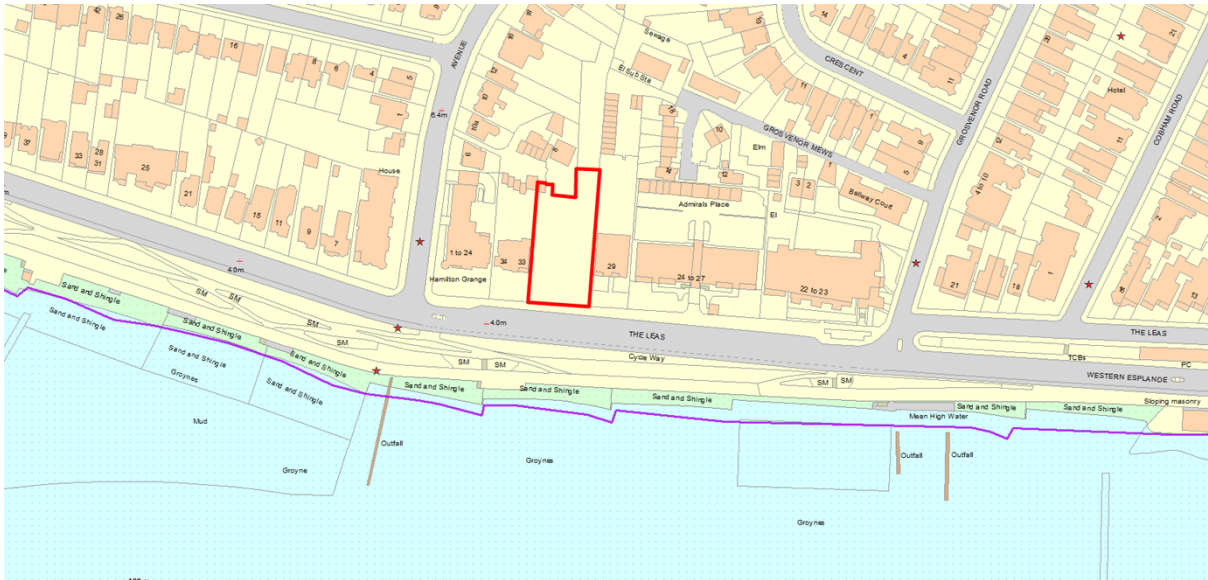


Reference:	20/00737/FUL	
Application Type:	Full Application	
Ward:	Chalkwell	
Proposal:	Erect part 3/part 4 storey building with basement level comprising of 9 self-contained flats (Class C3) layout secure cycle/refuse stores and parking at basement level with landscaping to front and rear	
Address:	30 - 32 The Leas, Westcliff-On-Sea, Essex	
Applicant:	Elmore Homes Limited	
Agent:	R Warren of SKArchitects	
Consultation Expiry:	13 th August 2020	
Expiry Date:	11 th September 2020	
Case Officer:	Abbie Greenwood	
Plan Nos:	609-P01E, 609-P02F, 609-P03C, 609-P04A, 609-P05A, 609-P06B, 609-P07B, 609-P08E, 609-P09C, 609-P10B, 609-P11F, 609-P12B, 609-P13 (visual), 609-P14, 609-P15C, Materials List by SKArchitects ref 609 Rev A, Design and Access Statement by SKArchitect ref 609 Rev A, Platform Lift Information by SKArchitects Ref 609, Flood Risk Assessment by Ambiantal Environmental Assessment reference 5364, Tree Statement by SKArchitects reference 609, Waste Management Plan by SKArchitects, 30-32 The Leas SuDS Statement Rev A by HJ Structural Engineers ref MAS731	
Recommendation:	Members are recommended to GRANT PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The application relates to a vacant site in the Crowstone Conservation Area. The site previously contained one pair of semi-detached Edwardian houses and a single detached 1920s property but these were demolished with consent in 2019 following two fires at the properties.
- 1.2 The Conservation Area is characterised by a mix of historic and modern buildings of 2-5 storeys including the locally listed historic landmark of Crowstone House. The site is considered to be in the setting of this important historic building and its potential redevelopment to be an essential contributor to the future character and appearance of the Conservation Area. Crowstone Conservation Area along with The Leas Conservation Area, a short distance to the east, showcase some of the best of Southend's Sea Architecture from its heyday as a resort.
- 1.3 To the east of the conservation area is a number of larger modern apartment blocks. These are considered to have harmed the character and fine grain of the conservation area and the wider seafront. This harm is specifically recognised in policy DM6.
- 1.4 The surrounding area is generally characterised by residential development comprising mainly large houses and flats. The site is situated partly within flood zone 1, partly within flood zone 2 and partly within flood zone 3 (low, medium and high risk respectively). The front of the site has the highest risk. The site is also within Development Management Seafront Character Zone 4. The foreshore area opposite the site has a number of nature designations including SSSI (Site of Special Scientific Interest), Ramsar and Local Nature Reserve.

