

Reference:	17/02146/FUL	
Ward:	Leigh	
Proposal:	Demolish existing buildings, erect four storey building comprising nine self-contained flats with balconies, terraces and commercial (Class A1) at ground floor, associated landscaping, layout parking and install vehicular access onto Victor Drive	
Address:	Car Wash, 120 Broadway, Leigh-On-Sea, SS9 1AA	
Applicant:	Mr L. Panormo, Plaistow Broadway Filling Stations	
Agent:	Mr M. Calder, Phase 2 Planning and Development	
Consultation Expiry:	08.02.2017	
Expiry Date:	01.03.2018	
Case Officer:	Janine Rowley	
Plan numbers:	369.001.00; 769.200.01; 769.201.01; 769.202.01; 769.203.01; 769.204.01; 769.205.01	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to demolish the existing buildings at 114 to 120 Broadway and to erect a four storey building containing 9 self-contained flats with balconies and terraces, 325sqm of commercial floorspace (Class A1) at ground floor, 9 parking spaces to the rear of the proposed building, public realm enhancements, and associated works. A new vehicular access is proposed to be installed onto Victor Drive.
- 1.2 The application site is mainly rectangular shape, with a small area projecting to the northeast. The site measures a maximum of 38.5m wide by 25.4m in depth. The proposed building would extend from three to four floors and it would be a maximum of 37.5m wide by 19.5m deep, with a height of 10.2m to 13.8m due to the varying site levels.
- 1.3 The building would be fully glazed at ground floor, to the commercial uses, while the first floor would overhang the ground floor supported by colonnades, incorporating recessed balconies and a rounded corner to the southwest. The third floor would be set back from the first and second floors, resulting in the highest part of the building being set back approximately 1.8m from the front building line facing Broadway.
- 1.4 325sqm of commercial floorspace is proposed at ground floor level which is split into two separate units. An entrance to the flats is on the ground floor onto Broadway. 9 self-contained flats are proposed on the upper floors:
 - Flat 1-2 bedroom (4 persons) 75sqm
 - Flat 2-2 bedroom (4 persons) 72sqm
 - Flat 3-2 bedroom (4 persons) 82sqm
 - Flat 4-3 bedroom (5 persons) 90sqm
 - Flat 5-3 bedroom (6 persons) 95sqm
 - Flat 6-2 bedroom (4 persons) 72sqm
 - Flat 7-2 bedroom (4 persons) 82sqm
 - Flat 8-3 bedroom (5 persons) 132sqm
 - Flat 9-3 bedroom (6 persons) 161sqm
- 1.5 Solar panels are proposed on the roof of the building. Private inset balconies are proposed to each flat. A communal terrace of 80sqm on the second floor will be available to all occupiers. Larger than average terraces are also proposed for flats 8 (62sqm) and 9 (170sqm).
- 1.6 9 car parking spaces are proposed to the rear of the building and these would be accessed from Victor Drive. A lift is proposed to access the whole building. Cycle and refuse storage is proposed on the ground floor of the building. Separate residential and commercial stores are proposed.

- 1.7 Highway works are proposed along the western side of the proposed building along the Broadway, which include blocking up the two existing vehicular crossovers, together with the installation of Sheffield cycle stands to serve the commercial units.
- 1.8 Materials proposed are:
- Blended red brickwork
 - Powder-coated metal cladding
 - Powder-coated aluminium windows and external doors.
- 1.9 This application has been submitted following the refusal of application 16/01756/FULM, which sought planning permission to erect a part three and part four storey building including 20 flats, 445sq of commercial floorspace, basement parking, public realm enhancements, associated works and install new vehicular access onto Victor Drive to 114-120 Broadway. The application was refused by Development Control Committee on the 4th October 2017 for the following reasons:
1. *“The submission does not include a formal undertaking to secure an appropriate contribution to affordable housing provision to meet the demand for such housing in the area despite it having been found financially viable for the development proposed to make such a contribution. The application is therefore unacceptable and contrary to the National Planning Policy Framework; Strategic Objective SO7, and policies KP3 and CP8 of the Core Strategy (2007); and the advice contained within Supplementary Planning Document 2 Planning Obligations (2015)”.*
 2. *“The submission does not include a formal undertaking to secure an appropriate financial contribution to the provision of education facilities in the borough, to mitigate the demand for such facilities generated by the development proposed. The application is therefore unacceptable and contrary to the National Planning Policy Framework; Strategic Objective SO13, and Policies KP2, KP3 and CP6 of the Core Strategy (2007), and the advice contained within Supplementary Planning Document 2 Planning Obligations (2015)”.*
- 1.10 The previously refused application was not objected to in principle nor on grounds related to, design and impact on the character of the area, impact on residential amenities, highway grounds or standard of accommodation for future occupiers. The reason solely related to the failure to provide an appropriate contribution for affordable housing and education.
- 1.11 The main changes following the previously refused application include:
- 20 flats reduced to 9 flats
 - Commercial floorspace reduced from 445sqm to 325sqm
 - Height reduced from 15.7m to 13.8m
 - Design remains similar to that refused but with removal of the fourth

