

<b>Reference:</b>	1. 21/02172/FUL 2. 21/02173/LBC	
<b>Application Type:</b>	1. Full Application 2. Listed Building Consent	
<b>Ward:</b>	Milton	
<b>Proposal:</b>	1. Change of use from Guest House (Class C1) to 7No. Self-contained flats (Class C3) with associated internal alterations and alter elevations 2. Change of use from Guest House (Class C1) to 7No. Self-contained flats (Class C3) with associated internal alterations and alter elevations (listed building consent)	
<b>Address:</b>	5 - 6 Clifftown Parade Southend-on-Sea Essex	
<b>Applicant:</b>	Mr & Mrs Lowen	
<b>Agent:</b>	Breley Design Ltd	
<b>Consultation Expiry:</b>	2 <sup>nd</sup> December 2021	
<b>Expiry Date:</b>	7 <sup>th</sup> January 2021	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	<b>1436-01B, 1436-02G, 1436-03D, 1436-04A, 1436-05B, 1436-06, 1436-07B</b> <b>Design and Access Statement</b> <b>Schedule of Enhancements to 5 and 6 Clifftown Parade for 21/02172/FUL &amp; 21/02173/LBC dated 13.12.21</b> <b>Heritage Statement</b> <b>Transport Statement</b> <b>Economic Statement November 2021</b> <b>Marketing Statement and Sales Particulars</b> <b>Letter from Applicant dated 16.4.21</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b> <b>GRANT LISTED BUILDING CONSENT</b>	



## 1 Site and Surroundings

- 1.1 The site includes 5 Clifftown Parade and the lower 2 floors of 6 Clifftown Parade which are both grade II listed buildings in Clifftown Conservation Area. The buildings are linked internally at ground and lower ground levels and have for many years been used as the Gleneagles Hotel (14 bedrooms). They form part of a wider listed terrace of commercial premises (1-12 Clifftown Parade) which were built c1860. The listing description for the parade is as follows:

*A terrace of yellow stock brick houses (nos 1 and 3 are now plastered and no 4 is painted) built by Brassey of the firm of Sir Morton Pete Brassey Lucas and Co., who also built the Southend Railway, circa 1860.*

*This terrace with Clifton Terrace and Royal Terrace provide almost the only example of the south end of Prittlewell as it was at first known.*

*Each house has one window range and 1 two storeyed canted bay surmounted by ornamental cast iron railings (12 bays in all). Raised brick bands extend between the storeys, between the bays. The window are mainly double hung sashes with single vertical glazing bars, in rusticated brick surround (painted). The doorways are approached by flights of steps and have raised brick surround and moulded brick cornices. Roofs slate, hipped at the east end. No 5 has a C20 tiled attic storey and is built out above the bay. No 12 has a slate roofed C20 attic storey. At the rear the terrace was designed to present a façade to Alexander Street. Later the street frontage was built up. There are 12 storeyed wings which project at the north with pediments. Some have C19 and C20 alterations and additions but many retain their original features. The roadway at the rear, formerly a mews to the Terrace has a surface of hard vitreous sells with lines of granite paving.*

*Nos 1 to 11 (consec), 11A and no 12 (Argyle Hotel with Nos 1 to 6 (consec), Clifton Terrace, form a group.*

- 1.2 These buildings have retained many of their original features but the front elevation of No

5 was significantly altered at roof level many years ago which has caused significant harm to the character of that building and uniformity of the terrace. A modern rain porch has also been added to the front of the building at number 5 which is also out of character. Number 5 has also been significantly extended at its basement/lower ground level with a basic utilitarian flat roof addition which has also harmed the listed building. This area is the kitchen for the existing hotel.

- 1.3 To the rear of the listed terrace is a publicly accessible vehicular right of way which provides access to the rear elevations/garden areas of the surrounding buildings. Some of the properties also have outbuildings/garages and parking areas in this location. The application site itself has a two-storey outbuilding at the rear of number 5 which contains 2 parking spaces and an office at first floor. This is a modern building, but it has been closely modelled on a historic coach house opposite, including decorative brick detailing and timber style barn doors, and sits comfortably in this context. There are 3 additional open parking spaces to the west side of this building.
- 1.4 The site is within the Southend Central Area Action Plan (SCAAP) Clifftown Policy Area. There are no site specific policies aside from the heritage designations.

