

Southend-on-Sea Borough Council

Agenda
Item

Report of the Corporate Director of Place
To
Development Control Committee
On
08th June 2016

Report(s) on Planning Applications

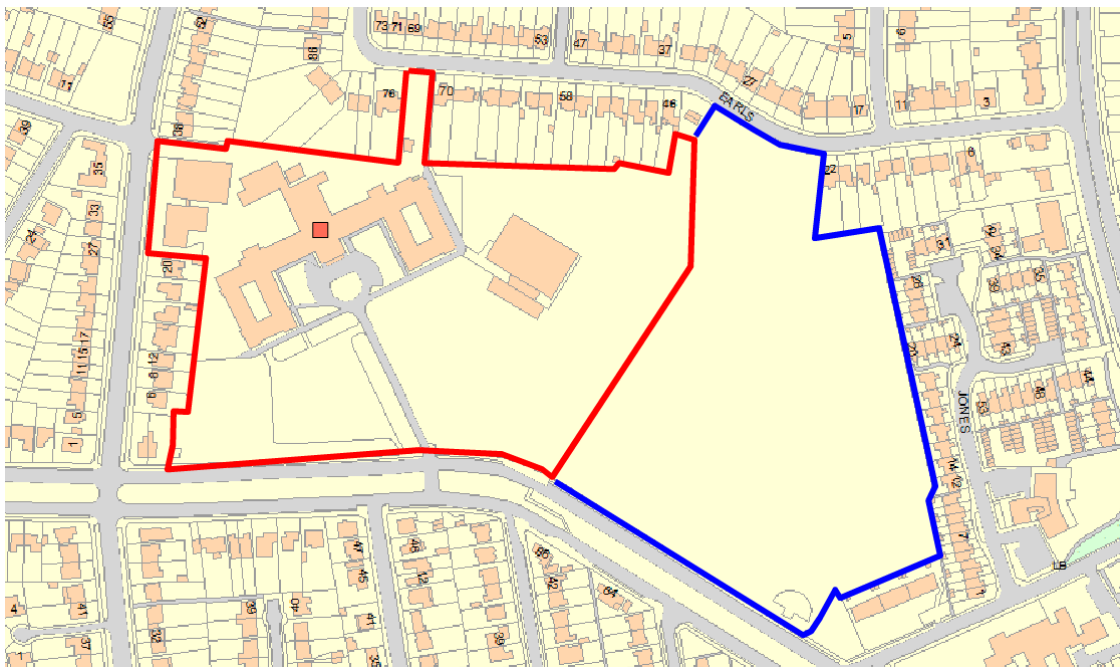
A Part 1 Agenda Item

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Reference:	16/00758/FULM
Ward:	Prittlewell
Proposal:	Erect two storey linked infill extension to North West corner, re-position port-a-cabin, re-configure existing driveway and layout parking, erect new gates, and extend existing vehicle access onto Prittlewell Chase (Amended Proposal)
Address:	Southend High School for Boys, Prittlewell Chase, Westcliff-On-Sea, Essex, SS0 0RG
Agent	Southend High School For Boys
Applicant:	Rees Pryer Architects LLP
Consultation Expiry:	26.05.2016
Expiry Date:	02.08.2016
Case Officer:	Janine Rowley
Plan No's:	14 1448 LP1; 14 1448 07; 14 1448 04; 14 1448 05; 14 1448 02 Revision C; 14 1448 03 Revision B; 14 144806 Revision B; 14 1448 01 Revision L.
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to erect a two storey linked infill extension to North West corner of the existing school building, re-configure the existing driveway and layout parking, re-position “port-a-cabin” to the north east corner of the site and erect new gates and extend the existing vehicle crossover onto Prittlewell Chase together with the layout of a new car parking area to the south west corner of the site.
- 1.2 The two storey linked infill extension to the North West corner of the existing school building is 34m wide x 21m deep x 7.5m high. The proposed internal floorspace would include a library, sixth form research, study and seminar area, careers office, toilets, office and store to the ground floor and a pastoral, ICT, government/politics and citizenship room to the first floor. The internal floorspace is approximately 1228sqm. The external appearance of the building is to be clad, include glazing and louvres to add interest. The building is flat roofed.
- 1.3 The proposed “portacabin” to the north east corner of the site will be resited from the front of the building (granted permission under 15/00717/FULM to be removed 30th September 2016). The “portacabin” is 16.5m wide x 9.6m deep x 3.6m high; flat roof with an internal floorspace of 180sqm.
- 1.4 The proposal also includes alterations to the existing driveway accessed from Holeythick Lane to the east to increase the number of parking spaces from 90 to 124 together with the formation of a new vehicle access onto Prittlewell Chase. The vehicle access to the north in Earls Hall Avenue will be retained but this is only used for emergency vehicles. An existing building is to be repositioned to the north of the two storey sports hall and music facility to the south.
- 1.5 Landscaping is proposed to the northern boundary where the additional parking and repositioned portacabin is proposed together with landscaping along the new driveway to the new car parking area in the southwest corner of the site adjacent to Prittlewell Chase.
- 1.6 The planning statement accompanying this application states there are currently 1203 pupils on site (818 in years 7-11 and 385 in years 12-13) and 135 members of staff (with a further 9 cleaners working at the site although they are off site by the time the rest of the staff come onto site). This application has been submitted as there are a number of undersized rooms below building guidelines for mainstream schools. The applicant states that a funding application was made by the school to the Education Funding Agency, who have awarded a £3 million and the school are also taking a £200,000 loan to fund the proposed works.

- 1.7 This proposal will increase the number of students from 1203 to 1300 from school year 15/16 through to 18/19. Therefore, 97 extra students are to be enrolled at the school (82 students in years 7-11 and 15 students' years 12-13). The number of staff will also increase from 135 to 145 (increase by 10).
- 1.8 A planning statement, noise impact assessment, drainage strategy, landscaping plan, transport statement, tree survey, assessment of BREEAM, phase 1 Habitat Survey, Flood Risk Assessment, Archaeological Desk-Based Assessment have been submitted as supporting information for this development.
- 1.9 This application has been submitted following the refusal of application 15/01189/FULM, relating to a similar proposal, which was refused by Development Control Committee on the 9th December 2015 for the following reason:
1. *"The proposal fails to provide adequate onsite parking for students which would lead to additional on-street parking in an area of extreme parking stress, and would result in traffic movements that would be detrimental to the flow of traffic. This is contrary to policy CP3 of the Southend on Sea Core Strategy and DM15 of the Development Management DPD".*
- 1.10 The main changes to this application include the following:
- 88 car parking spaces within the school perimeter for existing users;
 - 27 designated parking spaces for sixth form students (18 at the rear adjacent to Earls Hall Avenue and 9 to the front);
 - 9 additional spaces for visitors;
 - Resiting of portacabin to the rear of the sport facilities;
 - Widening of existing vehicle crossover on Prittlewell Chase;
 - New road layout to the south of the school adjacent to Prittlewell Chase and the formation of a new car park for 18 vehicles;
 - No one way system and parking in and out accesses to remain as existing
- 1.11 The main changes from the previously refused application include the inclusion of sixth form parking on site and the omission of a new road adjacent to the sports pitches.

2 Site and Surroundings

- 2.1 The school site is located along Prittlewell Chase. The existing school building fronting Prittlewell Chase is locally listed. Immediately south of the existing buildings are the school playgrounds. The site includes three main accesses including Prittlewell Chase to the south, Holeythick Lane to the east and Earls Hall Avenue to the north. To the east of the site are playing fields and the site is bounded by residential properties which are two storey in nature.

2.2 The site does not fall within any environmentally sensitive areas.

3 Planning Considerations

3.1 The main considerations in relation to this application are the principle of the development and loss of a playing field, design and impact on the character of the area, traffic and transportation, impact on residential amenity and CIL liability.

4 Appraisal

Principle of Development

National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP4, CP6, CP7; DPD2 (Development Management) policy DM1, and the Design and Townscape Guide SPD1 (2009)

4.1 Policy CP6 of the Core Strategy advocates the need to improve educational facilities to ensure that the needs of the local community are met. The policy states that subject to the maintenance of satisfactory environmental conditions and residential amenities, the Borough Council will support the improvement or extension of existing public and private education establishments and will encourage the use of their facilities for community purposes where this would meet identified requirements. The proposed development will provide improvement of the facilities available at Southend High School for Boys, thus the proposal is in principle in accordance with Policy CP6 of the Core Strategy.

4.2 The proposed two storey infill extension to the northwest of the existing school building will be located on an existing playground. However, the main playground and playing fields to the south and west of the main school building will remain. Sport England have raised no objection to the proposal on this basis, given that the playground to the immediate west of the existing building is additional to the main playground and playing fields, thus no objection is raised to this element of the proposal.

4.3 The previously refused application resulted in a number of changes to facilitate the expansion that would affect the schools playing fields to the east of the main school building. However, the previously proposed access road that bisected the playing field has been removed. Furthermore, the portacabin has been repositioned to minimise the impact on the playing field to the rear of the sports track area while an additional car parking area to the south west car park does not encroach on any existing sports facilities.

4.4 Policy CP7 of the Core Strategy states the Council will normally refuse permission for proposals involving the complete or partial loss of school playing fields. This amended proposal will not directly affect any of the existing playing pitches that are currently marked out.

- 4.5 The applicant has put forward a number of mitigation measures to enhance the sports development offered at Southend High School for Boys and to mitigate against the proposed works.
- 4.6 *Playing Field Enhancements*
As set out in the submitted agronomist's feasibility study prepared by Agrostis, the key deficiency of the main body of playing fields to the east of the site where pitches are marked out is the poor drainage conditions which affect the carrying capacity and surface quality of the pitches which in turn restricts the use of the pitches during the winter period. To address this constraint, the Agrostis study report proposes a piped drainage scheme to the majority of the remaining playing field to the east of the site together with works to improve the surfaces. The applicant has confirmed that this proposal will be fully implemented. The benefit to the school (and existing community users of the site such as Leigh Dynamo FC) of implementing this scheme would be that significantly improved quality pitches would be provided which would have the carrying capacity to meet the needs of the school throughout the year which would help deliver the PE curriculum. This would reduce the potential for lessons and matches to be cancelled, surface conditions would be better and there may be the opportunity for increasing the use of the pitches. The community would also benefit as clubs that use the pitches at weekends would be at less risk of having matches cancelled due to pitch conditions plus there may be potential to offer additional use due to the increased capacity of the pitches.
- 4.7 *Throwing Cage:*
The existing throwing cage that is used for athletics (i.e. discus) to the north east of the playing field is in a poor state of repair and requires replacing to make it fit for purpose. It is proposed to provide a new throwing cage to replace it which would improve athletics opportunities for students.
- 4.8 *Community Use of Playing Fields:*
While a football club currently uses the school's playing fields at weekends, community use of the playing field is not formalised or secured at present as it is subject to informal arrangements. It is proposed to complete a community use agreement to secure community access to the playing field over a long term period. This would give existing and future community users greater security of access to the playing fields.
- 4.9 Sport England have raised no objection subject to conditions in relation to playing field enhancement works specification and phasing, throwing cage details, and a community use agreement as set out in the conditions below.
- 4.10 In light of the above, the impacts on the playing fields are considered to be outweighed by the improvement to open space on the site and therefore is considered acceptable subject to conditions and other material planning considerations discussed below.

Design and Impact on the Character of the Area

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; DPD2 (Development Management) policy DM1, and Townscape Guide SPD1.

- 4.11 Policy DM1 of the Development Management requires any new development to respect and enhance the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, layout, proportions, materials and overall townscape. The proposed development will enable a replacement of a dilapidated technology building with a contemporary building providing extra internal floorspace for pupils at the existing school and future expansion.
- 4.12 The main school building is considered to make a positive contribution to the historic character of Prittlewell Chase and has been designated a Locally Listed Building. The proposal seeks to build a new library/teaching block to the rear of this building, locate a temporary storage building to the eastern side of the rear car park and re-landscape the external area of the school including the creation of a new drive existing onto Prittlewell Chase.
- 4.13 *New Library/Teaching Block*
The overall design and scale of the proposed two storey infill extension satisfactorily relates to the existing building appearing subservient. The extension is a simple modern boxed form with curtain glazing to most of the visible ground floor and cladding and more conventional glazing above. The entrance is defined by continuing the curtain glazing over the two floors and applying an external brise soleil detail with feature crest to the upper storey. The overall quality and detailing of the elevational treatment although simple, is well defined, has more cohesion between the floors and a positive relationship with the school architecture generally. The simple design reflects the proportions and spacing of the existing building and picks up on its colouring with the cladding choice but is restrained so that it does not compete with the historic building and this is considered to work well. The defining entrance feature and overhanging first floor helps to add interest to the main facades and identified the entrance as the main focal point. The extension will have very limited views only from Holeythick Lane to the east through gaps between properties.
- 4.14 Given the simplicity of the design the success of the proposal will depend on the quality of materials, the quality of which can be controlled by condition.

4.15 *“Portacabin”*

The proposed building has been resited from the previously refused application (15/01189/FULM) from within the playing fields to the rear of the Sports Hall and will appear less visible from Prittlewell Chase and no longer visible within Earls Hall Avenue it would no longer impact on the public setting of the school. Given the existing buildings to the rear of the school, no objection is raised to the scale and form, there is a need for the proposal not to detract away from the existing character of the main school buildings. A landscape planting design statement including a plant schedule, specification and management plan and submitted drawings provides further details on how the school will achieve planting mature species and screening to mitigate against any potential harm, which is welcomed and will be dealt with by condition.

4.16 *Landscaping*

A number of changes to landscaping and access are proposed, some of which will impact on the front of the locally listed building. The proposal includes the replacement of the existing tree avenue to main entrance. The existing avenue of trees is an important part of the setting of the historic building and help to highlight the main entrance and compliment the symmetry and formality of its design. The report accompanying this application states that the trees are in decline and this has been verified by the Councils Arboriculturalist has raised no objections as the current trees are not worth of preservation. Subject to the landscaping details proposed no objection is raised. The applicant proposed to replace them with heavy standard Oak trees surrounded by Beach hedging, which are welcomed and will continue to enhance the overall setting of this historic building.

4.17 *New road to the south and car parking area*

It is also proposed to plant trees to the southwest corner of the site where the new car park for sixth form and students is proposed, which is welcomed or the extent of hardstanding proposed to form the new road leading to the car park. There is no objection to the widened vehicle crossover onto Prittlewell Chase and new matching gates. The landscaping proposals will add softening to the streetscene and is welcomed. Planting to rear within the new car park will provide a buffer zone to mitigate against the car park from the neighbours and is welcomed.

4.18 The resiting of the hammer throwing cage will not result in any material harm to the character and appearance of the area.

4.19 In light of the above, the proposed development subject to conditions is considered to relate satisfactorily to the character and appearance of the existing school buildings and will provide positive additions. The proposal is therefore considered in accordance with the NPPF, policies KP2 and CP4 of the Core Strategy, policy DM1 of the Development Management, and the Design and Townscape Guide.

Traffic and transportation

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP3; DPD2 (Development Management) DM15, and the Design and Townscape Guide SPD1.

- 4.20 The main access point to the school is from Prittlewell Chase, which runs along the southern boundary of the site, this access is used for pedestrians and cyclists and vehicle access for visitors. Prittlewell Chase is a main route running in an east to west direction through Southend-on-Sea, with the opposing flows split into two separate carriageways segregated by a wide verge.
- 4.22 Bus stops are located immediately east of the school access on the eastbound carriageway, with a zebra crossing provided just east of the eastbound carriageway, and bus stop on the westbound carriageway located just west of the zebra crossing of the westbound carriageway. The main school access is off Prittlewell Chase therefore also serves pupils and staff that use public transport as a means of travelling to school, although there is also a second pedestrian access point on the school boundary with Prittlewell Chase immediately adjacent to the bus stops.
- 4.23 Cycleways are also present along both carriageways of Prittlewell Chase between the junction with Highfield Gardens to the west and Fairfax Drive to the east, with wide footways also present along both sides of Prittlewell Chase. On street parking bays are also provided along large sections of the road along the school frontage, meaning that the majority of each carriageway is restricted to one running lane between the junctions with Highfield Gardens and Fairfax Drive.
- 4.24 A second access point to the school is located at the northwest corner of the site on Hopleythick Lane which provides vehicular access for staff as well as pedestrian and cyclist access. A bus stop is located on the southbound carriageway of Hopleythick Lane just south of the school access, and stop on the northbound carriageway about 100 metres south of the site.
- 4.25 A third access point to the north of the school buildings is taken from Earls Hall Avenue which is a small residential road, although the vehicular access is gate controlled with gates generally remaining locked, although a separate gate permitting pedestrian and cyclist access remains open.
- 4.26 Other access gates to the school playing field that occupies the eastern section of the school site are present to Earls Hall Avenue and Prittlewell Chase; however these are generally kept locked.
- 4.27 The majority of development surrounding the school is residential development, with the most roads being quiet residential roads, with the main road providing access to the wider area being Prittlewell Chase which runs east to the A127 (via Fairfax Drive) and west through a large area of residential development.

- 4.28 Vehicle parking standards as required by policy DM15 of the Development Management Plan state as maximum standards 1 space per 15 students is required for years 7-11. For schools with further education as in this instance 1 space per 15 students for full time equivalent staff plus 1 space per 15 students for student parking are required. The existing site includes 90 informal parking spaces for 1203 students and 135 members of staff. In accordance with Policy DM15 of the Development Management Document, 107 car parking spaces should be provided (55 for years 7-11, 26 spaces for years 12-13 and 26 spaces for members of staff), so there is an existing shortfall of 17 parking spaces.
- 4.29 The proposed development will increase the number of students from 1203 to 1300 (82 students in years 7-11 and 15 students' years 12-13) and members of staff from 135 to 145 (increase in 10). Based on policy DM15 of the Development Management Document as stated above in paragraph 4.28, this would necessitate a further 5 spaces for years 7-11 and 2 spaces for years 12-13 (7 in total). The proposal seeks to provide additional car parking increasing the capacity from 90 to 124 parking spaces. This exceeds planning policy requirements given that a total of 114 parking spaces are required in accordance with policy DM15 of the Development Management Document.
- 4.30 Following the previously refused application 15/01189/FULM, the applicant has sought to provide sufficient parking on site for all users. Drawing 14 1448 01 Revision L shows the following:
- 88 parking spaces are available for staff and visitors of the school to the rear of the main buildings;
 - 18 parking spaces to the rear adjacent to Earls Hall Avenue are designated for sixth formers;
 - 9 parking spaces to the front of the site in the southwest corner available for sixth formers;
 - 9 visitor spaces to the southwest corner
- 4.31 Whilst the school does not currently have a travel plan. A condition will be imposed to ensure a number of measures aimed at reducing reliance on the car to reach the school encouraging sustainable transport in the form of walking, cycling and use of public transport together with car sharing are encouraged and monitored annually.
- 4.32 The current site has provision for 190 cycle spaces. The current proposal will allow for the provision of additional spaces to be provided. Policy DM15 of the Development Management Document requires 34 cycle spaces and the applicant has confirmed the additional spaces will be accommodated on site within the cycle sheds to the southwest boundary and can be dealt with by condition to ensure the proposal is policy compliant in terms of cycle provision.

- 4.33 Taking into account the parking is policy compliant with policy DM15 of the Development Management Document and the proposal now includes the provision for onsite sixth form parking, together with the revised layout with the omission of the one way system the proposal will ensure the free flow of traffic via Prittlewell Chase, and Hopleythick Lane as existing.

Impact on residential amenity

National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP4; Development Management DPD2 policy DM1, and the Design and Townscape Guide SPD1 (2009).

- 4.34 The nearest residential property to the proposed two storey infill extension is 16.5m away from the rear boundary of no. 20 Hopleythick Lane. Whilst there are windows at first floor taking into account the orientation and separation distance the proposals will not result in overlooking or loss of privacy. Furthermore, the overall height of the extension will be set down from the existing main building not appearing overbearing to the residents of no. 20. There is in excess of 31m to the northern boundary abutting properties within Earls Hall Avenue, which is sufficient to mitigate any material harm on the existing residents in terms of overlooking, loss of privacy and the development being overbearing.
- 4.35 The existing vehicle access from Hopleythick Lane to the rear of the school buildings finishes at the emergence access from Earls Hall Avenue (i.e. does not go any further than no. 70 Earls Hall Avenue). This application seeks to extend the road and form new parking areas to the rear of nos. 46-70 Earls Hall Avenue. The applicant intends to plant a landscaping buffer area and seeks to retain existing trees established along the boundary. To the rear of the elevations of the aforementioned properties is 22m-29m separation distance.
- 4.36 In terms of noise and disturbance, there are no restrictions of the opening hours of the school. It should be noted no conditions were imposed on the school when originally constructed in terms of hours of use. The additional parking is proposed to be accessed from Hopleythick Lane entrance with an in out system as per the existing layout. In order to mitigate against any potential harm from the increased noise and disturbance from vehicles entering and exiting the site a condition will be imposed for the installation of an acoustic fence. An acoustic fence of up to two metres would reduce any potential harm to the flank elevations of nos. 46-70 Earls Hall Avenue. Furthermore, the acoustic fence should also provide a barrier to any light omitted from vehicles in this location. Low level lighting is proposed to the paving area and this will be dealt with by condition for further information to ensure the amenities of nearby residents are preserved.

- 4.37 The proposed portacabin will be single storey with an overall height of 3.6m sited 3.5m away from the north boundary and between 30m-40m from the rear elevations of nos. 56, 54 and 52 Earls Hall Avenue due to how the building is angled and 152m to the southern boundary with Prittlewell Chase. There is considered sufficient distance to mitigate against any potential harm in terms of being overbearing, loss of privacy and overlooking. Additional screening and mature landscaping proposed will also help to protect amenities of existing occupiers.

Sustainability

National Planning Policy Framework; DPD1 (Core Strategy) policy KP2; DPD2 (Development Management) policy DM2.

- 4.38 Paragraph 97 of the NPPF states that local authorities should promote energy from renewable sources. Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources. Policy DM2 of the Development Management Document advocates the need to ensure the delivery of sustainable development whereby all development proposals should contribute to minimising energy demand and carbon dioxide emissions in accordance with the energy hierarchy.
- 4.39 The existing school employs various renewable energy technologies that meet the 10% requirement of policy KP2 of the Core Strategy, therefore no objection is raised.
- 4.40 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 4.41 The applicant has submitted a Drainage Strategy carried out by Peter Dann Consulting Engineers. The onsite surface water system proposed for the car park is designed to accommodate run-off during all events to and including the 100 year plus 30% to allow for increases in rainfall intensity due to climate change. The permitted surface water discharge from the site will be restricted to the green-field run off rate. It is intended to connect the on-site surface water system which outfalls from the site to the Anglian Water surface water system in Earls Hall Avenue. The existing surface water system was upgraded in 2014 to mitigate the re-occurrence of surface water flooding issues that have caused damage to existing buildings. The surface water network for the car park has an impermeable area of 0.200ha and will discharge to the offsite network via an existing manhole to the north of the school. Areas of soft landscaping have been incorporated in the design to help mitigate the surface water also. Foul drainage will discharge via a gravity system off site to the Anglian Water system in Earls Hall Avenue.

- 4.42 Subject to an appropriate condition and management strategies recommended within the submitted report and the detailed drawings, the applicant has demonstrated the proposal will not increase surface water runoff.

Community Infrastructure Levy Charging Schedule

- 4.43 Although this application is CIL liable given the floorspace is 1228sqm for the sixth form block and 180sqm for the portacabin (overall 1408sqm), in this instance the chargeable amount has been calculated as a zero rate as applicable due to the school is registered with Local Education Authority and makes no profit relevant evidence has been submitted..

Other Matters

Noise Impact

- 4.44 A Noise Impact Assessment carried out by Loven Acoustics has been submitted for consideration to assess the potential impact of the development on the nearest residential properties. Mitigation measures in accordance with British Standards BS 5228:2009 are suggested including restriction of construction hours Monday to Friday 0800-1800, Saturdays 0800-1300 and at no time on Sundays and Bank Holidays, which will be conditioned accordingly. In terms of impact of noise from the increased numbers of pupils the statement details the main school as existing has a noise level of 0.8dB and the increase in students from this proposed development will increase the noise by 1.1dB, overall 0.9dB. The difference is below human perception so would not result in a discernible increase to any noise-sensitive receptors. Any plant equipment to be installed will be dealt with by condition.