2 The Proposal

- 2.1 The proposal is to erect a part 3/part 4 storey building with basement level comprising of 9 self-contained flats (Class C3), to layout secure cycle/refuse stores and parking at basement level with landscaping to front and rear.

- 2.2 The proposed building measures 25.2m wide, 16.5m wide (18.5m including covered balcony), has an eaves height of between 10.6m and 11.5m and a maximum height of 15.4m dropping to 17.7m at the eastern end.
- 2.3 The building is proposed to be constructed of white brick with feature copper cladding to the balconies and brown tiled roof. A full schedule of materials has been submitted.
- 2.4 The building will provide 8 x 3 bed 6 person flats and 1 x 2 bed 4 person flat. 11 car parking spaces are proposed at basement level together with a bike store and refuse store. To the rear of the building is a communal amenity area which is supplemented by front-facing private balconies for all units.
- 2.5 A previous application for 9 self-contained flats but of a different design was refused in 2015 reference (15/01492/FUL) for the following reason:

01 The proposed development will result in the loss of buildings which make a significant contribution to the character of the Crowstone Conservation Area and historical reference to seafront architecture within Westcliff-on-Sea. Furthermore, the proposed replacement building by reason of its scale, bulk, mass, siting and design would fail to integrate with the streetscene and wider seafront and would fail to preserve or enhance the character of the Crowstone Conservation Area to the detriment of the character of the area contrary to the NPPF, Policies KP1, KP2 and CP4 of the Core Strategy (DPD1), Policies DM1 and DM5 of the Development Management Document and the Design and Townscape Guide (SPD1).

- 2.6 That application was also dismissed at appeal (reference APP/D1590/W/16/3149155). The key comments from the Inspector include:

'13. The proposed apartment block would be significantly taller and wider than the traditional buildings it would replace. I note that the proposed building would be set in from the boundaries on both sides and the front and side elevations would have variations in depth. However, although stepped the proposal would be significantly taller than the flat roof of No 29 The Leas. Furthermore, a significant part of the proposed building including the proposed turret detail would sit forward of the front elevations of the neighbouring buildings on either side.

14. I acknowledge that other modern buildings nearby are of a comparable or larger scale and are taller than the proposed apartment block. However, I find the proposed development would be highly prominent in the street scene particularly when approaching from the east where the proposed forward projection and turret would partly restrict views of Crowstone House and its corner turret. Furthermore, the proposed roof rising significantly above the roof line of No 29 The Leas would dominate the skyline of the CA, again particularly when approaching from the east.

13. Therefore, through its prominence, scale and positioning, the proposed building in place of the modest traditional buildings which complement Crowstone House, would be a dominant feature of the CA which would detract from the setting of Crowstone House and thus the overall significance of the CA.'

3 Relevant Planning History

- 3.1 18/01338/FUL - Demolish buildings at 30, 31 and 32 The Leas – granted. The following informative was attached to this decision:

'The applicant is reminded that any redevelopment proposals on this site will need to have due regard for the constraints of the site including its status within a conservation area and the requirements of Policy DM6. This includes ensuring that any proposal is of an appropriate scale and compatible grain to the rest of the conservation area and that it is a high quality well detailed design that has a positive response to context.'

- 3.2 18/00990/FUL - Demolish existing buildings, erect part three/part four storey building comprising of 9 self-contained flats with balconies and terraces to front, side and rear, layout lower ground parking and install vehicular access onto The Leas (Amended Proposal) – withdrawn due to design concerns
- 3.3 17/02047/FUL - Demolish existing buildings, erect part three/part four storey building comprising of 9 self-contained flats, layout lower ground parking and cycle store and form vehicular access onto The Leas – withdrawn due to design concerns
- 3.4 15/01492/FUL - Demolish existing buildings, erect part two/part three/part four and part five storey building comprising of 9 self-contained flats with balconies, cycle and refuse storage, lay out parking and landscaping and form new vehicular access onto The Leas – refused and dismissed at appeal
- 3.5 08/00712/FULM and 08/00714/CAC - Demolish dwellings, erect eight storey block of 21 self-contained flats with basement parking and swimming pool at rear, form cycle and refuse stores and layout amenity areas – refused

4 Representation Summary

Public Consultation

- 4.1 54 neighbouring properties were consulted, a press notice published and a site notice displayed. 12 letters of objection have been received raising the following summarised issues:

- Over scaled.
- Poor design.
- Should be 3 storeys.
- Design lacks imagination.
- Overshadowing adjacent building.
- Style inappropriate.
- The proposal should better reflect the previous buildings.
- Negative impact on conservation area.
- Too tall.
- Impact on neighbouring views.
- Over shadowing of neighbours.
- Inappropriate balcony design.
- Impact on light and sunlight to neighbours.
- The buildings are set forward of the previous building on site.