- floor and reduction in size of the third floor
- The addition of large areas of terrace for certain flats
- Removal of the basement car park

2 Site and Surroundings

- 2.1 The site is located on the eastern side of the Broadway, Leigh-on-Sea, to the north of its junctions with Victor Drive and Grand Drive and to the south of its junction with Maple Avenue.
- 2.2 The site also lies opposite the Grand Hotel, which is an important locally listed building, and to the east of Leigh Cliff Conservation Area, which covers the blocks to the north and south of Broadway to the west of The Grand Hotel. Although the site itself is outside the conservation area, it terminates the views out of it. Land levels drop significantly towards the south of the site.
- 2.3 To the east, the application site abuts a residential area, comprising mainly two storey dwellings, while to the south, along Grand Drive are two 1970s multi-storey blocks of flats. To the north the site adjoins a five storey mixed use building, including commercial uses at ground floor and flats above, which was allowed on appeal in August 2007.
- 2.4 The site is currently being used as a hand car wash (sui generis) and (at 114 Broadway) for retail (Class A1) purposes. The site is predominantly hard surfaced and there are two vehicular accesses along the Broadway and one off Victor Drive.
- 2.5 The site is located within the district centre of Leigh within a designated secondary shopping frontage.

3 Planning Considerations

- 3.1 The main considerations in the determination of this application are the principle of the development, including whether it is sustainable development, design and impact on the character and appearance of the area and impact on neighbouring occupiers, standard of accommodation for future occupiers, traffic and highways, CIL and whether the proposal has overcome the previous reasons for refusal of application 16/01756/FULM.

4 Appraisal

Principle of Development

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP1, KP2, KP3, CP1, CP2, CP3, CP4, CP6 and CP8; Development Management Document (2015) Policies DM1, DM3, DM5, DM7, DM8, DM11, DM13 and DM15 and the Design and Townscape Guide (2009)

Employment Use

- 4.1 Policy DM11 of the Development Management Document relates to employment areas. The site is not located within an allocated Employment Area but will result in the loss of an employment generating use. The car wash facility is still in operation on site however, it is noted that a new car wash facility has recently opened on 1163 London Road (relevant planning approval reference 16/01655/FUL). Policy DM11 states that proposals for employment generating uses outside of the Employment Areas will be allowed where they do not impact upon the amenity of the surrounding uses and do not conflict with other development plan policies. This will be assessed in further detail in the report below. As noted above, the site is located within a mixed commercial and residential area. The site is currently used as a car wash (sui generis use) and a retail business (Class A1 floorspace). There is no objection in principle to the loss of these uses as the proposed commercial units (Class A1) will continue to provide a satisfactory level of employment on the site and the proposed development is considered to be a more appropriate use in the surrounding area than the existing one.
- 4.2 The site is located within a secondary shopping frontage and Policy DM13 of the Development Management Document states that *'All developments in the secondary shopping frontage, as defined on the Policies Map, must maintain or provide an active frontage with a display function for goods and services rendered and the proposed use will provide a direct service to visiting members of the general public.'*
- 4.3 The site is located in a mixed commercial and residential area and therefore, the principle of mixed use development on the site is considered to be acceptable. The commercial space (Class A1) would provide an active frontage and a continuation of the link between Broadway and Leigh Road commercial frontages which is important as the site is allocated within the district centre of Leigh and forms part of the secondary shopping frontage. The provision of residential uses to the upper floors would be compatible with the adjacent site to the north and adjacent residential side streets to the south.
- 4.4 The proposed development will enhance the appearance of the site and provide housing. There is no objection in principle to the introduction of commercial units in this location (which are appropriate in this secondary shopping frontage). The proposal is therefore considered to be policy compliant in regard to the nature and mix of uses proposed.

