

Reference:	21/01685/FUL
Application Type:	FULL
Ward:	West Leigh
Proposal:	Demolish existing dwelling and erect building comprising 7no. apartments, layout parking, landscaping, cycle and refuse storage and form vehicular crossover onto Thames Drive (Amended Proposal)
Address:	135 Marine Parade Leigh-On-Sea Essex SS9 2RF
Applicant:	P + PR Property Developments Ltd
Agent:	BDA Architecture
Consultation Expiry:	10 th September 2021
Expiry Date:	11 th October 2021
Case Officer:	Abbie Greenwood
Plan Nos:	21.102/01, 21.102/02B, 21.102/03B, 21.102/04B Proposed Views Reference 21.102/10 (Marine Parade) & 21.102/10 (Thames Drive) Planning Statement ref P0839
Recommendation:	REFUSE PLANNING PERMISSION



1. Site and Surroundings

- 1.1 The site is located on the junction of Marine Parade and Thames Drive on the cliff top overlooking the estuary. The existing building is a large traditionally designed house with feature gables, bays and balconies. The property has an attached flat roof garage to the western side with vehicular crossover from Thames Drive. This garage sits forward of the building line of the properties in Thames Drive but is a subservient addition to the streetscene in this location. The site is a double width plot compared to others in the vicinity but the articulation of the existing building and generous frontages ensure that the existing building integrates comfortably in the wider streetscene.
- 1.2 The Marine Estate is characterised by large detached and semi-detached family houses. A few have been converted to flats but overall, these conversions have retained the character of houses which means that the flats are not readily apparent in the streetscene. All properties are two storeys with generously proportioned roofs, and this is a consistent feature of the streetscene. Some have dormers in the roof and front balconies. Houses in both streets are set on a relatively consistent building line with generous planted frontages which wrap around the junctions giving the streets a suburban character.
- 1.3 Opposite the site is Marine Parade Gardens which is protected open space and green belt and Belton Hills Nature Reserve. The site is located within the Development Management Document Policy DM6 Seafront Character Zone 1.

2 The Proposal

- 2.1 The proposal seeks to demolish the existing dwelling and erect 7 flats (6 x 2 bed and 1 x 3 bed), layout 9 parking spaces to the rear, associated landscaping, cycle and refuse storage and form a new vehicular crossover onto Thames Drive.
- 2.2 The main body of the new building would have a maximum width of 22.9m reducing to 17.8m at 3rd floor level, a maximum depth of 16.3m and a shallow hipped roof with an eaves height of 7.4m and a maximum height of 10.5m, reducing to 8.3m on its east side

adjacent to number 134 Marine Parade.

2.3 The proposals would be constructed of buff/yellow facing brickwork and render with cedar and zinc cladding, a tiled roof, aluminium windows and doors and glazed balconies.

2.4 This proposal follows refusal of application reference 21/00146/FUL which sought to demolish the existing dwelling and erect 7 flats, layout parking, landscaping, cycle and refuse storage and form new vehicular crossover onto Thames Drive. This was refused for the following reasons:

01 The proposed development, by reason of its excessive scale, form, mass, footprint, siting, unresolved design and materials, would have a significant detrimental impact on the grain, character and appearance of the site and the wider area and would be an over scaled, prominent and incongruous addition to the streetscene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM6 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

02 The development offers no reasonable mitigation of the in-combination effect of the net increase of six dwellings on habitats and species in accordance with the Habitats Regulations as identified in the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020). This is unacceptable and contrary to the RAMS, and Policies KP1, KP2 and CP4 of the Core Strategy and Policy DM6 of the Development Management Document which seek to protect the natural environment with specific reference to the coastal habitats.

2.5 The main differences between these two applications are:

- The mix of the units has been amended from 5x2bed and 2x3bed to 6x2bed and 1x3bed – overall the number of units is unchanged at 7 flats.
- The number of floors has been reduced from part 4 part 3 storeys to part 3 part 2 storeys.
- The design has been amended to include a shallow pitched roof (previously part flat and part gabled.)
- The footprint of the building has increased in width from 22.5m to 22.9m, the depth has been reduced from 18m to 16.3m and the height reduced from 11.2m to 10.5m.
- The front building line on the Marine Parade frontage has been pushed back from between 2.4m and 4.4m to between 3.3m and 6m.
- The side building line to Thames Drive has been pushed back from between 1m to 1.7m to between 1.5m and 2.3m.
- The number of parking spaces has been reduced from 10 to 9 and the undercroft parking arrangement has been omitted from the scheme.
- The main entrance has been relocated from the front facing Marine Parade to the rear, facing the car park.
- The sizes of the amenity areas/balconies been reduced. Most are now 5sqm.

2.6 The 2021 refusal followed a previous application reference 19/01417/FUL for the conversion of the existing building into 6 flats with 7 parking spaces. That application was allowed at appeal. The full appeal decision is attached to this report as Appendix 1.

2.7 The key difference between those two applications were that the existing building was proposed to be demolished and replaced rather than converted. The 2019 design was for 2.5 storeys, had a generously proportioned hipped roof with feature gables facing the street and a smaller footprint than the refused 2021 proposal which had a part flat part gabled roof and a more boxy design. In both schemes an open parking area was proposed to the rear of the building. Key points from the appeal decision are:

- The proposed form [2 storeys with a large hipped roof and dormers to front and rear] is acceptable in the streetscene. [para 6]
- The siting of the development compared to the wider streetscene is acceptable. [para 7]
- The single storey side projection facing Thames Drive is subservient and would not be more prominent in the streetscene than the existing garage. [para 9]
- No objection to remodelling the building or a contemporary design as proposed. [para 10]
- Balconies are acceptable as private amenity provision for flats. [para 16]
- The location of the parking area [7 spaces, 6 along the north boundary] adjacent to the 104 Thames Drive and its amenity area is acceptable in terms of noise and disturbance. [paras18- 21]
- No objections to highway safety, congestion, change to outlook, lack of parking, pressure on local services, overlooking, loss of greenery or loss of view. [para 23]