Public Consultation from the school with local residents

- 4.45 Following the refusal of application 15/01189/FUL. The school engaged with a representative from Earls Hall Avenue and Councillor Davidson 62 neighbouring properties to those abutting the boundary in Earls Hall Avenue and Hopleythick Lane at a consultation event on the 16th June 2015 together with various correspondence on the new parking layout in April 2016. The main issues included concerns relating to the road, parking area, number of students parking area, noise and disturbance, which have been discussed in detail above.

Archaeology

- 4.46 An archaeological desk based assessment prepared by ASE (reference 2015176) has been submitted and concludes that there are no designated heritage assets within the site itself or a 500m study area surrounding the development. Although the site is locally listed it does not fall within a conservation area. A condition will be imposed to ensure if any archaeology is discovered during the demolition and construction works, full details are submitted to the Council to be recorded.

Ecology/Bat Survey

- 4.47 The NPPF (section 11) states that local authorities should aim to conserve and enhance biodiversity. Planning decisions must prevent harm to bio-diversity and impose adequate mitigation measures where appropriate. Officers have carried out an assessment of the application under the Habitats Regulations 2010 and in particular Regulation 61. The Habitats Regulations require a two-step process. Firstly consideration needs to be given as to whether the development is likely to have a significant effect and if it does, the next step is to make an appropriate assessment. A Phase 1 Habitat Survey, Ecology Survey carried out by Eight Associates dated 17.06.2015 has been submitted for consideration. Several recommendations are proposed including afforded bat roost potential to buildings, pre works to check for animal burrows, secure storage for liquids held on site, building works are recommended to be carried outside of breeding season or pre clearance of nests. A suitable condition will be imposed to ensure the development is carried out in accordance with the mitigation measures and recommendations set out in the report as stated above are adhered to.

Lighting

- 4.48 The proposal will include the provision of external lighting to the main entrance, roadway, car park and cycle sheds in the form of low level bollard type lighting to minimise light pollution. A condition will be imposed to ensure full details are submitted for consideration to mitigate against any potential harm to surrounding residential properties.

Flood Risk Assessment

- 4.49 The site is located within flood zone 1 and is therefore suitable for all types of development without the need to pass the sequential test of exception test. The site is not at a significant risk of flooding. The supporting information carried out by MTC Engineering confirms that the development will not increase discharge rates from any section that lies on currently permeable ground. The proposal is considered in accordance with the NPPF, whereby subject to conditions the proposed development will not result in any flood risk or drainage related issues.

Conclusion

- 4.50 In light of the above, the impacts on the playing fields are considered to be negligible by the improvement to open space on the site. The design and scale of the proposed development relates satisfactorily to the existing school buildings and will provide an improved education facility. Furthermore, the alterations to the car parking layout and onsite parking for sixth form students overcomes the previous reason for refusal of application 15/01189/FULM.

5 Planning Policy Summary

5.1 National Planning Policy Framework

5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Traffic and Highways), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space)

5.3 Development Management Document: Development Management Document policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM15 (Sustainable Transport Management)

5.4 SPD1 Design & Townscape Guide 2009.

6 Representation Summary

Design and Regeneration

6.1 Building Design

The building design remains as the previous application so the same design comments apply.

Parking Layout

The proposal has been amended to include an additional parking area to the south west corner of the site adjacent to the boundary with Prittlewell Chase. This will be very visible in the streetscene and it will therefore be important that this and the access road is well landscaped to mitigate the impact of the additional hardstanding. The proposed landscaping scheme seems comprehensive although there would be scope for a few trees along the new access route.

Children and Learning

6.2 No comments.

Traffic and Transportation

6.3 *Highway works*

The applicant is providing 124 car parking spaces for the proposed school expansion. The number of car parking spaces that are required for the expansion using the current DM15 policy is 114. Therefore the parking provision for the proposal exceeds car parking standards for the proposed school expansion. The applicant is also providing on site sixth form parking, which includes 27 spaces. Cycle parking for the proposal will be policy compliant.

A travel plan is requested as part of the proposal and should be conditioned.

Given the above information no highway objections are raised as all aspects of the parking provision are policy compliant. It is not considered that the proposal will have a detrimental impact on the public highway.

The extended vehicle access on Prittlewell Chase will require a section 278 agreement.

Sport England

- 6.4 *The Proposal and Impact on Playing Field-* The application involves a number of proposals to facilitate the expansion of Southend High School for Boys that would affect the school's playing field. This is a revised application following the refusal of a previous application (15/01189/FULM) for a similar scheme. The proposals involve a new car park being sited on an area of playing fields to the west of the school site which is divorced from the main body of playing fields to the east of the site. This area would also be used as a construction compound on a temporary basis. Additional car parking is also proposed to the north of the site behind the sports hall which would also encroach onto the playing field.

Assessment against Sport England Policy

Following pre-application discussions with the applicant, the impact is proposed to be mitigated through a package of proposals that would enhance the remaining playing field. I consider that Exception E5 of Sport England's playing fields policy would be the most applicable to the proposal which states:

- E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

Sports Development Benefits

The key potential sports development benefits of the proposed development are considered to be as follows:

- **Playing Field Enhancements:** As set out in the submitted agronomist's feasibility study prepared by Agrostis, the key deficiency of the main body of playing fields to the east of the site where pitches are marked out is the poor drainage conditions which affect the carrying capacity and surface quality of the pitches which in turn restricts the use of the pitches during the winter period by the school and places limitations on community use. To address this constraint, the Agrostis study report proposes a piped drainage scheme to the majority of the remaining playing field to the east of the site together with works to improve the surfaces. The applicant has confirmed that this proposal will be fully implemented. The benefit to the school (and existing community users of the site such as Leigh Dynamo FC) of implementing this scheme would be that significantly improved quality pitches would be provided which would have the carrying capacity to meet the needs of the school throughout the year which would help deliver the PE curriculum. This would reduce the potential for lessons and matches to be cancelled, surface conditions would be better and there may be the opportunity for increasing the use of the pitches. The community would also benefit as clubs that use the pitches at weekends would be at less risk of having matches cancelled due to pitch conditions plus there may be potential to offer additional use due to the increased capacity of the pitches.
- **Throwing Cage:** The existing throwing cage that is used for athletics to the north east of the playing field is in a poor state of repair and requires replacing to make it fit for purpose. It is proposed to provide a new throwing cage to replace it and the proposed specification that has been submitted is acceptable to Sport England and would improve athletics opportunities for students;
- **Community Use of Playing Fields:** While a football club currently uses the school's playing fields at weekends, community use of the playing field is not formalised or secured at present as it is subject to informal arrangements. It is proposed to complete a community use agreement to secure community access to the playing field over a long term period. This would give existing and future community users greater security of access to the playing fields.

Impact on Playing Field

In relation to the impact on the playing field, while the proposals would not directly affect any of the existing playing pitches that are currently marked out on the playing field, they would affect areas that are capable of forming playing pitches (or parts of) and some of these areas have been used for pitches or training grids in the past.

The use of the area to the west of the site as a construction compound would prevent this area from being used for formal sport for at least the period of the construction programme while the proposal for the car parking area in this location would reduce the amount of space available for marking out pitches and reduce the size of pitches that could be marked out in practice. While the additional car parking area to the north of the site would have less impact as the use of this area is constrained by the siting of the sports hall and the site boundary, the loss of this area would reduce the amount of space available for training and informal activities. Collectively, the proposals would be considered to have a significant impact on the playing field as several areas would be lost or prejudiced which could affect the ability of the school to meet its playing field needs.

Conclusions and Recommendation

In view of the playing field mitigation measures that have been proposed, I am satisfied that the potential sports development benefits of the proposals would outweigh the detriment caused by the impact on the playing field. Sport England does not wish to raise an objection to this application therefore as it is considered too broadly meet exception E5 of the above policy. The absence of an objection is subject to the following conditions being attached to the decision notice should the local planning authority be minded to approve the application:

1. Playing Field Enhancement Works Specification: Provision will need to be made for a specification for the drainage and associated works to enhance the existing playing field to be submitted and approved before the works start. This is necessary because the Agrostis feasibility study only sets out outline recommendations for the required ground works. A detailed specification (e.g. with the detailed proposals for drainage, surface preparation, initial maintenance etc.) as advised in the study report will need to be prepared to ensure that an appropriate scheme is implemented in practice in response to the recommendations in the study. The specification will need to include the proposed implementation programme for the works in order to assess whether the timing of the works is appropriate and to ensure that the works are implemented in practice within an acceptable timescale. The details should be prepared by an agronomist or similar specialist. Without these details being submitted and approved, there is no certainty that the playing fields would be improved as recommended in the feasibility study in practice. The applicant has advised that the playing field works are due to be undertaken in the summer holiday period in 2017 which would be after the construction of the development (if permitted) is due to start in July 2016. On this basis I would be satisfied with the details being submitted and approved within 6 months of commencement of development rather than being a pre-commencement requirement.

A condition that Sport England recommends is as follows:

“Within 6 months of the development hereby permitted commencing, a detailed playing field specification based on the proposals in the submitted Agrostis Site Investigation Study and an implementation programme, prepared in consultation with Sport England, has been submitted to and approved in writing by the Local Planning Authority. The approved specification and implementation programme shall be complied with in full prior to the completion of the development unless otherwise agreed with the Local Planning Authority.”

Reason: To ensure provision of adequate improvements to the quality of the playing field and to accord with Development Plan Policy (if applicable)”

2. Playing Field Enhancement Works Phasing: A planning condition requiring the playing field enhancement works to have been completed prior to commencement of the car parks and external works in phase 2 of the development (or an alternative timescale to be proposed by the LPA). The applicant has advised that the playing field works would be completed in summer 2017 before the new car parking areas and other external works are implemented. As the car parking areas would affect the playing field it would be appropriate for the enhancement works to be completed before their construction starts. Sport England would expect the playing field works to be implemented within an acceptable timescale in order to ensure that the improved playing fields are available as soon as possible to mitigate the impact of the development. A recommended condition is:

“The playing field enhancement works shall be completed prior to commencement of any car parking and external works in phase 2 of the development hereby permitted as shown on Drawing No: 14 1448 T33 A unless otherwise agreed with the Local Planning Authority”

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use [phasing provision] and to accord with Development Plan Policy (if applicable)”

3. Throwing Cage Phasing: A planning condition requiring the new throwing cage to have been implemented in accordance with the submitted specification prior to commencement of the car parks and external works in phase 2 of the development (or an alternative timescale to be proposed by the LPA). The applicant has advised that the throwing cage would be completed in summer 2017 before the new car parking areas and other external works in phase 2 are implemented. As the car parking areas would affect the playing field it would be appropriate for the replacement throwing cage to be completed before their construction starts. Sport England would expect the throwing cage to be implemented within an acceptable timescale in order to ensure that the facility is available as soon as possible to mitigate the impact of the development. A recommended condition is:

The replacement throwing cage shall be completed in accordance with the submitted Athletics Direct specification for an IAAF Steel Hammer/Discus Cage prior to commencement of any car parking and external works in phase 2 of the development hereby permitted as shown on Drawing No: 14 1448 T33 A unless otherwise agreed with the Local Planning Authority”

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use [phasing provision] and to accord with Development Plan Policy (if applicable)”

4. Removal of Construction Compound and Reinstatement of Playing Field: A condition requiring the temporary construction compound to be removed and for the area affected (apart from the proposed permanent car parking area and associated external works) to be subsequently reinstated to playing field use within 3 months of completion of the development, unless otherwise agreed in writing with the local planning authority. Such a condition is justified to ensure that the compound is removed in practice at the end of the construction period and the affected playing field area (that is not proposed to be developed) is reinstated to playing field use. This would help ensure that the length of time that this part of the playing field is unavailable is minimised and to ensure that the potential that this area offers for meeting future playing pitch use is not permanently prejudiced. This is justified as Sport England has had experience of ‘temporary’ construction related proposals sited on playing fields not being removed as originally proposed in planning applications where such conditions have not been imposed on planning permissions which has often resulted in permanent or long term losses of playing field.

5. Community Use Agreement: A condition requiring a community use agreement for the school’s playing field to be submitted and approved by the local planning authority (in consultation with Sport England) prior to first occupation of the development in order to ensure that community access to the playing field is secured in practice. A community use agreement sets out a school’s policy and arrangements for community use of its facilities and covers matters such as hours of use, pricing policy, types of bookings accepted, restrictions on community use, facility management arrangements etc. The agreement is usually between a school and the relevant local authority or leisure trust (e.g. Southend-on-Sea Borough Council) but may involve additional bodies. Sport England regularly secures the completion of such agreements through planning conditions on planning permissions for school developments.

Such a condition is justified to ensure a community use agreement is secured in practice and to ensure that the community use arrangements are safe and well managed. Without suitable community access being secured over a long term period in practice, one of the principal sports development benefits of the proposals would not be realised and consequently there would not be a basis for Sport England to make no objection to the loss of part of the playing field. A community use agreement also provides clarity and formalisation with respect to community access arrangements for all parties.

Community use agreement templates, examples of completed agreements and further advice can be provided upon request. For information, Sport England's guidance for schools on preparing for and delivering community use is available on our 'Use our School' toolkit at <http://www.sportengland.org/facilities-planning/use-our-school/>

Sport England has developed a schedule of model planning conditions for local authorities to use which are on our website at www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/. It is requested that model condition 17 be imposed to address this matter.

Public Consultation

- 6.5 Four site notices displayed on the 5th May 2016 and 87 neighbours notified of the proposal. No letters of representation have been received at the time of writing this report.
- 6.6 Councillor Garston has requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

There is an extensive planning history relating to this site. The most recent applications include:

- 7.1 Erect two storey linked infill extension to North West corner, re-configure existing driveway and layout parking, re-position port-a-cabin erect new gates and form new access onto Prittlewell Chase- Refused (15/01189/FULM)
- 7.2 Application to vary condition 02 (Approved Plans) to replace drawing number 14-106-2-SD2 with drawing numbers 14-106-PD3 Rev G, 14-106-PD4 Rev E and 14-106-PD5 Rev C (variations to design detailing) (Minor Material Amendment to planning permission 15/00622/FULM dated 22 July 2015) (retrospective)- Granted (15/01999/AMDT)
- 7.3 Erect temporary library building to playground area- Granted (15/00717/FULM).
- 7.4 Erect single storey extension to existing sixth form block- Granted (15/00622/FULM).
- 7.5 Demolish existing pitched roof in central roof terrace and install new flat roof to form additional storey and create new floorspace- Granted (13/00902/FUL).

8 Recommendation

Members are recommended to:

8.1 GRANT PLANNING PERMISSION subject to the following conditions:

- 1 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.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans 14 1448 LP1; 14 1448 07; 14 1448 04; 14 1448 05; 14 1448 02 Revision C; 14 1448 03 Revision B; 14 144806 Revision B; 14 1448 01 Revision L and the details of the boundary walls on drawing 14 1448 09.**

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

- 3 The development shall be carried out in accordance with the details received on the 3rd May 2016 including windows and doors constructed from Technal beaded aluminium system- RAL colour 7016 (dark grey), external walls Trespa Cladding-colour Papyrus white and buff brick; Bauder flat roof membrane colour grey; tarmac to the vehicle access; parapet detailing as shown on drawing 14 1448 SK 100; Brise Soleil detailing on drawing titled '560001 and 560002 blades on Geode curtain; Timber framing to Brise Soleil wall unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of surrounding locality. This is as set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management Document) 2015 policy DM1 and SPD1 (Design and Townscape Guide)

- 4 Within 6 months of the development hereby permitted commencing, a detailed playing field specification based on the proposals in the submitted Agrostis Site Investigation Study and an implementation programme, prepared in consultation with Sport England, shall be submitted to and approved in writing by the Local Planning Authority. The approved specification and implementation programme shall be complied with in full prior to the completion of the development unless otherwise agreed with the Local Planning Authority.**

Reason: To ensure provision of adequate improvements to the quality of the playing field and to accord with the Borough Local Plan Policy CP7 of the Core Strategy DPD1.

- 5 The playing field enhancement works shall be completed prior to commencement of any car parking and external works in phase 2 of the development hereby permitted as shown on Drawing No: 14 1448 T33 A unless otherwise agreed with the Local Planning Authority.**

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use [phasing provision] and to accord with policy CP7 of the Core Strategy DPD1.

- 6 The playing field enhancement works of the development hereby permitted shall be completed prior to occupation of the development hereby approved.**

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use [phasing provision] and to accord with Development Plan Policy CP7 of Core Strategy DPD1.

- 7 The replacement throwing cage shall be completed in accordance with the submitted Athletics Direct specification for an IAAF Steel Hammer/Discus Cage prior to commencement of any car parking and external works in phase 2 of the development hereby permitted as shown on Drawing No: 14 1448 T33 A unless otherwise agreed with the Local Planning Authority.**

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use [phasing provision] and to accord with Development Plan Policy CP7 of the Core Strategy.

- 8 The temporary construction compound to be removed and for the area affected to be subsequently reinstated to playing field use within 3 months of completion of the development, unless otherwise agreed in writing with the local planning authority. Such a condition is justified to ensure that the compound is removed in practice at the end of the construction period and the affected playing field area is reinstated to playing field use.**

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy CP7 of the Core Strategy.

- 9 Prior to occupation of the development hereby permitted details of a community use agreement for the school's playing field shall be submitted and approved by the local planning authority (in consultation with Sport England) prior to construction of the new parking spaces in order to ensure that community access to the playing field is secured in practice. A community use agreement sets out a school's policy and arrangements for community use of its facilities and covers matters such as hours of use, pricing policy, types of bookings accepted, restrictions on community use, facility management arrangements etc. The agreement is usually between a school and the relevant local authority or leisure trust (e.g. Southend-on-Sea Borough Council) but may involve additional bodies and shall remain in perpetuity for the lifetime of the development.

Reason: To ensure the development is available for the community and is fit for purpose and sustainable and to accord with Development Plan Policy CP7 of the Core Strategy.

- 10 All planting in the approved landscaping as shown on drawings 'Car Parking Planting Plan' LOC 1507/04 Revision C and 'Front of School Planting Plan' LOC 1507/05 Revision C, together with the 'Landscaping Planting Design Statement, Plant Schedule, Summary Planting Specification and Management Plan carried out by Landscapes of Change dated April 2016 shall be carried out within the first planting season of first occupation 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.

Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the local environment and biodiversity in accordance with DPD1 (Core Strategy) policy KP2 and CP4, DPD2 (Development Management) emerging policy DM1 and SPD1 (Design and Townscape Guide).

- 11 The development hereby permitted shall not be occupied until the highways works identified on drawings 14 148801 Revision L have been completed.

Reason: In the interests of highway management and safety, residential amenity and general environmental quality in accordance with the NPPF, DPD1 (Core Strategy) 2007 policy KP2, CP3 and CP4, DPD2 (Development Management) policy DM15, and SPD1 (Design and Townscape Guide).

- 12 The 124 car parking spaces shall be implemented prior to occupation of the school building in accordance with drawing 14 1448 01 Revision L hereby approved and shall thereafter be permanently retained, unless otherwise agreed in writing by the local planning authority. Permeable paving shall be used for the hardstanding area.

Reason: In the interests of highway management and safety, residential amenity and general environmental quality in accordance with the NPPF, DPD1 (Core Strategy) 2007 policy KP2, CP3 and CP4, DPD2 (Development Management) policy DM15, and SPD1 (Design and Townscape Guide).

- 13 Prior to first occupation of the development hereby approved, a Travel Plan including a comprehensive survey of all users, targets to reduce car journeys to school, details of local resident involvement in the adoption and implementation of the travel plan, identifying sustainable transport modes including cycling and modes of public transport shall be submitted to and agreed in writing by the local planning authority, prior to the first use of the approved parking area. At the end of each academic year the Schools Travel Plan monitoring the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified problems must be submitted to and approved in writing by the local planning authority. The Travel Plan must be implemented in accordance with the approved details unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the NPPF, DPD1 (Core Strategy) 2007 policy KP2, CP3 and CP4, DPD2 (Development Management) policy DM15, and SPD1 (Design and Townscape Guide).

- 14 Prior to use of the additional car parking spaces as shown on drawing 14.1448-.01 Revision L, details of an acoustic fence to be installed on the northern boundary between nos. 46 to 70 Earls Hall Avenue shall be submitted to and agreed in writing by the local planning authority. The fence shall be installed in accordance with the approved details and be permanently retained thereafter, unless otherwise agreed in writing by the local planning authority.**

Reason: To protect residential amenity and general environment quality in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and policy DM1 of the Development Management Document DPD2.

- 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, NPPF, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and DPD2 (Development Management Document) 2015 policy DM1.

- 16 The development hereby approved shall be carried out in accordance with the Drainage Strategy carried out by Peter Dann Consulting Engineers and drawings 10-6127_XX-DR-D201 Revision T3, 10-6127_XX-DR-D200 Revision T3. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

Reason: In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with Policies KP2 and CP4 of the Core Strategy DPD1, DPD2 (Development Management) policy DM2 .

- 17 Development shall not commence on any part of the site until the mitigation measures and recommendations as set out in the Phase 1 Habitat Survey Ecology Appraisal and the recommendations 17.06.2016 reference 1216-Southend High School-Ecology Appraisal Phase have been implemented unless otherwise agreed in writing by the local planning authority.**

Reason: To reduce the effect the development has on the biodiversity of the environment in accordance with the National Planning Policy Framework and DPD1 (Core Strategy) 2007 policy KP2 and CP4.

- 18 Construction and demolition shall only take place between 0730 and 1800 Monday to Friday 0800 and 1300 Saturday and not at all on Sundays or Bank Holidays.**

Reason: To protect residential amenity and general environment quality in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and policy DM1 of the Development Management Document DPD2.

- 19 During construction/demolition loading or unloading of goods or materials shall take place on the land between 0730-1800 Monday to Friday 0800-1300 Saturday, and not at all on Sundays or Bank Holidays.**

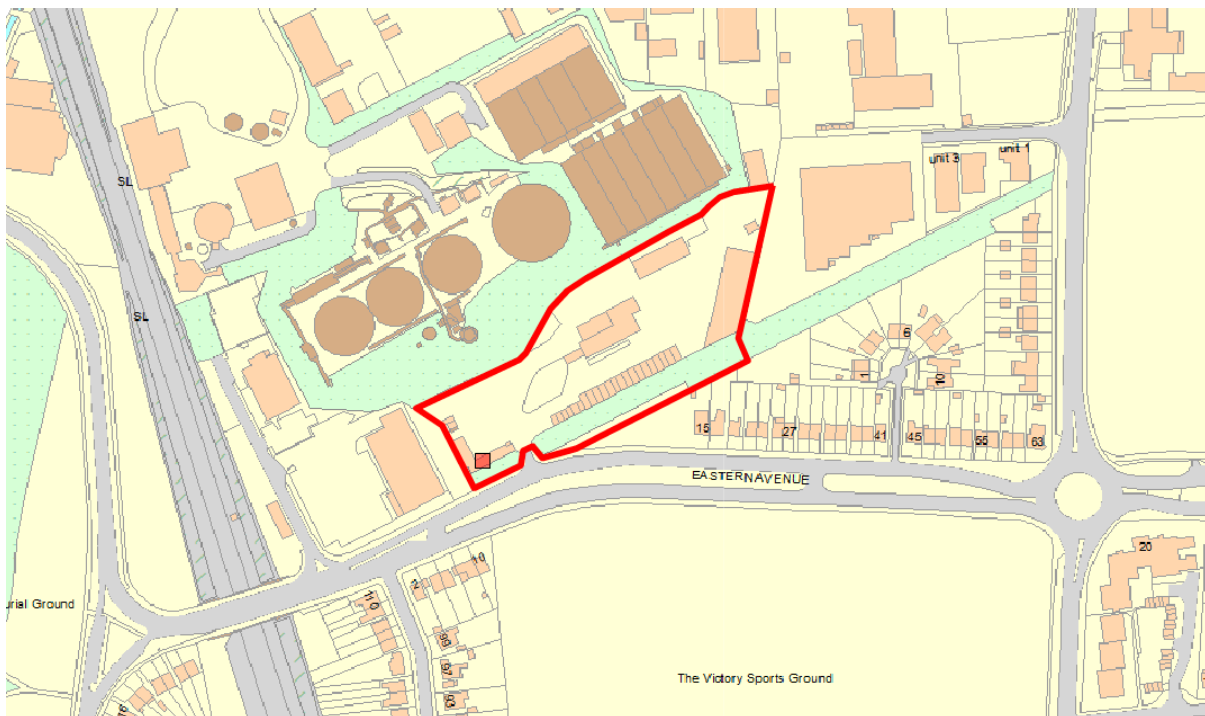
Reason: To protect residential amenity and general environment quality in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and policy DM1 of the Development Management Document policy DPD2.