Residential Use and efficient use of the land

- 4.5 One of the Core Planning Principles of the National Planning Policy Framework is 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"*.
- 4.6 The issue of meeting challenging targets on provision of new homes against a background of limited land resource within the borough is recognised by strategic policies in the Core Strategy as follows.

- 4.7 Policy CP8 of the Core Strategy identifies that 6500 dwellings will be provided within the Borough over the plan period. The policy also identifies that 80% of residential development should occur on previously developed land, such as the application site.
- 4.8 Policy CP8 of the Core Strategy also states that the Council will enter into negotiations with developers to ensure that all residential proposals of 10-49 dwellings or 0.3 hectares up to 1.99 hectares make an affordable housing or key worker provision of not less than 20% of the total number of units on the site.
- 4.9 The site is located within Leigh Broadway which is part of a 'Priority Urban Area' and so is a focus for appropriate regeneration and growth as set out by Policy KP1 of the Core Strategy.
- 4.10 Policy KP2 of the Core Strategy states all new development must make the best use of previously developed land such as the application site, ensuring that sites and buildings are put to the best use and continues that proposals should be achieved in ways which apply a sequential approach to the location and siting of development, particularly having regard to the need, amongst other things, to minimise the use of 'greenfield' land.
- 4.11 Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable, urban environment which enhances and complements the natural and built assets of Southend amongst other things by maximising the use of previously development land. The effective and efficient use of land is also sought by Policy DM3 of the Development Management Document. This confirms that the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over intensification, which would result in undue stress on local services and infrastructure, including transport capacity.
- 4.12 Pulling together all of the above, the clear objective of national and local planning policy is to optimise and efficiently and effectively use previously developed land, particularly for housing, which is in short supply. It is noted that the policies do not dictate densities as there are many variables between one site and another. However, in light of national and local policy on the subject, and given the need to maximise the use of limited available land for housing, it is appropriate to look at relevant comparable approved developments as a basis for assessment, when trying to establish whether the proposal achieves a reasonable, sustainable and efficient amount of development on the site, and in particular how this affects the proposals provision of housing. Comparable schemes within the vicinity of the site, which fall outside of the conservation area but have similar site areas, include:
- Rileys, Leigh Road (16/02045/FULM) approved with 22 flats – 0.0992ha, which equates to a density of 222dph
 - 136 The Broadway, Leigh-on-Sea (06/01039/FUL) has been

constructed with 14 flats – 0.06ha, which equates to a density of 228dph

- 4.13 The proposed site area is 0.10ha, on which this proposal equates to a density of 90dph. The two developments referred to above were solely residential, rather than mixed use incorporating residential and ground floor commercial as is the case here. Even so, and purely as a broad guideline, comparison to the sites discussed above raises an important concern as to whether the proposed 9 unit residential aspect of this mixed use proposal effectively uses previously developed land in accordance with the clear objectives of the National Planning Policy Framework. It is also relevant in this regard to note that the previous refusal was solely on the basis that there was no contribution to affordable housing or education. In all other respects the Council considered that the 20 dwelling scheme proposed was policy compliant and acceptable.
- 4.14 Taking account of the above, it is considered that the site has the potential to deliver more housing than is currently proposed in a manner that could be fully compliant with broader development plan policies. Furthermore, it is considered that the development currently fails to do so as a result of its design approach. Internal space within the majority of the 9 new flats, is consistently generous. Units 8 and 9 for example are respectively 46sqm and 66sqm, both oversized in comparison with the technical standards. Furthermore, that is in addition to each unit having private external amenity space of 62sqm and 170sqm respectively. The previous 20 unit scheme showed that the site can acceptably sustain higher numbers of units than this. Even allowing for a range of flat types and sizes, it is considered here that the size and layout of the units in combination contrives to result in an unreasonably low number of units based against planning policy. This does not represent best use of limited land resources to meet housing needs and is therefore contrary to the NPPF and the Councils strategic planning policies. Furthermore, it is noted that this under provision of units in turn keeps the development below the threshold for provision of affordable housing (11 units), which is contrary to the objectives of Policy CP8 notwithstanding that notionally the development sits below the threshold itself.
- 4.15 Therefore although the principle of the new uses and their mix is considered acceptable, and other matters of design and impact are separately addressed below, it is considered that fundamentally this proposal fails to redevelop the site in a way which effectively and efficiently uses the land as set out by the planning policies above. As a result it fails to adequately deliver a sufficient number of residential units on this brownfield site in Leigh Broadway and fails to incorporate a contribution to affordable housing by under sailing the relevant threshold trigger in a contrived manner. Therefore this would not be a sustainable development and is considered unacceptable and fails to comply with the objectives of policies detailed above.

