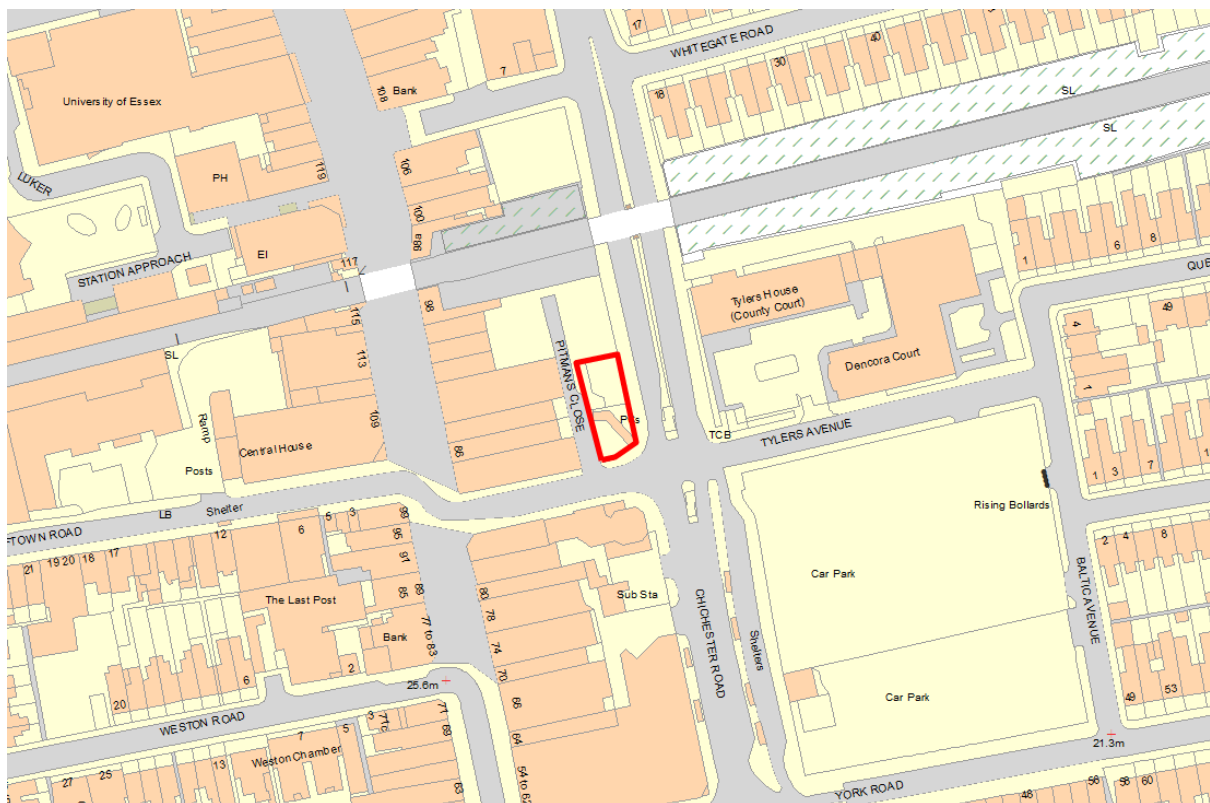


Reference:	19/00401/BC3
Ward:	Milton
Proposal:	Change of use from area formerly used as public conveniences to public car park including ancillary changes to access and associated works.
Address:	Land at corner of Pitmans Close and Tylers Avenue, Southend-on-Sea, Essex
Applicant:	Southend-on-Sea Council
Agent:	N/A
Consultation Expiry:	28.03.2019
Expiry Date:	26.04.2019
Case Officer:	Charlotte White
Plan Nos:	Location Plan, Proposed layout, Existing layout, Layout plan received 28/2/19
Recommendation:	GRANT PLANNING PERMISSION subject to conditions



1 The Proposal

- 1.1 This application seeks to obtain planning permission to change the use of the site to provide a public car park. Previously there were public conveniences on the site, which have now been demolished.
- 1.2 There will be a total of 12 parking spaces on the site, including 3 accessible spaces. There will be a pay and display machine and cycle parking for 3 cycles on the southern side of the site. The parking area will have a one way in-and-out access arrangement via Pitmans Close, off Chichester Road.

