal by reason of its poor design, roof form, muddled architectural approach quality and detailing would appear, visually incongruous and overly dominant and would as a result fail to respect the character of the streetscene. The development would not have an appropriate relationship with its local context and surroundings and would not preserve or enhance the character and appearance of the Crowstone Conservation Area. This harm is not outweighed by considerations related to the structural situation of the existing buildings which carries little or no weight given the building's neglect and the findings on this point by the (2016) appeal inspector. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1, DM3, DM5 and DM6 of Development Management Document and advice contained within the Design and Townscape Guide. In this regard the proposal is considered unacceptable and contrary to development plan policy. The scheme does not provide any benefits which outweigh this harm.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (NPPF), 2012.
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment & Urban Renaissance), and CP8 (Dwelling Provision).
- 5.3 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), DM5 (Southend on Sea Historic Environment), DM6 (The Seafront), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 Waste Management Guide
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule
- 5.7 National Technical Housing Standards (2015)
- 5.8 Crowstone Conservation Area Appraisal (2009)

6 Representation Summary

Design and Regeneration

- 6.1 The proposal seeks to demolish the existing historic buildings comprising one pair of semi detached properties and one detached house, and erect a block of 9 flats. This application follows an earlier refusal and subsequent appeal for a similar development which sought the redevelopment of these buildings with a different design.

The application was refused and the appeal dismissed because the Council and Inspector considered that the existing historic buildings made a positive contribution to the character of the conservation area and that the proposed replacement building was over scaled and of a design and form which failed to integrate with the character of the conservation area and the wider seafront.

The proposal is still seeking to demolish the existing building and has sought to justify this with a more detailed structural report than the previous application. This confirms that substantial works would be required to retain the front section of 31-32 The Leas. Nevertheless the loss of these buildings which have fine features and detailing, and which the inspector considered made a positive contribution to the character and significance of the conservation area, would still be unacceptable.

Notwithstanding this issue there are also a number of concerns with the design of the revised proposal. The site is still located within a conservation area and as such the Council has a duty to ensure that new development preserves or enhances the character of the conservation area through securing high quality and appropriately scaled development. In addition, in relation to development along the seafront the Development Management document comments that:

'The main concern for the character of the Seafront is the gradual degradation of that which makes it unique. The unsympathetic increase in scale in some locations and loss of historic grain has had a detrimental effect on the integrity and character of the Seafront. As a consequence there is a need to adopt design principles that influence form, appearance and massing so that they are appropriate to the differing characters along the Seafront.'

To protect the unique character of this area Policy DM6 requires that all new development in this area to adhere to the a number of principles including:

'(iv) Resist inappropriate development fronting the Seafront to ensure that established seafront architectural style and form is maintained in this location.

(v) The total or partial demolition of a heritage asset will be resisted, in accordance with Policy DM5, where there is no clear and convincing justification for this.

(vi) In all areas the vernacular form and fine urban grain of the seafront that defines this character zone will be preserved. Further amalgamation of existing plots and large format bulky buildings are not considered appropriate and will be resisted.

(vii) The low rise height of existing buildings should also be maintained in future development. Development will only be allowed where it is appropriate to context and where it adds to the overall quality of the area'

In the broadest sense the amended design seeks to carry through the overall general form of the frontage of 31 and 32 The Leas but with modern fenestration and detailing and to link this to a modern box like addition on the east side on the site of number 30, and which wraps on top of the replicated more traditional form on the west of the site.

Whilst a replication of a historic building lacks the integrity of the original building, if done well and is true to the historic character including replicating the finer detailing, it can be successful. The proposal has stripped out the historic detail in relation to the windows, balconies, turrets, roof and porch and this means that the resultant design is a dumbed down version of the original and is now neither modern nor traditional. This has resulted in a confused mix of styles and has not succeeded in preserving the character of the conservation area.