Design and Impact on the Streetscene

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

- 4.16 The proposal is considered in the context of the Borough Council policies relating to design including Core Strategy Policies KP2 and CP4, Development Management Document Policies DM1 (Design Quality) and DM3 (The Efficient and Effective Use of Land) and the Design and Townscape Guide. These policies require that new development respects the existing character and appearance of the building and the townscape and reinforces local distinctiveness.
- 4.17 A core planning principle set out in Paragraph 17 of the National Planning Policy Framework is to seek to secure high quality design and a good standard of amenity for future occupiers.
- 4.18 The National Planning Policy Framework also states at paragraph 56:
- “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.”*
- 4.19 Policy CP4 of the Core Strategy seeks development which contributes to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend through maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the nature and scale of that development.
- 4.20 The application site lies at the eastern end of Leigh Broadway at the junction with Grand Drive and Victor Drive and directly opposite the locally listed Grand Hotel which lies within Leigh Cliff Conservation Area. The conservation area covers the blocks to north and south of Broadway to the west of The Grand and continues westwards along the Broadway also including a number of residential streets to the south (but not Grand Drive). The site itself is outside the Conservation Area but terminates the view out of the conservation area when looking east from the Broadway.
- 4.21 The site at present contains a two storey traditional commercial building and an open car wash. The existing building does not appear out of place in this location although the blocking up of the windows does not have a positive impact on the streetscene. The car wash site however is a negative gap in the streetscene and the site which is covered with visual clutter and advertising and is considered to be detrimental to the streetscene and the setting of the adjacent historic building and Conservation Area.
- 4.22 The site location at the end of a straight section of road and at a key junction means that it is in a particularly prominent position in the local townscape. The key views will be from the conservation area to the west and from the south

east up Grand Drive where the proposal will be seen in the foreground to the Grand Hotel. The view from the north is not considered to be as prominent as it is a short approach and it is screened by other buildings.

4.23 To the east the site abuts the residential area with a more domestic scaled architecture to Victor Drive. Down the slope of Grand Drive, are two 1970s style taller residential blocks but their location at a lower land level and away from the Broadway sets them apart from the sites primary context of the Broadway itself. They are therefore less relevant to the context of the site. To the north, the site adjoins the Grand View, five storey mixed used development. This scheme was allowed at appeal in August 2007.

4.24 The site is an important, visible and historically sensitive site for Leigh town centre; a successful proposal will need to provide a positive relationship to the neighbouring buildings and an appropriate response to the wider character and historic context as with the previous proposal for the site. A key component of the design will be ensuring that the setting of The Grand and its prominence in the townscape is preserved and enhanced, and redevelopment of the site will need to ensure that the proposed design is respectful of The Grand as a local landmark and its importance in the townscape at this point. This particular issue was discussed in depth in the appeal for the adjacent site at Grand View where the inspector (appeal reference: 12872/A also 12872/B) made the following comments on this issue:

“The hotel... remains the defining feature at the northern end of the Broadway and in local views hereabouts, I agree with the Council that it would be wholly inappropriate were it to be upstaged by other developments” (paragraph 5).

4.25 In this instance the Inspector clearly recognised the importance of The Grand in the townscape as being paramount but concluded that the location of the proposal at Grand View to the side of The Grand and around the corner on the shorter section of Broadway significantly diminished its impact in the streetscene. Therefore it was considered that that the scale of the proposal would not appear unduly prominent in the streetscene or diminish The Grand as the principle landmark in this location. Although the proposal site is adjacent to Grand View, its more southerly and corner location to the front of The Grand and at the end of the Broadway makes this site more prominent in the setting of the locally listed building, the conservation area and the streetscene generally. Therefore, whilst it could be argued that corner sites are often suitable for a small increase in height to provide a local landmark, in this case the fact that there is already a high quality historic landmark building in the vicinity means that a new landmark would not be considered appropriate.

4.26 The overall height and scale of the proposed development satisfactorily relates to the streetscene and surrounding area. The design of the elevations is suitably proportioned and detailed. The proposed development is a simple design in comparison to Grand View but one which is well considered with good detailing and well scaled fenestration with placement relating to the surrounding locality. The proposed use of red brick with feature stone

surrounds to large format windows draws a positive reference to The Grand without competing with the rich detailing of this historic building and this works well. High quality detailing to the surrounds, reveals and balconies will be key to the success of this proposal as this will provide the interest in the streetscene and details would need to be dealt with by condition if the scheme is found acceptable. The proposal for a more transparent third floor including glass cladding is adequate. The final choices for the materials and product details for the external elevations will need to be controlled by condition.

