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| Reference: | 19/00384/AMDT | |
| Ward: | St Laurence | |
| Proposal: | Application to vary conditions 02, 04, 05, 07, 11 (approved plans) replace plan numbers 3679-7-110PL4, 3679-7-110PL1, 101P10, and 110P7 with 3679-7-106PL5, 3679-7-110PL2, 101C1 and 110C1 (Minor Material Amendment of Planning Permission 18/01209/AMDT dated 02.08.2017) | |
| Address: | Garages Rochford Road Southend-On-Sea Essex | |
| Applicant: | Southend on Sea Borough Council | |
| Agent: | AK DESIGN PARTNERSHIP LLP | |
| Consultation Expiry: | 4 April 2019 | |
| Expiry Date: | 6 th June 2019 | |
| Case Officer: | Abbie Greenwood | |
| Plan Nos: | 3679-7-106PL5, 3679-7-110PL2, 101C1,110C1 | |
| Recommendation: | Members are recommended to GRANT PLANNING PERMISSION | |



1 Site and Surroundings

- 1.1 The application site is located on the eastern side of Rochford Road. It previously contained four blocks of garages which were redundant. The garages are accessed via a service road which runs parallel to Rochford Road. This service road is included in the site and this area is proposed as the parking area for the development with direct access to Rochford Road. This arrangement was approved in the 2017 application. The previously approved application for new affordable homes is currently under construction. The 2017 approval was subject of an approved amendment application 18/01209/AMDT covering changes to design of fenestration and footprints, change to materials, SUDS and accessibility.
- 1.2 The area is residential in character. There are a mix of dwellings in the area including both houses and flats of mixed but simple designs. The site is not the subject of any site specific policies within the adopted development plan.

2 The Proposal

- 2.1 The application is seeking to vary conditions 02 (approved plans), 04 (highways works), 05 (parking layout), 07 (landscaping) and 11 (Suds) in relation to planning permission 18/01209/AMDT. The changes to the proposal only relate to the layout of the parking spaces and associated landscaping and drainage works. There will be no net loss of parking for the scheme.

3 Relevant Planning History

- 3.1 18/01209/AMDT - Application to vary conditions 02 (approved plans), 03 (material details) 11 (SuD's) and 13 (building regulation requirements) (Minor Material Amendment of Planning Permission 17/00680/BC3M dated 02.08.2017) - granted
- 3.2 17/00680/BC3M - Demolish existing garages, erect 2no three storey buildings comprising 12 self-contained flats, three terraced dwelling houses, hard and soft landscaping, associated parking, bin and cycle store, form vehicular access on to Rochford Road – approved

Representation Summary

Public Consultation

- 4.1 31 neighbouring properties were consulted and site and press notices were displayed. 1 response was received raising the following issues:
- Location of bins is too close to neighbouring properties and this will cause a nuisance
 - Loss of sunlight

[Officer Comment: These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.]

4.2 Southend Airport

No safeguarding objection

4.3 Fire Brigade

No objections raised

4.4 AECOM (Drainage/ SUDS)

No objection

5 Planning Policy Summary

5.1 The National Planning Policy Framework (2019)

5.2 Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision)

5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM7 (Dwelling Mix), DM8 (Residential Standards). DM15 (Sustainable Transport Management)

5.4 The Design and Townscape Guide (2009)

5.5 CIL Charging Schedule (2015)

5.6 Technical Housing Standards Transitional Policy Statement (2015)

6 Planning Considerations

6.1 The main considerations in relation to this application are the principle of the development, and any implications for design and impact on the character of the area, living conditions for future occupiers, impact on neighbouring properties, any traffic and transport issues, sustainability, CIL liability arising from the specific and sole changes to proposed here to the layout of parking, landscaping works and drainage compared with that approved under application 18/01209/AMDT. The National Planning Policy Framework has been revised since the determination of the earlier applications but the local and national planning policy context remains materially unchanged as regards those issues material to the determination of the current application.