3 Relevant Planning History

- 3.1 21/00146/FUL - Demolish existing dwelling and erect building comprising no.7 apartments, layout parking, landscaping, cycle and refuse storage and form new vehicular crossover onto Thames Drive. – refused.
- 3.2 19/01417/FUL - Extend existing pitched roof, install dormers to front and rear, erect front, side and rear extensions and alter elevations to existing building to form six self-contained flats with balconies/terraces, associated parking, amenity space, refuse/cycle store and install vehicle access onto Thames Drive (Amended proposal) – allowed on appeal.
- 3.3 19/00284/FUL - Extend existing pitched roof with dormers to front and rear, erect front, side and rear extensions and alter elevations to existing building to form 7No. self-contained flats with balconies/terraces, associated parking, amenity space, refuse/cycle store and install vehicle access onto Thames Drive - refused
- 3.4 19/00041/GPDE - Erect single storey rear extension, projecting 8m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3.25m – granted
- 3.5 18/02123/GPDE - Erect single storey rear extension, projecting 5.46m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3.25m – refused
- 3.6 18/02122/GPDE - Erect single storey rear extension, projecting 8m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3.25m. – refused

- 3.7 18/02121/GPDE - Erect single storey rear extension, projecting 5.46m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3.25m. -refused
- 3.8 18/01701/GPDE - Erect single storey rear extension, projecting 8m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3.25m. – refused
- 3.9 18/01573/GPDE - Erect single storey rear extension, projecting 8m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3.25m – refused
- 3.10 18/01568/GPDE – Erect single storey rear extension, projecting 8m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3.25m. – refused
- 3.11 18/01196/CLP - Part two and part single storey rear extension, roof extension to rear and alter rear elevation (Lawful Development Certificate - Proposed) (Amended Proposal) – refused
- 3.12 17/02211/CLP – Single storey rear extension, roof extension to rear and alter rear elevation (Lawful Development Certificate - Proposed) – refused

4 Representation Summary

- 4.1 140 neighbouring properties were consulted and two site notices were displayed. 55 letters of objection have been received raising the following summarised issues:
- Congestion and impact on junction and highway/pedestrian safety. Impact on bus stop. Accidents recorded in this location.
 - Out of keeping/character with area. Will spoil the streetscene of Marine Parade and Thames Drive. Unbalances streetscene. Contrary to policy DM6.
 - Loss of existing landmark/iconic/beautiful building which is in character with wider estate. Loss of heritage. The existing building should be protected. Building has historic interest. The existing building could be renovated and converted. The existing building should be locally listed. The existing building is not dilapidated.
 - Profit driven. The existing building is not dilapidated as claimed.
 - Overdevelopment. Overcrowding. Overbearing. Oversized. Scale, height and mass are appropriate for streetscene compared to other properties. 3 storeys is inappropriate, buildings in Marine Parade are 2 storeys only. Imposing. Increase in density and number of residents unacceptable. Would dwarf neighbours.
 - Has not addressed previous reasons for refusal.
 - Poor design. Monstrosity. Non-descript. Ugly. Eyesore. Boxy. Grotesque. Soulless. Mundane. Lazy appearance. Fails to address junction.
 - Lack of parking for residents and visitors. Luxury flats of this size need 2 spaces each.
 - Detrimental impact on local character.
 - Would encourage wider change of character of Marine Parade to flats. Would make future applications for flats hard to resist.
 - Area characterised by family houses with large gardens. Loss of family house. Flats are out of character. Small size of proposed dwellings unsuitable for families.
 - Impact on local services including utilities, doctors and schools.
 - Design similar to previously refused scheme except with a pitched roof added.

- Style out of character.
- Impact on neighbour amenity. Overlooking/loss of privacy. Overshadows. Impact on sea views. Noise and disturbance from parking area.
- Impact on land stability/subsidence from cliff movement and additional traffic.
- Construction traffic, noise and disturbance.
- Lack of amenity space for new residents. Loss of garden space.
- Important and prominent site.
- No objection to redevelopment but on a lesser scale. Too many dwellings.
- The proposal steps out 5m in front of the building line in Thames Drive which will accentuate its bulk and height and have a drastic impact on the streetscene.
- Damage to local nature.
- Concerns of public health. Pollution. Impact on sewers and drainage. Smells of refuse store and rats.
- Detrimental impact on local community.,
- The proposal is no sustainable. The existing building should be reused.
- CIL payment not enough to offset impact.

Officer Comment: The concerns raised are noted and those that represent material planning considerations have been taken into account in the assessment of the application. Other than as reflected in the recommendation at Section 9 of this report the remaining points of objection were not found to reasonably justify refusing planning permission in the circumstances of this case.

Airport

- 4.2 No objections.

Highways Team

- 4.3 There are no highway objections to the proposal. 9 car parking spaces have been provided for the 7 dwellings secure cycle parking has also been provided. Access to the parking area is an existing access and provides acceptable levels of visibility.

It is not considered that the proposal will have a detrimental impact on the local highway network.

Environmental Health

- 4.4 No objections subject to conditions relating to construction hours and waste management.

Parks

- 4.5
- There are trees and hedges on the site that will require removal to facilitate the proposed development. No details have been provided on how the proposal will ensure that there is no net loss in biodiversity.
 - Soft landscaping plans and other measures of biodiversity enhancement should be conditioned.
 - The proposed development site is directly adjacent to the Belton Hills Nature Reserve, which is a wildlife haven for locally and nationally rare plants and insects. This emphasises the importance of the existing vegetation on the development

site as potential habitat for important species and demonstrates a need for e-xtra care to be taken before removal of any vegetation. The proximity of the development site to the Nature Reserve should be recognised by the developers, as there should be no negative impact, during all stages of development.

Essex Fire Service

- 4.6 Access for fire appliances appears to be satisfactory but will be considered in more detail at the Building Regulations stage.