- 4.27 The arrangement at ground floor continues the colonnade feature of Grand View and this will provide some continuity at street level between these developments and is welcomed. The external colonnade wraps around the whole frontage, providing shadowing, articulation, interest and shelter to the development at street level. This will also help to break up the scale of the building by splitting it horizontally into three elements. The proposal shows the continuation of tree planting on the pavement along the main frontages and this should help to soften the building in the streetscene.
- 4.28 In respect of layout there is no objection to the proposed building line which reflects that of the existing building and provides a positive relationship to the north and a reasonable separation distance to the houses to the east. The location of the vehicular access at the southeast corner works well in providing good separation between the grander scale and close building line on the Broadway and the more domestic and subservient scale in Victor Drive. The inclusion of landscaping here is also welcomed.
- 4.29 There is no objection in principle to parking provided to the rear of the site and further details could be controlled by condition if this application is deemed acceptable.
- 4.30 Overall this proposal is considered to be appropriately scaled for this location and adequately designed and detailed from an aesthetic perspective, notwithstanding the issues raised in other parts of this report.

Impact on Neighbouring Occupiers

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

- 4.31 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities “*having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.*”

Overbearing nature, overshadowing, lighting, overlooking

- 4.32 With regard to the impact on the neighbouring property to the east (No. 5 Victor Drive), the ground, first and second floor would be set 4.8m to 11m

away from the property to the east and 7.9m to 11.3m to the third floor, which is considered acceptable when taking account of the scale and height of the existing building at 114 Broadway and its proximity to the neighbouring property to the west. It is considered that this separation distance would be, sufficient to mitigate any overbearing impact onto the neighbours to the east. Given that a reasonable level of separation would be retained between the highest parts of the development and the adjacent site, and the fact that there are no windows on the west elevation of the property to the east which would be adversely affected, it is considered that the impact would not be such that it would warrant refusal of the application. The adjacent property has an existing terrace access from the roof. It is not considered that this would be affected by the proposed development, in terms of dominance or loss of light to an extent that would justify a refusal of planning permission.

- 4.33 The proposed development would be sited close to the neighbouring new built mixed use building to the north (a minimum of 3m). Although there are windows and balconies to the south elevation of this building from first to fourth floor, they are not sole sources of light to habitable rooms or sole amenity spaces for the south facing flats. It is accepted that the flats to the south of the neighbouring site (Grand View, 136 Broadway) would be affected by the proposed development, however the relationship and resultant impact would not be such as to justify refusal of the application.
- 4.34 The nearest residential properties to the west and south are sited approximately 17m and 15m away from the proposed development, respectively. As such, it is not considered that the proposal would result in material harm to the residential amenity of nearby neighbours to the west and south, in any respect.
- 4.35 With regards to potential overlooking and loss of privacy, no windows are proposed to the north elevation adjacent to Grand View 136 Broadway, which is welcomed. There are a number of balconies, private terraces and communal amenity deck at the first, second and third floors to the north, southeast and southwest elevations. A number of mitigation measures are proposed to prevent overlooking to the residential properties to the east in Victor Drive including a mix of high level windows, an oriel window to flat 5 at first floor and 1.8m high obscure screens, which could be controlled by condition if this application is deemed acceptable.

Commercial Use

- 4.36 There is no objection in principle to the introduction of retail (Class A1) uses in this location as it is not considered that such use would have an adverse impact on the amenities of neighbouring occupiers.
- 4.37 The proposed development would reduce the overall impact of noise and disturbance in comparison to that associated with the current car wash facility and it is not considered the proposed development would adversely affect the amenities of residential occupiers in terms of noise and disturbance.

- 4.38 In light of the above, is not considered that the proposed development would be detrimental to the amenities of neighbouring occupiers and satisfies the policies detailed above.