## **2 The Proposal**

- 2.1 The proposal seeks planning permission and listed building consent to convert the hotel (Class C3) into seven self-contained flats (Class C3): 5 x 1 bed units and 2 x 2 bed units. The conversion includes alterations to the listed building summarised as follows:
- Removal of external modern porch to front.
  - Demolition of modern extension to rear of number 5 and make good to match.
  - Internal alterations including demolition of some internal partitions on all levels (no new steelwork is proposed), installation of new partition walls to lobby areas to form self-contained flats, Removal of staircase to basement and alter room layouts including infilling openings between properties 5 and 6.
  - Installation of soundproofing via a false ceiling with traditional coving detail and reinstatement of traditional skirting boards.
  - Replacement of modern veneered internal doors with painted panelled timber doors and architraves to the original design.
  - Replacement of the concrete tiles on the mansard roof with natural slate and the enhancement of windows at this level,
  - Reinstatement of sash windows where they have been lost,
- 2.2 Outside the scope of the listed building the proposal also includes the conversion of outbuilding to the rear to self-contained 1 bed flat and the installation of a cycle store for 7 cycles and a bin store are also proposed to the rear of the building.
- 2.3 The proposed lower ground floor flats, unit 1 and 2, would each have a small courtyard to the rear, 36 sqm and 39 sqm respectively. The front terrace is also paved and may also be suitable for sitting out but is not private. Two parking spaces (including 1 space for disabled users) are proposed to the rear to serve the two bed units.
- 2.4 The proposal is an amended scheme following a previous refusal of planning permission reference 21/01155/FUL for the conversion of the hotel into 7 flats. That application was refused for the following reasons:

*01 The development would result in the loss of visitor accommodation within a Key Area for the tourism sector in the Borough and it has not been satisfactorily demonstrated that there is no capacity for the existing facility within Southend. This application is therefore unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP1, KP2, CP4 and CP6 of the Southend-on-Sea Core Strategy (2007), and Policies DM3, DM6, DM9, DM10 and DM12 of the Southend-on-Sea Development Management Document (2015).*

*02 The proposal would, by reason of the detailed design of the outbuilding conversion, result in an out of keeping and incongruous alteration to the existing building which would result in significant, albeit less than substantial harm to the character and appearance of the existing outbuilding, setting of the listed building, the streetscene and the wider Clifftown Conservation Area. The public benefits of the proposal do not outweigh this material, albeit less than substantial harm. This is unacceptable and contrary to the National Planning Policy Framework (2021), policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM5 of the Development Management Document (2015) and the advice contained within the Southend Design and Townscape Guide (2009).*

*03 The proposal, due to the nature and layout of the basement flats proposed would result in a poor living environment, due to the unacceptable outlook to the rear, to the significant detriment of the living conditions of future occupiers. This is unacceptable and contrary to National Planning Policy Framework (2021), policies KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).*

*04 The proposal has failed to demonstrate that the proposed refuse and cycle stores are accessible to future residents without encroachment over adjacent land and it is far from clear that this could be addressed with a planning condition. This is unacceptable and contrary to National Planning Policy Framework (2021), policies CP3 and CP4 of the Core Strategy (2007), policies DM1, DM3 and DM15 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).*

*05 The development offers no reasonable mitigation of the in-combination effect of the net increase of two 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 listed building application accompanying the above refused application, reference 21/01156/LBC was granted because the proposed works to the fabric of the building, which included the removal of modern alterations, overall and on their individual merits were considered to have an acceptable impact on its significance.

2.6 To seek to address these reasons for refusal the following changes have been made to the proposal:

- Additional marketing and sales information has been provided including listing the property with a local agent.
- The poor-quality modern extension to the rear of number 5 is now proposed to be

demolished to improve the outlook of unit 2 at basement level.