Leigh Town Council

- 4.7 Leigh Town Council object to the above planning application as the proposed development by reason of its design, height, scale and bulk will still appear as an overly dominant and incongruous addition that is out of keeping with and detrimental to the street scene. It certainly does not respond positively to local character and will not successfully integrate itself in a positive relationship with the surroundings. It is contrary to both Core Strategy and Development Management policies.

The development is also overbearing and is not respectful and subservient. It is therefore also contrary to Policy DM3 but also to Policy DM1 in that it does not protect the amenity of its immediate neighbours having regard to privacy and overlooking.

Additionally, there is also some concern that the vehicular access onto Thames Drive is very close to a busy traffic junction.

- 4.8 This application was called to committee by Cllr Evans.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 National Planning Policy Guidance
- 5.3 National Design Guide (2019)
- 5.4 Core Strategy (2007): Policy KP1 (Spatial Strategy), Policy KP2 (Development Principles), Policy CP3 (Transport and Accessibility), Policy CP4 (The Environment and Urban Renaissance), Policy CP8 (Dwelling Provision)
- 5.5 Development Management Document (2015): Policy DM1 (Design Quality), Policy DM2 (Low Carbon and Development and Efficient Use of Resources), Policy DM3 (Efficient and Effective Use of Land), Policy DM6 (The Seafront), Policy DM8 (Residential Standards), Policy DM15 (Sustainable Transport Management).
- 5.6 Design & Townscape Guide (2009)
- 5.7 Technical Housing Standards – Nationally Described Space Standards (2015)
- 5.8 Vehicle Crossing Policy & Application Guidance (2021)
- 5.9 Community Infrastructure Levy (CIL) Charging Schedule (2015)

- 5.10 Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (2020)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the streetscene, the quality of accommodation for future occupiers, traffic and transportation, impact on residential amenity, sustainable construction, sustainability, ecology including RAMS and CIL and whether the proposal has overcome the previous reasons for refusal. The basis of the recent appeal at the site is also a material consideration of significant weight in the determination of this application.

7 Appraisal

Principle of Development

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

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

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

- 7.3 Policy KP2 of the Core Strategy states development must be achieved in ways which “*make the best use of previously developed land, ensuring that sites and buildings are put to best use*”.
- 7.4 Policy CP8 of the Core Strategy recognises that a significant amount of additional housing will be achieved by intensification (making more effective use of land) and requires that development proposals contribute to local housing needs. It identifies that 80% of residential development shall be provided on previously developed land. Paragraphs 7.56 and 7.57, later in this report, discuss the Planning Balance and Housing Supply.
- 7.5 Policy DM3 of the Development Management Document states that “*the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services,*

and infrastructure, including transport capacity”

- 7.6 The proposal is assessed in the context of the above policies. These support residential development in this location, including at a higher density than the existing single dwelling, provided the proposal respects the character of the locality and the amenities of neighbours. The principle of the proposal is therefore acceptable subject to the detailed considerations set out below. It is noted that an intensification of residential units on this site was not objected to in principle by either the Local Planning Authority or the Planning Inspector in relation to the previous application.

Design and Impact on the Character of the Area

- 7.7 Paragraph 126 of the NPPF states *‘The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’*
- 7.8 Policy DM1 of the Development Management Document states that *“all development should add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”*
- 7.9 Policy DM6 Character Zone 1 (iv) seeks to *‘retain character and building height and type along Marine Parade.’*
- 7.10 In relation to areas of consistent scale and in particular areas of large, detached housing the Design and Townscape Guide states:
- ‘89. there are also some areas of large family houses in the Borough. These areas have a completely different character - the larger buildings are more imposing and the streets have an altogether grander feel. Again the individual designs may vary but their scale, grain and use as single family dwelling houses are unifying characteristics and key to local character. This type of housing is most prevalent in Thorpe Bay (for example Burges Estate and Thorpe Esplanade), Leigh (for example Marine Estate) and Chalkwell (for example Chalkwell Hall Estate), but can also be found in other areas of the town.*
- 90. In these areas, proposals for development of a larger, or different or unbalancing scale would be detrimental to local character and will be resisted in principle. All new development must preserve and enhance local character; development which is harmful will not be acceptable. Generally, the conversion of these buildings to flats will be unacceptable given the knock on needs for extensions, car parking or the increase in parking pressure. ‘*
- 7.11 Marine Parade and Thames Drive are attractive streets of mainly large traditional family houses. Marine Parade, which stretches from Hadleigh Road to the east, to the Borough Boundary to the west, is specifically identified in the Design and Townscape Guide as an area of uniform scale and character and is recognised in Policy DM6 as being an attractive and cohesive frontage which is important to the character of the seafront in this part of the Borough. As such, although the site is located at a junction,

it is not considered an appropriate location for a landmark building. Any proposal in this location needs to seamlessly integrate into the wider streetscene.

- 7.12 The houses in Marine Parade are generally individual in their designs but there is consistency in scale including generous roof portions, fine grain, form, building line including generous planted frontages and use of materials and detailing which gives the street a cohesive and distinctive character.

Loss of Existing Building

- 7.13 Whilst the existing building sits comfortably within the existing streetscene it is not a designated or undesignated heritage asset and therefore, in terms of local and national policy, there is no objection in principle to its demolition and replacement with a new residential development. This is the same conclusion as the previously refused application and by the appeal inspector who raised no objection to the complete remodelling of the existing building.