Informatives

- 1** You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero due to the specific nature of the use.
- 2** In relation to Condition 12, you are advised to contact Highways Engineer – Martin Warren (Tel: 01702 534328 Email: martinwarren@southend.gov.uk) to discuss the requisite Highways Licence and approved contractors. You are advised that a Highways Licence needs to be in place before any works are carried out to the public highway and you will need to employ a Council approved contractor to carry out any works to the public transport infrastructure, namely bus stops in this instance.
- 3** You are advised that the development hereby approved is likely to require approval under Building Regulations. Our Building Control Service can be contacted on 01702 215004 or alternatively visit our website http://www.southend.gov.uk/info/200011/building_control for further information.

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.

Reference:	16/00413/AMDT
Ward:	St. Lukes
Proposal:	Application to vary condition 02 (Approved Plans), condition 10 (Amended Energy Statement and revised Photovoltaics) and condition 15 (Drainage Strategy) (Minor Material Amendment) of planning permission 15/01884/FUL dated 2 Feb 2016
Address:	Cory Environmental Cleansing Depot, Eastern Avenue, Southend-On-Sea, Essex, SS2 4BU
Applicant:	Veolia ES (UK) Ltd
Agent:	Mr O. Diamond (Veolia)
Consultation Expiry:	13/04/16
Expiry Date:	15/06/16
Case Officer:	Ian Harrison
Plan Nos:	3727/A/CVD/001/A, E359/E/04 D, 1508-C05 G and 1508-C06 A.
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought for a minor material amendment to a planning permission that was granted under the terms of application 15/01884/AMDT, which itself was an amendment following the approval of applications 15/01129/AMDT and 13/00055/BC3M. The application also seeks permission for the variation of two conditions attached to planning permission 15/01884/AMDT.
- 1.2 Planning permission 15/01884/AMDT enables the erection of a Waste Transfer station at the site, the demolition of some of the existing buildings at the site, the erection of bunds and fencing and the laying out of parking and associated works. Earlier permission 13/00055/BC3M also approved alterations to the access to the site, the modification of the existing public highway including creation of new right hand turning lane, a pedestrian crossing and the provision of associated traffic signal control on Eastern Avenue and these works have already been undertaken.

Variation of Condition 02 - Minor Material Amendment

- 1.3 Condition 2 requires that development is undertaken in accordance with the approved plans. This application proposes the variation of the manner in which surface water drainage and renewable energy is generated at the site and this has implications for the approved plans. It is therefore necessary to amend this condition to reflect the changes to the approved plans that will be discussed below.

Variation of Condition 10 – Energy Statement and Photovoltaic Cells.

- 1.4 This application seeks the variation of condition 10 of planning permission 15/01884/AMDT which stated that:

“Prior to first use of the buildings hereby approved photovoltaic cells shall be installed along the south facing roof of the WTS in accordance with details set out in the Renewable Energy Statement dated August 2012 and submitted with the application and shown on the roof plan drawing 37272/A/CVD/014/A and on elevation drawing 37272/A/CVD/004/A. The cells shall remain operational for the lifetime of the development unless otherwise agreed in writing by the local planning authority.”

The condition was imposed for the following 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 DPD1 (Core Strategy) policy KP2 and CP4, and DPD2 (Development Management) Policy DM2 and SPD1 (Design and Townscape Guide)”

- 1.5 The applicant previously proposed the provision of sufficient PV panels to generate 16% of the energy that would be required to operate the site. The applicant now proposes the provision of 196 photovoltaic panels on the South facing roof of the building which would be able to generate 18.5% of the energy that would be used in the operation of the buildings at the site. It is noted that the forecast energy usage at the site has been downgraded from 366,600 kWh/yr to 202,540kWh/yr.

Variation of Condition 15 – Drainage Strategy.

- 1.6 The application seeks the variation of condition 15 of planning permission 15/01884/AMDT which stated that:

“The Waste Transfer Station building hereby approved shall not be put to use until the surface water drainage strategy (Southend Central Depot: Drainage Strategy prepared by Amex Foster Wheeler and dated July 2015) has been fully implemented.”

The condition was imposed for the following reason:

“To ensure surface water is adequately managed in the interests of flood prevention and pollution control, in accordance with DPD1 (Core Strategy) 2007 policy KP2”

- 1.7 The applicant previously proposed the provision of two surface water storage tanks that would have a combined volume of 530 cubic metres. The applicant now proposes the provision of two surface water attenuation tanks with a combined volume of 750 cubic metres. The surface water drainage needs of the site have been recalculated which has led the applicant to identify that to achieve the same run-off rate as before, additional surface water storage should be provided at the site. The tank that is located closest to the North boundary of the application site would be located approximately 10 metres further to the East. The tanks would still be provided underground.

2 Site and Surroundings

- 2.1 The 1.8 hectare site is located on the northern side of Eastern Avenue, it lies to the east of an existing Aldi store and there are residential properties to the East. The Anglian Water sewage pumping works lie to the north of the site. A single access point onto Eastern Avenue is situated towards the western end of the site. A bank of deciduous trees lies along the southern boundary of the site, providing screening. Ground level changes significantly across the site and is at its' lowest on the north east corner. Land to the north of the site falls away steeply towards the sewage treatment works. Access to the site is gained from Eastern Avenue.

- 2.2 The site most recently contained a number of buildings and structures including: The former Material Recycling Facility (MRF) building approximately within the centre of the site, offices and canteen, storage sheds, wash down areas, a container storage area, vehicle workshops and vehicle inspection ramp, garages, and an electricity substation. The majority of the site is covered in hardstanding. There were 48 car parking spaces within the Depot.
- 2.3 The site was most recently used by the Council's Waste contractor who undertook the Council Waste Collection, Street Cleansing Services and Ancillary Services Contract. The site has an environmental permit for transferring, separating, sorting and processing up to 67,900 tonnes per year of municipal waste. The site has been in use for waste management and emergency services operations purposes since the late 1960's and is currently permitted to operate 24hours a day 7 days a week.

3 Planning Considerations

3.1 Each condition was imposed for reasons which are fully stated within the decision notice which is included as an appendix to this report. Section 73 of the Town and Country Planning Act 1990 states that applications to undertake developments without compliance with conditions that have previously been attached shall only consider the conditions by which the development shall be undertaken. The Local Planning Authority may to determine to remove or vary the conditions or refuse the application. In each case it is considered appropriate to ensure that the conditions meet the tests of a condition that are set out within the National Planning Practice Guidance which requires that conditions are:

- Necessary,
- Relevant to planning,
- Relevant to the development to be permitted,
- Enforceable,
- Precise
- Reasonable in all other respects.

4 Appraisal

Variation of Condition 10

4.1 As set out above, the application seeks to vary the manner in which energy generating equipment would be provided at the site. The applicant has demonstrated that less energy would be used at the site as part of the development and therefore less energy is required to be generated in order to comply with the policy requirement set out in policy KP2, namely that 10% of energy should be generated by on-site renewable energy generation sources.

- 4.2 The applicant has demonstrated that the amended renewable energy generation scheme would enable the generation of 18.5% of the site's energy requirement and therefore the amended energy generation scheme is considered to accord with the policies of the Development Plan. It is therefore considered that the condition should be varied to require the development to be undertaken in accordance with the amended details.
- 4.3 The proposed alteration would have no negative implications with respect to visual amenity, residential amenity or any other matters that have previously been considered in relation to development proposals at this site.

Variation of Condition 15

- 4.4 The application seeks to vary the manner in which surface water drainage would be managed at the site. As set out above, the applicant has re-calculated the surface water drainage requirements of the site and established that more surface water storage attenuation is required to enable the site to accord with the requirements of Anglian Water. The applicant therefore proposes the provision of additional surface water storage tanks at the site. These would be hidden underground and would represent an improvement in comparison to the previously approved scheme.
- 4.5 The proposed alteration would have no negative implications with respect to visual amenity, residential amenity or any other matters that have previously been considered in relation to development proposals at this site. It is therefore recommended that the condition is varied.

Minor Material Amendment of Approved Plans – Condition 2.

- 4.6 As set out above, the amendments set out above means that the list of approved plans should be updated to reflect the new plans that have been submitted. This alteration is necessary but does not have any direct implications for the development proposed.

Other Matters

- 4.7 With respect to the other conditions that were imposed, Planning Practice Guidance states:

“Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Further information about conditions can be found in the guidance for use of planning conditions.

As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation.”

- 4.8 For these reasons it is considered appropriate to impose an amended set of conditions that is largely based on those previously used, but replacing those that are the subject of this application.

Community Infrastructure Levy

- 4.9 The proposed development would not cause an increase in floorspace in comparison to the previously approved development and therefore the application is not considered to be CIL liable.

Summary

- 4.10 For the reasons set out above, it is considered that the minor material amendments shown on the amended plans can be found acceptable. It is considered that conditions 10 and 15 can be varied without causing material harm and still enable the development to accord with the policies of the Development Plan.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework
- 5.2 DPD1 Core Strategy Policies CP4 (Environment & Urban Renaissance) and KP2 (Development Principles).
- 5.3 Development Management DPD Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources).
- 5.4 Community Infrastructure Levy Charging Schedule
- 5.5 Design & Townscape Guide 2009 (SPD1).

6 Representation Summary

Design & Regeneration

- 6.1 No objections have been raised.

Sustainable Drainage Officer

- 6.2 No objection has been raised as this is an enhancement of previously approved details.

Essex County Fire and Rescue Service

- 6.3 It has been advised that the access to the site is satisfactory. The need to comply with building regulations and the merits of including sprinkler systems within developments has also been highlighted.

Public Consultation

- 6.4 Site notices were displayed at the site and neighbours were notified of the application.
- 6.5 No letters of objection have been received.

7 Relevant Planning History

- 7.1 Planning permission was granted for the erection of a Waste Transfer Station and associated developments under the terms of application 13/00055/BC3M.
- 7.2 That permission was amended by planning permissions 15/01129/AMDT and 15/01884/AMDT. The later application is fully discussed above and the conditions of that permission are the subject of this application.
- 7.2 In 2012 a request for a Screening Opinion in relation to the provision of a waste transfer station at the site was submitted (12/00414/RSE). The Local Planning Authority determined that an Environmental Impact Assessment would not be required.
- 7.3 Outline permission was granted for the erection of a waste transfer station at the site under the terms of application 06/00166/OUT.
- 7.4 The site has an established waste related use and has been operating since 1968.

8 Recommendation

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

- 01 Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan numbers: 37272/A/CVD/001/A, 37272/A/CVD/002/B, 37272/A/CVD/003/B, 37272/A/CVD/012/A, 37272/A/CVD/013/A, 37272/A/CVD/014/A, 37272/A/CVD/027/A, 37272/A/CVD/029/A, 37272/A/CVD/030/A, 37272/A/CVD/031/A, 21507/101 A, A034/01/012, A034/01/012, 3602530 (7 Plans), 1508-C02 F, 1508-C05 G, 1508-C06 A and E359/E/04 D.**

Reason: In the interests of residential amenity and general environmental quality, in the interests of sustainability, amenity and highways efficiency and safety, in the interests of visual amenity in accordance with DPD1 (Core Strategy) policies KP1, KP2, CP1, CP3, CP4, CP6, DPD2 (Development Management) policies DM1, DM2, DM14 and DM15 and SPD1 (Design and Townscape Guide).

- 02** Thirty Six (36) car parking space(s) shall be provided in accordance with plan 37272/A/CVD/003/B prior to first use of the building(s) hereby approved and shall thereafter be permanently retained for the parking of vehicles of people working in the building or calling there for business purposes unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that satisfactory off-street car parking and turning provision is provided for people using the development in the interests of amenity and highways efficiency and safety, in accordance with DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management) policy DM15 and SPD1 (Design and Townscape Guide).

- 03** All hard and soft landscape works shall be carried out in accordance with the approved details submitted in accordance with 37272/A/CVD/012/A. The works shall be completed within the first planting season following practical completion of the development or in accordance with a programme submitted to and approved by the Local Planning Authority. If any trees are removed or found to be dying, severely damaged or diseased within 3 years; of planting them, they must be replaced with trees of a similar size and species.

Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the Local environment and biodiversity in accordance with DPD1 (Core Strategy) policy KP2 and CP4, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guide)

- 04** No part of the development shall be occupied until 20 secure, covered bicycle parking spaces have been provided in accordance with plans 37272/A/CVD/003/B and 37272/A/CVD/031/A and the spaces shall be permanently maintained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that satisfactory secure off-street bicycle parking is provided in the interests of sustainability, amenity and highways efficiency and safety, in accordance with DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management) policy DM15 and SPD1 (Design and Townscape Guide).

- 05 Demolition or construction works shall not take place outside 07.30 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To protect residential amenity and general environmental quality in accordance with, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and DPD2 (Development Management) policy DM1.

- 06 The hardstanding shown on the approved plans shall be installed prior to first occupation of the development and shall be permanently maintained thereafter. The condition of the hardstanding should be reviewed on a 6 monthly basis and any hardstanding which is in a poor state of repair should be replaced unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure that any contamination is treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2.

- 07 No burning of construction or demolition waste is to take place on the site.**

Reason: To protect the amenities of neighbouring properties and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4 and DPD2 (Development Management) Policy DM1.

- 08 All lighting shall be installed and maintained in perpetuity in accordance with the lighting scheme approved under the terms of application 16/00411/AD unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To protect the amenities of neighbouring properties and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4 and DPD2 (Development Management) Policy DM1.

- 09 Prior to first use of the buildings hereby approved photovoltaic cells shall be installed along the south facing roof of the WTS in accordance with details set out in the Renewable Energy Statement dated 03/03/16 and submitted with the application and shown on drawing 1508-C05 E. The cells 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 DPD1 (Core Strategy) policy KP2 and CP4, and DPD2 (Development Management) Policy DM2 and SPD1 (Design and Townscape Guide).

- 10** The use of the development hereby approved shall not commence until a Travel Plan has been submitted to and agreed in writing by the local planning authority, the Travel Plan shall be implemented in accordance with the approved details.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2, CP3 and CP4, and DPD2 (Development Management) Policy DM15 and SPD1 (Design and Townscape Guide).

- 11** Prior to the first occupation of the Waste Transfer Station hereby approved remediation verification details to demonstrate that the remediation works that have occurred at the site have adequately mitigated the land contamination risk shall be submitted to and approved in writing by the Local Planning Authority. This shall include further soil tests where necessary to demonstrate that the land is suitably clear of contaminants. In the event that the remediation strategy as undertaken is considered insufficient, further remediation work shall be carried out to the satisfaction of the local planning authority including identifying any requirements for monitoring of pollutant linkages, maintenance and arrangements for contingency action. These requirements shall relate to hardstanding and groundwater in the west of the site in the vicinity of the former fuel tanks only.

Reason: To protect and prevent pollution of the water environment and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2 and DPD2 (Development Management) Policy DM14.

- 12** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent pollution of the water environment and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2 and DPD2 (Development Management) Policy DM14.

- 13 No infiltration of surface water drainage into the ground at the site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to the water environment.**

Reason: To prevent the mobilisation of contaminants within the made ground and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2.

- 14 The Waste Transfer Station building hereby approved shall not be put to use until the surface water drainage strategy (set out within the Drainage Design Statement dated 03/02/16 and shown on plan E359/E/04 D) has been fully implemented.**

Reason: To ensure surface water is adequately managed in the interests of flood prevention and pollution control, in accordance with DPD1 (Core Strategy) 2007 policy KP2

- 15 The roller shutter doors to the Waste Transfer building shall be kept closed at all times except when vehicles are entering and exiting the building.**

Reason: To prevent noise pollution of the environment and to protect the amenities of surrounding occupiers in accordance with DPD1 (Core Strategy) 2007 policy KP2 and DPD2 (Development Management) Policy DM1.

- 16 The level of noise emitted from the site shall not exceed 55dB between 07:00-23:00 Monday to Saturday as determined at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS4142:1997.**

Reason: To prevent noise pollution of the environment and to protect the amenities of surrounding occupiers in accordance with DPD1 (Core Strategy) 2007 policy KP2 and DPD2 (Development Management) Policy DM1.

- 17 The rating noise level of the noise emitted from the odour control plant, including the flue termination, shall not exceed the existing background noise level at night (23:00-07:00hrs) determined to be 32dB by more than 10dB. The noise levels shall be determined at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS4142:1997.**

Reason: To protect and prevent noise pollution of the environment and to protect the amenities of surrounding occupiers in accordance with DPD1 (Core Strategy) 2007 policy KP2 and DPD2 (Development Management) Policy DM1.

- 18 An odour management system as described in the submitted Air Quality Assessment dated June 2015 shall be installed to the Waste Transfer building, prior to first use of that building and shall remain operational thereafter.**

Reason: To prevent pollution of the environment and to protect the amenities of surrounding occupiers in accordance with DPD1 (Core Strategy) 2007 policy KP2 and DPD2 (Development Management) Policy DM1.

- 19 No building demolition shall take place until the buildings have been inspected by an ecologist to identify evidence of bird breeding activity. If such activity is found, works shall be delayed until young birds have fledged.**

Reason: To minimise the risk of disturbance to nesting birds in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4.

- 20 The "Recommendations" set out in section 5.2 paras 5.2.1 - , 5.2.3 of the submitted Extended Phase 1 Habitat Survey Report dated February 2012, shall be fully implemented during the demolition and construction phase of the development, and the Enhancement and Management requirements set out at para 5.2.4 shall be implemented prior to first use of the Waste Transfer Station building, unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To minimise the risk of disturbance to protected wildlife and to enhance the biodiversity of the site in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4.

- 21 The "Recommendations" set out at section 10.2 of the Executive Summary, contained within the Site Investigation (Interpretive Report) prepared by Amec Environmental and Infrastructure U.K dated August 2012 shall be implemented during construction and following first occupation of the Waste Transfer Station building as appropriate.**

Reason: To ensure that the development does not cause pollution in accordance with DPD1 (Core Strategy) 2007 policy KP2.

- 22 The existing boundary treatment along the eastern boundary of the site (with Aldi) shall be retained unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To maintain screening of the adjacent site in order to protect the amenities of occupiers in accordance with DPD1 (Core Strategy) 2007 Policies KP2 and CP4 and DPD2 (Development Management) policy DM1

- 23 Prior to their installation, details of the appearance and materials of the acoustic screens shall be submitted to and approved in writing by the Local Planning Authority. The acoustic screens shall be coloured dark green unless otherwise approved by the Local Planning Authority. The approved screens shall be installed prior to the first use of the Waste Transfer Station and shall be permanently retained.**

Reason: To maintain screening of the adjacent site in order to protect the amenities of occupiers in accordance with DPD1 (Core Strategy) 2007 Policies KP2 and CP4 and DPD2 (Development Management) policy DM1

- 24 Prior to the formation of the bunds that are shown on the plans at the East boundary of the site (referred to as "Top Soil Stock Piles on plan 215075/100A), details of the proposed maximum height, gradients and soft landscaping of the bunds shall be submitted to and approved in writing by the Local Planning Authority.**

Reason: To maintain screening of the adjacent site in order to protect the amenities of occupiers in accordance with DPD1 (Core Strategy) 2007 Policies KP2 and CP4 and DPD2 (Development Management) policy DM1

- 25 No noise shall be generated by the use of the vehicle Wash Area that is shown on the approved plans that exceeds a sound rating level of LWA 90dB.**

Reason: To protect the amenities of neighbouring residents in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4 and DPD2 (Development Management) policy DM1.

- 26 Prior to the commencement of the development hereby approved, details of the colour and acoustic performance of the materials to be used in the construction of the Waste Transfer Station building shall be submitted to and approved in writing by the Local Planning Authority. The cladding used on the walls of the Waste Transfer Station building shall be coloured dark green unless otherwise approved by the Local Planning Authority. The Waste Transfer Station shall only be erected using the approved materials.**

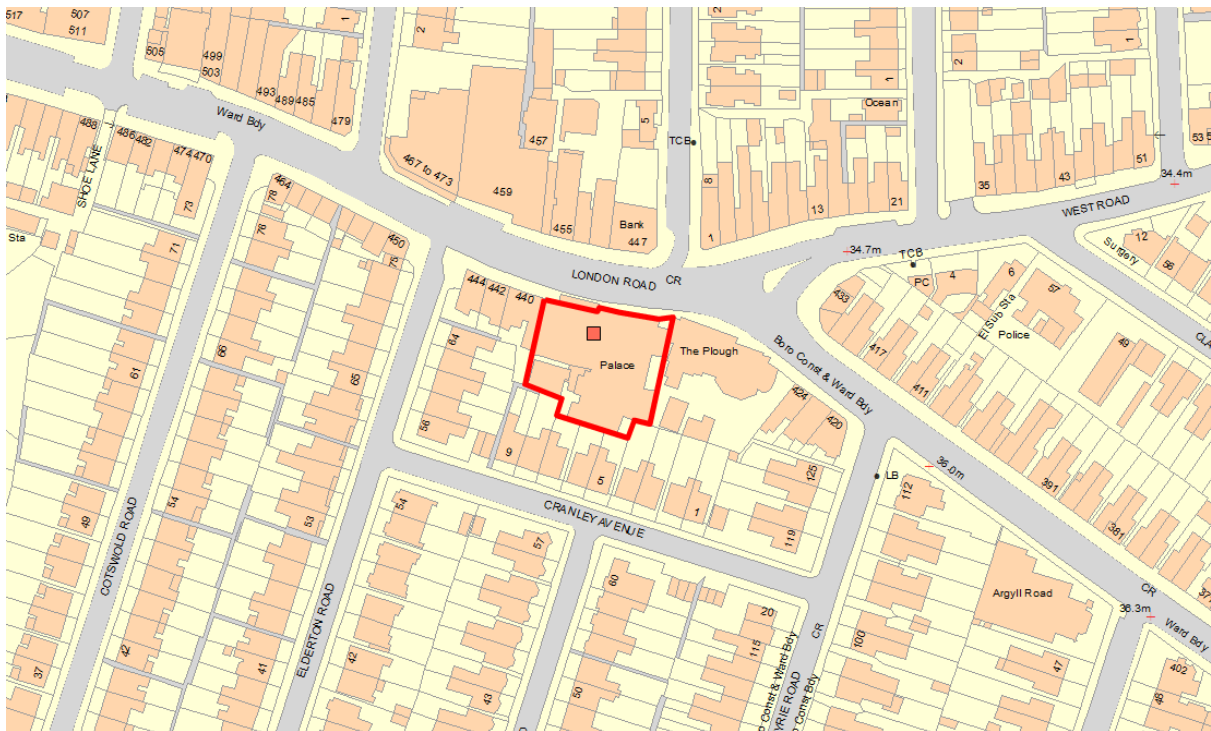
Reason: To safeguard the visual amenities of the area and the amenities of neighbouring residential properties in accordance with Policy DM1 of the Development Management Document.

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.

Informative

Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a CIL Liability Notice for the applicant's attention and any other person who has an interest in the land. This contains details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at www.southend.gov.uk/cil .

Reference:	16/00704/LBC
Ward:	Chalkwell
Proposal:	Replace existing windows to north elevation
Address:	Palace Theatre, 430 London Road, Westcliff-on-Sea, Essex SS0 9LA
Applicant:	Southend-on Sea Borough Council
Agent:	Metson Architects Ltd
Consultation Expiry:	24 th May 2016
Expiry Date:	21 st June 2016
Case Officer:	Abbie Greenwood
Plan Nos:	1604-TP-01, 1604-TP-02, 1604-TP-03
Recommendation:	GRANT LISTED BUILDING CONSENT



1 The Proposal

- 1.1 The application seeks to replace the first, second and third floor windows on the front elevation of the theatre with like-for-like single glazed timber sash windows with integral glazing bars. The 16 windows are small in scale but are arranged in small groups on the front elevation and set within decorative stone surrounds and are therefore an important aspect of the front elevation. They serve the ladies toilets and two escape staircases from the main auditorium.
- 1.2 The windows are being replaced because they are showing signs of serious decay and rotting timber. In the majority of the windows glazing putty has broken down and fallen away from the panes are now held in place with tape. There are visible air gaps in many frames which are allowing water penetration. There is a concern that the windows are a public safety hazard as they are located directly above a public footpath.
- 1.3 The application does not include replacement of the ground floor windows although this may come forward as a separate application at a later date.
- 1.4 The proposal forms part of a wider regeneration of the theatre which has included upgrading of the auditorium seating, toilets and fire escape stairs.