- Overbearing.
- DAS images inaccurate.
- Inappropriate materials.
- Balconies should not be enclosed - this is out of character.
- Out of character with urban grain and area.
- Out of character with the conservation area.
- Harm to neighbour amenity.
- Trees should be retained.
- Too far forward.
- The previous buildings should have been saved not neglected.
- Ugly and cheap.

1 letter of support has been received which makes the following summarised comments:

- The revised scheme will look good and is the right sort of development on the seafront.
- The proposal and mix will encourage people to free up larger family houses in the town.
- The development is welcomed.

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 The proposal was called to committee by Cllr Folkard.

Highways Team

4.3 There are no highway objections to this proposal. Policy compliant parking has been provided along with secure cycle parking.

Trees

4.4 No objections subject to a condition relating to tree protection.

Parks (Landscape)

4.5 No objections subject to a landscaping condition.

Suds Engineer

4.6 No objection subject to a SUDs condition.

Environmental Health

4.7 No objections subject to conditions

Environment Agency

4.8 The site is part in flood zone 3 but the development is not in flood zone 3. There is therefore no objection to the proposal in principle. Please see flood risk standing advice

Conservation Society Westcliff Seaboard

4.9 Comments made in relation to:

- The lack of reference to other historic properties in the Crowstone Conservation Area both in terms of roof height and detailing.
- The curved detailing references a property further away – this feature is generally out of character in this location.
- The lack of response to Crowstone House which has a turret and stained glass detailing which is typical of many historic properties.
- The proposal appears as a mish-mash of ideas.

Milton Society

4.10 Comments made in relation to:

- The design which comprises paired and asymmetrical gables appears to be a significant improvement from the most unattractive, earlier, mansard roofed designs.
- The balcony fronts are not successful and certainly not particularly referential to the lighter detailed, filigree, white painted Edwardian balconies elsewhere.
- Copper is not a feature of our seafront except where it was once used on some of the shelters and is therefore out of character in this location and in this context.
- There appears have been too much concession in the apparent detailing to Edwardian design - the decorative brackets and turned finials are misplaced and would be better replaced.
- The balconies as proposed could look heavy and incongruous against a light background unless the railings are fully integrated in the material selection and detail design.
- The interior planning with inverted maisonettes is bizarre.
- The overall form and scale is acceptable but a cleaner modernity, gently referencing the Edwardian past would be more successful.

Fire

4.11 No objections

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019) and National Design Guide (2019)
- 5.2 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance) and CP8 (Dwelling Provision)
- 5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land) DM5 (Southend-on-Sea's Historic Environment), DM6 (Seafront), DM8 (Residential Standards), DM15 (Sustainable Transport).

- 5.4 Design & Townscape Guide (2009)
- 5.5 Vehicle Crossing Policy & Application Guidance (2014)
- 5.6 Crowstone Conservation Area Appraisal (2009) and The Leas Conservation Area Appraisal (2010).
- 5.7 CIL Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main issues for consideration include the principle of the development, the design and its impact on the character of the area including the conservation area, the standard of accommodation for future occupiers, the impact on residential amenity, traffic and parking implications, sustainability, trees and CIL and whether the amended proposal overcomes the reason for refusal of the previous application and the dismissed appeal in 2015 both of which carry some weight in the determination of the current proposal.

7 Appraisal

Principle of Development

- 7.1 Amongst other policies to support sustainable development, the NPPF seeks to boost the supply of housing by delivering a wide choice of high quality homes. In relation to the efficient use of land Paragraph 122 states:

'122. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places'*

- 7.2 Policy KP2 of the Core Strategy states development must be achieved in ways which *"make the best use of previously developed land, ensuring that sites and buildings are put to best use"*.
- 7.3 Policy CP4 requires that new development *"maximise the use of previously developed land, whilst recognising potential biodiversity value and promoting good, well-designed, quality mixed use developments"* and that this should be achieved 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 CP8 of the Core Strategy recognises that a significant amount of additional housing will be achieved by intensification (making more effective use of land) and requires that development proposals contribute to local housing needs. It identifies that 80% of residential development shall be provided on previously developed land.
- 7.5 Policy DM3 of the Development Management Document states 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”*
- 7.6 The proposal represents an intensification of the existing land use. The principle of providing a more intensive use of the site needs to be considered against NPPF paragraph 122 above which requires Councils to make efficient use of land. Consistent with the basis of previous planning decisions for the site there is therefore no objection to this use continuing or to the provision of a greater number of dwellings subject to the detailed considerations set out below.