7 Appraisal

Principle of Development

National Planning Policy Framework (NPPF) (2019), Core Strategy (2007) Policies KP1, KP2 and CP4, Development Management (2015) Policies DM1 and DM3

- 7.1 A similar scheme comprising 15 affordable housing units arranged as 3 houses and two x 3 storey flatted blocks has previously been accepted under the approvals ref 17/00680/FUL and 18/01209/AMDT in this location. The proposal therefore remains acceptable in principle subject to the detailed considerations below. It is considered that the proposed changes is small enough to be considered a on material amendment in principle.

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 advice in the Design & Townscape Guide (2009)

- 7.2 Paragraph 124 of the NPPF states *‘the creation of high quality buildings and places is fundamental to what the 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.’*
- 7.3 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.”*
- 7.4 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.
- 7.5 In relation to parking layouts, paragraph 159 of the Design and Townscape Guide states that *‘it is important to ensure that the outlook from the development is not dominated by car parking....All surface car parking must include substantial soft landscaping.’*
- 7.6 The only change to the design is a small alteration of the parking layout to the front of the units and associated changes to landscaping only. The applicant explains that the new parking layout is required because, during the course of the build, additional underground services have been found in the south west corner of the site and this has necessitated an amendment to the parking layout and which has knock on effects for the landscaping, highways and drainage layout plans. The parking in this location will be amended from 6 right angled spaces to 3 parallel spaces with a wider landscaping buffer to the street. 3 additional spaces will be provided at the northern end of the frontage slightly changing the landscaping design in this location.

- 7.7 The amended proposal has maintained a good balance of parking and soft landscaping for the frontage so providing a positive outlook for the flats and a positive contribution to the wider streetscene. Full details of the proposed landscaping including new trees and shrubs have been included with the application and the landscaping overall is of a comparable level to that shown on the previously approved plan being substituted. No changes are proposed to the buildings or other items such as refuse stores. The design of the amended proposal is therefore considered to be acceptable and policy compliant in this regard.

Traffic and Transport Issues

National Planning Policy Framework (2019); Core Strategy (2007) policies KP2, CP4, CP3; policy DM15 of the Development Management Document (2015) and advice in the Design and Townscape Guide (2009).

- 7.8 The previously approved parking layout is proposed to be amended but there will be no net loss of parking spaces for the development and the four spaces proposed for disabled drivers will be maintained. The access to the site also remains unchanged. The Council's Highways Officer has no objection to the amended parking layout. The proposed amended scheme is therefore remains acceptable and policy compliant in this regard.

Refuse and Recycling

- 7.9 The scale and siting of the refuse and recycling store is the same as that previously approved. The proposed amended scheme therefore remains acceptable and policy compliant in this regard.

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 advice in the Design & Townscape Guide (2009)

- 7.10 The impact on the amenity of neighbouring properties was also assessed in detail for application reference 17/00680/BC3 and then subsequently in amendment application reference 18/01209/AMDT and found to be acceptable and policy compliant. It is only necessary therefore to assess the impact on the amenity of neighbours arising from the proposed changes to the design as there have been no other changes which would justify the making of a different decision.
- 7.11 The proposed changes relate to the parking layout only. There are no changes to the building design or to their siting in relation to the neighbouring properties. There are no material impacts on neighbours arising from the amended parking layout which only affects the layout close to the pavement. The proposal is therefore considered to be acceptable and policy compliant in this regard.

- 7.12 It is noted that an objection has been raised about the impact on neighbours arising from the location of the bin store which is sited at the southern end of the site between the new development and number 146 Rochford Road. This is the same size, design and location as the previously approved applications for this site which were found to be acceptable. This position therefore remains unchanged.
- 7.13 The impact of the amended proposal on the amenities of neighbours is therefore considered to be acceptable and policy compliant.

Living Conditions for Future Occupiers

National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1, DM3 and DM8, The National Technical Housing Standards DCLG (2015) and advice in the Design and Townscape Guide (2009)

- 7.14 Living conditions for future occupiers including space standards, accessibility (M4(2) and M4(3) standards), outlook, light, provision of refuse storage and amenity space were assessed in detail in relation to applications reference 17/00680/BC3M and 18/01209/AMDT and found to be acceptable and policy compliant. These issues remain unchanged in the current proposal and are therefore also considered to be acceptable and policy compliant in this regard.