2 Site and Surroundings

- 2.1 The Palace Theatre dates from 1912 and is a grade II listed building. It is still operational as a theatre but this has over the years required a number of alterations to the building to continue this use. The auditorium and historic frontage to London Road are considered to be the most significant elements of the listed building.
- 2.2 The theatre is located at a key junction on London Road and is a local historic landmark.

Planning Considerations

- 3.1 The only consideration in relation to the listed building application is the impact of the proposal on the character and significance of the listed building.

4 Appraisal

Design and Impact on the Character of the Listed Building

NPPF; DPD1 (Core Strategy) policies KP2 and CP4; DM DPD Policies DM1 and DM5

4.1 Paragraph 129 of the NPPF states that:

'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.'

4.2 Core Strategy Policy KP2 seeks to *'....respect, conserve and enhance ...the historic environment..'*

4.3 DM Policy DM5 states that:

'Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal'

4.6 The loss of the original windows is regrettable, however, the site visit confirmed that the existing windows were in a poor state of repair and that the glass was in danger of falling which is considered to be a public safety hazard. There was also evidence of badly rotted frames and water ingress.

4.7 The plans show that the proposed design to be almost identical to the existing windows and to have the same section including replacement single glazing. They will be constructed of hardwood and painted white and the existing decorative stone surrounds and sill details are to be retained. This should ensure that the historic character of the building in the streetscene is maintained and safeguard the future of the building as a working theatre.

4.8 The proposal is therefore considered to be acceptable.

5 Planning Policy Summary

5.1 NPPF (The National Planning Policy Framework)

5.2 DPD1 Core Strategy Policies KP2 (Development Principles) and CP4(The Environment and Urban Renaissance)

5.3 DPD2 DM Policies DM1 (Design Quality) and DM5 (Southend-on-Sea's Historic Environment)

5.4 SPD1 The Design and Townscape Guide

6 Representation Summary

Historic England

- 6.1 The Palace Theatre is a small theatre that was built in 1912 with ornamented exterior facade and interior which is a good example of its period. The facade is of red brick with stucco dressings and ornamentation. A large central semi-circular arch with a stucco ornamented bulls eye window in the tympanum and surmounted by a balustrade parapet with side scrolls is flanked by towers with stucco cornices and ornamentation and Dutch gables to the parapets, with ball finials. The ground storey has two side doorways with semi-circular arched heads and stucco cartouche in the tympanum. It is listed at grade II in recognition of its architectural and historic importance.
- 6.2 The proposals are for the replacement of four windows at first floor level within the ladies' toilet area and six windows at second floor level that serve two separate emergency fire escape staircases. The existing timber sliding sashes would be replaced with identical sliding sash units in hardwood except for the insertion of clear single-glazed toughened panes. The existing windows are seriously decayed and there is concern that they are a health and safety risk due to their location above a public footpath.
- 6.3 Historic England considers the case for replacement of the windows has been adequately made in accordance with guidance in the NPPF. The works would not cause harm to the significance of the building and we would have no objections should your authority be minded to approve the application.

Historic England Recommendation

- 6.4 Historic England are satisfied that your authority's proposals for the replacement of windows at first and second floor levels on the north elevation of the Palace Theatre would have no material effect on the special interest of this grade II listed building. We would have no objections should your authority be minded to approve the application for listed building consent as the works would assist in safeguarding its future.

Public Consultation

- 6.5 25 neighbours were individually consulted on these applications and a site notice was displayed. No responses have been received at the time of writing.

7 Relevant Planning History

- 7.1 15/01984/LBC and 15/01977/BC3 - Install external fire escape staircase to rear and convert two existing windows to access doors at second floor – granted 2016

- 7.2 13/00774/LBC and 13/00807/BC3 – replace existing rooflight to atrium – granted 2013
- 7.3 06/01539/LBC – Retain relocated ladies and gents toilets, internal alterations to relocate box office and construct additional fire escape to ground floor (retrospective) – granted 2006

8 Recommendation

GRANT LISTED BUILDING CONSENT for 16/00704/LBC 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 hereby permitted shall be carried out in accordance with the approved plans 1604-TP-01, 1604-TP-02, 1604-TP-03

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

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 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. Detailed analysis is set out in a report prepared by officers.

Reference:	16/00184/FUL
Ward:	Milton
Proposal:	Change of use of building from storage and distribution use (Class B8) to a House in Multiple Occupation, erect dormers to front and rear, increase depth of existing basement, creation of lightwells to front, layout cycle parking and alter elevations
Address:	49 Milton Road, Westcliff-On-Sea, Essex, SS0 7JP
Applicant:	LT Properties
Agent:	N/A
Consultation Expiry:	26/04/16
Expiry Date:	19/04/16
Case Officer:	Ian Harrison
Plan Nos:	49MRSOS/01A, 49MRSOS/02d, 49MRSOS/03 and 49MRSOS/04.
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought for the conversion and adaptation of the existing building to enable the formation of an eight bedroom House in Multiple Occupation (HMO).
- 1.2 The site is formed of two parcels of land, which form part of a wider site that is shown to also be in the applicant's ownership. The larger part of the site measures 14.2 metres deep and a maximum of 5 metres wide and is located to the North side of the junction of Milton Road and St John's Road. The building that fills this part of the site features four storeys of accommodation including a basement and a third floor within the roofspace. The applicant proposes the following works to the building:
 - The addition of two dormers to the front (East) elevation that measure 1 metre wide and 1.2 metres tall.
 - The addition of a dormer to the rear (West) elevation that would measure 3.3 metres wide and 1.9 metres tall.
 - The excavation of two areas of land in front of the building that would each measure 0.8 metres by 1.5 metres and 1.4 metres deep to form two light wells that would be covered by grates at ground level.
 - The removal of most existing windows and the shopfront and the provision of a door at the South elevation and windows on the South and East elevations to all three floors.
 - The provision and modification of internal partitions.
 - The increase of the depth of the basement.
- 1.3 The smaller part of the site fronts St John's Road and measures 5 metres deep and 4 metres wide. The applicant proposes to provide a cycle parking area within this part of the application site and the replacement of the existing single gate with a pair of gates to measure the same overall width. Space would be provided for the parking of 9 cycles.
- 1.4 The resultant bedroom HMO would include bedrooms measuring between 8.4 and 14.8 square metres in area. Two large rooms are proposed at basement level. When the application was first submitted one was proposed to be used as a kitchen and the other was proposed to be used as a bedroom. For reasons that will be discussed below, it is considered that neither of the basement rooms should be used for bedroom accommodation and therefore the proposal should be considered as an 8 bedroom HMO. A condition could be imposed to this effect if development was approved.
- 1.5 The development has been amended during the course of the application to address concerns that were previously raised by Officers in relation to the provision of an open lightwell at the frontage of the site that would have been enclosed by railings.

- 1.6 It is noted that development has commenced on site.
- 1.7 Planning permission was granted under the terms of application 15/01395/PA3COU for the conversion of the buildings at the application site and the land within the applicant's control to three dwellings.

2 Site and Surroundings

- 2.1 The application site is located at the junction of St Johns Road and Milton Road. The size and contents of the application site are described above.
- 2.2 The surrounding buildings are used for a variety of community and residential purposes and include buildings of varied scale and architectural detailing, although the majority of the buildings are of two storey scale.
- 2.3 Prior Approval was granted under the terms of application 15/01395/PA3COU for the conversion of the buildings at the site to form three dwellings. The development proposed by this application would take up the building area required for one of those units.

3 Planning Considerations

- 3.1 The key considerations are the principle of the development, the design and impact on the character of the area, the impact on residential amenity, the amenities of future occupiers and highway implications.

4 Appraisal

Principle of the Development

The National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP1, CP2, CP4 and CP8; Development Management DPD Policies DM1, DM3 and DM8.

- 4.1 The development plan contains no policies that specifically relate to Houses in Multiple Occupation. The National Planning Policy Framework states that where the development plan is silent the general presumption in favour of sustainable development means that planning permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”* In this respect it is noted that the National Planning Policy Framework states that Local Planning Authorities *“should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.”*

- 4.2 The dwelling is located within an area of mixed uses, with the character of the area seeing recent changes to be more residential, with former commercial properties being redeveloped. The Council's records indicate that there are no licensed HMOs within the vicinity of the application site with the closest being in St. Vincent's Road, approximately 250 metres (as the crow flies) to the South of the application site. It is not possible to know how many small HMOs exist that would not require planning permission or a licence. Enforcement records indicate that there have been 7 allegations of HMOs being created in the surrounding streets of St Johns Road, St Helens Road, Avenue Terrace, Milton Road and Burdett Avenue, which have led to the identification of 2 small HMOs that do not need planning permission. It is not known if these are still in use. In this instance it is considered that there is no basis to conclude that the proposed change of use would result in the clustering and overconcentration of HMOs within the vicinity of the site. It is noted that the Milton ward has a large share (35 of 74) of the licensed HMOs in the Borough, but none of these are within the immediate vicinity of the application site.
- 4.3 Policy CP1 states that permission will not normally be granted for development proposals that involve the loss of existing employment land and premises. Policy DM11 states that the loss of employment land outside of designated areas will only be supported where it is no longer effective or viable to continue the employment use of the site. However, the conversion of the existing premises to residential use benefits from prior approval following the approval of application 15/01395/PA3COU. A planning permission exists to allow the loss of employment land and as such it would not be reasonable to object to the application on those grounds.

Design and Impact on the Character of the Area:

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4 Development Management DPD policies DM1 and DM3 and the Design and Townscape Guide.

- 4.4 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF, policies KP2 and CP4 of the Core Strategy and Policy DM1 of the Development Management (DPD2). The Design and Townscape Guide (SPD1) also states that the Council is committed to good design and will seek to create attractive, high-quality living environments.
- 4.5 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

4.6 The NPPF states that:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

4.7 The Design and Townscape Guide (SPD1) states that:

“The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant... the easiest option is to draw reference from the surrounding buildings.”

4.8 Paragraph 366 of SPD1 states that *“Dormer windows, where appropriate, should appear incidental in the roof slope (i.e. set in from both side walls, set well below the ridgeline and well above the eaves). The position of the new opening should correspond with the rhythm and align with existing fenestration on lower floors. It goes on to state that “the materials should be sympathetic to the existing property. The space around the window must be kept to a minimum. Large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly. Smaller individual dormers are preferred.”*

4.9 The neighbouring property to the north of the application site features dormer windows of similar scale and appearance as the dormers that are proposed by this application. It is therefore considered that the proposed dormers would not be at odds with the character or appearance of the streetscene of Milton Road.

4.10 The proposed dormer to the rear of the site would be of box style and would be visible from St John’s Road and therefore it is considered that the development would have an impact on the character and appearance of the existing building and the surrounding area. The dormer would be subordinate to the roof of the existing building and therefore, despite its box form and prominent positioning at the end of views along St Johns Road, it is considered that the dormer would not add significant bulk to the roof of the building and would not be contrary to the abovementioned design guidance. No objection has been raised to the proposal by the Council’s Design Officer.

4.11 The properties to the West of Milton Road between St Johns Road and London Road are built in close proximity to the public highway with small unmarked forecourts that are laid to hardstanding. There are no front gardens to these commercial properties and almost no distinction between private and publicly owned land. The proposals have been amended during the course of the application to see the removal of the proposal to create a large open light well but the formation of two small light wells that would be covered with grates. These light wells would be a discrete addition to the frontage of the site that would have a limited impact on the streetscene as they would be located beneath street level. It is therefore considered that the proposed alterations would not have a harmful visual impact that would justify the refusal of the application.

For similar reasons, it is considered that the increased depth of the basement causes no visual harm as the works that have occurred are beneath ground and not visible in the public domain.

- 4.12 The alterations to the elevations of the building includes the installation of new windows and replacement windows. The resultant windows would be of uniform appearance and would replace a jumbled selection of windows that were not consistent in terms of size, detail or arrangement. The comments of the Council's Design Officer are noted and it is acknowledged that the windows do not replicate the windows in the front elevation of the remainder of the terrace, although neither did the former windows. Whilst it is considered that the lack of uniformity with the neighbouring property would be consistent with the former situation and the windows replicate others that exist within Milton Road, it is considered that the windows that have been inserted at the front elevation do not take the opportunity that was available to improve the appearance of the building and its relationship with the neighbouring property. It is therefore considered that the proportions of the windows that have been inserted do cause visual harm and therefore a condition should be imposed to require alternative windows to be installed that replicate the neighbouring property to the North.
- 4.13 Other alterations to the building have seen the additional of a soil pipe to the south elevation of the building. This is not an attractive feature and adds clutter to the site elevation of the existing building. The applicant has indicated that this would be boxed in and it is considered that this can be required through the imposition of a condition. It is also noted that a porch has been created at the South elevation of the site, but discussions with the Highway Authority have indicated that the applicant intends to reduce the extent of the porch so that it partially overhangs the highway by a marginal amount. Full details of the treatment of the proposed porch can be secured through the imposition of a condition.
- 4.14 Batons have been installed at the site which indicate that cladding will be added to the external elevations of the building and the applicant's submissions indicate that the intention is to affix weatherboard cladding to the building, although the applicant has stated that he is willing to agree a mix of render and cladding. Officers do not consider that weatherboarding would be an appropriate material to use on the Milton Road elevation. Where some cladding exists within St John's Road, including at the land that is within the applicant's control, this is only used in small areas and is not a dominant material. Therefore, it is considered that weatherboard cladding is also not an appropriate material to use extensively on the South elevation. It is however considered that a condition can be imposed to prevent the use of weatherboarding and require details of any materials that are to be affixed to the external elevations of the building to be submitted and agreed in writing by the Local Planning Authority.
- 4.15 In summary, subject to the imposition of several conditions and on balance, it is considered that the proposed conversion of the building can be undertaken in a manner that would not cause material visual harm to the character and appearance of the application site or the surrounding area.

Traffic and Transport Issues

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; DPD2 (Development Management) Policies DM3 and Dm15.

- 4.16 Policy DM15 states that *“All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context. Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity.”* There are no defined parking standards for House in Multiple Occupation accommodation.
- 4.17 The application site is located outside the Southend Central Area, but within walking distance of sustainable transport connections (rail stations and bus stops of London Road). The site is also within close proximity of Southend Town Centre, schools, medical, leisure and community facilities and services. It is therefore considered that the site is in a reasonably sustainable location.
- 4.18 It is considered that there may be some car ownership amongst the occupants of the proposed building and the proposal includes no provision for any car parking, thereby inevitably leading to on-street parking occurring. However, there are no parking standards for a House in Multiple Occupation and it is recognised that the use of this site for residential use, or its historical commercial use would generate parking. From this basis, whilst the concerns of the local residents are noted, it is considered that it is not possible to justify refusing the application on the grounds of the lack of parking at the application site. It is expected that car ownership within a HMO would generally be lower than conventional dwellings and in this regard it is noted that three dwellings could be provided at the wider site under the terms of application 15/01395/PA3COU, with a parking shortfall (in comparison to the Council’s adopted standards) of at least 6 parking spaces.
- 4.19 A location for cycle parking is shown on the submitted plans which meet the requirements of policy DM15. Although not immediately adjacent to the units that would be served by the cycle parking, it is considered that the cycle parking facilities would be adequately accessible to enable use.

Impact on Residential Amenity:

National Planning Policy Framework; DPD1 (Core Strategy) policy CP4, policy DM1 of the DPD2 (Development Management Document) and the Design and Townscape Guide SPD1.

- 4.20 Policy DM1 of the Development Management Document states that any new development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.
- 4.21 The building to the North of the application site includes medical accommodation and the building to the West of the application site is used as a Church. Residential properties are located on the opposite side of St John's Road and Milton Road, with minimum separation distances between buildings of 12 and 19 metres respectively.
- 4.22 The building would not be enlarged in terms of its footprint and the only enlargement of the building would be at the site frontage and the dormers to the front and rear.
- 4.23 The proposed additional and replacement windows and the more intensive use of the building would result in more instances of people looking out towards neighbouring properties. However, due to the separation distances and the presence of the public domain between the application site and the neighbouring properties, it is considered that the proposal would not cause a loss of privacy or additional overlooking to an extent that would justify the refusal of the application on those grounds.

Living Conditions for Future Occupiers

National Planning Policy Framework, Development Management Document policy DM8, The National Technical Housing Standards DCLG 2015 and Design and Townscape Guide (SPD1)

- 4.24 The Council has adopted the Essex Approved Code of Practice with respect to Houses in Multiple Occupation. These standards indicate that bedrooms for one person should measure at least 8.5 square metres and rooms for two people should measure at least 12 square metres. Whilst not planning policy, the standards are a material consideration. The submitted plans show that all of the bedrooms measure at least 8.5 square metres in area and only one measures larger than 12 square metres. Applying the abovementioned standards it is therefore considered reasonable to assume that the HMO would be likely to be occupied by up to 10 people.

However, it is considered that the basement accommodation, due to its limited outlook caused by its subterranean position, would not be of adequate quality to be used as primary accommodation by an occupant. It is therefore considered that a condition should be imposed to prevent the use of the basement room for sleeping accommodation and therefore the capacity of the building would reduce to eight people.

- 4.25 Although the adequacy and fitting out of the proposed House in Multiple Occupation is a matter for assessment by the Private Sector Housing Team, there is no obvious reason why the building would not be able to accord with the abovementioned standards. A refuse storage area is shown and it is considered that there is scope to provide an external refuse collection area in the vicinity of the proposed bicycle store, which could be secured through the imposition of a condition.
- 4.26 Therefore, it is considered that the standard of amenity for future occupants of the building would be acceptable.

Community Infrastructure Levy

- 4.27 A Large HMO falls outside of Use Classes C3 and C4 and is therefore considered to be a Sui Generis Use. Photographic evidence indicates that the building was not in use in 2012 and there is no evidence to prove that it has been used in the intervening period. However, as the proposal represents a change of use from a commercial use to another non-residential use (in terms of its use class) it is considered that the development is not CIL liable.

5 Conclusion

- 5.1 It is considered that there are no grounds to object to the principle of the proposed development, the impact on neighbouring residents would not be unduly harmful and there is no reason to believe that the standard of the accommodation provided would not be adequate. In the absence of any policies to justify raising an objection, it is considered that the lack of parking to serve the development should not represent a reason for the refusal of the application.
- 5.2 On balance, it is considered that subject to the imposition of several conditions, the proposed conversion of the building can be undertaken in a manner that would not cause material visual harm to the character and appearance of the application site or the surrounding area.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework and National Planning Policy Guidance.
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).

- 6.3 Development Plan Document 2: Development Management Policies DM1 (Design Quality) DM3 (The Efficient and Effective Use of Land), DM8 (Residential Standards) and DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.6 Community Infrastructure Levy Charging Schedule.

Representation Summary

Design and Regeneration

- 7.1 The proposal seeks to convert the existing building to an HMO. Given that others in the block have been converted to residential, there is no objection to a residential use in provided that the design compliments the character of the existing block and the wider streetscene.

Recent conversions just in the final stages of construction at numbers 59-61 appear to have been well considered and now make a positive contribution to the streetscene where there were once vacant shop units. The reason that they are successful is because care has been taken to ensure that the new windows are the correct proportion for the property and the wider the terrace and that they match between the floors. Unfortunately this has not been achieved with the proposed scheme, which already has its shopfront removed and new windows inserted. In this instance the windows used are noticeably smaller and in particular shorter than they should be and appear out of place in comparison with the neighbour and other properties in the terrace. This is particularly harmful on the main front elevation to Milton Road which is a key route through the town. These windows need to be replaced by taller and better proportioned windows which match the scale and alignment of the adjacent property. Sash style windows rather than casements with appropriate reveals and sills should be sought if possible. A continuation of this proportion to the side would also be a significant improvement.

It is noted that the main entrance to the HMO is located on the side elevation as opposed to the front elevation. A simple canopy (narrow bracketed mono pitch) would help to define the proposed entrance in a similar way.

There is no objection in principle to the proposed front dormers which appear to relate in design and scale to those on the neighbouring property or to the rear dormer. There is however an objection to the proposal to excavate a narrow basement lightwell to the front surrounded by railings. Not only is a basement lightwell out of character with this streetscene but will give rise to substandard living accommodation at this level. It is noted that railings are proposed to enclose the light well. Whilst these are found elsewhere in the street, they are not characteristic of this particular street block.

Concerns are also raised in regard to the absence of any amenity space, the location of the small refuse area in the basement without ventilation and consideration should be given to whether the cycle storage would obstruct access to the adjacent property.

It is noted that there is a proposal to over clad with insulation. Whilst improvements to thermal efficiencies are welcomed in principle, clarification should be sought on how this will integrate with the attached property at the join on the front elevation as this needs to be well resolved with minimal increase in profile. It may be better to insulate internally. 10% renewables will also need to be provided and clarification of where these would go should be sought given the space constraints of the site and building. There may be an opportunity for pvs on the lower roof facing St Johns Road.

With regard to materials generally, whilst there is no objection to render in this location, the proposed stucco style decoration to the ground floor would be out of character for the existing property and the wider streetscene and this should be omitted. The proposed window surrounds are less of an issue provided they are well detailed but a simpler frontage with well-proportioned windows would be preferred.

Public Sector Housing

7.2 No comments have been received at the time of writing.

Highway Authority

7.3 No comments have been received at the time of writing.

Public Consultation

7.4 16 neighbouring properties were notified of the application and a notice was posted at the site. 35 letters of representation have been received which object to the application on the following grounds:

- No parking is proposed to serve the development and the area is already an area of on-street parking stress.
- Another HMO already exists in the surrounding area, at the rear of St Alban's Church, in Burdett Avenue.
- Westcliff has too many HMOs with one objector stating that 50% of the Boroughs HMOs are in the Milton ward and 3.5% of the ward population live in HMOs.
- HMO uses are not compatible with streets lived in by families.
- The proposal would be a source of noise disturbance.
- The proposal represents overdevelopment of the site.
- The soil-pipe that has been installed on the South elevation is unattractive and is unlikely to be effective due to its horizontal angle.
- The buildings should be demolished and replaced.

- Previous drug use and homelessness issues within the surrounding area should be noted.
- HMOs bring anti-social behaviour and crime to areas and it is not therefore in-keeping with the character of the surrounding area. The new houses in the area have already caused these consequences and this proposal will increase this.
- The terms of any leases should be agreed by the Council.
- The Council should insist that there is a HMO manager.
- The proposals for three dwellings at the site were more appropriate.
- Development works have already commenced.
- Construction works have and will cause disturbance.
- The development is encroaching onto land that is not within the application site, including the light well, a soil pipe and a porch. **[This matter can be partly resolved through the modification of the building to ensure that works are overhanging the highway rather than being built on the highway. Such structures require a licence from the Highway Authority but do not require the highway to be 'stopped-up']**
- The suggestion that the building would be occupied as affordable housing or by key workers will not be enforceable.
- Surrounding schools and doctors are already at capacity.

7.5 One letter of support has been received as the occupants will bring additional business to local commercial properties.

7.6 The application has been called-in to the Council's Development Control Committee by Councillors Nevin, Ware-Lane and J. Garston.

8 Relevant Planning History

8.1 Applications 15/00932/PA3COU and 15/01395/PA3COU sought permission for the change of use of the buildings at the site to use as three dwellings. The first application was refused but the second application was approved.

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 from 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 unless otherwise required by other conditions of this permission: 49MRSOS/01A, 49MRSOS/02d, 49MRSOS/03 and 49MRSOS/04.

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

- 03** Notwithstanding the details submitted, the addition of weatherboard cladding to the external elevations of the building is not approved. No cladding, render or other materials shall be added to the external elevations of the building until details of the materials and the areas in which they will be used have been submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall only be undertaken in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1, and SPD1 (Design and Townscape Guide).

- 04** Within two months of the date of this permission, details (on plans at 1:20 or 1:50 scale unless otherwise agreed by the Local Planning Authority) of the provision of the enclosure of the soil pipes at the South elevation of the building and the proposed porch shall be submitted to and approved in writing by the Local Planning Authority. The approved soil pipe enclosures shall be provided within one month of the approval of such details and the existing unauthorised porch shall be removed or modified as necessary to accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1, and SPD1 (Design and Townscape Guide).