- Unit 2 has been amended from a 2 bed 4 person unit to a 2 bed 3 person unit.
- The number of off-street car parking spaces has been reduced from 3 parking spaces to 2 to allow improved access to the refuse and cycle store.
- One additional amenity courtyard has been provided to the rear of unit 2.
- Minor changes to the internal layout of units 2, 4 and 5 to remove further modern additions.
- Amendments to the proposed external elevations of the coach house.
- Add in extra enhancements to the fabric of the listed building including remodelling of the mansard roof fenestration and materials at number 5 and reinstatement of missing features including sash windows, internal doors and skirtings.

### **3 Relevant Planning History**

- 3.1 21/01155/FUL and 21/01156/LBC - Change of use from Guest House (No.5 and lower ground of No.6) (Class C1) to form 7 self-contained Flats (Class C3), alterations to internal layout, removal of porch to front, alterations to existing garage to rear and provide associated bin and cycle storage areas to rear (Listed Building Consent) – refused
- 3.2 14/01715/LBC - Demolish existing garage, erect two storey building at rear and replace existing bay at second floor. (Listed Building Consent) - Granted Listed Building Consent (06.02.2015)
- 3.3 14/01714/FUL - Demolish existing garage, erect two storey building at rear and replace existing bay at second floor - Application Permitted (06.02.2015)
- 3.4 08/01266/FUL - Install replacement timber sliding sash windows to east elevation Application Permitted (10.11.2008)
- 3.5 06/00236/LBC - Carry out internal alterations to hotel to form ensuite facilities to guest bedrooms (listed building consent) - Granted Listed Building Consent (02.02.2006)
- 3.6 02/01549/LBC - Demolish front porch, re-instate balcony at second floor level, install replacement windows and doors and erect new porch at front, lower garden level by 500mm, re-slate front dormer and refurbish staircase (Listed Building Consent) - Granted Listed Building Consent (20.02.2003)
- 3.7 02/01548/FUL - Demolish front porch, re-instate balcony at second floor level, install replacement windows and doors and erect new porch at front, lower garden level by 500mm, re slate front dormer and refurbish staircase. Application Permitted (20.02.2003)
- 3.8 01/01020/LBC Remove existing boundary walls and replace with low brick walls, railings, and gates to a maximum height of 1.3meters (Listed Building Consent) - Granted Listed Building Consent (09.11.2001)
- 3.9 01/01017/FUL Remove existing boundary walls and replace with low brick walls, railings, and gates to a maximum height of 1.3meters. Application Permitted (09.11.2001)
- 3.10 00/01122/FUL Form self-contained flat at lower ground floor 6 Clifftown parade Application Permitted (25.01.2000).

### **4 Representation Summary**

## **Public Consultation**

4.1 77 neighbouring properties were consulted, a press notice published and a site notice displayed. 9 letters of representation have been received. 1 of these objects to the proposal, raising the following issues:

- Lack of parking generally.
- The garage should remain as parking

7 Proforma letters and 1 additional letter in support of the proposal raising the following summarised comments:

- The previous application should not have been refused.
- The amended proposal has improved the quality of the development.
- The loss of the poor quality rear extension is an improvement.
- Residential use is not out of character in this location
- The refuse and cycle store is now accessible without crossing neighbouring land.
- The applicants have done considerable works to show that the hotel is no longer viable.
- A loss of 14 bedrooms out of 1000 is negligible.
- The exterior of the building would be preserved.
- The proposal would have an acceptable impact on neighbours.
- The removal of the porch is positive for the listed terrace.
- The internal alterations are almost all removal of modern partitions.
- Refuse and cycle storage is provided.
- Sustainable location.
- The change of use will require less parking
- Fewer people using the building
- The future of the listed building will be assured.
- CIL contribution will assist local services
- The value of the conversion will support the owners who have a case for exceptional circumstances
- The exceptional circumstances outweigh the harm in this case.