Flood Risk

- 7.7 The site is situated partly within flood zone 1, partly within flood zone 2 and partly within flood zone 3 (low, medium and high risk respectively). The front of the site has the highest risk. The proposed housing use is classed as being a ‘more vulnerable’ use by the Environment Agency.
- 7.5 In relation to sites within flood risk areas policy KP1 of the Core strategy states: *‘Development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options which safeguard the biodiversity importance of the foreshore and/or effective sustainable drainage measures.’*
- 7.6 Policy KP2 states that new development should be sustainably located including applying the sequential test approach to *‘avoid or appropriately mitigate flood risk.’*
- 7.7 Policy DM6 of the Development Management Document states *‘2. All development proposals within the Seafront Area must take account of flood risk and coastal change. This will include, where appropriate, developing, agreeing and then incorporating:*
- *Appropriate flood defence and engineering solutions; and/or*
 - *Flood resistant and resilient design that provides safe refuge to occupants in the event of a flood and is easily restored after the event.*
 - *Design solutions which do not prevent or restrict future maintenance and improvement of flood defences and the Borough Council’s ability to manage coastal change’.*
- 7.8 A flood risk assessment has been submitted with the application. This states that
- Comparison between the present day (2005) flood level and site topography indicates that the proposed structure itself would remain unaffected, although the front communal garden could experience a potential maximum flood depth of approximately 0.38m.
 - A comparison between the 2120 1:200 year flood level (5.95mAOD) and site

topography indicates that the majority of the proposed development site would be affected, with a potential maximum flood depth of approximately 1.6m at the south boundary of the site.

- The proposed structure will incorporate undercroft parking at the lower ground floor ensuring the residential dwellings are at the upper ground floor levels above
- Ground floor finished floor levels will be set no lower than 6.25mAOD which is 300mm above the 1:200 year (2120 epoch) flood level (5.95 AOD).
- Sleeping accommodation is to be set to 6.55mAOD which is 600mm above 1:200 flood level as a minimum and 6.60mAOD where possible. [It is noted that the sleeping accommodation has been located to the rear of the building at ground floor level which is topographically higher than the front.]
- Internal access is to be maintained from the lower and upper ground floors to the first floor above.
- It is recommended that self-activating flood barrier(s) are installed to minimise the residual risk to the proposed development from overtopping and defence breach
- The building will have solid concrete floors at basement and ground level and electrical services will be from the ceiling to be resilient to flooding.
- Non return valves will be fitted to sewers to prevent backflow.
- Occupants will be required to sign up to the EA's flood warning service.
- In terms of flood vulnerability significant betterment can be achieved through the implementation of flood warnings procedures and an evacuation plan.
- The development can be built in a sustainable manner and therefore it meets the requirements of the exceptions test.
- The risk of flooding from surface water sources is considered to be moderate.
- The design is therefore acceptable in relation to flood risk.

7.9 The Environment Agency (EA) have reviewed the Flood Risk Assessment and have confirmed that, although the front of the site is within flood zone 3, the actual building footprint is located in flood zone 1. The Environment Agency therefore have no objections to the proposal subject to the recommendations of EA Standing Advice Note 8 which recommends that the minimum floor level be 300mm above the design flood level with climate change and that residents are made aware of the flood response plan. These are covered in the recommendations of the FRA and can be covered by a condition. The principle of the proposal is therefore considered to be acceptable in terms of flood risk.

7.10 In relation to other issues, and consistent with the basis of the previously determined application, there is no objection in principle to residential development of the proposed nature in this area generally subject to the detailed considerations set out below.

Design and Impact on the Character of the Conservation Area

7.11 In determining this application the Council has a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special attention should be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas.

7.12 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.*'

- 7.13 Paragraph 195 of the NPPF states where a proposed development will lead to '*substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss...*'
- 7.14 Paragraph 196 of the NPPF states '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*'
- 7.15 Policy DM1 of the Development Management Document states that "*all development should add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.*"
- 7.16 Policy DM5 seeks to protect the special historic character and significance of the Borough's heritage assets including locally listed buildings and conservation areas.
- 7.17 In relation to new development on the seafront Development Management Policy DM6 states:
- '3. Existing buildings along the Seafront that form a cohesive frontage, have a historic context or are recognised as key landmarks and/or contribute to a distinctive Southend sense of place will be retained and protected from development that would adversely affect their character, appearance, setting and the importance of the Seafront.*
- 6. All development within the Seafront Area must accord with the development principles set out in Policy Table 1'*
- Policy Table 1 Zone 4 sets out the development principles for sites between Chalkwell Esplanade to San Remo Parade which includes the application site. The criteria relevant to the current proposal are:*
- (iv) Resist inappropriate development fronting the Seafront to ensure that established seafront architectural style and form is maintained in this location.*
- (vi) In all areas the vernacular form and fine urban grain of the seafront that defines this character zone will be preserved. Further amalgamation of existing plots and large format bulky buildings are not considered appropriate and will be resisted.*
- (vii) The low rise height of existing buildings should also be maintained in future development. Development will only be allowed where it is appropriate to context and where it adds to the overall quality of the area.*
- 7.18 The last application to be determined on the site in 2015 (reference 15/01492/FUL) was for 9 flats arranged in a part 2/3/4/5 storey block across the site. This was refused because it was considered that the proposal resulted in the loss of historic buildings which were considered to make a positive contribution to the character of the conservation area and because the scale, bulk, mass, siting and design of the replacement building was considered to have a detrimental impact on the conservation area and the character of the wider area.