Scale, Mass, Bulk and Form

- 7.14 The previous application was refused because it was considered that *'its excessive scale, form, mass, footprint, siting, unresolved design and materials, would have a significant detrimental impact on the grain, character and appearance of the site and the wider area and would be an over scaled, prominent and incongruous addition to the streetscene.'* The amended proposal seeks to address this by reducing the number of storeys from mainly 4 storeys to mainly 3 storeys, adding a shallow hipped roof and removing the undercroft parking at the rear. Alterations have also been made to the building lines and detailed design.
- 7.15 The reduction in scale and massing is an improvement over the previously refused scheme. Nevertheless the scale, mass and bulk of the proposal is still a significant increase over that approved at appeal. At ground and first floors the current proposal is 56.8sqm (23.3%) larger than the appeal scheme, the equivalent of an additional 1 bed 2 person flat (min 50sqm) on each floor and at 2nd floor level the proposal is 167.3sqm (215%) larger than the appeal scheme which equates to more than 3 x 1 bed 2 person flats. This additional floorspace has been achieved by stepping the building line out to the side and to the front as compared to the appeal scheme, including infilling the corner facing the junction which was previously set well back providing a sufficiently generous frontage in line with local character, and by changing the 2nd floor accommodation from being within the roof form of the building to a full floor, covering most of the building footprint. This has resulted in a significant increase in massing over the appeal scheme on all levels particularly facing the junction.
- 7.16 Considered on its individual merits, the overall bulk and massing of the current proposal across this wide plot would be significantly greater than the surrounding development. Whilst there is variety in the designs of properties along Marine Parade and Thames Drive, all of the existing buildings along Marine Parade and Thames Drive in the vicinity of the site are two storeys. Some have roof accommodation but this is integrated into the well-proportioned roofs and does not read as a full 3rd storey. The proposal has failed to demonstrate that 3 floors can be successfully accommodated into the streetscene. As noted above, this site is part of a cohesive streetscene and even though it is located on a corner, this is part of a cohesive streetscene not a landmark site, so any development needs to sit comfortably within the context of the existing properties.

The proposed scale, bulk and massing is considered to be excessive and would be significantly harmful to local character.

- 7.17 The significant increase in scale at all levels on the west side of the development will also be very prominent on approach from the north along Thames Drive. In this view, the building would project over 8m in front of the building line of the houses in Thames Drive at all levels and will be very prominent in the streetscene. Just for comparison, the appeal scheme included a new extension to the existing building on this side but this only projected some 4m in front of the Thames Drive building line and was markedly different in impact. It was set well back from the junction and main front building line of the property and was single storey only, with a flat roof. This was found by the appeal Inspector to be a similar massing to the existing garage and an acceptable departure from the existing character. In relation to this the inspector commented that:

'9. The single storey extensions would replace an existing flat roofed garage and store. Although wider than the garage, the corner extension would be recessed back further and, in my view, would appear subservient to the main building and would not be any more prominent in public views than the existing garage.'

- 7.18 The front building also steps forward of the building of Marine Parade. Whilst this is confined to the central section only it will still be very apparent in the streetscene, adding to the overall scale of the building in the wider context. For comparison, the appeal scheme infilled the southeast corner of the building effectively increasing the building line adjacent to 134. This was found to be acceptable by the appeal Inspector but the current proposal steps forward an additional 2.6m. This will further and unacceptably increase the prominence of the development in the streetscene.
- 7.19 Overall, the scale of the current proposal is significantly greater than the appeal scheme in this view and the resultant increasing in massing would be overly prominent and dominant in the streetscene. Whilst there will be other alternatives to the appeal scheme which are also acceptable for this site, similarly to be considered on their individual merits, this amended proposal has failed to demonstrate that this can be achieved at the scale of increase currently proposed.

Detailed Design

- 7.20 There are also concerns with the detailed design. The amended proposal includes a hipped roof, that has a similar maximum height to existing building and appeal scheme, but this has been achieved by adding a shallow pitched roof to a full 3 storey building. The resultant scale and pitch of the roof will be noticeably different and weaker in proportion than the prevailing character of Marine Parade which, with the exception of number 134 to the east which the Inspector highlighted as an anomaly, all have sharper pitches and generously proportioned roofs, including the new builds. This is a key aspect of the cohesiveness of this street frontage. The proposed poorly-proportioned roof form would appear weak in relation to the scale of the building generally and is out of character with the wider streetscene in this regard.
- 7.21 Concerns are also raised about the location of the main entrance which is hidden to the rear of the building rather than providing a feature on the main frontage, and the general lack of articulation, including the failure of the proposal to address the junction or the secondary street frontage to Thames Drive. These aspects were more acceptable in the appeal scheme which takes its reference from the existing building. The view on approach

from the west and from Thames Drive will be of the very bland but very prominent elevation to the west side. The proposed rear elevation, which is also very exposed in the streetscene across the open car park to the rear, is also very basic. Generally, there is also a lack of cohesion in the fenestration which creates awkward and unbalanced elevations.

- 7.22 Overall, the scale, bulk, massing, siting, form and detailed design would result in an incongruous and overly dominant addition to the streetscene which would significantly harm local character. The proposal has therefore failed to overcome the previous reason for refusal in this regard and is unacceptable and contrary to policy in relation to design and character matters.

Standard of Accommodation for Future Occupiers

- 7.23 Delivering high quality homes is a key objective of the NPPF.
- 7.24 Policy DM3 of the Development Management Document (i) states: proposals should be resisted where they *“Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents”*.
Space Standards and Quality of Habitable Rooms.
- 7.25 All new homes are required to meet the Nationally Described Housing Standards in terms of overall floorspace and bedroom sizes.

Flat	Net internal Area	Bed 1	Bed 2	Bed 3	Amenity
1 2b3p	75sqm	13.2 sqm W=3m	9.6sqm W=2.7m		5sqm
2 2b4p	81 sqm	22.6 sqm W=3.4m	13.7 sqm W=3.4m		5sqm
3 2b3p	84.1sqm	17.9 sqm W=3.4m	12.2 sqm W=2.65m		5sqm
4 2b3p	75sqm	13.2 sqm W=3m	9.6sqm W=2.7m		5sqm
5 2b4p	81 sqm	22.6 sqm W=3.4m	13.7 sqm W=3.4m		5sqm
6 2b3p	84.1sqm	17.9 sqm W=3.4m	12.2 sqm W=2.65m		5sqm
7 3b6p	182.3 sqm	30.1 sqm W=5.1m	25.3 sqm W=4.7m	20.2sqm W=4.7m	29sqm

- 7.26 The flats are generous in size and would be well in excess of these standards. Whilst it is noted that bedroom 2 in flats 3 and 6 are shown as single bedrooms they measure over 11.5sqm with a width greater than 2.55m so these would be classed as a doubles. However, the overall flat size meets the standard for a 2 bed 4 person unit so this is acceptable. The proposal is therefore acceptable and policy compliant in this regard.