## **Essex Fire Service**

4.2 There is inadequate access for fire appliances to flat 7 so this unit will require sprinklers.

## **Environmental Health**

4.3 No objections subject to conditions relating to construction hours and a waste management plan.

## **Highways**

4.4 There are no highway objections to this proposal the site benefits from being in an extremely sustainable location with regard to public transport with good links in close proximity. Secure cycle parking has been provided. Future occupiers will not be eligible for a town centre or car parking permit due to the lack of parking associated with the development.

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

4.5 This application was called to Development Control Committee by Cllr George.

## **5 Planning Policy Summary**

5.1 The National Planning Policy Framework (NPPF) (2021)

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), Policy CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP8 (Dwelling Provision)

5.3 Development Management Document (2015) Policies DM1 (Design Quality) DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM8 (Residential Standards), DM10 (Employment Sectors), DM11 (Employment Areas), DM12 (Visitor Accommodation) and DM15 (Sustainable Transport Management)

5.4 Southend Central Area Action Plan (SCAAP) (2018), Policy PA6 (Clifftown Policy Area Development Principles)

5.5 Design & Townscape Guide (2009)

5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

5.7 Clifftown Conservation Area Appraisal (2006) and draft Clifftown Conservation Area Appraisal (2021)

5.8 Technical Housing Standards Policy Transition Statement (2015)

5.9 Waste Storage, Collection and Management Guide for New Developments (2019)

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

## **6 Planning Considerations**

6.1 The main considerations in the determination of this application are the principle of the loss of visitor accommodation, protection of the significance of the listed terrace, the impact on the character of the wider conservation area, any impact on residential amenity, quality of accommodation for future occupants, traffic and highways implications, sustainability including RAMS and CIL and whether the proposal has overcome the reasons for refusal of the previous application.

## **7 Appraisal**

### **Principle of Development**

7.1 Paragraph 119 of the NPPF states: *"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding*

*and improving the environment and ensuring safe and healthy living conditions.”* Furthermore, policy DM3 of the Development Management Document stipulates that the Council will support development that seeks to optimise the use of land in a sustainable manner that does not lead to over-intensification, which would result in undue stress on local services and infrastructure.

7.2 Policy DM10 of the Development Management Document identifies the Priority Location Areas for employment sectors. For tourism and associated leisure activities the Seafront is such a Priority Location Area.

7.3 Policy DM12 states that the areas within the Southend Central Area, near the London Southend Airport and locations with access and a clear and strong relationship with the Seafront are Key Areas for visitor accommodation. The same policy stipulates that:

*“2. Within the Key Areas [...] visitor accommodation will be retained. Proposals for alternative uses on sites used (or last used) for visitor accommodation will be considered where it can be demonstrated that:*

- (i) the site is no longer viable or feasible for visitor accommodation\*;* and
- (ii) the proposal meets all other relevant planning policies.*

*Where an alternative use is considered acceptable by the Council, applications that would contribute positively to the leisure, recreation and tourism offer in the Borough will be considered favourably.*

*\*Supporting text paragraph 5.37 and Appendix 4 Part A sets out the information to be Provided including a 2 year marketing information.”*

7.4 In relation to smaller hotel and guesthouse businesses, paragraph 5.39 of the Development Management Document states:

*‘5.39 It is recognised that for smaller ‘lifestyle’ businesses, commercial viability is more difficult to test. In such cases proof of marketing for sale with specialist and local agents at a realistic price may be sufficient on its own. The Council will be flexible in its approach and have regard to all material considerations at the time of the application. In all instances the level of information required should be agreed with the Council prior to submitting a planning application.’*

#### *Loss of Visitor Accommodation*

7.5 The proposal seeks to change the use from a hotel to flats. The reason given is for the sale of the premises is that the owners are no longer able to run the business due to medical reasons. In this respect the proposal would result in the loss of visitor accommodation for a use that would not contribute positively to the employment, leisure, recreation or tourism offer in the Borough. The previous application was refused because the proposal failed to satisfactorily demonstrate that there is no capacity for the existing hotel facility within Southend. Some marketing information and an economic statement was submitted with that initial planning application but it was found that it failed to meet the requirements of Policy DM12 noted above. In particular, the marketing was low profile ‘off book’ marketing only, so the property was not very visible in the marketplace for prospective buyers. To seek to address this reason for refusal the business was put on the market with a local agents Ayres and Cruiks on 28<sup>th</sup> October 2021 including a listing

on their website and a for sale board at the site. This is more in line with the requirements of Policy DM12 although, with this limited timeframe, the marketing case for the proposal falls significantly short of the requirement of 2 years of marketing sought by Policy DM12. Ayres and Cruiks confirm that in the first 3 weeks of marketing the property there were three viewings of the property but these did not result in an offer. The applicants advise that one of these viewings was in relation to conversion to a single house.