2 Site and Surroundings

- 2.1 The site is on a corner plot, to the east of Chichester Road and north of Tylers Avenue. The site is currently vacant. The previous public conveniences on the site have already been demolished. There are bollards, fences and walls enclosing the site.
- 2.2 Pitmans Close has a service road character as it is located to the rear of units facing High Street with parking, refuse storage, etc. occurring in Pitmans Close. Tylers Avenue constitutes a secondary shopping frontage with Mangetout opposite the site in Tylers Avenue. Chichester Road is located to the east of the site which is a dual carriageway. There are no mature trees within the immediate vicinity of the site.
- 2.3 The site has no specific allocation within the Development Management Document Proposal's Map but is located within the Town Centre Primary Shopping Area as defined by the Proposal's Map. The site is located within the Southend Central Area Action Plan (SCAAP) Boundary. Within the SCAAP, the site is located within the High Street Policy Area and the Tylers Policy Area. The site is located outside of the Primary and Secondary Shopping Areas as defined within the SCAAP.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, design and impact on the character of the area, impact on residential amenity, traffic and transportation considerations and CIL (Community Infrastructure Levy) contributions.

4 Appraisal

Principle of Development

National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2, KP3, CP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM15, the advice contained within the Design and Townscape Guide (2009) SCAPP (2018) Policies DS1, DS4, DS5, PA1 and PA7

- 4.1 Paragraph 85 of the NPPF states '*Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.*'

- 4.2 Paragraph 117 of the NPPF states *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions...Planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs...'*
- 4.3 Policy DS5 of the SCAAP states *'In order to support the vitality and viability of the SCAAP area the Council will maintain parking capacity within Southend Central Area at a level that supports vitality and viability and does not undermine the Central Area's ability to accommodate visitor trips, whilst enabling the delivery of relevant opportunity sites...'*
- 4.4 Policy KP1 of Core Strategy states *'The primary focus of regeneration and growth within Southend will in Southend Town Centre and Central Area – to regenerate the existing town centre, as a fully competitive regional centre...'*
- 4.5 Policy KP2 of the Core Strategy states all new development should *'...make the best use of previously development land...secure improvements to transport networks, infrastructure and facilities...'*
- 4.6 The proposed development would re-use brownfield land which is positive. It is considered that the proposed development, which would increase the level of car parking within the Town Centre would contribute to the vitality and viability of the Town Centre which accords with the development plan in a number of regards. It is not considered that the level of parking proposed is such that it would conflict significantly with policies which seek to promote non-car modes of transport.
- 4.7 The development is therefore acceptable and policy compliant in the above regards and no objection is raised to the principle of the development, subject to the detailed considerations below.

Design and Impact on the Character of the Area

National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, and DM3 and the advice contained within the Design & Townscape Guide (2009) SCAPP (2018) Policies PA1 and PA7.

- 4.8 Paragraph 124 of the NPPF states *'The creation of high quality buildings and places is fundamental to what planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.'*
- 4.9 Policy DS5 of the SCAAP states the Council will *'...ensure new and existing car parks add to the overall aesthetic quality of an area through such measures as landscaping, green walls, public art, pedestrian walkways and pedestrian permeability, as well incorporating innovative layouts to reduce visual impact and effect on key views within and to Southend Central Area.'*

- 4.10 Policy KP2 of the Core Strategy advocates the need for all new development to “*respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design*”. Policy CP4 of the Core Strategy states “*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 by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.*”
- 4.11 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 4.12 The proposed car park is utilitarian in design, but would be seen in the context of Pitmans Close which has a service yard character and is located close to the existing Tylers Avenue and York Road car park. As such the development would not appear unusual or out of keeping in the area. The car park has a relatively small scale and would not result in the area being unduly dominated by hardsurfacing or parked vehicles, noting that the site is already hardsurfaced. A condition can be imposed on any grant of consent requiring details of any amended boundary treatments and requiring details of soft landscaping to soften and improve the character of the site. Subject to such conditions, the development is considered to be of an acceptable design. No details of the design of the cycle parking facilities or the pay and display machine have been submitted and a condition for the former can be imposed on any grant of consent in this respect.
- 4.13 The development is acceptable and policy compliant in these respects.

Impact on Residential Amenity

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

- 4.14 Paragraph 127 of the NPPF states that ‘*Planning policies and decisions should ensure that developments...create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...*’
- 4.15 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.*”
- 4.16 The site is located to the rear of retail units in the High Street and adjacent to the busy Chichester Road. Given the nature of the surrounding area, it is considered that the area would already be subject to relatively high ambient noise levels.

As such, and given the relatively small scale of the proposed 12 space car park, it is considered that the development would not result in any material harm to the residential amenity of the nearest residents in terms of noise and disturbance over and above the existing situation. The development is acceptable and policy compliant in this respect.

- 4.17 Given the nature and scale of the development, it is considered that the proposal would not result in any material harm to the residential amenity of nearby residents in terms of dominance, an overbearing impact, loss of light and outlook, a material sense of enclosure or overlooking and loss of privacy.
- 4.18 The development is acceptable and policy compliant in the above respects.