- 05** Within two months of the date of this permission, details of the provision of alternative first floor windows that replicate the first floor windows of 51 Milton Road shall be submitted to and approved in writing by the Local Planning Authority. The approved windows shall be provided within two months of the approval of such details and the existing unauthorised windows shall be removed to accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1, and SPD1 (Design and Townscape Guide).

- 06** Prior to any construction works occurring at the site in relation to the formation of the light wells hereby approved, details of the means of enclosing the street-level of the light wells shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently only be undertaken in accordance with the approved details.

Reason: In the interests of visual amenity, to ensure that the appearance of the development makes a positive contribution to the character and appearance of the area and in the interests of pedestrian and highway safety. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policies KP2, CP3 and CP4, Development Management DPD policies DM1 and DM15, and SPD1 (Design and Townscape Guide).

- 07** The basement rooms of the building shall not be used to provide sleeping accommodation.

Reason: To ensure that the occupants of the building are served with adequate living conditions. This is as set out in the National Planning Policy Framework (NPPF), Development Management DPD policies DM1 and DM8, and SPD1 (Design and Townscape Guide).

- 08** The property hereby approved shall not be occupied until details of the cycle storage have been submitted to and approved by the local planning authority. The cycle parking shall subsequently be provided prior to the first occupation of the building and retained at all times.

Reason: To ensure that satisfactory secure off-street bicycle parking is provided in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

- 09** Within two months of the date of this permission, details of the provision of refuse storage facilities at the site (including day-to-day refuse storage areas and day of collection storage areas as necessary) shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be provided within one month of the approval of such details unless otherwise agreed in writing by the Local Planning Authority and retained at all times.

Reason: To safeguard the amenities of the future occupants of the proposed HMO and adjoining properties in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

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.

Informative

- 1. You are advised that as the proposed alterations to your property do not result in new floorspace and 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.**
- 2. The proposal will require a HMO licence from the Private Sector Housing Team BEFORE the 5th occupant takes residence and ideally, at the earliest point when tenancies are proposed to commence. The current fee for a HMO licence is £750.00 for the first six lettings and £50.00 per additional letting thereafter. Please refer to www.southend.gov.uk/hmollicence for further guidance.**
- 3. Please note that a license is likely to be required from the Highway Authority for any works at the application site that encroach onto or above highway land.**

Reference:	16/00467/FUL
Ward:	West Leigh
Proposal:	Demolish existing dwelling and erect two semi-detached dwellinghouses, amenity space to rear, layout parking to front and install new vehicular access on to Percy Road (Amended Proposal)
Address:	34 Percy Road, Leigh-On-Sea, Essex, SS9 2LA
Applicant:	Mrs H Collins
Agent:	Knight Gratrix Architects
Consultation Expiry:	29.04.2016
Expiry Date:	24.05.2016
Case Officer:	Janine Rowley
Plan Nos:	011 D; 010 D; 012 D; 013 D; 014 A
Recommendation:	REFUSE PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to demolish the existing single storey bungalow and erect 2 semi-detached 3 bed dwellings, with parking to the front and amenity space to the rear.
- 1.2 The dwellings proposed would be set over two floors and each dwelling is 8m wide x 8.5m-10.2m deep x 6.5m-7.9m high. Each house would include 127sqm of habitable floorspace made up of:
 - Ground floor entrance hall: living room, kitchen/diner/wc-66sqm
 - First floor: three bedrooms, bathroom, ensuite bathroom-59sqm
- 1.3 The existing bungalow is of a traditional design and the proposal is for a two storey contemporary design with gable projections.
- 1.4 Two parking spaces per dwelling are proposed to be accessed from Percy Road. A small planting area is proposed to the front. To the rear an amenity area of approximately 55sqm per dwelling is proposed.
- 1.5 It should be noted that this application has been resubmitted following the refusal of application 15/01024/FUL for the erection of two semi-detached dwellinghouses. The application was refused for the following reasons:
 1. *“The proposed development by reason of its scale, bulk, mass, detailed design and materials would appear incongruous and out of keeping within the streetscene to the detriment of the appearance and character and appearance of the area and represent overdevelopment of the site contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Core Strategy; Policy DM1 of the Development Management Document DPD2 and advice contained within the adopted Design and Townscape Guide (SPD1).*
 2. *“The proposed development due to its height and position in relation to neighbouring properties nos. 39 and 41 Westleigh Avenue would result in an overbearing dominant form and result loss of privacy through unmitigated overlooking contrary to the National Planning Policy Framework, Policy CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide”.*

1.6 The main amendments include:

- Height reduced from 6.9m-8.5m to 6.5m to 7.9m;
- The elements of roof slope between the gables has been increased slightly but the flat roof still remains
- The framing to the gables has been reduced in thickness from around 500mm to 300mm which corresponds to the depth of the porch roof.
- The rear window arrangement at first floor has been altered to a part obscured oriel to bed 3 and a high level window and rooflights to the master bed.
- The distance to the rear boundary has slightly increased from 5.6m to 6.3m (for the main rear gable) which has arisen from the reduction of the projection of the rear gable,
- The depth for the ground floor has increased very slightly from 10.9m to 11.1m the building remains on the same front building line

1.7 It should be noted there are a number of mistakes on the plans submitted for consideration including:

- The roof plan shows a flat roof element, the 3d visuals show a fully pitched linking section
- Dimensions on site plan are wrong not 7m to back boundary, they actually measure 6.3m (right hand side arrow to gable) 6.7m (left hand side arrow to oriel).

2 Site and Surroundings

2.1 The existing property is a single storey bungalow located on the eastern side of Percy Road. The streetscene is mixed, consisting of bungalows, chalets and two storey semi-detached houses of various designs. To the north of the site is a chalet type dwellinghouse. To the south of the site adjoins the rear garden of properties in Westcliff Drive. Opposite the site are a number of larger semi-detached houses. It is noted that there are a few other single bungalows in the street interspersed in between the two storey properties.

3 Planning Considerations

3.1 The main considerations in relation to this application are the principle of the development, design and impact on character of the area, traffic and transportation issues and impact on residential amenity and sustainable construction and whether the proposal has overcome the previous reasons for refusal of application 15/01024/FUL.

4 Appraisal

Principle of Development

National Planning Policy Framework, Core Strategy Policies KP2, CP1, CP4 and CP8, Development Management DPD2 policies DM1, DM3

- 4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD1 Policies KP2, CP4 and CP8. The core planning principles of the NPPF the need to:

“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”

Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*

Paragraph 64 of the NPPF states; *“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*

- 4.2 The existing site is a small bungalow located on the east side of Percy Road. The streetscene is characterised by predominantly two storey properties. It is considered that a two storey dwelling in this location would not break the continuity of the streetscene to the north and south and the existing bungalow appears at odds currently and as such, is considered acceptable in principle.

- 4.3 Policy DM3 (4) quotes that “The conversion or redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal:

(i) “Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and

(ii) Will not result in a net loss of housing accommodation suitable for the needs of Southend’s older residents having regard to the Lifetime Homes Standards.”

- 4.4 As noted above two storey dwellings are considered acceptable in principle, given that the prevailing character of the area is for two storey houses. The applicant has submitted details whereby drawing 014 Revision A demonstrate that the proposal will provide appropriate for the needs of the older residents and thus complies with Lifetime Homes criteria C3 to C15 and therefore satisfies Policy DM3 (4) of the Development Management DPD2.

Design and Impact on the Street Scene

National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Development Management DPD2 policies DM1 and DM3, and the Design and Townscape Guide (SPD1)

- 4.5 The National Planning Policy Framework requires new development to reinforce local distinctiveness. Policy KP2 and CP4 of the Core Strategy, Policy DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and complement the local character.
- 4.6 The existing property is a single storey bungalow 9.2m wide x 7.9m-10.4m deep x 6.4m high, with a pitched roof. A single storey garage is located to the southern boundary of the site and the existing property has an amenity area of 161sqm for a two bedroom property.
- 4.7 The proposal design has a pair of feature bays to the front of the properties with tall pitched gables which project forward at roof level. These are flanked by smaller gabled features to the sides. Whilst this provides a transition scale to the neighbours to the sides it is considered that the very steep pitch, the forward projection and the grouping of the two central gables will create an over dominant form in the streetscene. In principle there is no objection to a modern design and it is considered that the inclusion of a bay feature will add articulation and interest to the proposal and help to reference the wider streetscene but the form of these and the resultant roof form has resulted in a proposal which will appear over tall and out of place in this modest streetscene. The proposal, by reason of its detailed design would appear out of keeping and result in an over-dominant form of development within the streetscene and unacceptable in this location.
- 4.8 The proposed development has been laid out in line with the building line to the north. The proposed depth does not impact on the design, however, in this case, where the site is so narrow there would be a trade-off between amenity space and accommodation and this needs to be carefully balanced as well as any potential overlooking concerns for the properties to the rear. The frontage has been designed to accommodate the required 2 parking spaces and enable some landscaping and this is welcomed although this area would be improved with additional landscaping to the edges and appropriate boundaries treatments to the front and side boundaries where they face the street to provide appropriate enclosure. This can be dealt with by condition if the application is deemed acceptable.

- 4.9 There are concerns in relation to the detailed design of the proposal. The general roof form has impacted on the overall scale of the development and the flat roofed linking sections will appear rather weak and unresolved in the streetscene. In addition it is considered that, whilst the feature framing to the gable running around the building would be an interesting feature, it would not achieve an elegant profile required to make this a positive addition to the scheme. There is also a concern with the amount of blank brickwork to the side of the door which appears out of proportion with the building and streetscene generally and the token timber cladding to the projecting window above which is rather out of place.
- 4.10 In terms of materials, the plans proposed to have new walls in face brickwork with smooth render finish. Timber cladding is proposed to the window surrounds and slate/shingle cladding to the front. The roof will be a new pitched roof tile and fibreglass flat roof to the projecting bay window. With regard to the materials, the use of red brick and red/brown tile is a cohesive characteristic of the street and it is therefore considered that the proposed materials would appear incongruous in the streetscene in this location.
- 4.11 In light of the above, the proposed development by reason of its design, materials, scale, appearance and massing fails to provide a positive addition to the streetscene resulting in a form of development out of keeping with the character and appearance of the surrounding area contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy DPD1 and policy DM1 of the Development Management Document DPD2 and the Design and Townscape Guide. The proposal has therefore not addressed reason 01 of application 15/01024/FUL.

Living Conditions for Future Occupiers

National Planning Policy Framework, Development Management Document policy DM8, The National Technical Housing Standards DCLG 2015 and Design and Townscape Guide (SPD1)

- 4.12 It should be noted from the 1st October 2015 the National Housing Standards have been adopted and state 102sqm internal floorspace per three bedroom dwelling (6 bed spaces) is required. The proposed internal size of the dwellinghouse at 125sqm and complies with current policy. The windows proposed to the rear elevation, will be of high level serving the master bedrooms and oriel windows serving the other double bedrooms of each property to the rear will be partially obscure glazed. It is considered the proposed window design will provide sufficient outlook and daylight for future occupiers in accordance with policy DM8 of the Development Management Document.

- 4.13 Part M4 (2) of the Building Regulations adopted by the National Technical Housing Standards 1st October 2015 requires the need to provide accessible and adaptable dwellings. Drawing 014 Revision A has been provided demonstrating the proposal will be accessible and adaptable dwellings for older people or wheelchair users in accordance with the NPPF, Policy DM8 of the Development Management DPD and National Housing Standards 2015.
- 4.14 One of the core planning principles of the NPPF is that the planning system should *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.
- 4.15 Policy DM8 of the Development Management Document DPD2 states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers.
- 4.16 Whilst the Council’s Design and Townscape Guide states:
- “Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development”*.
- 4.17 The existing 2 bedroom bungalow has an amenity area to the east and south equating to 161sqm. The proposed 3 bedroom dwellings will have between 55sqm-57sqm of useable amenity space, which is small but considered sufficient and has not been previously objected to under application 15/01024/FUL.

Traffic and Transportation

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP3; policy DM15 of the DPD2 (Development Management Document) and the Design and Townscape Guide SPD1.

- 4.18 The proposed development will provide two spaces per dwelling complying with policy DM15 of the Development Management Document DPD2 and no objections have been raised by the Councils Highway Officer. .

Impact on residential amenity

National Planning Policy Framework; DPD1 (Core Strategy) policy CP4, DPD2 (Development Management Document) policy DM1 and the Design and Townscape Guide SPD1.

- 4.19 Policy DM1 of the Development Management Document states that any new development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.
- 4.20 The pair of semi-detached dwellinghouses will be set approximately 1m from the boundary to the north and south. The proposed dwelling nearest to no. 32 Percy Road to the north will project beyond the rear wall of no. 32 but complies with the notional 45 degree rule. The two storey element of the dwelling has been reduced and it is not considered the development will result in loss of light nor will it be overbearing to the amenities of existing occupiers at no. 32. Overlooking from flank windows can be dealt with by condition with obscure glazing to mitigate against any overlooking or loss of privacy if the application is deemed acceptable.
- 4.21 The overall height of the development to the rear is 6.5m-7.9m, which has been reduced from the previously refused application (15/01024/FUL) and is set 6.1m-6.6m from the rear boundary and a further 15m-17m to the rear of nos. 39 and 41 Westleigh Avenue respectively. Notwithstanding the height has been reduced the overall position of the dwellings in terms of the proximity to the boundary will still result in an overbearing form of development to the detriment of amenities of nearby residential occupiers in Westleigh Avenue contrary to the provisions of Policy CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide. The proposal has therefore not addressed reason 02 of application 15/01024/FUL.
- 4.22 In terms of overlooking and loss of privacy, windows at first floor have been altered whereby there proposal includes an oriel window with one side to be obscure glazed for both dwellings and the other bedroom with have a high level window and gable feature, which addresses the impact of potential overlooking and loss of privacy.
- 4.23 In terms of impact on the amenities of existing occupiers at nos. 43 and 47 Westcliff Drive, the nearest dwellinghouse proposed is set 1m of the boundary to the south and a separation distance of between 18m-21m to the rear elevations, which is considered sufficient to mitigate against any material harm in terms of overlooking and loss of privacy whereby windows to the flank elevation can be required by condition to be obscure glazed.
- 4.24 In relation to the dwellings to the west of the site directly opposite the proposals site, there is a 21m separation distance between the development and nos. 35, 37 and 39 Percy Road. The two storey dwellinghouses would not result in a perceived overlooking compared to the previously refused application 15/01024/FUL, which had three storeys.

Sustainable Construction

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and the Design and Townscape Guide SPD1.

4.25 Policy KP2 of the Core Strategy states:

“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. 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), such as those set out in SPD 1 Design and Townscape Guide”.

4.26 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design in this instance no details have been submitted for consideration. However, if this application is deemed acceptable this can be dealt with by condition.

4.27 Policy KP2 of the Core Strategy DPD1 requires the need for all new development to incorporate SUDs to enable surface water attenuation for the site. No details have been submitted at this time however, if the application is deemed acceptable a suitable condition can be imposed.

4.28 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, this can be dealt with by condition if the application is deemed acceptable.

Community Infrastructure Levy (CIL) Charging Schedule.

4.29 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application may also be CIL liable.

5 Planning Policy Summary

5.1 National Planning Policy Framework

5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance)

- 5.3 Development Plan Document 2: Development Management Document Policies DM1 (Design Quality), DM3 (The Efficient and effective use of land), DM15 (Sustainable Transport Management)
- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5 Waste Management Guide
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule

6 Representation Summary

Design and Regeneration

- 6.1 The previous application was refused for the following reasons:

01 its scale, bulk, mass, detailed design and materials would appear incongruous and out of keeping with the streetscene

02 the height and position of the proposal would be over bearing and result in overlooking in relation to properties to the rear in Westleigh Avenue

The applicant has made the following amendments

- The elements of roof slope between the gables has been increased slightly but the flat roof still remains
- The height of the proposed (peak of the main gable) has been reduced slightly by around 0.6m
- The framing to the gables has been reduced in thickness from around 500mm to 300mm which corresponds to the depth of the porch roof.
- The rear window arrangement at first floor has been altered to a part obscured oriel to bed 3 and a high level window and rooflights to the master bed.
- The distance to the rear boundary has slightly increased from 5.6m to 6.3m (for the main rear gable) which has arisen from the reduction of the projection of the rear gable,
- The depth for the ground floor has increased very slightly from 10.9m to 11.1m the building remains on the same front building line

Other aspects of the proposal appear unchanged.

The decrease in the gable pitch is slight but is considered to be an improvement to this element of detail as the over steep gables contrast sharply with other gable features in the streetscene. Also improved is another point of detail, the reduction in the width of the feature framing from 500mm to 300mm which is much more elegant profile. It is disappointing to see that the alignment of the peak and the bay point which was proposed at pre app is no longer the case as this would have further rationalised the detail of the frontage.

The other change to the street elevation is that the linking section of roof in between the gables has been increased slightly. This is partly due to the reduction in the depth of the framing enabling the lower section of this to be more visible and partly a slight increase in height. This is still proposed to have a flat top (shown on plans but incorrectly on visuals) and whilst this increase in scale has slightly improved the integration at roof level concerns raised in regard to the flat roof being unresolved and the lack of response to the streetscene which is characterise by prominent forward facing roof slopes still remain.

Otherwise the frontage is unchanged and the concerns previously raised in respect to the lack of glazing in the smaller gable and token timber cladding appearing rather out of place.

The change in the rear windows has arisen in an attempt to overcome the second reason for refusal relating to the scheme appearing over bearing and resulting in overlooking, but there is a concern that the changes to the master bedroom which include changing the window to a high level window only and whilst this may have reduced the overlooking potential, it would mean that this room will have no outlook this is a new concern. It would seem more logical to locate the bathroom to the rear rather than the front which would free up opportunity for a second bedroom to face the street where there are no overlooking concerns.

Overall however, whilst the proposal has refine some small elements of detail it is not significantly different from the previously refused application and the amendments to the rear has resulted in a new concern relating to lack of outlook.

Traffic and Transportation

- 6.2 No objection as the proposal complies with policy DM15 of the Development Management Document.

Leigh Town Council

- 6.3 Objection, the proposal is considerably higher than the house to the north, but there are only gardens to the south so it would be over-dominant and incongruous in the streetscene.

It would also be out of character with and detrimental to the streetscene, in terms of height, mass, design and materials.

The side windows would overlook the houses and gardens in Westcliff Drive, which is lower than Percy Road.

Public Consultation

6.4 A site notice displayed on the 8th April 2016 and 12 neighbours notified and 9 letters of representation received:

- Scale,
- Loss of privacy;
- Loss of light;
- Overlooking;
- Out of keeping with the surrounding area;
- Proximity to the boundary'
- Overdevelopment of the site;
- Dominates the street;
- Too high;
- Too close to surrounding boundaries;
- Loss of a bungalow;
- Inadequate parking/access;
- Over bearing;
- Design out of keeping;
- Two semi-detached houses for this small plot is overdevelopment;
- A single family home would be much more appropriate;
- No. 34 is not particularly deep and the proposed two houses given their overall size would be unreasonable.
- The current garden is very small and the bulk of the garden to the side of the property, the garden space proposed seems very small for the size of the dwellings;
- Design and materials of the proposed houses very imposing and dominating;
- Windows will result in overlooking;
- Adverse effect on parking and pedestrians;
- Current bungalow provides a light and airy aspect, which will be diminished;
- Affects sale of surrounding properties **[Officer Comment: Please note this is not a material planning consideration]**

6.5 Councillor Evans and Councillor Phillips have requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

7.1 Demolish existing dwelling and erect two semi-detached dwellings, layout parking to front and amenity space to the rear (Amended Proposal) - Refused (15/01024/FUL).

7.2 Demolish existing dwelling and erect two semi-detached dwellings, layout parking to front and amenity space to the rear- Refused (15/00086/FUL).

8 Recommendation

8.1 Members are recommended to REFUSE PLANNING PERMISSION for the following reasons:

- 1 The proposed development by reason of its scale, bulk, mass, detailed design and materials would appear incongruous and out of keeping within the streetscene to the detriment of the appearance and character and appearance of the area contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Core Strategy; Policy DM1 of the Development Management Document DPD2 and advice contained within the adopted Design and Townscape Guide (SPD1).**
- 2 The proposed development due to its height and position in relation to neighbouring properties nos. 39 and 41 Westleigh Avenue would result in an overbearing dominant form contrary to the National Planning Policy Framework, Policy CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide.**

Informative

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

Reference:	16/00504/FUL
Ward:	Eastwood Park
Proposal:	Demolish existing dwelling and garage and erect two storey dwellinghouse with rooms in roof, balcony at rear, two storey size extension to form habitable accommodation with attached link to main building, layout landscaping, parking to front and install new vehicular access on to Green Lane.
Address:	143 Green Lane, Eastwood, Essex, SS9 5QL
Applicant:	Mr And Mrs Siddique
Agent:	SKArchitects
Consultation Expiry:	12/05/16
Expiry Date:	10/06/16
Case Officer:	Ian Harrison
Plan No's:	P01, 233P02, 233P03 and 233P04.
Recommendation:	REFUSE PLANNING PERMISSION



1 The Proposal

- 1.1 The application seeks permission for the demolition of the existing dwelling and garage at the application site and the erection of a three storey replacement dwelling with a two storey side projection to replace the existing garage.
- 1.2 The main part of the existing dwelling measures 8.7 metres deep and 14.6 metres wide with a two storey cross-wing that provides gable ends to the rear and rear elevations. A first floor, gable ended projection also exists at the front of the dwelling. The roof of the dwelling is built to a conventional pitch with an eaves height of 5.2 metres and a ridge height of 9.3 metres. A single storey garage exists at the frontage of the site that measures 9 metres by 6.8 metres with a cat-slide pitched roof built to a minimum height of 2.1 metres and a ridge height of 4.6 metres.
- 1.3 The proposed replacement dwelling would be formed of two gable ended blocks that would run roughly perpendicular to the highway, with a third element linking the two gable ended blocks. The block to the west would measure 11.9 metres deep and 6.7 metres wide, with an eaves height of 5.9 metres and a ridge height of 10.9 metres, with the ridge running from north north west to south south east. The block to the east would measure 10.9 metres deep and 7 metres wide, with matching eaves and ridge heights, with the ridge running from north north east to south south west. The south west corner of the east block being positioned 4.3 metres from the south east corner of the first block.
- 1.4 The main part of the linking element would measure 4.2 metres wide at the front elevation and 11.4 metres wide at the rear, with the rear elevation having a dog-legged elevation to reflect the splayed relationship of the two blocks. The linking element would feature a flat roof with an eaves height of 5.9 metres and a maximum height of 9.1 metres. Part of the North elevation would be 'cut into' to enable glazing to be installed. A single storey projection with a flat roof would project between 1 and 2.8 metres further at the rear, the roof of which would be used as a balcony.
- 1.5 At the side of the dwelling would be a two storey structure that would replace the existing garage, measuring 16.4 metres deep and 6.8 metres wide with a pitched roof built to an eaves height of 3.3 metres and a ridge height of 6.7 metres. The garage would extend 2.5 metres forward of the position of the existing garage. The two storey part of the structure would be linked to the side of the proposed dwelling by a 'study link' that would measure 5.4 metres deep and 1.4 metres wide with a flat roof built to a height of 3 metres. The roofspace of the structure would be utilised as guest accommodation and storage and the ground floor accommodation would be used as a study and as a garage. The elevations and floor plans do not tally as the position of openings is shown differently, but it is considered that this matter could be clarified through the imposition of a condition if necessary.

- 1.6 At the front of the building would be a single storey front projection that would measure between 1.3 and 3 metres deep, that would form an entrance lobby and canopy at the frontage of the dwelling. The projection would be built to a maximum height of 3 metres.
- 1.7 The application also seeks permission to create a new point of access onto Green Lane, 17 metres to the West of the existing access and with the existing access being closed. The creation of this access would require the removal of trees at the frontage of the site. Brick walls are proposed at the frontage of the site that measure between 1.2 and 1.9 metres tall. It is also noted that a patio is proposed at the rear of the site, which would appear to be raised from ground level, although no details have been submitted in relation to this.