7.6 An updated Economic Statement has also submitted and can be summarised as follows:

- The brand/unique selling point of the business is the owners, and this will be lost when they move on.
- Significant investment would be needed to keep up with competitors including new windows and roofing slates.
- There is a lack of funds for investment in the building and business.
- The pandemic has had a severe impact on visitor numbers resulting in a 66% drop in profits forecast for 2021 (not including grant funding).
- Loss of future bookings resulting from pandemic are predicted not to recover to pre-covid levels for 4 years.
- The industry forecasts only 55% room utilisation for 2022 predicts a net loss for the business during this year if the cost of additional staffing required due to ill health and repairs to the building are taken into consideration, although it is noted that no repairs to the building are proposed at this time and are not included in the proposed applications.
- The UKHospitality.org.uk, which is the industry trade body and represents the hospitality sector nationally, is concerned that Covid 19 restrictions including those announced in December 2021 will significantly impact consumer confidence and have a devastating impact on hospitality.
- The loss of airport visitors is also affecting bookings and there is a shift towards less business travel as more people work remotely.
- Since the current owners took on the business in 2012 there has been a significant increase in competition particularly from budget hotels and Air b & b. The document notes that the availability of low-cost rooms in the Borough has risen from 681 in 2012 to 1678 in 2020 (an increase of 997 rooms). In the central area only, the number of rooms has increased by 462 during this period.
- Exceptional circumstances are sought – the sale of the business is needed for medical reasons.

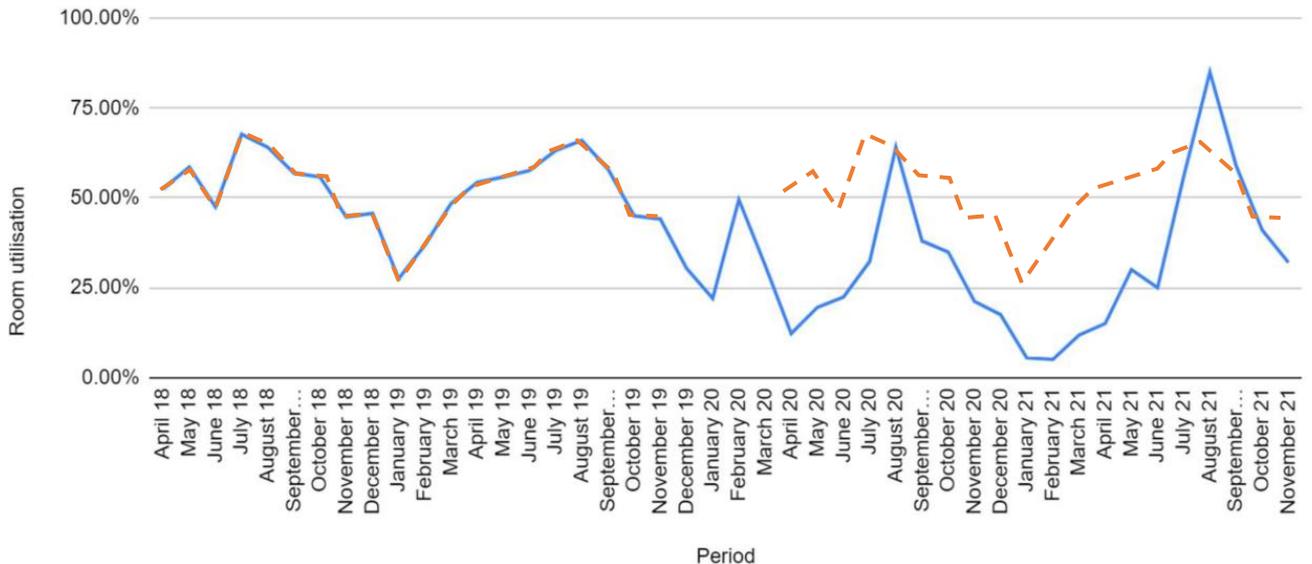
7.7 There is no doubt that the pandemic has had a significant impact on the hotel industry and to compensate for this, businesses, including the application premises, were supported with grant funding from the Government over the past 2 years, although this funding has now ended. It is also acknowledged that the hotel market will take some time to recover to pre-pandemic levels. As noted above, the submitted Economic Statement comments that the UK Hotels Forecast expects room utilisation to be around 55% until 2024/5.