Light, Privacy and Outlook

- 7.27 All the habitable rooms would have adequate light and outlook. The proposal is acceptable and policy compliant in this regard.

M4(2) – Accessibility

- 7.28 Policy DM8 also requires all new dwellings to be accessible and adaptable to Building Regulations M4(2) standards. No information has been provided in relation to this requirement however it is noted that all flats are generously proportioned and have access to a lift. If the proposal was otherwise found to be acceptable, a condition could be imposed requiring this standard to be met. The proposal therefore meets the accessibility requirements and is acceptable and policy compliant in this regard.

Amenity Provision

- 7.29 In relation to the provision of amenity space, Policy DM8 states that all new dwellings should '*Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated.*'
- 7.30 All units have access to a private terrace of 5sqm and the top floor 3 bed unit has 29sqm of terraces. No rear garden or shared private amenity space is proposed. Whilst the provision of a rear garden may normally be sought in this out of centre location and given the size of the units proposed which could accommodate families with children, it is noted that in the recent appeal decision, the Planning Inspector found the provision of a balcony only would provide a satisfactory level of private amenity space for residents. Attaching significant weight to that finding, it follows that the proposed balconies and terraces can also be considered acceptable amenity provision in this instance and the proposal is policy compliant in this regard.
- 7.31 Overall therefore, it is considered that the proposal would provide a satisfactory standard of accommodation for future occupiers and is acceptable and policy compliant in this regard.

Impact on Residential Amenity

- 7.32 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies 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. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.

Impact on number 104 Thames Drive to the north

- 7.33 The proposed development would be some 16m from the northern boundary with the neighbour to the north 104 Thames Drive. This neighbour has a bay window on its south flank at first floor which appears to be a secondary window to a bedroom which has its

primary outlook to the front facing the street. There is also a small obscure glazed window at first floor towards the rear of the flank elevation of this neighbour.

- 7.34 The proposal has habitable room windows facing north however it is considered that there is sufficient separation distance to ensure that the proposal would not result in a significant overbearing relationship, sense of enclosure, loss of light or privacy for this neighbour. It is also noted that this is a similar relationship to the previous application which was found to be acceptable by the Council and the Planning Inspector.
- 7.35 The parking area for the new flats is located to the rear of the building with 6 spaces adjacent to the shared boundary fence with number 104 Thames Drive, separated by a narrow planting buffer against this boundary. This is a similar arrangement to the allowed appeal scheme which also had 6 parking spaces in this location. In the determination of that appeal the Planning Inspector found that the noise and disturbance from 6 parking spaces would not have an unacceptable impact on the amenities of number 104. Attaching significant weight to that finding, this element of the proposal is therefore considered to have a satisfactory impact on the amenities of this neighbour.

Impact on number 134 Marine Parade to the east

- 7.36 The proposal is set between 1.4m from the east boundary and 4.5m from the flank wall of number 134 Marine Parade. 134 Marine Parade has no habitable room windows on its western elevation facing the site. The garage to 134 is located on the shared boundary with the application site towards the rear.
- 7.37 The proposal would extend approximately 1m past the front building line of this neighbour at its closest point stepping out to a maximum of 3.7m at a separation distance of 9.9m. The submitted plan shows that this projection would not breach a notional 45 degree line taken from the front corner of number 134. The proposal does not extend past this neighbour to the rear. There are no habitable room windows proposed on the east side.
- 7.38 It is considered that the separation distances sufficiently mitigate the impact that the proposal may have on this neighbour in terms of dominance, sense of enclosure and loss of light and outlook and there are no concerns relating to privacy. The impact on the amenities of this neighbour is therefore considered to be acceptable and the proposal is policy compliant in this regard.

Impact on other Neighbours

- 7.39 The only other property materially affected by the proposal is 137/137a Marine Parade to the west. This property is located on the other side of the junction to the proposal with a separation of over 19m between the elevations facing Thames Drive. This is considered to be an acceptable arrangement and separation distance for a street facing elevation and would not give rise to an unreasonable or significantly harmful impact on these neighbours' amenity.
- 7.40 It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of neighbouring occupiers in any regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Traffic and Transportation Issues

- 7.41 The site is located close to the junction of Marine Parade and Thames Drive which is controlled by traffic lights. It is on a bus route and within walking distance of Leigh Station. To access the parking area, the proposal would require the formation of a new double width access onto Thames Drive and the reinstatement of the existing single width crossover on this frontage which serves the existing garage. The proposed parking area would include 9 parking spaces (1 for each of the 2 bed units, 2 spaces for the 3 bed unit and 1 visitor space) including 1 disabled bay and space for the turning of vehicles.
- 7.42 Concerns have been raised by neighbours in relation to the increase in vehicular movements in close proximity to the junction and the bus stop, however, the Council's Highways Officer notes that the proposed new access would have satisfactory levels of visibility and has not raised any concerns in relation to traffic or safety and this was not found to be an issue in the recent appeal which had a similar parking arrangement.
- 7.43 Policy DM15 states that all new flats should be served by at least one off-street parking space. The proposal would be policy compliant in this regard and the Council's Highways Officer has not raised any objections in relation to the level of parking for the scheme. The proposal is therefore considered to be acceptable and policy compliant in this regard.

Cycle parking

- 7.44 A location for a cycle store is shown on the site plan to the rear of the building close to the Thames Drive frontage. This location would be very visible in the streetscene but there are other options for this to be located to the rear of the building so if the proposal were otherwise found to be acceptable, full details could be secured via a condition. This provision would meet the policy requirement for cycle parking and the proposal would be acceptable and policy compliant in this regard.

Refuse and Recycling Storage

- 7.45 The plans also show a refuse and recycling store to the rear of the site close to the junction with Thames Drive. No details have been provided but it would be possible to achieve a well-detailed, low key refuse store in this location which is easily accessible to the highway. Subject to the agreement of design details, the proposal would therefore be acceptable and policy compliant in this regard.
- 7.46 Overall, subject to the above conditions, it is considered that the proposal would have an acceptable impact on traffic and transportation and the proposal is policy compliant in this regard.