- 7.19 Since 2015 the historic buildings on this site suffered two separate fires which had a significant and detrimental impact on their structural integrity. Their demolition was finally accepted under application reference 18/01338/FUL and the buildings have now been demolished. The challenge for the site now is to achieve a development which is positive for the conservation area, including respecting views of Crowstone House, and the wider seafront.
- 7.20 As noted above the scale, bulk and massing of the previous 2015 proposal was considered to be unacceptable by both the Council and the appeal Inspector. That design was a single horizontal block across an amalgamated site which stepped from 4-5-4-2 storeys in layers across the frontage. That arrangement was considered to disregard the finer grain of the conservation area and dominate the surrounding buildings and was therefore deemed unacceptable.
- 7.21 In order to address this concern the proposed development has adopted a more traditional roof form with a vertical emphasis dividing the site into 3 gabled sections to better reference the historic grain of the area and the more vertical emphasis of the historic properties on the seafront. The gables are linked by glazed sections across the site in an asymmetric arrangement which picks up on the former layout of the site as a pair of semi-detached houses and a single unit. To emphasise this separation the eastern gable steps down from the other two gables, is visually separated at roof level and has alternative detailing. Officers consider that this works well and helps to break up the scale of the development in the streetscene.
- 7.22 The proposal is 3 full storeys plus a reduced level of accommodation within the roof. It is also raised approximately half a storey out of the ground to address flood risk concerns. As a result the building will be taller than its immediate neighbours, however, the change in height is not significant and given the varied streetscape of the seafront and the well resolved traditional roof form pitching away from the flank boundaries, this is considered to be acceptable. It is also pleasing to see that the extended plinth will be screened by raised landscaping so that it is not a dominant feature in the streetscene.
- 7.23 Overall it is considered that the scale, height and massing of the proposal is a much more successful response to the site's context and setting than the previously refused scheme and has succeeded to balance the desire for a single floorplate with the need to positively reference the fine grain of the conservation area and wider seafront.
- 7.24 The previous building was also found unacceptable because its forward projecting turret feature competed with and restricted views of the historic landmark of Crowstone House a short distance to the west. This was considered to be an unacceptable response to the historic context and incompatible with the overall design of the building. The current proposal has a much simpler but satisfactorily resolved arrangement of well-detailed balconies to provide interest to the elevation and the alignment of the building and the balconies closely reference nearby examples of historic balconies. As such the proposal is well articulated and does not compete with the locally listed landmark of Crowstone House or obstruct views of its feature historic turret.
- 7.25 The balcony features remain separate between the gables and have been detailed with strong vertical lines to ensure the vertical emphasis of the front elevation is retained and strengthened. This is an important distinction to the more modern buildings in this area which have failed to respect the grain of the area by adopting a single form across the amalgamated sites which has harmed the historic pattern of development on the seafront.

- 7.26 The balconies have simple vertical balustrades but have incorporated a curved arch detail to their top which repeats across the front and rear elevation. The Design and Access Statement explains that this references the balconies on some of the seafront's older properties in the vicinity which have curved timber or metalwork detailing within their balcony designs. They are proposed as standing seam copper which continues into the gables to add interest and a distinctive character to the development. Whilst this material is not common in the conservation area, it is a high quality natural material which should weather well in the marine environment. Given the variety of styles in this location, this variation of material is considered to be acceptable. It is also noted that the design of the frontage has been refined over the course of the application to simplify the detailing of the more decorative elements so that it does not appear over fussy or result in a conflict of styles.
- 7.27 To the rear the design is simpler and flatter but additional detailing has been added to enliven this elevation. The expanse of the flank elevations is also broken up with secondary windows and brick banding which add interest, although it is noted that views of the sides and rear will be mainly obscured by neighbouring buildings.
- 7.28 On the frontage the impact of the vehicular access is offset by significant areas of planting and a low brick wall to the front to provide enclosure to the street. This arrangement generally seems to work well and will provide added softening for the conservation area subject to the agreement of a detailed landscaping scheme. The proposal has been amended to include an external platform lift on the frontage. This is required to provide a level access for all. Set close to the proposed building, this has been designed to be concealed when not in use positioned such that it has minimal impact on the design of the building and in the streetscene. This arrangement is considered acceptable.
- 7.29 Internally there are some irregular shaped rooms and unconventional layouts however, all units are generous so the rooms are useable, the building has an active frontage which positively addresses the seafront and the entrance is legible.
- 7.30 Overall, it is considered that the proposal has overcome the previous reason for refusal in relation to the scale, form, mass, and design detail and would be acceptable in the conservation area and the wider streetscene on balance. Therefore, subject to conditions controlling detailing, materials and landscaping, the proposal is considered to be acceptable and policy compliant in the above regards.