7.8 The submitted Economic Statement provides some information in relation to the profitability of the business but this has concentrated on recent years only (2019-21) which were significantly impacted by covid. The forecasted figures for 2022, which include the necessary repairs to the building, predict that the business will be in deficit, and this is unlikely to be mitigated by grant funding as it was in the last 2 years.

7.9 The graph titled 'Room Utilisation by Period' below shows a number of periods of over 60% occupancy peaking at around 80% occupancy during this more difficult time however

a comparison with pre-covid times in 2018/19 (orange line) shows a noticeable fall in bookings over the past 2 years especially during the winter months and during lockdown periods as to be expected.

Room utilisation by period



- 7.10 The owners have made a case for extenuating circumstances due to health grounds on which they state that they are no longer able to run the business themselves. However, the policy makes no particular exception for extenuating circumstances and this does not prevent the sale of the business as a going concern. In order to demonstrate that the business is no longer viable the policy requires the business to be marketed locally and at a realistic price and for a decent amount of time to give the business the best chance of a sale.
- 7.11 The site is in an attractive position on the clifftop and close to the town centre and seafront and is a prime location for tourism.
- 7.12 There is a concern that the business was only properly marketed on 21<sup>st</sup> October 2021 which, by any measure, falls significantly short of the 2 years sought by the policy and this is a negative aspect of the proposal. The submitted Economic Statement provides evidence that the business is struggling and it is acknowledged that this small scale of business will be less able to cope with reduced bookings over an extended time period than the larger hotels or even air b & b's. Whilst the circumstances of the occupiers are noted and it is understood that these may affect the ability of these proprietors to maintain and manage the business into the future, the proposal does not make allowances for exceptional circumstances and little weight can be given to this issue in the planning balance. Given that the policy requirements in this case have only partially been met, the loss of the hotel use will need to be weighed in the balance against the public benefits of the proposal which are discussed in detail below. However, it is also recognised that the current marketing information is an improvement on that provided with the previous application.

### **Design and Impact on the Character of the Area and impact on Heritage Assets**

- 7.13 In determining these applications, the Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard

to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. In addition, the Council has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

7.14 In relation to the impact of a proposal on a designated heritage asset the NPPF states that

*'199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

*202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

*203. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

7.15 The NPPF also states that *'Good design is a key aspect of sustainable development'* and this is referenced throughout the NPPF as well as in policies KP2 and CP4 of the Core Strategy and policies DM1 and DM5 of the Development Management Document. The Design and Townscape Guide also states that the Council is committed to good design and the preservation and enhancement of heritage assets.

7.16 In regard to development affecting heritage assets, Policy DM5 states that *"Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted."* The NPPF states that *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation"*.