Sustainable Construction

National Planning Policy Framework (2019) Core Strategy (2007) policies KP2, Development Management Document (2015) policy DM2 and advice in the Design and Townscape Guide (2009).

- 7.15 Sustainable construction was assessed in applications reference 17/00680/BC3 and 18/01209/AMDT and found to be acceptable and policy compliant subject to conditions relating to renewables and water usage. There have been no changes to this aspect of the proposal which remains acceptable and policy compliant subject to these same conditions.

SUDs

- 7.16 Sustainable drainage was assessed in detail under application reference 18/01209/AMDT and found to be acceptable and policy compliant. The current proposal seeks changes to the proposed parking layout and this has resulted in an amended route to the porous pipe under the permeable paving to the parking area, however, in all other respects, the suds drainage system and management plan previously approved has not been materially changed. The proposal therefore remains acceptable and policy compliant in this regard.

Permitted Development Rights

- 7.17 It was previously considered that given the limited size of the plot and buildings, any alterations/extension undertaken as permitted development, may result in unacceptable living conditions for the future occupiers (i.e. should the rear amenity space be significantly reduced by a rear extension) or impact on the neighbouring properties (i.e. increased overlooking from additional dormer windows). For this reason it is considered reasonable that permitted development rights for the proposed dwelling houses be removed by condition should permission be granted.

Community Infrastructure Levy (CIL)

Charging Schedule (2015).

- 7.18 This application is CIL liable. However, the application has been made pursuant to Section 73 of the Town and Country Planning Act 1990 and as such CIL Regulation 9(6) applies. As the amount of CIL payable would not change from the original permission ref. 17/00680/BC3M, which was taken forward in the previous non material amendment application reference 18/01209/AMDT, the chargeable development is the development for which permission was granted by the original permission as if that development was commenced. Therefore, CIL Liability Notice ref. 17/00680/BC3M/0001 still applies to the permission hereby granted.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed amended development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring and future occupiers and the character and appearance of the application site, the streetscene and the locality more widely. The highways impacts, SUDS and accessibility of the dwellings are also acceptable. The proposed change is minor enough in nature to constitute a minor material amendment. This application is therefore recommended for approval subject to conditions which is updated to take account of details which have been formally discharged since approval of the 2017 and 2018 submissions.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

01 The development hereby permitted shall begin not later than 2nd August 2020.

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 101C1, 102P1, F01P3, S01P2, 106P6, 110C1, 111P2, 210P4, 220P3, 230P5, 240/1-9P2, 310P2, 330P2, 3679-7.107PL2, 3679-7.106PL5, 3679-7.107PL3, 3679-7.108PL1, 3679-7.109PL1, 3679-7.108PL2, 3679-7.105PL1, 3679-7.110 PL2

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

provisions of the Development Plan.

03 The external surfaces of the development hereby permitted shall be constructed entirely of the materials details of which are shown on the approved plans reference 3679-7.107PL3 and 3679-7.106PL5 before the dwellings are first occupied.

Reason: To safeguard the visual amenities of the area, in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

04 The development hereby approved shall be carried in accordance with drawings 3679-7.105PL1 Existing Site Plan and 3679-7.106PL5 in relation to the highways works in relation to the new access road to the development. The works shall be undertaken in accordance with the approved details and completed prior to first occupation of the development hereby approved.

Reason: In the interests of highways management and safety in accordance with Core Strategy (2007) policy KP2, CP3, CP4; Development Management Document (2015) policies DM13 and the advice contained within the Design and Townscape Guide (2009).

05 The development shall not be occupied until 20 car parking spaces have been provided and made available for use at the site in accordance with drawing 3679-7.106 PL5 Proposed Site Plan, together with properly constructed vehicular accesses to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter solely for the parking of occupiers of and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with policy CP3 of the Core Strategy (2007) and policy DM15 of the Council's Development Management Document (2015).

06 Prior to occupation of the proposed development the first floor and second windows in the flank elevations of the flats and houses hereby approved shall be permanently glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and permanently fixed shut and unopenable, except for any top hung light which shall be a minimum of 1.7 metres above internal floor level. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained as such in perpetuity thereafter.