2 Site and Surroundings

- 2.1 The application site is located to the North of Green Lane. The site measures 63 metres deep and 37 metres wide and contains a two storey dwellinghouse and garage that are described above. The site also features an additional outbuilding to the rear that contains a swimming pool and associated accommodation, the main part of which measures 8 metres by 20 metres.
- 2.2 The North part of the site is outside of the Southend-on-Sea Borough and as such planning permission is also required from Rochford District Council for the development proposed. The application site is not the subject of any policy designations.
- 2.3 The surrounding area is characterised by large dwellings, not exceeding two storeys in height, on large plots to the north of Green Lane. The application site is one of 8 comparably large plots to the north of Green Lane. Two storey dwellings of consistent scale and equally sized, smaller plots are located to the South of Green Lane.

3 Planning Considerations

- 3.1 The main issues for consideration are the principle of the development, design and relationship with adjacent development and the streetscene, impact on existing trees, any impact on neighbours, living conditions for future occupiers, parking and access implications and the use of on-site renewables.

4 Appraisal

Principle of Development

National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4 and CP8, Development Management Policies DM1 and DM3 and the Design and Townscape Guide (SPD1)

- 4.1 The National Planning Policy Framework 2012 is aimed at guiding local authorities in the delivery of sustainable development and housing. Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 4.2 Paragraph 63 of the NPPF states that *“In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area”*. Paragraph 65 states that *“Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design”*.
- 4.3 The proposal consists of a one for one replacement dwelling within a residential area. Thus, the proposal is considered acceptable in principle subject to further detailed considerations set out below.

Design

National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4 and CP8, Development Management Policies DM1 and DM3 and SPD1

- 4.4 The Development Management DPD, policy DM1 states that 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.”*
- 4.5 Paragraph 60 of the NPPF advises that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. It is further stated that it is proper to reinforce local distinctiveness. Design policies should concentrate on such issues as guiding overall scale, massing, height and layout of new development in relation to neighbouring buildings and the local area more generally (paragraph 59 of NPPF).

- 4.6 In terms of scale it is noted that the proposed dwelling would be 1.6 metres taller than the existing dwelling, which in turn appears to be the tallest dwelling within the surrounding area, measuring 10.9 metres tall. Council records indicate that 149 Green Lane measures 8.2 metres to the ridge, 173 Green Lane measures 7.9 metres tall and 175 Green Lane measures 8.1 metres to the ridge. It is therefore the case that the proposed dwelling would be 2.7 metres taller than the adjacent dwellings.
- 4.7 As set out above, policy DM1 states that development should respect the local context in terms of height, size and scale. Section 4.2.2 of SPD1 addresses areas of varied scale, stating that where existing variations occur in the height of buildings, this can be continued. However, the inference is that the variations should reflect the character of the surrounding area. In this instance, it is considered that the height of the dwelling would result in the dwelling being significantly at odds with the scale of other dwellings within the surrounding area and it is noted that the presence of a third storey is highlighted by the inclusion of windows in the gable ends and this exacerbates the conflict with the established character of the surrounding area which is dominated by dwellings with no more than two storeys.
- 4.8 Part 3.3 of the Design and Townscape Guide which states that *“when designing a new building or extension it is important that the development integrates with existing buildings. This is best done by identifying the positive characteristics and relationships formed by the existing buildings e.g. frontage lines, height of ridges and eaves, proportions, materials etc, and respecting them in new development.”*

The form of the proposed dwelling, with two blocks linked by a subordinate roof would also be at odds with the established character of the area. It is acknowledged that the splayed arrangement of the blocks would maximise the occupants' enjoyment of the panoramic countryside views that exist to the North, but at material cost to the public domain to the South of the application site. It is noted that the Design Officer has raised no objection to this design approach, but it is considered that the unusual arrangement of the two end 'blocks' and the subservient link would not reflect the form or appearance of dwellings within the surrounding area and this will exacerbate the fact that the dwelling would be at odds with the character of the surrounding area.

- 4.9 The design advice set out below raises concerns that whilst the mass of the roof has been broken up, the limited depth of the gables at the frontage would fail to break up the massing of the building at lower levels. Concerns are also raised in relation lack of consistency between the ground and first floor windows in terms of size and arrangement and therefore this would cause the dwelling to have a confused appearance.

- 4.10 As set out above, the character and scale of dwellings within the surrounding area is mixed, but the simple and traditional design approaches of the dwellings is one element that is shared by the majority of the dwellings. By introducing a dwelling with an unusual arrangement, it is considered that the character of the area would significantly change and this in turn would make it difficult to argue that further ad-hoc developments can occur without regard to the character of the surrounding area, contrary to the character based design policies of the Development Plan.
- 4.11 No case has been made to demonstrate that the replacement dwelling is of materially enhanced sustainability credentials and no case has been made to justify the significant departures from the established character of the area. Similarly, whilst being an unusual design, it does not appear that any of the features of the proposed dwelling would be innovative or original, but an amalgamation of a variety of well-established building techniques. Therefore, rather than representing innovative design, it is considered that the proposal represents a large mass of built form that is at odds from the established character of the area.
- 4.12 The design advice that has been received also raises concerns with respect to the increase of the size of the 'outbuilding' at the frontage of the site, particularly as the replacement structure would extend 2.5 metres further to the south, closer to the public highway. It is noted that single storey outbuildings and forward projections are an established feature of this part of Green Lane, with some being taller and more imposing than the existing outbuilding at the application site. The increase of the size of the forward projection and its link to the proposed dwelling would increase the prominence and scale of the building and its impact would be exaggerated by the lack of fenestration on the blank South elevation. It is noted that the structure would be partially screened by tree planting at the frontage of the site and that similar structures are an established aspect of the character of the area. However, as the proposed development would be significantly larger than other outbuildings, attached to the dwelling and closer to the public highway, it is considered that the development would add to the massing of built form at the site, thereby adding to the harm identified above.
- 4.13 It is also proposed to modify the frontage of the site with the creation of a new access, a new landscaping arrangement and a brick wall enclosure at the frontage of the site. The design advice received raises an objection to the proposed wall on the grounds that it would be materially taller than the boundary treatments at the frontage of other properties. It is noted that most properties in the surrounding area feature low walls and fences, with tall vegetation behind those enclosures and the only taller forms of boundary enclosure are a fence which is of low density and therefore less visual impact than the proposed wall and taller brick piers at 155 Green Lane. The height of the wall would be 1.9 metres at the main entrance to the site and 1.2 metres elsewhere. It is considered that the lower part of the wall would be suitably in-keeping with the streetscene but the taller part might not be acceptable. If the taller part was only in the form of piers with a more light-weight or transparent enclosure between those piers, it is considered that this would be in-keeping with the character of the surrounding area.

This matter could be addressed through the imposition of conditions. The other works at the frontage of the site are not considered to have a harmful visual impact.

Impact on Residential Amenity.

National Planning Policy Framework, Policy CP4 of the Core Strategy, Development Management DPD Policy DM1 and Design and Townscape Guide.

- 4.14 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy DM1 of the Development Management DPD also 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.”
- 4.15 The neighbouring dwelling of 149 Green Lane is located 14.5 metres to the east of the proposed garage extension and is positioned with the front elevation of that dwelling aligning with the rear of the extended ‘outbuilding’. Due to this arrangement and the separation distance it is considered that the proposed replacement dwelling would not cause a materially harmful loss of light or outlook within the neighbouring property. The splayed alignment of the proposed dwelling means that the windows in the east block face towards the neighbouring property to the east. However, it is considered that the separation distance and orientation would ensure that the overlooking is not harmful to an extent that would justify the refusal of the application on those grounds. Similarly, the proposed rear balcony would be adequate distance from the shared boundary and the private amenity space to ensure that the development does not cause overlooking to an extent that would justify the refusal of the application.
- 4.16 The neighbouring dwelling of 137 Green Lane is located 12.7 metres to the West of the proposed dwelling and is positioned in line with the proposed dwelling. Due to this arrangement and the separation distance it is considered that the proposed replacement dwelling would not cause a materially harmful loss of light, privacy or outlook within the neighbouring property. Notwithstanding the concerns raised by the occupants of that property, it is considered that there is no reason to conclude that the balcony area would be used any more intensively or loudly than the existing garden could be and therefore it would not be reasonable to refuse the application on those grounds. Views from the balcony towards the garden area of that neighbouring property would be possible, but the rear part of the proposed dwelling would restrict views towards the dwelling itself and therefore the impact on privacy would not be materially greater than the impact of conventional windows and would not cause overlooking to an extent that would justify the refusal of the application on those grounds.

- 4.17 The proposed dwelling would be 35 metres from the residential properties to the South of Green Lane and would not therefore have a material impact on the amenities of those residents.

Living Conditions for Future Occupiers

National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM8 and the Design and Townscape Guide.

- 4.18 Development Management Development Plan Document policy DM8 sets out minimum standards for residential accommodation. The new dwelling would have generous size rooms. It is considered that internal room sizes are sufficient to provide for good living conditions for future occupiers.

Parking and Highway Implications

National Planning Policy Framework, Policy KP2, CP4 and CP8 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide.

- 4.19 The proposed dwelling would be served by ample parking to accord with the Council's Adopted Parking Standards.
- 4.20 The replacement of the access to the site with a new access 17 metres to the West has been assessed by the Highway Authority and is considered to be acceptable. It is therefore considered that no objection should be raised to the proposal on the grounds of highway safety.

Sustainability

Core Strategy Policies KP2, CP4 and CP8, Development Management DPD Policy DM2 and SPD1

- 4.21 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from on site renewable resources, and also promotes the minimisation of consumption of resources. No details have been provided in this respect but it is considered that this could be addressed by way of condition.

Tree Protection

National Planning Policy Framework, Core Strategy Policies KP2 and CP4 and Policy DM1 of the Council's Development Management DPD.

- 4.22 The applicant has submitted a tree survey to demonstrate that all trees at the site can be protected during the construction of the proposed dwelling. However, the assessment does not include any assessment of the impact of the construction of a new vehicle access which would require the removal of some trees within the site. The trees that are likely to be affected included two hawthorns that have been assessed to be in a fair/poor condition. A Crab Apple in good condition and a Box Elder in Fair condition are also likely to be affected. As none of these trees are the subject of a Tree Preservation Order and are relatively small trees that do not make a valuable contribution to the streetscene it is considered that the removal and replacement of these trees would be acceptable. A landscaping condition should therefore be imposed, including a requirement for replacement tree planting, on any planning permission that is granted.

Community Infrastructure Levy

- 4.23 This application is CIL liable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The proposed development will result in the erection of a building that measures 662 square metres in internal area. The existing buildings have a floor area of approximately 300 square metres. As there is net increase in floor area at the site of 332 square metres, the proposed development would require a CIL payment of £7,657.69. The figures referred to include the existing and proposed dwelling and garage but not the pool building as no works are proposed to that building and it is therefore neutral in terms of CIL charge.

Conclusion

- 4.24 Whilst there is no objection to the principle of a replacement dwelling, the impact of the proposed development on the neighbours or the alterations to the vehicle access, for the reasons set out above it is considered that the proposed dwelling would be of a scale, form and appearance that would be harmful at odds with the scale and character of other dwellings in the surrounding area. The proposal is therefore considered to be contrary to the abovementioned policies of the development plan.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework 2012.
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) CP4 (Environment & Urban Renaissance), and CP8 (Dwelling Provision).
- 5.3 Development Management DPD. Policies DM1 (Design Quality), DM3, (Efficient and Effective Use of Land), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).
- 5.4 Supplementary Planning Document 1: Design & Townscape Guide, 2009.
- 5.5 Community Infrastructure Levy Charging Schedule

6 Representation Summary

Public Consultation

- 6.1 6 neighbours were notified of the application and a site notice was displayed. 2 representations have been received which object to the proposal on the following grounds:
 - The proposal should be considered as a three storey dwelling
 - The proposed materials are not clear.
 - The site has been the subject of development on previous occasions.
 - The dwelling would be much taller than neighbouring properties.
 - The proposed dwelling is bigger than the existing dwelling.
 - The use of the balcony for leisure purposes will generate noise and cause a loss of privacy.
 - Accommodation within the garage building could be used as an annex.
 - The drainage infrastructure will not be able to cope with the extra waste water caused by the dwelling.
 - The re-positioning of the access is unnecessary.
 - The site could be used by protected species and other species and therefore a wildlife survey should be submitted. **[Officer Note - There is no reason to believe that the existing building would be used by any protected species and if any were to be found, they would be protected under the terms of other legislation].**
- 6.2 Cllr Flewitt has requested that this application go before the Development Control Committee.

Design and Regeneration

6.3 The application site lies within a short section of Green Lane which is characterised by large detached houses set within substantial grounds. This contrasts with the rest of the road which is more typical suburban development. The application site contains a substantial mock Tudor property and associated outbuildings including a detached triple garage to the front. As with the other properties in this stretch, it is set well back from the street behind a substantial landscaped frontage.

The houses in this section are of individual designs with no strong cohesive character however they are united by their greater scale, pitched roof forms and use of red tile and white render. A number of the neighbouring properties are screened from the street by substantial hedged boundary treatments offering only glimpses of the properties themselves.

The proposal seeks to demolish the existing house and erect a larger more modern detached property which integrates with and enlarges the existing garage block. The form of the proposal is one of two angled gables linked with a section of pitched roof. This arrangement does break up the scale of the roof and the angled alignment of the right hand gable slightly reduces the length of the elevation to the front and elongates it to the rear. The existing garage block on the frontage is extended forwards, towards the road, backwards and into the roof space and integrated with the main property with a single storey enclosed link.

The linked gable roof form generally seems to work well to enable the integration of a more modern development into a setting of more traditional forms but the detailed design and placement of the gables could do more to break the scale of the property on the lower floors and provide a greater cohesiveness to the frontage. As proposed there is no discernible stepping in the footprint except for the change in angle of the right hand gable and this has resulted in rather a bulky form particularly at the lower levels. It is considered that it would have been beneficial to step the gables out from the central section to vertically break the scale of the proposal into 3 elements thus reducing its massing in the streetscene and providing some order to the frontage. The proposed layout has different footprints at each level resulting in mismatched alignments within the elevation as well as differing window styles and arrangements and overall it seems to lack integration between the ground and first floors resulting in a rather confused elevation. This is not helped by the subdivision of the gables by the extended porch canopy which further separates the forms. The proposal may work better if the gables were fully expressed in the elevation and the central section recessed to form more of a comprehensive transparent linking section.

At roof level there appears to be a large area of flat roof to the central linking section, however, the roof slope to the front has a substantial proportion and this should ensure that this does not appear weak in the streetscene. It will be important, however, to ensure that the flat roofed section is recessed so that it is hidden behind the ridge.

There is no objection in principle to linking the main house with the garage block, or its extension to the rear which will be hidden behind the house, but the proposal to extend the garages forward another 3m will make this a dominant element and significantly increase its prominence in the streetscene. The details of the actual linking section are unclear but seem to include a small flat roofed extension projecting forward of the garage. This seems rather clumsy and the extent of canopy generally rather dominant.

Internally the spaces seem generous although it is noted that the study has no windows/daylight and there seems to be no access to the room in the west gable. The window to bed 4 and the west gable room also seem a bit mean.

The proposal also includes a remodelling of the frontage area and boundary. There is no objection to this in principle but the proposal for 1.9m section of wall and tall gates to the front would be out of character in the streetscene. The surrounding properties have a low wall or fence to the front and this scale should be maintained however, if extra height is desired then a hedge or tall planting as neighbouring properties would be an option.

Little information is provided in regard to materials but it is noted that the roof is proposed as black clay tile. This would clash with the other properties in this area.

10% renewables will be required and this should be fully integrated into the design.

Traffic and Highways

- 6.4 There are no highway objections to this proposal. The relocation of the access will have no adverse impact upon the public highway. The applicant will be required to reinstate the existing vehicle crossover when the new crossover is constructed.

7 Relevant Planning History

- 7.1 The extension of the garage at the site was approved under the terms of application 91/0765.

8 Recommendation

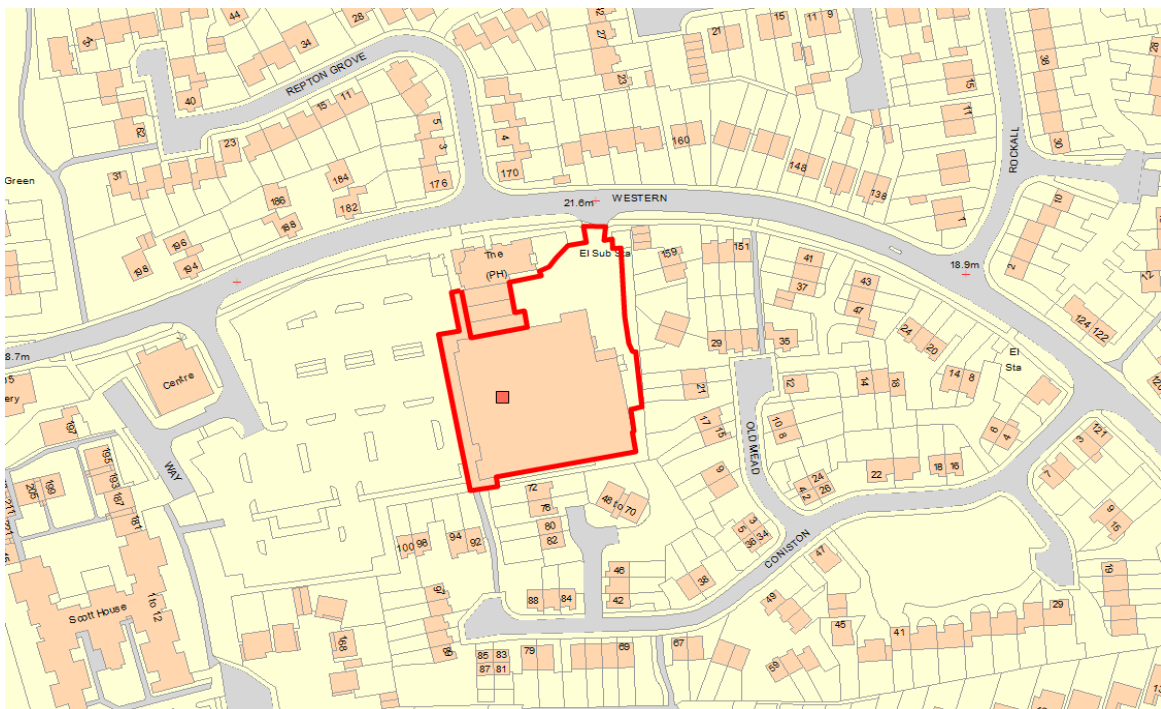
REFUSE PLANNING PERMISSION for the following reason:

- 1 The proposed development, by reason of the size, scale, siting and design of the proposed replacement dwelling, would be out-of-keeping with the character and appearance of the surrounding area. The proposal is therefore contrary to the National Planning Policy Framework, policies KP2 and CP4 of DPD1 (Core Strategy), policies DM1 and DM3 of DPD2 (Development Management) and Design and Townscape Guidance (SPD1)**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

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

Reference:	16/00546/FUL
Ward:	St. Laurence
Proposal:	Application to vary condition 2 of planning application 97/0651 dated 17/09/1997 to allow deliveries to take place between 07:00 hours and 23:00 hours Mondays to Saturdays and 08:00 hours and 17:00 hours on Sundays and Bank Holidays.
Address:	Morrison's, Western Approaches, Eastwood, Southend-On-Sea, Essex, SS2 6SH
Applicant:	WM Morrison's Plc
Agent:	Peacock and Smith
Consultation Expiry:	12/05/16
Expiry Date:	31/05/16
Case Officer:	Ian Harrison
Plan Nos:	Location Plan
Recommendation:	REFUSE Planning Permission



1 The Proposal

1.1 The application seeks permission to vary condition 2 of planning permission 97/0651 to enable a change to delivery hours. No other developments or changes are proposed by this application.

1.2 The existing condition reads as follows:

Deliveries shall not take place other than between 0800 hours and 2000 hours Mondays to Saturdays and 1000 hours and 12 noon on Sundays and Bank Holidays. Delivery vehicles shall not be parked on or manoeuvre in the service area (shown cross hatched on the plan accompanying the application) other than between these hours.

1.3 The application seeks to amend the delivery hours to the following:

07.00 – 23.00 Monday to Saturday
08.00 – 17.00 Sundays and Bank Holidays

1.4 Application 11/01676/FUL proposed a similar change of hours for deliveries to the site to between 07.00-20.00 Monday to Saturday and 08.00-15.00 on Sundays and Bank Holidays. That application was refused for the following reason:

“The proposal, to allow for an extension of hours for deliveries, if implemented would result in an increase in noise and disturbance associated with the use to the detriment of the amenities of the occupiers of the surrounding residential properties, contrary to saved Policy E5 of the Council’s Adopted Local Plan and guidance contained within Planning Policy Guidance Note 24.”

2 Site and Surroundings

2.1 The application site is located to the south of Western Approaches. The site contains a supermarket and its delivery yard to the east of the building.

2.2 The supermarket is part of a small parade of commercial units that includes three shops and a public house. To the West of the application site is a large car park that is shared by the community centre to the West and the commercial units. Residential properties neighbour the site in all other directions. The rear gardens of 157 and 159 Western Approaches and 21, 23, 25 and 27 Old Mead abut the delivery yard at the application site, with the rear elevations of those dwellings being located between 5.4 and 10.7 metres of the application site. The properties of 166 and 168 Western Approaches are located on the opposite side of Western Approaches, with their front elevation being 21 metres from the vehicle entrance to the application site.

3 Planning Considerations

- 3.1 The key considerations of this application are the principle of the development and the impact on residential amenity.

4 Appraisal

Principle of Development

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management Policy DM1 and SPD1

- 4.1 The proposed development does not represent a change of use of land and no development is proposed and as such it is considered appropriate to focus on the proposed alterations to delivery restrictions that have been imposed under the terms of previous planning permissions at the site.
- 4.2 Section 73 of the Town and Country Planning Act 1990 enables applications to be submitted to vary or remove the conditions that are imposed on a development. It is therefore considered that the applicant should be given opportunity to have the delivery restrictions reviewed.
- 4.3 The condition was originally imposed *“to safeguard the character and amenities of the area”* and it is considered that it is this justification for the imposition of the condition that should form the basis of an assessment of a review of the conditions.

Impact on Residential Amenity:

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management Policy DM1 and SPD 1 (Design & Townscape Guide (2009))

- 4.3 The NPPF states that planning should “Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.” This is supported by paragraph 123 of the NPPF which states that “Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.”
- 4.4 Policy DM1 of the Development Management DPD also 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.

- 4.5 As set out above, it is noted that the relaxation of delivery hours restrictions, with more restrictive hours than is now being sought, was refused in 2011 on the grounds that the proposed delivery hours *“would result in an increase in noise and disturbance associated with the use to the detriment of the amenities of the occupiers of the surrounding residential properties.”* The relevant planning policies have changed in the interim period, but it is considered that the circumstances of the site and the relationship of the site with its neighbours have not changed and therefore the previous decision of the Local Planning Authority is a material consideration.
- 4.6 The applicant has provided a noise assessment which concludes that the noise generated by deliveries would have an “adverse” impact between the hours of 2100 and 2300, but the noise levels would not be significantly worse than existing background noise levels that have been established through survey readings that have been taken.
- 4.7 The Council’s Environmental Health Team has provided detailed comments below. They have concluded that the information provided by the applicant should not be accepted and that the proposed change of delivery hours would have a significant impact on residential amenity.
- 4.8 The Noise Policy Statement for England includes the term “Significant Observed Adverse Effect Level” which relates to the “level of noise exposure above which significant adverse effects on health and quality of life occur”. The NPPF states that such impacts should be avoided. The term “Lowest Observed Adverse Effect Level” relates to noise exposure above which adverse effects on health and quality of life can be detected. The NPPF states that these noise levels should be mitigated and reduced to a minimum.
- 4.9 In this instance, due to the significant concerns that have been raised with respect to the applicant’s submissions and the findings of the Environmental Health Team, it is considered that it has not been demonstrated that the proposed variation of the delivery hours would not cause material harm to the amenities of neighbouring residents and therefore it is considered that the application should be refused.

Impact on Highway Safety and Parking Provision

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; Development Management Policy DM15.

- 4.10 It is considered that the extended hours of use of the access to the site would have no impacts on highway safety. Therefore, as no alterations are proposed to the access to the site, it is considered that no objection should be raised on the grounds of parking or highway safety.

Other Matters

- 4.11 The applicant's submissions highlight that the NPPF states that noise should not be the sole issue for consideration in the determination of a planning application and that weight should be afforded to the economic, social and environmental aspects of a development. The economic benefits of the changed delivery hours to the applicant are noted, but are not considered to outweigh the harm that would be caused to residential amenity as has been identified above. Similarly, the environmental and social benefits that have been advanced by the applicant are considered to have been exaggerated and therefore do not outweigh the harm that is identified.
- 4.21 As no floorspace is created as a result of the application, the variation of the condition would not result in the application being CIL liable.