Sustainability

- 7.47 Sustainable development is a key objective of the NPPF.
- 7.48 Policy KP2 of the Core Strategy requires that *"at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*. Policy DM2 of the Development Management Document states that *"to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon*

dioxide emissions". This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.

- 7.49 The Design and Access Statement mentions a range of potential renewable technologies which could be used at the site, but no firm details have been included in relation to this requirement. However, given the size of the development and its roof design, it is considered that full details of the required renewables could be agreed by condition if the proposal was otherwise found to be acceptable. A condition could also be imposed in relation to water usage. The proposal is therefore acceptable and policy compliant in this regard.

Drainage

- 7.50 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.
- 7.51 The site is located in flood risk zone 1 (low risk). A large parking area is proposed over the existing rear garden. No information has been provided regarding drainage of this area or the site generally, however, if the proposal was otherwise found to be acceptable a condition could be imposed to ensure the proposed development mitigates against surface water runoff. Subject to this the proposal would therefore be considered to be acceptable and policy compliant in this regard.

Ecology Impacts

- 7.52 The site is near to Belton Hills Nature Reserve, however, it is considered that the impact on this designation from 7 additional residential units would not be significant enough to warrant mitigation measures or refusal of the application on this basis.

Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS)

- 7.53 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), was adopted by Full Council on 29th October 2020, requires that a tariff of £127.30 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 7.54 The proposal was previously refused because it failed make this payment or complete a S106 agreement securing the payment in the event of an approval. The current application has not paid this or completed a S106 agreement although the submitted planning statement comments that the applicant would be willing to sign up to a S106 agreement. This intention is noted but without the completed agreement or payment the

proposal remains unacceptable and contrary to policy in this regard.

Community Infrastructure Levy (CIL)

- 7.55 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 would also be CIL liable.

Planning Balance and Housing Supply

- 7.56 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the Borough. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the Borough. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families. For the proposed provision of housing the HDT and 5YHLS weigh in favour of the principle of this type of development. Several of the flats proposed would be of a type which would be likely to be suitable for families. There is greater need for this type of housing as identified by the SESHMA. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise. However, it should also be noted that a scheme for this quantum of housing would have limited effect on the overall supply of housing. When considering the allowed appeal scheme, the Inspector concluded that the development was acceptable on the main issues and that it did not conflict with the development plan so didn't identify any need to consider issues relating to housing land supply.
- 7.57 This proposal creates new housing. Therefore, when assessing the harm identified, both in this report and any other harm which may be identified by the Committee, it is necessary to demonstrate that, in reaching this decision, an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the *National Planning Policy Framework* is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the *Framework* taken as a whole. In this instance, it is considered that the limited number of housing units proposed would not outweigh the significant harm caused by the development. It is noted that there is an approved scheme for 6 units which is only 1 less than currently proposed.

8 Conclusion

- 8.1 The proposed development, by reason of its excessive scale, form, mass, footprint, siting, poor design and materials, is considered to have a significant detrimental impact on the grain, character and appearance of the area and would be an incongruous addition to the streetscene. The proposal has also failed to satisfactorily mitigate for the ecological impacts of the development in terms of RAMS.
- 8.2 In this instance the public benefits of the development, including the limited contribution to the supply of housing, do not outweigh significant adverse impact the development would have on the character and appearance of the area and ecology.

- 8.3 The previous appeal decision in relation to application reference 19/01417/FUL has been afforded appropriate weight in the determination of this application. It is noted that there are significant differences between the respective schemes in terms of their scale, mass, form, siting and detailed design. Therefore, the acceptability of the previous application in terms of design and impact on the streetscene has limited relevance to the current application.
- 8.4 Overall, it is considered that the proposal has failed to overcome the previous reasons for refusal in relation to application reference 21/00146/FUL. It is therefore unacceptable and recommended for refusal.

9 Recommendation

9.1 REFUSE PLANNING PERMISSION for the following reason(s):

- 01 The proposed development, by reason of its excessive scale, form, mass, footprint, siting and poor design would have a significant detrimental impact on the grain, character and appearance of the site and the wider area and would be an over scaled, prominent and incongruous addition to the streetscene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM6 of the Development Management Document (2015) and the Design and Townscape Guide (2009).**
- 02 The development offers no reasonable mitigation of the in-combination effect of the net increase of six dwellings on habitats and species in accordance with the Habitats Regulations as identified in the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020). This is unacceptable and contrary to the RAMS, and Policies KP1, KP2 and CP4 of the Core Strategy and Policy DM6 of the Development Management Document which seek to protect the natural environment with specific reference to the coastal habitats.**

Informatives:

- 01 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.

Appendix 1 Appeal decision for 21/00146/FUL



Appeal Decision

Site visit made on 21 July 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2020

Appeal Ref: APP/D1590/W/19/3243705
135 Marine Parade, Leigh-on-Sea SS9 2RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Miller of P & PR Property Developments Ltd against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/01417/FUL, dated 22 July 2019, was refused by notice dated 2 October 2019.
 - The development proposed is to remodel and extend the existing building to create 6 apartments.
-

Decision

1. The appeal is allowed and planning permission is granted to remodel and extend the existing building to create 6 apartments at 135 Marine Parade, Leigh-on-Sea SS9 2RF in accordance with the terms of the application, Ref 19/01471/FUL, dated 22 July 2019, as amended by revised plan 17.195/08B dated August 2019, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the area
 - The living conditions of future occupants with regards to outdoor space, and living space in Flat E
 - The living conditions of neighbouring occupants of 104 Thames Drive, with respect to noise and disturbance.

Procedural Matter

3. The appellant submitted a revised first floor plan 17.195/08B after the Council's decision showing amended internal layouts to Flats D and E. The Council has responded to the revised plan in its appeal correspondence. Because the amendments are internal only, and the Council has had the opportunity to respond, I do not consider that any interested parties would be prejudiced by the proposed changes. I have therefore taken the revised plan into account in reaching my decision.