Standard of Accommodation for Future Occupiers

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

- 4.39 Paragraph 17 of the National Planning Policy Framework 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”*.
- 4.40 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 1-2 bedroom (4 persons) 75sqm
 - Flat 2-2 bedroom (4 persons) 72sqm
 - Flat 3-2 bedroom (4 persons) 82sqm
 - Flat 4-3 bedroom (5 persons) 90sqm
 - Flat 5-3 bedroom (6 persons) 95sqm
 - Flat 6-2 bedroom (4 persons) 72sqm
 - Flat 7-2 bedroom (4 persons) 82sqm
 - Flat 8-3 bedroom (5 persons) 132sqm
 - Flat 9-3 bedroom (6 persons) 161sqm
- 4.41 Predominantly the proposed flats are generously sized and the majority are in excess of the technical housing standards, which generates the concerns that the site is not being used efficiently or effectively as discussed in sections 4.5-4.13 of this report.
- 4.42 The proposed development will provide convenient, useable and effective room layouts with satisfactory outlook and levels of natural light. A noise impact assessment has been submitted for consideration (carried out by Cambridge Acoustics). There are specific mitigation measures required in relation to ventilation in accordance with Building Regulation BS8233:2014 to ensure all habitable rooms have adequate ventilation. Passive type acoustic ventilators or mechanically assisted ventilation are required and this can be controlled by condition if the application is deemed acceptable. The applicant has confirmed the new development will meet part M4 (2) in accordance with Building Regulations and this could be controlled by condition if the application were deemed acceptable.

- 4.43 Adequate waste storage facilities, cycle parking and domestic storage facilities are proposed within the development and could be controlled by condition.

External amenity areas and balconies

- 4.44 The applicant has demonstrated that whilst some of the balcony areas and communal amenity space at first and second floor will be affected by noise from the surrounding highway network and uses, this is to be reasonably expected given the urban location of the site within Leigh and that the noise levels are similar to that affecting existing occupiers at Grand View to the immediate north of the site.
- 4.45 The third floor level will have a private balcony and is larger than the lower floors and taking into account the distance from the road, the shielding offered by the balcony floor itself and associated balustrade, the resultant noise climate would be below the upper threshold of noise levels set out in BS8233:2014 and is therefore considered acceptable.

Amenity space provision

- 4.46 Whilst the Council has no set standard for amenity space, it is recognised that private outdoor space is an important amenity asset and all new residential units will be expected to have direct access to an area of private amenity space. This is recognised in Policy DM8 of the Development Management Document. Paragraph 4.43 of the Development Management Document states, “...*In the case of flats, balconies may take the place of a garden, although easily accessible semi-private communal areas will also be beneficial.*”
- 4.47 All the proposed flats benefit from either a private balcony or terrace and access to the communal amenity deck. The proposed balconies vary from 4sqm to 5sqm in size and the private terraces 62sqm to flat 8 and 170sqm to flat 9. The communal amenity deck to the second floor measures 80sqm. The communal and private decks will have 1.8m high obscure glazed screens to prevent overlooking of neighbouring properties and would be suitably landscaped. A lift runs through the building and therefore, all communal amenity decks are accessible to all occupiers.
- 4.48 It is considered that the standard of external amenity space is extremely generous. Full details of hard and soft landscaping to the communal amenity deck could be required by condition should planning permission be granted.
- 4.49 It is considered that the proposed development will provide an acceptable standard of accommodation and is therefore policy compliant in these regards.

Traffic and Transportation

**National Planning Policy Framework (2012); Core Strategy (2007)
Policies KP2, CP4, CP3; Policy DM15 of the Development Management**

Document (2015), the Design and Townscape Guide (2009)