5 Conclusion

- 5.1 For the reasons set out above it is considered that the proposed variation of delivery hours would cause harm to the amenities of neighbouring residential properties and would therefore be contrary to the NPPF and the policies of the Development Plan.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework

Noise Policy Statement for England

Core Strategy DPD (adopted December 2007) Policies KP2 (Spatial Strategy), CP4 (Development Principles) and CP7 (Sport, Recreation and Green Space)

Development Management DPD Policies DM1 (Design Quality) and DM15 (Sustainable Transport Management)

Design and Townscape Guide SPD (adopted December 2009)

Community Infrastructure Levy.

7 Representation Summary

Environmental Protection Team

- 7.1 There is little information in respect of the actual positioning of the sound level meter and it was evident that there are containers located to the eastern boundary with the rear of the properties which could affect the readings taken. I understand that the meter was monitoring for a period of less than 24 hours during the week and no readings were taken during the most sensitive times of the week when extended hours have been applied for, that being Sunday mornings into the afternoon and Saturday night. This acoustic consultant has also attempted to use noise readings from an acoustic report compiled by URS in December 2011 in support of a previous application. I understand that the validity of this data was queried by my colleague as it was evident that there incomplete information was provided in respect of the context of the sounds due to an unattended meter being utilized, an amalgam of different vehicle being used to deliver on site and an issue in relation to plant noise at the time. The revised BS4142 seems to require that further emphasis is placed on the situation to be rated and to conduct an appraisal and to identify and understand all the sounds and sources and further consider meteorological conditions in more detail. Weather conditions such as monitoring wind speed, temperature at the location at the beginning and end of the measurement period were not provided or for the unattended period. The information provided does not give readings for an unattended period of time during a winter night.

I do not consider that the background is a true reflection of true background noise levels for the area. At the time of my site observations it was evident that there are two bakery fans located in the wall adjacent to the delivery docking bay. The noise from these fans was clearly audible at 25/27 Old Mead and I would query the reason for these to be in constant operation. They appear to be operating on a 24 hour basis, although I understand that bakery activities commence at approximately 5am-4pm. (Site observations were made at 3.30-5pm and 10pm). Therefore I would argue that this would elevate the background level (L90).

The report refers to screening calculations based on a 4m high brick wall which runs along the eastern boundary of the service yard directly behind 25/27 Old Mead and a second floor receptor location. The wall is in fact 1.86m high and runs to a position which is parallel with the edge of the Store and to a short distance to the left hand side of 25 Old mead and then the remainder of the boundary consists of featheredge fence panels which would provide very little attenuation properties.

The premises are in extremely close proximity to residential properties. My onsite measurements showed that the distance from the delivery point to the external wall of the nearest property was less than 16m and the distance from the delivery point to the rear garden wall was 10m.

The calculations for the predicted delivery event noise levels at 25/27 Old Mead (daytime) were split into 3 separate event assessments for 'Arrival', 'Unloading' and 'Departure'. However, the figures for this erroneously showed predicted ambient noise levels for arrival for a distance of 16M. The arrival point is clearly in excess of this and more likely to be at least 26m from 25/26 Old Mead. Therefore, I have discounted the calculations provided for 'Arrival' as the most noise sensitive properties are not 25/25 Old Mead at the point of arrival but those along Western Approaches and in particular, 159 Western Approaches located on the corner of the road at the entrance to the delivery yard are the most noise sensitive.

Therefore, on using the information provided for 'Unloading', the figures given are incorrect. The distance of 26m is incorrect as the distance for unloading point to the noise sensitive premises is 16m. Therefore the calculation provided for the distance attenuation correction provides a correction of -4.08dB, not - 8.3db as stated. The screening attenuation given of 7 dB should also be discounted for times when the receiver is likely to be in bed for example early in the morning (e.g. 7 am Sundays and Bank Holidays) and during the late evening(10-11pm). I would also argue that a conversion to 1 hour and 15 minute Leq should not be carried out as the measurements were taken in 15 minute intervals.

In addition, the time period for the delivery is given as 40 minutes. I would argue that deliveries happen in a more intensive manner at certain times of the day. On attending the site on a single occasion, there were three large articulated delivery vehicle movements to the premises within the space of approximately 90 minutes during the late afternoon. I understand that there are about 5 deliveries a day however I do not think that this includes collections for roll cages etc.

Therefore, if I accept that the L90 is as stated, as per the report, and for times for 2000-2100 accept barrier attenuation of 7 dB, the calculation would provide an overall delivery activity noise of 48.9 dB. The character of the noise is clearly perceptible and there is definite impulsivity and the noise is also intermittent in nature and the start-stop nature of the noise may have to be considered.

Therefore, I would suspect that the acoustic feature correction for this should be at least +6 as per the Standard, providing an overall level of 55dB at the receptor. The background (L90) for the times 2100-2200 is given as 48dB and therefore this is 7dB above background. (A difference of around +5 dB is likely to be an indication of an adverse impact, depending on the context).

For times 2100-2200 similar calculations have been made and for (L90) of 45dB, the difference is +10dB above background. (A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context.)

For 2200-2300, no consideration has been made in respect of the barrier as it would be considered that residents would be going to bed so the receiver would be in the sight line of the delivery and so the noise level would be +56dB at the receiver. Taking into consideration the acoustic correction of +6dB, with the provided L90 of 44dB, this would provide an overall difference of +18 dB.

Similar calculations made for the period 0700-0800 presented an overall difference of +12dB for Sunday mornings and using the background noise levels from the URS report of L90 as 50dB, if the source is 49dB with the barrier attenuation included, the acoustic correction of +6 dB provides an overall difference of +5 dB. This is a conservative set of calculations as I believe that a further acoustic feature of at least +3dB could be given to account for the impulsive bangs when just perceptible. I believe that these fall between just perceptible and clearly perceptible which would allow for a =6 dB acoustic correction.

These calculations show that the noise would have the greatest impact during the early mornings, particularly at weekends and on Bank Holidays and during the late evening times and demonstrate that the information provided in the acoustic report cannot be accepted.

Public Consultation

7.2 Letters were sent to 48 neighbouring residents and a site notice has been posted at the application site. 5 letters of objection have been received from 4 properties which object on the following grounds:

- Extra noise should not be found acceptable.
- The additional noise will prevent sleep.
- The neighbouring properties would not be afforded any times without noise if this application is supported.
- It would not be possible to leave windows open in the summer due to noise.
- The use of headlights will cause disturbance.
- The store already breaches delivery times.
- The noise monitoring location is behind a shipping container.
- The store has coped with the existing delivery times and it is not clear why they have to change now.

8 Relevant Planning History

8.1 The site has been the subject of a number of planning applications for extensions and alterations.

8.2 For the purposes of this application it is considered that application 97/0651, which imposed the condition to which this application related, following the variation of condition 09 of earlier permission SOS/641/79 is of most relevance.

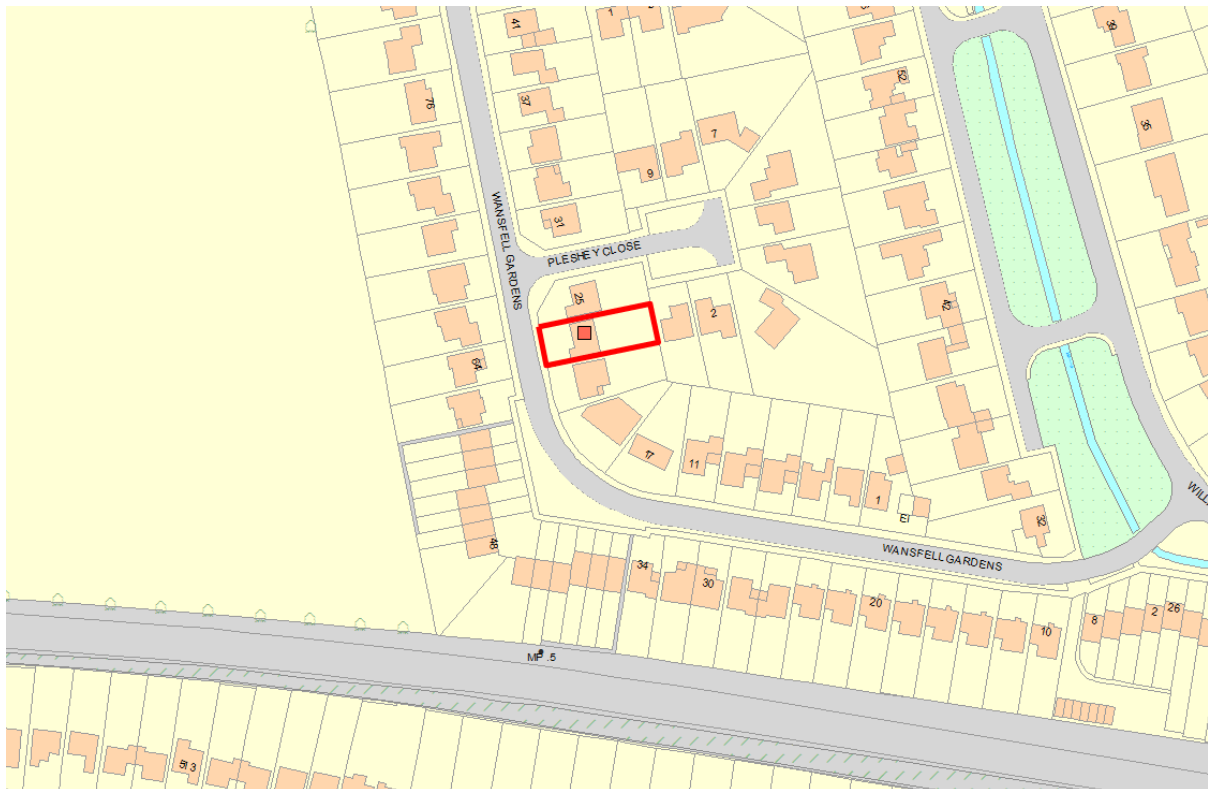
8.3 Application 11/01676/FUL unsuccessfully sought the variation of condition 02 of planning permission 97/0651. That application was refused for the reason that is set out above.

9 Recommendation

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

- 01 The proposed extension of hours for deliveries, if implemented would result in an increase in noise and disturbance associated with the use to the detriment of the amenities of the occupiers of the surrounding residential properties, contrary to the NPPF, policy KP2 of DPD1 (Core Strategy) and policy DM1 of DPD2 (Development Management).**

Reference:	16/00419/FULH
Ward:	Southchurch
Proposal:	Convert garage into habitable accommodation, erect single storey rear extension, first floor side extension and alter elevations.
Address:	23 Wansfell Gardens, Thorpe Bay, Essex SS1 3SW
Applicant:	Mr & Mrs Padbury
Agent:	Knight Gratrix Architects
Consultation Expiry:	14 th April 2016
Expiry Date:	10 th June 2016
Case Officer:	Naomi Scully
Plan Nos:	012 (Amended)
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 The application seeks permission for the conversion of the existing attached garage to a residential annexe to the south of the existing dwellinghouse, which would accommodate a living area, shower room and utility room and would be accessible via the hall of the existing dwellinghouse. The existing roller shutter garage door would be replaced with one living room window.
- 1.2 It is also proposed to construct a first floor side extension over the existing garage which would accommodate a bedroom and a bathroom. The proposed first floor side extension would be set back 0.8 metres from the existing front building line, 0.51 metres below the existing ridgeline, built to an eaves height of 5.15 metres and a maximum height of 8.6 metres with a hipped roof. It is also proposed to insert one bedroom window to the front elevation of the proposed first floor side extension.
- 1.3 It is also proposed to erect a single storey rear extension with a pitched roof with two roof lights inserted to each side elevation of the roofscape. The proposal would be aligned with the north flank elevation and stepped in 3 metres from the south flank elevation of the existing dwellinghouse. The proposed rear extension would project 3 metres from the rear of the dwelling, be built to an eaves height of 2.77 metres, a maximum height of 4.3 metres and would accommodate a sitting and kitchen area.

2 Site and Surroundings

- 2.1 The site is located to the west of Wansfell Gardens and Pleshey Close is to the north. The site is occupied by a two storey detached dwelling with an attached garage to the south side elevation. The site is designated as part of flood zone 2 and 3.
- 2.2 The property has an average sized rear garden relative to the area. The front curtilage of the applicant property is hard surfaced and is used for parking. The surrounding area is residential in character and attached garages to the south elevation are a feature of surrounding properties however some properties have erected a first floor side extension over the garage. Further to the west and south of the property are terraced two storey dwellings.

3 Planning Considerations

- 3.1 The key 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 issues and CIL.

4 Appraisal

Principle of Development

National Planning Policy Framework (2012); Development Plan Document 1 (DPD1): Core Strategy Policies KP2 (Development Principles) and CP4 (Environment and Urban Renaissance); Development Management Document 2: Policy DM1 (Design Quality) and Design and Townscape Guide SPD1 (2009).

- 4.1 The proposal is considered in the context of the National Planning Policy Framework, Core Strategy DPD1 and Development Management Document DPD2 policies relating to design. These policies and guidance support alterations to properties in most cases but require that such alterations and extensions respect the character and appearance of the building. Subject to detailed considerations, the formation of an annexe in this location is acceptable in principle.

Design and Impact on the Character of the Area

National Planning Policy Framework (2012); Development Plan Document 1 (DPD1): Core Strategy Policies KP2 (Development Principles) and CP4 (Environment and Urban Renaissance); Development Management Document 2: Policy DM1 (Design Quality) and Design and Townscape Guide SPD1 (2009)

- 4.2 The National Planning Policy Framework (NPPF) states *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.”* (Paragraph 56 – ‘Requiring good design’).
- 4.3 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.”*
- 4.4 Policy DM1 of the Development Management DPD2 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.

- 4.5 Paragraph 359 of the Design and Townscape Guide under the heading of 'Conversion of Garages to Habitable Rooms' states that *"provided the loss of parking can be justified, a design that achieves a seamless integration with the existing house is normally the best option. This should include matching the materials and fenestration with the main building. However, where the garage is a particular feature that is replicated in a row of properties or where it projects significantly forward of the main front building line this type of proposal may be considered out of character with the existing building and the wider streetscene."*
- 4.6 Paragraph 351 of the Design and Townscape Guide (SPD1) states that *"side extensions should be designed to appear subservient to the parent building. This can be generally achieved by ensuring the extension is set back behind the existing building frontage line and that its design, in particular the roof, is fully integrated with the existing property."*
- 4.7 Paragraph 352 of the Design and Townscape Guide (SPD1) states *"where a terracing effect would be out of character, it is important to maintain a degree of separation between two neighbouring properties. This separation should be maintained at all levels – narrowing an extension at first floor level creates an unacceptable design and must be avoided."*
- 4.8 The existing garage is attached to the south flank of the property and is clearly visible from the streetscene. The existing roller shutter garage door would be replaced with one living room window measuring 1.54 metres by 2 metres and externally finished to match existing brickwork. The proposed first floor side extension would be set back 0.8 metres from the existing front elevation of the dwelling, be built to an eaves height of 5.15 metres and a maximum height of 8.6 metres with a hipped roof sited 0.5 metres below the existing ridgeline. It is also proposed to install one bedroom window measuring 1.9 metres by 1.17 metres to the front elevation of the proposed side extension. The front elevation of the proposed first floor side extension would be tiled to match the existing front elevation of the dwellinghouse.
- 4.9 The existing south flank of the dwellinghouse is sited 1.15 metres from the shared boundary with No. 21 Wansfell Gardens. The proposal to form a hipped roof set back from the existing roofslope on the proposed first floor side extension is considered acceptable as it would match the existing dwelling and would reduce the dominance of the extension on the surrounding area. It is also considered the windows to the proposed front elevation reflect the proportions of the existing to some extent. It is considered the proposal would be of an acceptable size in relation to the existing property, be well integrated with the existing dwelling and would not have a harmful impact on the character of the area or the appearance of the dwelling.

- 4.10 The proposed single storey pitched roof rear extension with two roof lights inserted to each side elevation of the roofscape. The proposal would be aligned with the north flank elevation and stepped in 3 metres from the south flank elevation of the existing dwellinghouse. The proposed rear extension would project 3 metres from the rear of the dwelling, be built to an eaves height of 2.77 metres and a maximum height of 4.3 metres. Given the limited height and separation distance of the proposed development and all proposed materials would match the existing it is considered the proposal would satisfactorily relate to the existing dwellinghouse in accordance with the NPPF, policies KP2 and CP4 of the Core Strategy, policy DM1 of the Development Management Document and the Design and Townscape Guide.

Impact on Residential Amenity

National Planning Policy Framework (2012); Development Plan Document 1 (DPD1): Core Strategy Policies CP4 (Environment and Urban Renaissance); Development Management Document 2: Policy DM1 (Design Quality) and Design and Townscape Guide SPD1 (2009).

- 4.11 Paragraph 343 under the heading of 'Alterations and Additions to Existing Residential Buildings' of the Design and Townscape Guide (SPD1) states, amongst other criteria, that *"extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties."* Policy DM1 of the Development Management DPD also 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."*
- 4.12 The proposed rear extension would be sited 14.3 metres from the shared rear boundary with No. 1 Pleshey Close. It is proposed to install glazing above the proposed five fully glazed bi-folding patio doors to the rear elevation of the proposed extension. The proposed first floor side extension does not alter the separation distance of 1.15 metres between No. 21 Wansfell Gardens and the applicant property. At present the rear elevation of No. 25 projects further than the rear of the applicant property therefore when constructed the proposed rear extension would project slightly further than No. 25 however the separation distance of 0.76 metres between the properties would not be altered. Given the separation distances would be retained and the applicant property is detached it is not considered the proposal would have an overbearing impact on the adjacent properties.
- 4.13 The north side elevation of No. 21 contains one obscured glazed window at first floor level which appears to serve a stairs therefore it is considered the first floor side extension would not create a sense of enclosure for the occupants of this property. It is not proposed to insert glazing to either side of the proposed rear extension therefore an issue of overlooking or loss of privacy would not be created.

The proposal does increase the amount of glazing to the rear of the property however the west side elevation of No. 1 Pleshey Close does not contain any windows therefore the proposal would not be detrimental to the residential amenity of the occupants of this property.

Standard of Accommodation

- 4.14 **National Planning Policy Framework (2012); Development Plan Document 1 (DPD1); Core Strategy Policies KP2 (Development Principles) and CP4 (Environment and Urban Renaissance); Development Management Document 2: Policies KP2 (Development Principles) and CP4 (Environment and Urban Renaissance); Development Management Document 2: Policy DM1 (Design Quality) and Design and Townscape Guide SPD1 (2009).**

The proposed conversion would accommodate a living room, shower room and utility room and therefore is not considered self-contained accommodation; a condition will be attached to ensure this is the case. The conversion would be accessible from the existing dwelling. It is considered the proposed additional window to the front elevation would allow the additional rooms to benefit from sufficient outlook, and light creating an acceptable living environment.

Traffic and Transportation

- 4.15 **National Planning Policy Framework (2012); Development Plan Document 1 (DPD1): Core Strategy Policies KP2 (Development Principles), CP4 (Environment and Urban Renaissance), CP3 (Transport and Accessibility); Development Management Document 2: Policy DM15 (Sustainable Transport Management) and Design and Townscape Guide SPD1 (2009).**

- 4.16 Policy DM15 of the Development Management DPD requires that all development should meet the minimum off-street parking standards. Therefore, for a four bedroomed dwelling outside Southend Central area, the provision of two parking spaces is required.

The proposal would result in the loss of the existing garage to habitable accommodation. This is considered acceptable as two parking spaces are presently available to the front elevation of the dwelling.

- 4.17 **Community Infrastructure Levy (CIL)**

Charging Schedule

The proposal for the existing property equates to less than 100sqm of new floorspace, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Other Matters

- 4.18 It is considered reasonable to impose a condition to ensure the annexe is linked to the main dwelling as an incidental outbuilding.
- 4.19 The application site is at risk of flooding as the property is located within Flood Zones 2 and 3. The floor levels of the proposal will be as existing and will not be set lower than the current floor levels. Also the following flood proofing and flood resistant design measures would be implemented into the ground floor development:
- All electrical services to be wired from the ceilings (where appropriate);
 - Solid (i.e. concrete) floors;
 - Air brick protection
 - An internal water-resistant render and lime based plaster finish
 - Ceramic tiles; particularly in kitchen and shower areas;
 - Fixings to be of galvanised/stainless steel or copper rather than mild steel material which may rust and cause staining of wall surfaces.

5 Conclusion

- 5.1 The proposed development, subject to appropriate conditions, is considered to be in accordance with the Development Plan.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (NPPF) (2012)
- 6.2 Development Plan Document 1: CP4 (Environment and Urban Renaissance) and KP2 (Development Principles)
- 6.3 Development Plan Document 2: Policy DM1 (Design Quality) and DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design and Townscape Guide 2009.
- 6.5 CIL Charging Schedule

7 Representation Summary

Public Consultation

- 7.1 Six neighbours were consulted and no letters of representation were received.
- 7.2 This application was called to committee by Cllr. Garston.

8 Relevant Planning History

- 8.1 No relevant planning history.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

01 The development hereby permitted shall begin not later than three years from 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: 012 Amended

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

03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

Reason: To safeguard the visual amenities of the area, in accordance with National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, policy DM1 of Development Management Document DPD2 and SPD1 (Design and Townscape Guide).

04 The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 23 Wansfell Gardens and shall not be sold or let separately.

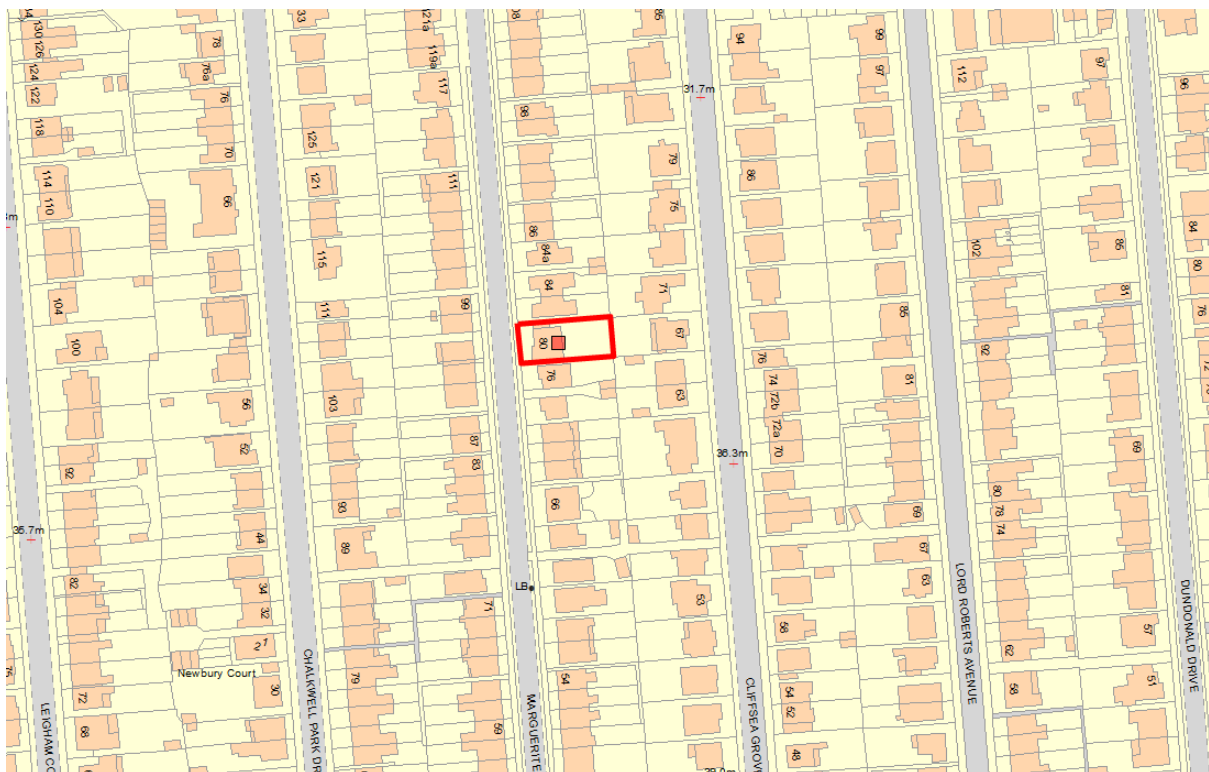
Reason: To ensure the building is used as an annexe and remains as an ancillary building to the main dwelling in accordance with policy DM3 of the Development Management DPD2.