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Reasons

Character and appearance

4. Marine Parade is characterised by large detached and semi-detached villas, generally two storeys in height although a number have dormers lighting accommodation in their roof space. A degree of regularity is formed by similar plot widths leading to similar sized buildings although a few, including the appeal site, occupy wider plots. Many buildings reflect the Arts and Crafts and mock Tudor styles popular when the Marine estate was first built, although there are other styles present. Buildings have been designed individually or in small groups, leading to a variety of different architectural detailing to roof forms, fenestration and external surfaces.
5. 135 Marine Parade is one of the more prominent buildings in the Parade, occupying a double width corner plot. It has a double height splayed bay window with feature gable that emphasises its corner location. The wider plot provides more space around the building than is the case on other plots. There is a flat roofed garage at the side, with access taken from Thames Drive.
6. The enlargement of the roof by filling in the south eastern corner of the building, extending the ridge line and introducing another dormer window would create a larger roof form but one that would be simpler in shape to the current roof. It would be no higher than the existing main ridge, project no further forward than the existing front elevation, and would retain the fully hipped roof form of the existing building. The dormer windows would be of a scale similar to that of the existing dormer and would sit comfortably within the roof plane.
7. The Council criticises the design as failing to achieve a suitable transition to the buildings to the east in terms of height and forward position. It would indeed be higher and slightly forward of the immediate neighbouring property, but as that property is atypical of the area, I do not think that a fair comparison. Compared to the wider street scene, the proposal would equate more closely to the heights of other buildings so as not to appear incongruous. Similarly, its forward projection would not be unduly prominent, given the variety of projections, such as front gables and bay windows, found on other properties in the Parade.
8. Having regard to these parameters, I do not consider that this element of the extension would be excessive in size or appear unduly prominent in views along Marine Parade, any more than the existing building does at present.
9. The single storey extensions would replace an existing flat roofed garage and store. Although wider than the garage, the corner extension would be recessed back further and, in my view, would appear subservient to the main building and would not be any more prominent in public views than the existing garage. I also find no harm arising from the entrance arrangements as proposed in the appeal scheme.
10. The contemporary design would contrast with the prevailing Arts and Crafts and mock Tudor designs of many of the other buildings in the Parade. However, there are variations in building design along Marine Parade, both in terms of detail and overall form. I consider that the Parade is not so uniform in character or appearance that it cannot accommodate additional change and

variation of the style proposed in the appeal scheme. Contemporary design has been accepted by the Council at 131 Marine Parade, which exhibits many of the features proposed in the appeal scheme. Indeed, variation in design can provide visual interest that adds rather than detracts from the appearance of the street scene, and I consider that would be the case here.

11. I conclude that the extension and remodelling of the existing building in the manner proposed, while departing from the prevailing design of buildings in the area, would not appear over scaled or incongruous in the street scene, and would not harm the character or appearance of the area. Consequently I find that the proposal would comply with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy and Policies DM1, DM3 and DM6 of the Development Management Document, which seek to promote high quality design, the efficient and effective use of land, and reflect the particular importance of the seafront to the history and evolution of Southend-on-Sea. For the same reasons it would also comply with the Southend-on-Sea Design and Townscape Guide.

Living conditions of future occupants

12. As originally submitted, Flat E fell short of the minimum space standards¹ for a 2 bed 4 person flat. A revised plan 17.195/08B has been submitted with the appeal that reduces the size of one of the bedrooms in Flat E, so that as a 2 bed 3 person flat it now meets the minimum space standards.
13. The revised plan also makes a small change to Flat D to increase the size of its second bedroom. It now also accords with the minimum space standards, although the size of this flat did not form part of the reason for refusal.
14. The Council disputes the appellant's floorspace calculations on the revised plan in two respects. The first, that the width of the master bedroom in Flat D at 2.7m is 5cm short of standard, is in my estimation within measurement tolerance for the submitted plans and so small as not to be significant. The second, that Flat E at 59.6sqm is 1.4sqm below the minimum standard, conflicts with the appellant's measurements that put the flat at 62sqm. I am unable to determine which measurement is correct but given the very small variance I do not consider that my assessment of this issue should turn on this factor alone.
15. Policy DM8 of the Development Management Document requires that new dwellings should '*make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space*'. The Design and Townscape Guide provides further guidance including that '*there is no fixed quantitative requirement for the amount of amenity space as each site is assessed on a site by site basis according to local character and constraints. However, all residential schemes will normally be required to provide usable amenity space for the enjoyment of occupiers in some form*'.
16. In my view the development would meet the policy and Design Guide requirements. Private outdoor space would be provided by balconies or terraces assigned to each of the flats (other than for Flat F) and there would be an area of semi-private space immediately to the rear of the building. While

¹ National Described Space Standards, which have superseded the residential space standards set out in Policy Table 4 of the Development Management Document.

under surveillance from Flat C this space would still be accessible to all occupants. The balconies may experience some traffic noise, but that applies equally to the balconies on other properties along Marine Parade, all of which appear to be in regular use, and therefore perform their intended function irrespective of the road noise. There is adequate space for incidental facilities such as refuse and cycle storage, and open space would be retained to the front and side to provide a green setting to the building, to the benefit of the character and appearance of the wider area.

17. I conclude that the living conditions of future occupants in respect of the revised internal space standards for Flat E, and outdoor space for all the development, would be acceptable. The development would therefore meet the requirements of Policies KP2 and CP4 of the Southend-on-Sea Core Strategy and Policies DM1, DM3 and DM8 of the Development Management Document, which amongst other criteria seek to ensure minimum residential standards in new development. For the same reasons, I consider the development would accord with the advice on residential standards in the Southend-on-Sea Design and Townscape Guide.