Standard of Accommodation for Future Occupiers

- 7.31 Delivering high quality homes is a key objective of the NPPF.
- 7.32 Policy DM3 of the Development Management Document (i) states: proposals should be resisted where they "*Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents*".

Space Standards

- 7.33 Policy DM8 and the associated housing transition statement requires all new housing to meet the nationally described space standards. It also requires the units to be accessible and adaptable for all.

7.34 Nationally Described Space Standards (NDSS) require the following areas in terms of floorspace and bedroom sizes.

- 2 bed 4 person duplex flat - minimum 79 sqm
- 3 bed 6 person flat - minimum 95 sqm
- Master bedroom - minimum area 11.5 sqm, minimum width 2.75m
- Other double bedrooms – minimum area 11.5 sqm, minimum width 2.55m
- Single bedrooms - minimum area 7.5 sqm and minimum width 2.15m

7.35 The proposed flats are generously sized and comfortably meet the nationally described space standards. It is noted that the plans show the 3rd bedroom of the larger flats as a study. For the purposes of this measurement, they have been assessed as double bedrooms, however, the flexibility of a work from home area for the units is welcomed.

M4(2)– Accessible Dwellings

7.36 All new residential development is required to meet M4(2) standards to ensure that new dwellings are accessible for all. The Design and Access Statement confirms that the new flats will meet these standards including the installation of an external platform lift to provide step free access to the front entrance. This can be secured by condition. The proposal is therefore acceptable and policy compliant in this regard.

Daylight, Sunlight and Outlook from Habitable Rooms

7.37 The plans show that all habitable rooms would benefit from acceptable levels of daylight and sunlight.

Amenity Provision

7.38 The proposal includes a shared amenity area of over 600 sqm to the rear as well as useable balconies for each flat. This is considered to be a generous and good quality amenity provision for the units.

7.39 Overall, it is considered that the development will provide a good standard of accommodation for future occupiers and the proposal is acceptable and policy compliant in this regard.

Impact on Residential Amenity

7.40 Policy DM1 of the Development Management Document states that development should “*Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.*”

Impact on neighbours to the east 29 The Leas

7.41 The proposal has an eaves height of 10.6m on the eastern side but is set behind the front and rear building line of the neighbour at number 29 The Leas. The front balcony would project 1.9m in front of the neighbour but there would be a separation distance of some 3.9m between the buildings at this point. Number 29 has 3 windows per floor to the west side facing the application site which are the kitchen window and two high level secondary windows to habitable rooms.

All the side windows in number 29 appear to be obscure glazed. There would be a separation of 2.9m between the flanks of the buildings. The proposal has two secondary habitable room windows and an ensuite window on each floor in its eastern flank facing this neighbour.

- 7.42 Subject to a condition requiring the side windows of the proposal to be obscure glazed, it is considered that, given the separation between the sites and the respective layouts, the proposal will have an acceptable impact on the amenities of the occupiers of this neighbour building in all relevant regards.

Impact on neighbour to the west 33-34 The Leas

- 7.43 The proposal has a comparable eaves height with the neighbour to the west 33-34 The Leas. The proposal is set 400mm in front of the building line to this neighbour to the front of the site. The proposed balcony would project 2.4m out from this but the plans show this to be only 400mm past the balcony of the neighbour at this point at a separation distance of some 3.1m.
- 7.44 The proposal would project some 2.4m past the rear building line of the neighbour. There would be a separation of some 2.5m between the buildings. No 33-34 has no habitable room windows on its flank elevation facing the site. The proposal has two small secondary habitable room windows per floor in the left flank. The proposal, including the projecting balcony, would not breach a notional 45 degree line taken from the closest windows of the neighbouring property facing either to the front or the rear.
- 7.45 Subject to a condition requiring the side windows of the proposal to be obscure glazed, it is considered that, given the separation between the sites and the respective layouts, the proposal will have an acceptable impact on the amenities of neighbours in all relevant regards.

Impact on neighbour to the rear 8 Crowstone Avenue

- 7.46 8 Crowstone Avenue is a backland bungalow to the rear of the site. The proposal is up to 4 floors to the rear but is set over 20m to its rear boundary and is 32.8m to this neighbouring building. There are also a number of mature trees on the boundary which are proposed to be retained.
- 7.47 Given the separation between the sites, it is considered that the proposal will have an acceptable impact on the amenities of neighbours in all relevant regards.