- 4.50 Policy DM15 (Appendix 6) of the Development Management Document requires vehicle parking standards of a minimum of one space per flat. 9 car parking spaces are proposed and this scheme is policy compliant with regards to the residential use. A travel pack could be required by condition to encourage modes of sustainable transport. The car parking spaces will be accessed off Victor Drive via an existing vehicular crossover which will need to be widened. The vehicular crossover is sited in a position which would not be detrimental to highway or pedestrian safety. Cycle and refuse storage is proposed on the ground floor of the building. Separate residential and commercial stores are proposed.
- 4.51 With regard to the proposed commercial space which is described as class A1 (retail use). The following maximum parking standards are required for this use:
- A1 (shops – food): 1 space per 14sq.m (32 spaces).
 - A1 (shops – non food): 1 space per 20sq.m (23 spaces).
- 4.52 No off-street parking is proposed for the retail space. However taking into account the location of the site with access to public transport, car parking in the vicinity of the site and the impact of the existing uses, it is considered that this is acceptable in this instance. It should also be noted that the vast majority of commercial premises in Leigh do not benefit from off street parking. The two existing vehicular crossovers are proposed to be removed, and the footway reinstated.
- 4.53 The application is accompanied by a Transport Statement, which has taken into account TRICS data and Census information. The current uses on site generate 12 two-way vehicular trips during the am peak hour, 25 during the pm peak hour and a total of 298 over the course of a typical day. It is anticipated there would be negligible increase in vehicular trips during peaks hours with 17 vehicular movement in the am peak hour (5 extra movements compared to the existing use), 19 in the pm peak hour (6 extra movements) and a total of 155 over the course of a typical day from the proposed use. Whilst the assignment of vehicle trips have changed in terms of how the site is accessed which is now from Victor Drive it is not considered that this will be detrimental to the public highway. It is considered that there is no supportable reason for refusal of this application on highway or transportation grounds given the applicant has demonstrated the overall vehicle trips will be reduced from the proposed development.
- 4.54 The Transport Statement accompanying this planning application provides details of a loading bay. However, the application plans do not show a loading bay for the proposed development. The applicant has confirmed that the proposal would depend on alteration of the existing TRO (Traffic Regulation Order) to allow sufficient space for a loading bay to be created to the front of the building on The Broadway. This could be dealt with through a separate 278 highways agreement. The Councils Highway Officer has raised no

objections to the development and this could be controlled by condition, were the proposal otherwise acceptable.

- 4.55 With regard to cycle parking for the proposed flats, appendix 6 of DM15 of the Development Management Document requires one secure covered cycle parking space per dwelling. A secure covered cycle parking area will provide space for 9 vertical stacked cycle spaces and will meet the required standard.
- 4.56 In terms of cycle parking for the proposed commercial use, policy DM15 of the Development Management Document states 1 space per 400sqm is required and the applicant is providing ten 'Sheffield' cycle parking spaces to the front of the site, whilst on the public highway and could result in an obstruction the Councils Highways Officer has confirmed the cycle hoops could be located to the south of the site in Victor Drive which is considered to be acceptable and in excess of policy.
- 4.57 The position, siting and size of both the commercial and residential refuse stores are considered to be acceptable. It is stated that the refuse store will be on secure key fob entry and the Council's refuse contractor will require a key fob to enable access. The waste will be collected. The applicant will be reminded of this by informative if the application is deemed acceptable.
- 4.58 In light of the above, no objection is raised to the development on transport and highways grounds and the proposed development satisfies the policies detailed above in these respects.

Sustainable Construction

National Planning Policy Framework (2012); Core Strategy (2007) Policy KP2; Policy DM2 of the Development Management Document (2015) and the Design and Townscape Guide (2009)

- 4.59 Paragraph 97 of the National Planning Policy Framework states that Local Authorities should promote energy from renewable sources. Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources.
- 4.60 Policy DM2 of the Development Management Document requires new development to be energy and resource efficient.
- 4.61 Photovoltaic panels are proposed to be installed onto the roof of the building and will be sited away from the edges of the roof to allow them to be obscured from public view. Whilst no further details have been provided, should permission be granted, a condition can be imposed to ensure full details are submitted and agreed with the Local Planning Authority if this application is deemed acceptable to ensure the proposal complies with the National Planning Policy Framework 2012, Development Management Policy DM2,

Core Strategy Policy KP2, and advice contained within the Design & Townscape Guide.

- 4.62 A Sustainable Urban Drainage surface water drainage strategy has been submitted. The report details that it is proposed to utilise permeable paving for the collection of all surface water run-off from the car parking area. Surface water from the site will then be collected and attenuated below ground in attenuation crates or permeable sub-base storage could be used, thus no objection is raised.
- 4.63 Therefore, it is considered that the details of renewables and SUDs are acceptable, in accordance with the policies detailed above.

Other matters

Land Contamination

- 4.64 A Geo-Environmental Assessment (desk study and ground investigation report) carried out by Jomas Associates Limited dated 8th July 2015 has been submitted for consideration. The Councils Environmental Health Officer has requested a contaminated land condition should planning permission be granted.

Community Infrastructure Levy (CIL) Charging Schedule.

- 4.65 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.