Living conditions of neighbouring occupants

18. The proposed development would introduce a parking area adjacent to the side boundary with the neighbouring residential property at 104 Thames Drive. This would result in vehicle movements taking place in close proximity to the flank elevation and rear garden area of the neighbouring property.
19. The movement of cars, including opening and closing of doors and running of engines would undoubtedly generate some noise that would be heard both in the rear garden of the neighbouring property, and to a lesser extent within the building when windows are left open. However, the parking area is limited to seven vehicles (six adjacent to the joint boundary) which limits the amount of activity that could take place at any one time. There is also a solid brick wall along the boundary which provides sound attenuation and a visual screen between the two properties. Marine Parade and Thames Drive are well used, and there is already a relatively high ambient noise level caused by road traffic.
20. The Council's Environmental Health Officer has expressed concern about possible noise disturbance, in particular during the night-time. However, as the development would be residential in nature, it is reasonable to assume that vehicle movements associated with the flats would also be relatively low during the night-time period, with commensurately lesser noise generation.
21. Having regard to these factors, and the findings of the Noise Impact Assessment² submitted with the appeal, I consider that the additional noise caused by vehicle movements associated with the residential flats would not be intrusive or disruptive over and above the existing ambient noise climate as to significantly harm the enjoyment of the neighbouring property.
22. I conclude that the living conditions of the neighbouring occupants at 104 Thames Drive would not be harmed through an unacceptable increase in noise, and the development would therefore accord with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy and Policies DM1, DM3 and DM6 of the

² Noise Impact Assessment, MLM Group, August 2019, updated September 2019

Development Management Document, which seek to protect the amenity of neighbouring residents of new development.

Other Matters

23. Several other issues have been raised in representations including concern about highway safety and congestion, change to outlook, lack of parking, additional pressure on local services, overlooking, loss of trees and greenery, and a potential loss of view. The Council has not objected to the development on any of these grounds, and I see no reason to do so either. The effect of the development on property values is not a material planning issue, and I have not taken it into account in reaching my decision.
24. The Council has drawn my attention to three appeal decisions. I have taken account of these decisions where relevant but given the differing circumstances between them and the current appeal site they only carry limited weight. I have reached my conclusions on the main issues based on the evidence before me and my own judgement. As I have concluded that the development is acceptable on the main issues and does not conflict with the development plan, I have not needed to consider issues relating to housing land supply.

Conditions

25. I have considered the conditions suggested by the Council and imposed them where I consider they meet the guidance contained in paragraph 55 of the National Planning Policy Framework. I have reworded conditions where necessary for consistency and to improve clarity. The conditions have been reordered in accordance with the advice in Planning Practice Guidance.
26. In addition to the standard time limit I have included a condition listing the approved plans to provide certainty on the development permitted.
27. I have imposed conditions requiring a construction method statement and limitations on hours of work to minimise disturbance to neighbouring residents during the construction phase. The appellant has raised no objection to the first of these conditions which needs to be submitted and approved prior to commencement.
28. I have imposed conditions requiring approval of external materials and details of the development, and hard and soft landscaping details, in the interests of the character and appearance of the area. I have combined the first of these conditions with another suggested by the Council requiring details of the bay and dormer windows to be approved.
29. I have imposed conditions requiring water efficiency savings and renewable energy generation in the interests of sustainable development requirements.
30. Notwithstanding comments made by the appellant, I consider a condition requiring implementation of the parking space as shown on the approved plans to be necessary in the interests of highway safety and the free flow of traffic in the vicinity of the site.
31. I have imposed conditions requiring cycle and storage facilities, and noise attenuation as part of the design of the façade and glazing in the interest of the living conditions of future occupants.

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32. I consider a condition requiring submission and approval of surface water drainage details to be unnecessary in this instance. I have no evidence that surface water drainage is a problem on the site, nor that it cannot be adequately addressed through the normal Building Regulation process.

Conclusion

33. I conclude that the appeal is allowed.

Guy Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development shall be carried out in accordance with the approved plans: 17.195/01, 17.195/02, 17.195/03, 17.195/04, 17.195/05, 17.195/06, 17.195/07A, 17.195/08B, 17/195/09A, 17.195/10A, 17.195/11A, 17.195/12A, 17.195/13, 17.195/14, 17.195/15, 17.195/17A, 17.195/18A, 17.195/19, 17.195/20A.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall include:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. measures to control the emission of dust and dirt during construction
 - v. a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site
 - vi. noise mitigation measures to be used during construction.
- 4) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until details of the design and materials to be used on all the external elevations, including walls, roof, bay and dormer windows, fascia, windows and doors, balustrades and privacy screens have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The

approved hard landscaping works shall be carried out prior to first occupation of any part of the development and the soft landscaping works within the first planting season following first occupation of any part of the development, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not be limited to:

- i. details of the means of enclosure for all boundaries of the site
- ii. details of the proposed parking and turning area
- iii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- iv. details of measures to enhance biodiversity within the site.

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as originally specified or as otherwise agreed with the local planning authority.

- 6) No construction works other than demolition and construction up to ground floor slab level shall take place until a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the flats hereby permitted and thereafter retained.
- 7) Prior to first occupation of any of the flats hereby permitted not less than 7 car parking spaces shall be provided at the site in accordance with drawing reference 17.195/17A. The parking spaces shall be permanently retained thereafter only for the parking of occupiers of and visitors to the site.
- 8) Prior to the first occupation of any of the flats hereby permitted details of the cycle and refuse storage shall be submitted to and approved in writing by the local planning authority. The cycle and refuse storage at the site shall be implemented in accordance with the approved details before any of the flat are first occupied and be retained thereafter.
- 9) Prior to first occupation of any of the flat hereby permitted, appropriate water efficiency measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105 litres per person per day (110 litres per person per day when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development and thereafter retained.
- 10) The façade requirements and glazing for the development hereby permitted shall be carried out in accordance with Section 6.2 of the submitted Noise Impact Assessment by MLM Group reference 103024-MLM-ZZ-XX-RP-YA-0001 prior to first occupation of any part of the development.
- 11) Demolition or construction works associated with the development hereby permitted shall not take place outside 08:00 hours to 18:00 hours Mondays

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to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time
Sundays or Bank Holidays.

***** End of conditions*****