Summary

- 7.48 Due to their separation and position, no other properties' amenities are materially affected by this development. Overall, therefore it is considered that the proposal would be acceptable and policy compliant in its impact on neighbour amenity subject to conditions requiring obscure glazing to the side windows.

Traffic and Transportation Issues

- 7.49 Policy DM15 of the Development Management Document requires all development to meet the off-street parking standards which for residential development outside the central area is expressed as a minimum standard of 1 parking space for each flat. The policy requirement for the development is therefore 9 spaces.

- 7.50 11 car parking spaces are proposed within the basement area. This meets the required standard and the proposal is acceptable and policy compliant in this regard. The existing vehicular crossovers will be required to be amended to serve the development. No objections have been raised by the Councils Highways officer who notes that the traffic regulation order to the front of the site will need to be altered. This is acceptable in principle and it appears that the proposal will result in an increase in the availability of on street parking as a result. An informative can be added to inform the applicant of this requirement. The proposed parking arrangement is therefore considered to be acceptable and policy compliant.

Cycle parking and Refuse Storage

- 7.51 The basement parking area also includes provision for at least 9 cycles within a secure location and a refuse store. The waste store is located at the start of the ramp concealed within the landscaping. A Waste Management Strategy for the development has been submitted and this confirms that a management company will transport the waste to the kerbside on collection days. This is considered to be an acceptable arrangement. The proposal therefore complies with policy in these regards. These items can be controlled by condition.
- 7.52 Subject to these conditions, the parking, traffic and highways implications of the development are found to be acceptable and policy compliant.

Sustainability

Energy and Water

- 7.53 Policy KP2 of the Core Strategy requires that *“at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources). Policy DM2 of the Development Management Document states that “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”.* This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.54 The submitted Design and Access Statement makes a commitment to 10% renewables on site and an area of flat roof, set back from the front elevation, has been set aside for this but no details have been provided. In this case it is considered that these details can be required by condition and could in principle be provided on site in such a way as to respect the setting and appearance of the Conversation Area. A condition can also be imposed in relation to water efficiency measures. Subject to such conditions the proposal is acceptable and policy compliant in the above regards.

Sustainable Drainage (SUDS)

- 7.55 A Drainage Statement has been submitted for the site. This confirms that the site is located on clay/silt so infiltration techniques will not be viable so it is proposed that the detailed SUDs strategy includes a water treatment process and water attenuation tank which will reduce the discharge rate from the site. Specific details of this have not been provided however the Councils Drainage Engineer has commented that these can be agreed via a pre commencement condition.

Subject to this condition, the proposal is considered to be acceptable and policy compliant in this regard.

Impact on Nature Designations

- 7.56 It is considered that the site is sufficiently separate from the foreshore such that it will not have a detrimental impact on the nature designations in this location.

Trees

- 7.57 The Council seeks to protect trees which make a positive contribution to the amenity of the area from the impact of new development.
- 7.58 The rear of the proposal site contains a number of existing trees which are protected by virtue of being within the boundary of the conservation area. A full arboricultural survey has not been provided with the application but the agent has confirmed that the largest Cupressus Macrocarpa tree on the site will be retained along with 4 trees on the eastern boundary and that these trees and those in the neighbouring gardens within the immediate vicinity of the development site will be protected. Only 1 fruit tree will be removed to facilitate the development.
- 7.59 The Council's Arboricultural Officer has not raised any objections to the proposed works but agrees that tree protection measures should be agreed prior to commencement of the development. This can be secured by condition. Subject to this condition the impact on trees is considered acceptable.

Community Infrastructure Levy (CIL)

Charging Schedule (2015).

- 7.60 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 1820.5 sqm, which may equate to a CIL charge of approximately £140280 (subject to confirmation).

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 development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would provide an acceptable standard of accommodation for future occupiers, and on balance, would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the conservation area. There would be no materially adverse impacts on traffic, parking or highways, trees or nature designations caused by the proposed development. The proposal's contribution to the borough's housing stock carries some, limited weight in the planning balance. The development has overcome the previous reason for refusal and this application is recommended for approval subject to conditions.

9 Recommendation

9.1 Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:

01 The development hereby permitted shall begin not later than three years of the date of this decision

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans and details 609-P01E, 609-P02F, 609-P03C, 609-P04A, 609-P05A, 609-P06B, 609-P07B, 609-P08E, 609-P09C, 609-P10B, 609-P11F, 609-P12B, 609-P13 (visual), 609-P14, 609-P15C, Materials List by SKArchitects ref 609 Rev A and Platform Lift Information by SKArchitects Ref 609.

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

03 The development hereby approved shall be carried out in full accordance with the mitigation measures identified in the Flood Risk Assessment carried out by by Ambiental Environmental Assessment reference 5364 before the approved dwellings are occupied and the recommended mitigation measures shall be maintained for the lifetime of the development.