Traffic and Transportation Issues

National Planning Policy Framework (2019), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policy DM15 SCAPP (2018) Policies DS5, PA1 and PA7

- 4.19 Policy DS5 of the SCAPP states *'In order to support the vitality and viability of the SCAPP area the Council will maintain parking capacity within Southend Central Area at a level that supports vitality and viability and does not undermine the Central Area's ability to accommodate visitor trips, whilst enabling the delivery of relevant opportunity sites...'*
- 4.20 The development would increase the quantity of parking within the Town Centre, which is positive. The proposed car park is relatively small; providing 12 parking spaces and is not therefore considered to undermine the objectives of encouraging sustainable transport. The development has been designed with a one-way access arrangement, providing safe access and egress to the car park and would not harm highway safety. The Highways Team have raised no objection to the proposal. The development is therefore acceptable and policy compliant in this respect.
- 4.21 The development includes the provision of cycle parking. No details of the cycle parking facilities have been provided, but a condition can be imposed on any grant of consent in this respect.
- 4.22 Subject to a condition requiring the cycle parking details, the development is acceptable and policy compliant in the above regards.

Community Infrastructure Levy (CIL)

Charging Schedule (2015)

- 4.23 As the proposed development equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

5 Conclusion

- 5.1 Having regard to all material considerations assessed above, it is considered that the development is acceptable and compliant with the objectives of the relevant local development plan policies and guidance as well as those contained within the National Planning Policy Framework. There is no objection to the principle of the development, the development has an acceptable impact on the amenities of nearby occupiers and the character and appearance of the application site and the locality more widely. The development does not result in any adverse impacts on highway safety. It is therefore recommended that planning permission is granted subject to conditions.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2019)
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility) and CP4 (Environment and Urban Renaissance).
- 6.3 Development Management Document (2015) Policy DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management).
- 6.4 Southend Central Area Action Plan (2018) Policies DS1 (A prosperous retail centre), DS5 (Transport, Access and Public Realm), PA1 (High Street Policy Area Development Principles), PA7 (Tylers Policy Area Development Principles).
- 6.5 The Design and Townscape Guide (2009)
- 6.6 CIL Charging Schedule (2015)

7 Representation Summary

Town Centre Manager

- 7.1 Supportive of the application.

Environmental Health Team

- 7.2 There is no obvious environmental impact.

Recommended conditions:

- Construction hours shall be restricted to 8am to 6pm Monday to Friday, 8am to 1pm Saturday and not at all on Sundays or Bank Holidays.
- During construction and demolition there shall be no burning of waste material on site. **[Officer comment: this would be covered by separate Legislation]**

7.3 Highways Team

There are no highway objections to this proposal it is not considered that the proposal will have a detrimental impact on the surrounding highway network and will provide additional short stay parking in close proximity to the high street.

Public Consultation

- 7.4 36 neighbouring properties were consulted and a site notice was displayed. No letters of representation have been received to date.

8 Relevant Planning History

- 8.1 03/01227/BC3 – Erect single storey building to provide public conveniences, erect fence to northern and eastern boundary, low retention wall to southern boundary and bollards adjacent to footpath on western boundary – planning permission granted.

9 Recommendation

MEMBERS ARE RECOMMENDED TO GRANT PLANNING PERMISSION, subject to the following conditions:

- 01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.**

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

- 02 The development shall be carried out in accordance with the approved plans: Location Plan, Proposed layout, Existing layout, Layout plan received 28/2/19.**

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

- 03 Notwithstanding the information submitted and otherwise hereby approved, the development shall not be first used unless and until full details of any hard landscaping and the soft landscaping works to be carried out at the site have been submitted to and approved in writing by the local planning authority. Any approved hard landscaping works and new boundary treatments shall be carried out and completed prior to first use of the development hereby approved and the approved soft landscaping works within the first planting season following the first use of the development hereby approved. These details shall include, for example:-**

- i) proposed finished levels and contours**
- ii) Any hardsurfacing materials, markings and means of enclosing the site (including elevations of all boundary treatments)**
- iii) Details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification and details of the management of the landscaping site.**

Reason: To safeguard amenity and the character and appearance of the site and the surrounding area in accordance with the National Planning Policy Framework (2019), Policies DM1, DM3 and DM15 of the Development Management Document (2015) and Policies KP2, CP3 and CP4 of the Core Strategy (2007).

- 04** Prior to the first use of the development hereby approved, full details of the secure cycle parking shall be submitted to and approved in writing by the local planning authority. The approved cycle parking facilities shall be provided in full and made available for use by the general public prior to the first use of the development hereby approved and shall be retained as such for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking and to safeguard the character and appearance of the site and the surrounding area in accordance with the National Planning Policy Framework (2019), Policies DM1, DM3 and DM15 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

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

Informatives

- 01** You are advised that as the proposed development equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.
- 02** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.