More specific points include that:

- The balcony and associated framing, which runs in front of the bay, is unrefined and will be a dominant addition to the frontage. There is also a concern that privacy screens may be needed in several places and that these will not be integral to the design.
- The roof of this section has a flat top which is a poor design detail and which

will be apparent in the streetscene. This further identifies the proposal as a fake and is unacceptable.

- The modern section of the proposal is very basic in its design and lacks interest or quality. The short section of sloped roof at 2nd floor level does not integrate with the overall design and is considered to be a poor detail.
- The top floor which extends over the more traditional form accentuates the conflict of styles and adds to the overall massing of the proposal when seen from the promenade, highlighting the conflict of styles and the amalgamation of plots which is contrary to policy.
- There is also a concern that bed 3 in the flats within the traditional element only have a small window onto an internal north facing deep well and this will result in poor daylight and poor outlook for these habitable rooms, especially at the lower levels.
- There is no dda access to the amenity space at the rear and the only step free access to the flats is through the basement
- The terrace to the front will be rather dominant in the streetscene especially when approaching the site from the side where the extent and scale of retaining wall will be evident.

Overall it is considered that the proposal as submitted is not of the quality which would preserve or enhance the character of the conservation area or the wider seafront streetscene.

Traffic and Transportation

- 6.2 There are no highway objections to this proposal on parking grounds. It is considered that the proposal will not have a detrimental impact upon the public highway.

Environment Agency

- 6.3 No comments.

Structural Engineer

- 6.4 A party wall agreement would apply to the basement car parking and this area is subject to flooding.

Public Consultation

- 6.5 A site notice was displayed on the 21.12.2017 and 23 neighbours were notified of the proposal. 5 letters of representation have been received objecting to the proposal on the following grounds:

- The decision of the Inspector should be agreed with as the buildings are of great character and an asset to the local area;
- The existing buildings should be used;
- Overshadowing;
- Loss of light;

- The development projects out in front of the existing building line
- The height would have a significant impact on the area;
- A 4th floor is not appropriate in this row of properties;
- Modern design out of keeping with the area;
- Obstruct view of adjacent properties;
- Impact on adjacent residents;
- Vehicle access to the rear of the site is not clear

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

Ward Councillor

- 6.6 Councillor Folkard has requested this application be dealt with by development control committee.

7 Relevant Planning History

- 7.1 Demolish existing buildings, erect part two/part three/part four and part five storey building comprising of 9 self-contained flats with balconies, cycle and refuse storage, lay out parking and landscaping and form new vehicular access onto The Leas- Refused (15/01492/FUL). Dismissed at appeal reference APP/D1590/W/16/3149155.
- 7.2 Demolish garages and erect three two storey dwellinghouses, lay out car parking spaces and cycle/bin stores (Amended Proposal)- At 30 The Leas (11/01485/FUL) Granted
- 7.3 Demolish existing building, erect four storey block of four self contained flats with balconies and basement parking, erect three two storey dwellinghouses, lay out car parking spaces, cycle/bin stores, decking and amenity space- At 30 The Leas (11/00890/FUL) Refused.
- 7.4 Demolish dwellings, erect eight storey block of 21 self contained flats with basement parking and swimming pool at rear, form cycle and refuse stores and layout amenity areas- 30-32 The Leas (08/00712/FULM and 08/00714/CAC).

8 Recommendation

- 8.1 **Members are recommended to REFUSE PLANNING PERMISSION for the following reason:**

- 1 **The proposed development will result in the loss of buildings which make a significant positive contribution to the character of the Crowstone Conservation Area and reference the historical seafront architecture within Westcliff-on-Sea. The case for justifying such demolition has not been sufficiently demonstrated. The proposed replacement development would by reason of its poor design, roof form, muddled architectural approach and detailing, appear visually incongruous and overly dominant and fails to respect the character of the streetscene, local context and surroundings. The**

proposal would harm the character and appearance of the Crowstone Conservation Area. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1, DM3, DM5 and DM6 of Development Management Document, advice contained within the Design and Townscape Guide.

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.

Informatives

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