Reason: To ensure the site is protected to the standard that the development is designed and modelled to within the submitted Flood Risk Assessment National Planning Policy Framework and policy KP2 of Core Strategy

04 Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken unless and until full details of the existing and proposed site levels to include the proposed dwellings, forecourts and landscaped areas relative to the adjoining land and any other changes proposed in the existing levels of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and completed in accordance with the approved details before it is occupied.

Reason: A pre commencement condition is required to safeguard the visual amenities of the site and wider area as set out in Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend Design and Townscape Guide (2009).

05 The materials used for the external surfaces of the building shall be as detailed on plan reference 609-P15C and the Materials List prepared by SKArchitects reference 609 Rev A.

Reason: To safeguard the visual amenities of the conservation area and wider streetscene, in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM5 and DM6 and advice contained within the Southend Design and Townscape Guide (2009).

06 The detailing for the front balconies and guttering of the development hereby approved shall be carried out in full accordance with plan references 609-P12B and 609-P15C before the development is occupied.

Reason: To safeguard the visual amenities of the conservation area and wider streetscene, in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM5 and DM6 and advice contained within the Southend Design and Townscape Guide (2009).

07 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction to ground floor slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to: -

- i. means of enclosure, of the site including any gates or boundary fencing;**
- ii. other vehicle and pedestrian access and circulation areas;**
- iii. hard surfacing materials;**
- iv. minor artefacts and structures (e.g. street furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.);**
- v. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification**
- vi. details of measures to enhance biodiversity within the site;**

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.

Reason: To safeguard character and appearance of conservation area and wider streetscene in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

08 Prior to the commencement of the development hereby approved details of tree protection measures, in relation to the trees on, or adjoining, the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be implemented in full prior to commencement of the development and shall be retained throughout construction of the development.

Reason: A pre commencement condition is justified to ensure the trees to the west of the site are adequately protected during building works in the interests of visual amenity and 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).

09 The development hereby approved shall not be occupied until and unless 11 car parking spaces have been provided at the site and made available for use solely for occupiers of the residential units hereby approved and their visitors all in accordance with the details shown on drawing 609-P07B, together with properly constructed vehicular access to the adjoining highway, in full 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).

10 The development hereby approved shall not be occupied until and unless the store containing at least 9 secure, covered cycle parking spaces and the refuse and recycling store to serve the flatted development as shown on drawing 609-P07B have been provided at the site in full accordance with the approved plans and made available for use for the occupiers of the flats hereby approved. The approved scheme shall be permanently retained for the storage of cycles and waste and recycling thereafter. The waste management and servicing of the development shall be carried out in accordance with the submitted Waste Management Plan by SKArchitects.

Reason: To ensure that adequate refuse and recycling storage cycle parking is provided and retained to serve the development in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM8 and DM15 of the Development Management Document (2015).

11 No drainage infrastructure shall be installed at the site unless and until detailed designs of a surface water drainage scheme incorporating the following measures has been submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme shall be implemented in full before the development is first occupied. The scheme provided shall address the following matters:

- i. Provide a detailed drainage plan identifying the sustainable urban drainage (SuDS) features to be used, including their size and location, the destination of runoff, any runoff rate restrictions, and the proposed method of flow control;**
- ii. Provide supporting calculations to demonstrate the hydraulic performance of the proposed SuDS for the 1 in 100 year plus 40% change event;**
- iii. Provide evidence of consent from Anglian Water for the proposed discharge rate and connection location to the public sewer; and**
- iv. Provide details of the management and maintenance for all SuDS and how they will be secured for the lifetime of the development (maintenance plan).**

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 Policy DM2 of the Development Management Document (2015).

12 A scheme detailing how at least 10% of the total energy needs of the development hereby approved will be supplied using on site renewable sources shall be submitted to, agreed in writing by the Local Planning Authority and implemented in full in accordance with the approved details prior to the first occupation of the dwellings hereby approved. This provision shall be made for the lifetime of the development.

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) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide(2009).

13 Prior to occupation of the dwellings hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development and thereafter retained in perpetuity.

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 advice contained within the Southend Design and Townscape Guide (2009).

14 The east and west facing windows in the development hereby approved shall only be 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 of the rooms served by those windows and shall be retained as such in perpetuity. 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.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

15 The development hereby approved shall be carried out in a manner to ensure the flats comply with building regulation M4 (2) 'accessible and adaptable dwellings', including the installation of the platform lift as detailed in the approved plan reference 609-P11 Rev F and Platform Lift Information by SKArchitects Ref 609, before they are occupied.

Reason: To ensure the residential units hereby approved provides a high quality and flexible internal layout to meet the changing needs of residents in accordance with National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide (2009).

16 Construction Hours shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

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.

03 The applicant advised that an amendment to the existing traffic regulation order to the front of the site will be required when constructing the vehicle access. Please contact the Councils Highways Section to arrange this.