5 Conclusion

- 5.1 In light of the above, the design of the proposed development is considered to be acceptable in regard to how it would impact on the character and appearance of the streetscene and on the amenities of neighbouring occupiers. The proposed development will provide a satisfactory standard of accommodation and off-street parking in accordance with policy. Servicing requirements in the form of a layby could be secured through a highways agreement and appropriate planning conditions.
- 5.2 Fundamentally however and as a separate criticism of the design approach the proposal, by reason of the contrived under provision in the number of dwellings coupled with those dwellings' predominantly over generous internal sizes and very generous over provision of external amenity areas, fails to achieve a residential provision which represents a suitably effective and efficient reuse of the brownfield land within this Priority Urban Area for appropriate regeneration and growth as designated by Policy KP1 of the Core Strategy. Bearing in mind how the previously submitted 20 units scheme was considered to be policy compliant in all but affordable housing provision and

education contribution, the current proposal seemingly has little regard to the limited land and challenging targets faced by the Borough in providing housing. Furthermore, the under provision of residential units prejudices the development's potential to contribute to affordable housing for the Borough whether by provision of units on site or through a commuted payment for off-site provision. For these reasons the proposal does not represent sustainable development and is thereby contrary to the National Planning Policy Framework, Policies KP1, KP2, CP4 and CP8 of the Core Strategy and Policies DM1 and DM3 of the Development Management Document.

6 Development Plan

- 6.1 National Planning Policy Framework, 2012.
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 6.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Historic Buildings) DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the town centre), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).
- 6.4 Design and Townscape Guide (2009)
- 6.5 The Community Infrastructure Levy Charging Schedule (2015)
- 6.6 DCLG Technical Housing Standards, 2015.
- 6.7 Waste Storage, Collection and Management Guide for New Developments (October 2014).

7 Relevant Planning History

- 7.1 Demolish existing buildings and erect 20 self-contained flats with balconies and terraces, 445sqm of commercial floorspace, basement parking, public realm enhancements, associated works and install new vehicular access onto Victor Drive to 114-120 Broadway- Refused (16/01756/FULM)

8 Representation Summary

Highways

8.1 **Parking**

1 car parking space has been provided for each of the 9 dwellings e which is policy DM15 compliant. Therefore no highway objections are raised. 1 cycle parking space has been provided per dwelling which is policy compliant. Access to the parking area would be via Victor Drive.

Refuse collection

The proposed refuse collection for commercial and residential waste will be carried out on Victor Drive this will not interfere with the flow of traffic within Victor Drive.

Commercial Element

No formal commercial parking is provided as part of the proposal however this is no different to other commercial offers within the vicinity. It should be noted that no commercial parking is currently available for the existing use. Parking is available within the Broadway with limited waiting bays along the extent. A public car parking area is also located in North Street. A loading bay is proposed at the front of the site, which is considered acceptable and has provided half a bay on the highway and footway the applicant has confirmed that they will enter into a Section 278 agreement to ensure an adequate footway is still retained. This would involve the applicant making part of their land suitable for highway adoption.

Trip Generation / Impact on Public Highway

TRICS database has been used to demonstrate an overall vehicle reduction in the number of trips associated with the proposed use. The current uses on site generate 12 two-way vehicular trips during the am peak hour, 25 during the pm peak hour and a total of 298 over the course of a typical day. It is anticipated there would be negligible increase in vehicular trips during peaks hours with 17 vehicular movement in the am peak hour (5 extra movements compared to the existing use), 19 in the pm peak hour (6 extra movements) and a total of 155 over the course of a typical day from the proposed use. The applicants transport statement is considered to be robust. The applicant has used the latest TRICS Data and Census Data to confirm that a reduction in vehicle trips within the local area will occur as a result of the proposal. Given the above information and that contained within the transport assessment it is not considered a highway objection can be raised.

Design and Regeneration

8.2 **No objections.**

Environmental Protection

- 8.3 No comments.

Leigh Town Council

- 8.4 No objection.

Public Consultation

- 8.5 A site notice was displayed on the 18th January 2017 and 36 residents were notified of the proposal. No letters of objection have been received.
- 8.6 Councillor Mulroney has requested this application be dealt with by Development Control Committee.

9 Recommendation

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

- 1 The proposal by reason of the design approach proposed results in a significant under provision in the total number of new dwellings within the development compared with that which could reasonably be achieved on this brownfield site in Leigh Broadway having regard to adopted planning policy. The under provision of dwellings fails to contribute appropriately both to the Borough's housing needs and also creates a contrived ability for the proposal to sit beneath the policy threshold for making a potential contribution towards affordable housing. The proposal therefore constitutes a materially inefficient and ineffective use of the brownfield site. The proposal would therefore not represent sustainable development and is thus contrary to the objectives of the National Planning Policy Framework (2012), Policies KP1, KP2, CP4 and CP8 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

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.**

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.