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4, and Development Management Document (2015) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

07 The soft and hard landscape works for the development hereby approved

shall be carried out in accordance with drawing 3679-7.110 PL2 and external material and boundary treatment samples and Rochford Road Planning Statement for pre commencement conditions dated June 2017.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping and tree protections measures are implemented pursuant to Policy CP4 of the Core Strategy (2007) and policy DM1 of the Development Management Document (2015).

08 All soft landscaping works in the approved landscaping scheme shall be carried out within the first planting season following the completion of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the local planning authority. The approved hard landscaping works and boundary treatments shall be carried out prior to first occupation of the development hereby approved.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping and tree protections measures are implemented pursuant to policy CP4 of the Core Strategy (2007) and policy DM1 of the Development Management (2015).

09 Prior to occupation of the development hereby approved a scheme for generating 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4, policy DM2 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

10 Prior to the occupation of the development hereby approved the bicycle stores as shown on drawing 3679-7-109 PL1, shall be implemented and made available for use prior to the first occupation of the flats and dwellings hereby approved to provide one cycle space per dwelling and shall be permanently retained for the lifetime of the development .

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with policy CP3 of the Core Strategy (2007) and policy DM15 of the Development Management Document (2015).

11 No development other than the approved highway works, and demolition and

site clearance works, shall take place until the following have been supplied and agreed in writing by the local planning authority: (1) evidence demonstrating that surface water runoff attenuation within the tanked permeable paving to be provided on site has been utilised to achieve an overall discharge from the site as close as possible to greenfield runoff rate; (2) updated drainage layout plans with details of the attenuation storage volume to be provided by the tanked permeable paving. The sustainable drainage scheme shall thereafter be carried out in accordance with the agreed details and plan references 101C1, 102P1, F01P3, S01P2, 106P6, 110C1, 111P2, 210P4, 220P3, 230P5, 240/1-9P2, 310P2 and 330P2 and associated Maintenance and Action Schedule for Surface Water Drainage Rev A by PRP dated August 2018 or as otherwise agreed through submissions made and agreed under items (1) and (2) of this condition before the development is occupied.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy (2007) and area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

12 Prior to occupation of the development hereby approved water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be installed in the development hereby approved and be retained in perpetuity thereafter

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Councils Design and Townscape Guide (2009).

13 The development shall provide 3 dwellings that comply with building regulations M4(3) standard and 3 dwellings that comply with building regulations M4(2) standard as shown on drawings reference 3679-7.106PL5 and 3679-7.107PL3 before it is first occupied.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document policy DM2 and advice in the Design and Townscape Guide (2009).

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revoking and re-enacting that Order with or without modification, no development shall be carried out at the development hereby approved within Schedule 2, Part 1, Classes A, B, C, D, E and F to those Orders.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to

safeguard the character of the area in accordance the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

15 Prior to installation of any external lighting, details of the proposed lighting, including design, siting, luminance, hours of illumination and an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed only in accordance with the approved scheme.

Reason: To protect the amenities of neighbouring properties and the general environmental quality in accordance with, National Planning Policy Framework (2019), Core Strategy (2007) policy KP2 and CP4, and Development Management Document (2015) policy DM1.

16 The development shall not be occupied until the refuse stores as shown on drawing 3679-7-109 PL1 have been installed and made available for use by future occupiers of the development. The waste management and servicing of the development shall thereafter be carried out in accordance with the approved details and shall be maintained for the lifetime of the development.

Reason: to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

Informatives

- 01** Community Infrastructure Levy (CIL): This application has been made pursuant to Section 73 of the Town and Country Planning Act 1990 and as such CIL Regulation 9(6) applies. You are advised that as the amount of CIL payable would not change from the previous permission ref. 17/00680/BC3M, the chargeable development is the development for which permission was granted by the previous permission as if that development was commenced. Therefore, CIL Liability Notice ref. 17/00680/BC3M/0001 still applies to the permission hereby granted and is enclosed for your reference.
- 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.

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.