Informative

- 1 You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace 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.**

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

Reference:	16/00460/FULH
Ward:	Leigh
Proposal:	Raise roof height to form chalet style dwelling, erect dormers to front and rear, form two storey front gable projection, layout parking and install new vehicular access on to Marguerite Drive
Address:	80 Marguerite Drive, Leigh-On-Sea, Essex, SS9 1NW
Applicant:	Mr And Mrs Adams
Agent:	Brian Davison Associates
Consultation Expiry:	29 th April 2016
Expiry Date:	1 st June 2016
Case Officer:	Anna Tastsoglou
Plan Nos:bn	1501/S1/D & 1504/300/K1
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to raise the roof height to form a chalet style dwelling, extend the existing front gable projection at first floor, form a pitched roof front bay feature, erect pitched roof dormers to front and rear, layout parking and install a new vehicular access onto Marguerite Drive.
- 1.2 Materials to be used would include white UPVC windows and doors, plain red/brown clay tiles and the external walls would be finished in render painted white. The proposed front hard surface would be permeable paving cemex burnt elm colour.
- 1.3 The proposed roof would be raised by 1.3 metres approximately, resulting in a maximum dwelling height of 7.9 metres. The roof would be half hipped to the flank elevations and cat-slide to front and rear.
- 1.4 The existing front projecting gable would be recessed by 800mm and it would be extended at first floor level. The existing squared bay to the front would be altered to a polygonal shaped bay window.
- 1.5 The front gabled roof dormer window would measure 2.3m wide, 3.15m high, projecting out from the roof at its deepest point by 3.9 metres.
- 1.6 Two of the three dormers proposed to the rear would measure 1.8m wide, 2.6m high, projecting out from the roof at their deepest point by 2.8 metres. The largest dormer would be 2.2m wide, 3.9m high, projecting out from the roof at their deepest point by 3 metres.
- 1.7 The extension at first floor would extend above the existing footprint of the bungalow. The internal floor space created at first floor would be approximately 92m².
- 1.8 The proposed two storey dwelling would form an open kitchen/dining/sitting area, a living room, a bathroom, a master bedroom, a WC and a utility room at ground floor, while at first floor it would accommodate an en-suite master bedroom, two bedrooms, a bathroom and a study.
- 1.9 The applicant has submitted drawings providing additional information in relation to building regulations M4(2) for accessible and adaptable dwellings.

1.10 It is noted that minor amendments have been requested and incorporated to the proposal, including the following:

- The proposed recessed balcony to the rear has been omitted from the proposal.
- The windows in the front elevation have been elongated and made thinner to match the design of the existing windows in the area.
- The pitch of the proposed front bay feature has been increased to integrate with the main gable.
- The proposed double storey front gable has been stepped 100mm forward to maintain a separation with the entrance door.
- The proposed front picket fence agreed to be changed to railings.
- The roof material agreed to be red/brown clay tiles.

2 Site and Surroundings

2.1 The site is occupied by a detached bungalow located on the eastern side of Marguerite Drive, south of London Road. The property has an average sized rear garden in relation to the surrounding area. The front curtilage of the dwelling is currently covered by low vegetation, as it appears to be left unkempt. An existing crossover extends in front of the dwelling. The property has recently extended to rear providing a 4 meters deep rear extension.

2.2 The area is residential in character, consisting predominantly of two storey dwellings. However, two chalet style dwellings are sited to the south and three bungalows to the north of the application site. There is no uniformity in the area, in terms of the design and size of dwellings. Topographically the area slopes downwards to the north.

3 Planning Considerations

3.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area, any traffic and transport issues, impact on residential amenity.

4 Appraisal

Principle of Development

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policy DM1 and DM3.

4.1 The dwelling is located within a residential area and an extension to the property is considered acceptable in principle.

- 4.2 As noted above, the prevailing character of the area is for two storey dwellinghouses. The application dwelling is located between a chalet style dwelling and bungalow. On that basis, a chalet style dwelling in this location would not result in breaking the continuity of the streetscene, in terms of ridge heights or dwellings style and as such, is considered acceptable in principle.
- 4.3 Policy DM3 (4) quotes that *“The conversion or redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal:*
- (i) Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and*
 - (ii) Will not result in a net loss of housing accommodation suitable for the needs of Southend’s older residents having regard to the Lifetime Homes Standards.”*
- 4.4 Since 1st of October 2015 policy DM3 (ii) of the Development management DPD has been substituted by building regulation M4 (2). These include a step-free access to the dwelling and any associated parking space, a step-free access to a WC and any private outdoor space, accessible accommodation and sanitary facilities for older people or wheelchair users and socket outlets and other controls reasonably accessible to people with reduced reach.
- 4.5 The applicant has submitted information demonstrating that the proposed chalet style dwelling meets the building regulation M4 (2) requirements. The proposal would include a step-free access. A covered canopy is provided as well as a space at entrance level that could be used as bed space, wheelchair accessible toilet would be provided and the provision of a future floor lift, have been tested. The clear opening width the entrance door is more 850mm. In light of the above, it is considered that the proposed chalet dwelling would be accessible and adaptable dwellings for older people or wheelchair users.

Design and Impact on the Character of the Area

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policy DM1; SPD 1 (Design & Townscape Guide (2009))

- 4.6 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management DPD. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.7 Paragraph 56 of the NPPF states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*

- 4.8 Policy DM1 of the Development Management DPD 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”*.
- 4.9 According to Policy KP2 of Core Strategy (CS) new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of CS requires that development proposals should *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 4.10 Paragraph 375 of the Design and Townscape Guide states that *“in a few cases it may be possible to extend a property upward by adding an additional storey however this will only be acceptable where it does not conflict with the character of the street. For example adding another storey to a bungalow will not be considered appropriate where the street comprises predominately of single storey dwellings or where there is a regular pattern of bungalows and other style of properties which is part of the local character.”* It is also added that *“where it is considered acceptable in principle, in order to achieve a cohesive development it is essential that the additional storey draws strong references from the lower floors and adjacent properties, or an overall integrated design is developed.”*
- 4.11 The existing property is a shallow gabled roof detached bungalow and the proposal is to be converted into a chalet style dwelling. As noted above, the area comprises predominantly of two storey dwellings, albeit the property is sited between a similar chalet dwelling to the south and a bungalow to the north. A streetscene plan has been submitted showing that the proposed chalet would be of similar height with the adjacent chalet style dwellings to the south. It is therefore considered that the provision of a chalet style dwelling in this location would be appropriate and it would not unacceptably stand out or appear dominant in the streetscene. Given that the ridge height of the proposed dwelling would be in line with the neighbouring properties to the south, it is not considered that continuity the ridge-height of the streetscene would be broken.
- 4.12 As noted above, dwellings in the vicinity vary in terms of design and hence, reference in not necessary be drawn from the adjoining properties. However, the attempt to match the design of the detached chalets to the south is evident. The proposed dwelling would have a cat-slide roof to front and rear, with half hips to flank elevation and a two storey front projecting gable, which would be set back from the existing front projecting feature. A pitched roof bay window is proposed to be formed in front of the two storey gable element, which would be of similar design to the front bay of the adjacent dwelling to the south and it would add architectural interest to the dwelling.

A dormer is also proposed in the front elevation, which would appear incidental to the roof slope and its design would be in keeping with the design of the proposed roof. Following discussion with the applicant, amendments have been incorporated to front elevation, including minor alterations to fenestration proportions, slight increase of the ridge height of the pitch of the front bay feature and marginal forward projection of the front gable feature to create a separation with the entrance door. It is therefore considered that the front elevation would be, on balance, acceptable in design terms and it would be in keeping with the character and appearance of the dwellings in the immediate area.

- 4.13 In relation to the roof design, following pre-application discussions, the expanse of the top flat roof section has been significantly reduced in size. A top ridge tile would be installed and the flat roof would be set down. This is considered to restrict the views of the flat roof section from the public realm and therefore, on balance, the proposed roof form would not result in a detrimental impact on the appearance of the dwelling or the wider area.
- 4.14 There is no objection to the proposed rear dormers. Their design would be in keeping with the design of the proposed dwelling and they would not be visible from public vantage points.
- 4.15 It is also proposed to install hardstanding to the front curtilage of the dwelling. Whilst this would reduce the existing soft landscaped area, given it would still result in some landscaping to front, it is not considered that the impact would be detrimental to the character of the wider area. There are a number of examples of front hard surfaced curtilages and as such, the proposal would not be out of keeping with the character of the area. The previously proposed picket fence agreed to be replaced with railings, which is considered preferable and more in keeping with the character of the area.
- 4.16 Proposed finishing materials would satisfactorily relate to the existing dwelling and it would be consistent with materials of the dwellings within the vicinity. Following discussion with the applicant the previously proposed slate roof is now proposed to be finished in small red/brown tiles, which would blend with the roof finishing materials of the dwellings in the vicinity.

Traffic and Transport Issues

NPPF; Development Management DPD Policy DM15

- 4.17 Policy DM15 of the Development Management DPD requires all development to provide adequate parking. Similar to parking requirements of the existing dwelling, the provision of two parking spaces is required for the proposed chalet dwelling. One parking space is proposed to be provided and therefore, the proposal would not meet the parking standards as set in policy DM15. However, it is noted that the current dwelling is a two bedroom dwelling with one off-street parking space, which does not meet the parking size standards (less than 2.4m x 4.8m).

Given that the Council's standards in relation to off-street parking are the same for a two and a four bedroom dwelling (2 parking spaces), in this instance, the proposed one parking space would result in an improvement in terms of off-street parking requirements, given that the existing parking space is not sufficient to accommodate a vehicle.

- 4.18 The property has an existing crossover and front hardstanding and it is proposed to form a new crossover and layout parking, in a different position from the existing parking space. The proposed parking space would be formed parallel with the highway and it would measure 2.6m x 6.5m providing a 1 metre gap to the dwelling and the crossover would be 4.75m wide. Marguerite Drive is not a classified road and as such, there is no requirement to enter and leave the site in forward gear. Therefore the proposed crossover and parking space would be wide enough to allow the vehicle to enter the site, without causing obstruction.
- 4.19 Given that the proposed parking space would result in loss of one on-street parking space it is considered that the reinstatement of the existing crossover would be crucial. An informative would be added as a reminder for the applicant.

Impact on Residential Amenity

NPPF; Development Management DPD Policy DM1; SPD 1 (Design & Townscape Guide (2009))

- 4.20 The Design and Townscape Guide (SPD1) at paragraph 343 states that *"extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties."* Policy DM1 of the emerging Development Management DPD 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."*
- 4.21 Although the mass of the proposed dwelling would be increased, the neighbouring property to the south is a chalet style dwelling and the bungalow to the north is located 3 metres away from the application dwelling.
- 4.22 In relation to the dwelling to the north, sufficient distance would be maintained between the proposed dwelling and the neighbouring property, given that the side extension along the shared boundary has been removed and the proposal would not project beyond the existing rear elevation of the neighbouring dwelling. There are two windows in the south flank elevation of the dwelling to the north, which as it has been confirmed are an obscure glazed window to a non-habitable room and a secondary windows to habitable rooms. It is therefore considered the proposal would not result in a material harm on the amenity of the neighbouring to the north, by way of loss of light and domination. The proposed windows in the north flank elevation are not windows to habitable rooms and as such, a condition is considered reasonable to be imposed to be glazed in obscure glass.

The originally proposed recessed balcony to the rear has been omitted from the proposal and hence, no objections raised in terms of overlooking.

- 4.23 In relation to the dwelling to the south, the proposed dwelling would project approximately 2.5 metres beyond the neighbouring rear wall; however, this projection, given the orientation of the site is not considered to result in a detrimental impact in terms of overshadowing or domination. There is a window in the north flank elevation of the dwelling to the south, which is a secondary window to the front lounge and hence, it is not a protected window. No windows are proposed in the south flank elevation and as such, the proposal would not result in a material increase in overlooking the neighbours to the south.
- 4.24 An approximate 12 metres distance would be retained between the proposed windows at first floor and the rear boundary, which is considered a sufficient distance of separation to prevent overlooking. Concerns have been raised by neighbours regarding overlooking by the previously proposed balcony. However, as noted above this element has been omitted from the proposal and therefore, the development, as proposed, is not considered to result in overlooking or loss of privacy.
- 4.25 The windows at first floor level in the front elevation would overlook the highway and the neighbouring front gardens, which is considered acceptable.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.26 The new floor space created by the proposal would be less than 100m². Therefore, the proposed development is not CIL liable.

5 Conclusion

- 5.1 The proposed development, subject to appropriate conditions, is considered to be in accordance with the Development Plan.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2012) : Section 7 (Requiring Good design)
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)
- 6.3 Development Management DPD 2015: DM1 (Design Quality), Policy DM3 (The Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)

6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)

6.5 CIL Charging Schedule 2015

6.6 National Housing Standards 2015

7 Representation Summary

Public Consultation

7.1 Nine neighbours were consulted and a site notice posted on site and five letter of objection have been received, as follows:

- The balcony and dormers to rear would result in overlooking and loss of privacy. The distance between the application dwelling and neighbouring properties to the rear is limited. **[Officer comment: Please refer to 'Impact on Residential Amenity' section.]**
- Loss of light. **[Officer comment: Please refer to 'Impact on Residential Amenity' section.]**
- The size and scale of the proposed dwelling would be out of keeping with the character of the area. The property would have a larger footprint than the dwellings in the surrounding area. **[Officer comment: Please refer to 'Design and Impact on the Character of the Area' section.]**
- Loss of bungalow. **[Officer comment: Please refer to 'Principle of Development' section.]**

7.2 Councillors Arscott and Mulronev have requested that this planning application go before the Development Control Committee for consideration.

Design and Regeneration

7.3 Marguerite Drive is a mixed street of mainly 2 storey houses mostly semi-detached and terrace intermixed with small groups of bungalows and a few chalets. 80 Marguerite Drive is one of a run of 4 bungalows in this section of the road. The two properties to the south were also originally bungalows too but have since been converted to chalets. The proposal seeks to convert the existing bungalow to a chalet with a similar front elevation to these adjacent chalets including a 2 storey gable feature and front dormer set against a deep chalet style front roof slope. Given the mixed character of the street and the design of the adjacent properties it would be difficult to object to this type of development, however, the proportions of the elements on the front elevation are a little under scaled resulting in an imbalance of the main elevation. Therefore the following amendments are suggested:

- Increase depth of living room bay window to match depth of master bedroom
- Increase pitch of the feature roof of the new bay to match the main gable roof and to better fill the space here

- Increase the size of the first floor window in the gable to also match the depth of the master bedroom window and better fill the space in the gable
- Consider stepping the gable forward slightly to separate it from the front entrance, 1 brick would be enough
- Change the proposal for picket fence to low wall or railing to match neighbour which would be more in character with the streetscene
- The roof materials should be changed to small scale red/brown tiles as the proposed slate would be out of character.
- Details of landscaping to the frontage to be agreed or clarified.

[Officer comment: It is noted that the above requested amendments have been incorporated to the plans submitted.]

Transport and Highways

- 7.4 There are no highway objections to this proposal 1 parking space is being retained. The proposal would not increase the parking demand for the dwelling as a whole therefore it is not considered that the proposal will have a detrimental impact upon the public highway.

Parks

- 7.5 No comments received.

Leigh Town Council

- 7.6
- Leigh Town Council regrets the loss of a bungalow from the Borough's limited supply
 - The proposal is an overdevelopment due to scale bulk and mass
 - Loss of privacy to neighbouring properties

8 Relevant Planning History

- 8.1 15/01966/PREAPF - Raise the roof height to form a chalet style dwelling, erect single storey rear extension, erect dormers to front and rear elevation incorporating balcony to the rear, layout parking and form new crossover.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall begin not later than three years from 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: 1501/S1/D & 1504/300/K1**

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

- 03 No development shall take place until samples/details of materials to be used on the external elevations including details of any boundary walls, fences, gates, roof materials and windows have been submitted to and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.**

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1, and SPD1 (Design and Townscape Guide).

- 04 No development shall take place until details of soft and hard landscape works shall be submitted to and approved in writing by the local planning authority. The approved landscaping scheme shall be implemented within the first planting season.**

Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the amenity of future occupants in accordance with DPD1 (Core Strategy) policy KP2 and CP4, Development Management DPD policy DM1 and SPD1 (Design and Townscape Guide).

- 05 Permeable paving shall be used for the hardstanding area unless otherwise agreed by the Local Planning Authority.**

Reason: To ensure that the development is completed and used as agreed, and to ensure that it meets DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM1 and SPD1.

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.

Informative

- 1 You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace 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.**
- 2 You are reminded that the existing crossover should be reinstated concurrently with the installation of the new crossover. For further information please contact the Highways Department.**

Reference:	16/00482/FULH
Ward:	Victoria
Proposal:	Erect roof extension with dormer to rear
Address:	13 Glenhurst Road, Southend-on-Sea, Essex, SS2 5DR
Applicant:	Ms Lisa Steadman
Agent:	N/A
Consultation Expiry:	02/05/16
Expiry Date:	26/05/16
Case Officer:	Conor Auld
Plan Nos:	Location Plan, Revised 1 (dated 25/05/16), 2, Revised 3 (dated 25/05/16)
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 The application seeks planning permission to erect a roof extension with a flat roof dormer to rear.
- 1.2 The proposed roof extension would extend the hip to a gable end and the proposed dormer would measure approximately 4.8m wide, 3.7m maximum depth, with a maximum height of 2.4m. A window is proposed on the new 2nd floor gable end.
- 1.3 The proposed roof extension and dormer would accommodate an en suite bedroom.
- 1.4 The proposed materials would be to match those used on the existing building in terms of texture and colour.
- 1.5 The applicant is a serving officer of the Council.

2 Site and Surroundings

- 2.1 The site is located on the western side of Glenhurst Road and contains a two storey dwellinghouse at the end of a terrace of three properties; these are similar in style and scale. It is noted that the opposite property, number 16 Glenhurst Road, has previously undergone a hipped to gable roof extension (reference 07/00049/FUL).
- 2.2 The surrounding area is residential in character and contains predominantly terraced two storey dwellings of similar scale and design. The majority of these properties have a gable roof over their bay windows and main roofs which are hipped, though some properties do have gable roofs.
- 2.3 The site is not subject to site specific planning policy.

3 Planning Considerations

- 3.1 The key considerations of this application are the principle of the development, the design and impact upon the character and appearance of the surrounding area and the impact on residential amenity.

4 Appraisal

Principle of the Development

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policy DM1 and SPD1 Design and Townscape Guide

- 4.1 The proposal is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP4. Also of relevance is Policy DM1 of the Development Management DPD which addresses design quality and SPD1 Design and Townscape Guide.
- 4.2 Alterations and extensions to properties are considered acceptable in principle provided that they respect the existing character and appearance of the building and do not adversely impact upon the residential amenity of neighbouring properties.

Design and Impact on the Character of the Area

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policy DM1 and SPD1 Design and Townscape Guide

- 4.3 In order to achieve high quality living environments it is essential to have good design. The importance of this is reflected in the National Planning Policy Framework, in Policy DM1 of the Development Management DPD and Policies KP2 and CP4 of the Core Strategy.
- 4.4 The National Planning Policy Framework states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 4.5 Policy DM1 of the Development Management DPD states that 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.”*
- 4.6 Policy KP2 of the Core Strategy states that all new development must respect the character and scale of the existing neighbourhood where appropriate. Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable, urban environment which enhances and compliments 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.

- 4.7 Paragraph 370 of SPD1 Design and Townscape Guide states that hip to gable roof extensions *“can be more acceptable than a side dormer provided it is not out of character with the streetscene or leads to an unbalanced block or pair of semis i.e. it is more appropriate for a detached or end of terrace property than only one of a matching pair of semis which would be considered unacceptable.”*
- 4.8 The application property is at the end of a row of three terraced dwellinghouses. Both end properties have hipped roofs. The surrounding streetscene contains a mix of semi-detached and terraced properties which predominantly have hipped roofs. The opposite property at number 16 Glenhurst Road has had a hipped to gable roof extension. Whilst the majority of properties within the area of Glenhurst Road have a hipped roof it is not considered that the proposed hip to gable extension would be unacceptable in terms of the impact upon the character and appearance of this streetscene.
- 4.9 There is therefore no objection in principle to a hip to gable extension in this location, and the proposed roof design is considered to satisfactorily integrate with the existing dwellinghouse.
- 4.10 The proposed rear dormer is considered to be acceptable in terms of scale in relation to the proposed gable roof to the rear of the property as it is set below the ridge line of the existing roof and back from the roof eaves. As views of this from the streetscene would be limited it is considered that it would not be materially harmful to the character and appearance of the surrounding area.
- 4.11 The proposed rear dormer and hip to gable extension are considered to relate well to the existing dwelling in terms of design and scale, and as such would not result in material harm to the character and appearance of the surrounding area.

Impact on Residential Amenity

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policy DM1 and SPD1 Design and Townscape Guide

- 4.12 Policy DM1 of the Development Management DPD states that any new development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution and daylight and sunlight.
- 4.13 Paragraph 212 of SPD1 Design and Townscape Guide states that *“new development must be designed so as not to unreasonably overshadow, block daylight or be unduly obtrusive to adjacent buildings and public spaces.”* This is furthered by paragraph 213 which states that *“all developments and extensions must be designed so as not to give rise to unreasonable or perceived overlooking or compromise the privacy of an existing building or private garden.”*

- 4.14 Given the positioning of the application property to the north of number 15 Glenhurst Road it is not considered that the proposed hip to gable roof extension would result in material reduction to the sunlight and daylight to this neighbour.
- 4.15 The proposed window on the gable end is positioned at a height such that it would look toward the roof of number 15 Glenhurst Road and would not afford views into the existing side window on this neighbour, it is also considered that, due to the location of the side windows on this neighbouring property that the proposed roof extension would not be overbearing.
- 4.16 As the property is an end of terrace property it is not considered that the proposed hip to gable extension would result in material harm to the residential amenity of the neighbours to the north, number 11 Glenhurst Road, in terms of sunlight and daylight, overlooking or would be overbearing.
- 4.17 The proposed rear dormer is positioned such that it would not materially harm the residential amenity of either neighbour to the north or south of the application site (numbers 11 and 15 Glenhurst Road respectively).
- 4.18 To the rear (west) of the property there would be approximately 21m to the rear site boundary. It is considered that this is an acceptable distance so as to avoid issues regarding sunlight and daylight, overlooking and would not be overbearing upon the neighbours to the west, the flats at Galleries Court and Vantage Court.
- 4.19 It is not considered that the proposed development would result in material harm to the residential amenity of neighbouring properties.

Community Infrastructure Levy (CIL)

CIL Charging Schedule 2015

- 4.20 As the proposed development would result in less than 100m² of new floorspace it is not CIL liable.

5 Conclusion

- 5.1 The proposed development to the application property is considered to be acceptable in principle and is not considered to materially harm the character and appearance of the application property or surrounding area. The proposals are also not considered to result in harm to the residential amenity of neighbouring properties, in accordance with the provisions of the development plan.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework 2012
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance)
- 6.3 Development Management DPD Policy DM1 (Design Quality)
- 6.4 Supplementary Planning Document 1: Design and Townscape Guide 2009
- 6.5 Community Infrastructure Levy (CIL) Charging Schedule 2015

7 Representation Summary

- 7.1 As the applicant is a serving officer of the Council, the application must be determined by the Council's Development Control Committee.

Public Consultation

- 7.2 71 neighbouring properties were notified, no letters of correspondence received.

Design and Regeneration

- 7.3 No comments received.

8 Relevant Planning History

- 8.1 1988 – Permission refused to convert dwellinghouse into two flats and erect single storey rear extension – Reference – 88/1134.
- 8.2 1988 – Permission granted to erect single storey rear extension – Reference – 88/1818.

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 from the date of this decision. (C01A)

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990. (R01A)

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: Revised 1 (dated 25/05/16), 2, Revised 3 (dated 25/05/16) (C01D)**

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan. (R01D)

- 03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission. (C23D)**

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 Policy KP2 and CP4, Development Management DPD Policy DM1, and SPD1 (Design and Townscape Guide).

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.

Informative

You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace 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.