### *Impact on the Significance of the Listed Buildings*

7.17 The proposal seeks to convert the hotel into 7 self-contained flats including 1 unit in the existing outbuilding to the rear. In terms of the impact on the listed building there is no objection to the proposed residential use as this was the intended use of the historic building when it was constructed. The proposals have generally sought to make use of the existing layout of the hotel and require few alterations to the plan form. Where internal walls are proposed for demolition, this generally relates to the removal of modern partitions which were installed to form en-suites for the hotel bedrooms. Listed building consent was previously granted for a similar proposal earlier in 2021 (reference 21/01156/LBC) but the current application includes a schedule of enhancements to the listed building over an above that required to convert the hotel to flats. These enhancements are proposed to add weight to the application and can be taken into consideration in the planning balance which is discussed in detail below. The additional enhancements are as follows:

1. Removal of the non-original rain porch to the front of number 5 Clifftown Parade which detrimentally impacts on the front elevation and uniformity of the terrace.
2. The removal of the existing poor quality modern single storey kitchen extension to the rear of number 5 Clifftown Terrace and reinstatement of the rear wall including new sash windows.
3. The commitment to undertake a survey of all windows and reinstate single glazed timber sash windows where they have been lost or where the existing are poor quality replacements.
4. The replacement of the grey concrete tiles to the existing mansard at 5 Clifftown Parade with natural slate and the remodelling of the windows in this location to be timber sash windows arranged in two groups to better relate to the existing frontage.
5. The repair and/or replacement of the slate roof to number 6 Clifftown Terrace with natural slate to prevent water ingress.
6. The reinstatement of traditional timber internal doors and architraves, cornices and skirtings where they have been lost.
7. The removal of the internal lobbies in the main reception rooms of plots 4 and 5 at first and second floor to reinstate the original plan forms of these key reception rooms.

7.18 All these changes are to the benefit of the listed building and can be secured by condition. It is important to note the removal of the porch was the only enhancement proposed as part of the previous listed building consent therefore the current applications represent a significant uplift in terms of the enhancements to the listed building as compared to the previous schemes. The proposal's impact on the fabric of the listed building is therefore acceptable and policy compliant in this regard.

### *Rear Outbuilding Proposals*

7.19 To the rear is a two-storey outbuilding which is used for parking/storage and as an office. It is proposed to convert this building to a self-contained flat as part of this proposal. This is modern but its design and detailing have been based on an original outbuilding in this location opposite the site. The building is well executed and it sits well in this context.

7.20 Whilst no objection was raised to the principle of the conversion, application 21/01155/FUL was refused because the proposed alterations to the outbuilding would have been out of keeping and incongruous in the streetscene which would cause harm to the existing building, the setting of the listed building and the wider conservation area. To address this,

the proposed alterations to this building have been amended to retain more of its existing 'coach house' character. The amended design is considered to be more appropriate in this context, and overcomes that previous reason for refusal subject to the agreement of detailing of the proposed fenestration.

7.21 Overall, the proposed alterations, including the removal of the poor-quality rear extension and front porch, and the reinstatement of parts of the historic plan form, are considered to have a positive impact on the character and significance of the listed building, the terrace and wider conservation area. The previous reason for refusal in relation to the alterations to the outbuilding has also been overcome. The amended proposal is therefore acceptable and policy compliant in relation to design and heritage matters subject to conditions relating to design detail of new doors and windows.

### **Standard of Accommodation for Future Occupiers**

7.22 Delivering high quality homes is a key objective of the NPPF.

7.23 Policy DM3 of the Development Management Document (i) states: proposals should be resisted where they “*Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents*”.

### *Space Standards*

7.24 All new homes are required to meet the National Technical Housing Standards. The minimum requirement for a 1 bed 2 person unit is 50sqm (58sqm for a 2 storey dwelling), a 2 bed 3 person property is 61sqm and a 2 bed 4 person property is 70 sqm. All master bedrooms are required to be a minimum of 11.5sqm with a minimum width of 2.75m. All single bedrooms are required to have an area of 7.5 sqm and a minimum width of 2.15m.

	<b>Net Internal Area</b>	<b>Bed 1</b>	<b>Bed 2</b>
Flat 1 2 bed 4 person	91.7sqm	13.3 sqm 3.1m width	11.5sqm 3.1m width
Flat 2 2 bed 3 person	62.6 sqm	12.3sqm 3.3m width	10.3sqm 3.4m width
Flat 3 1 bed 2 person	52.5 sqm	13.3sqm 3.3m width	
Flat 4 1 bed 2 person	51 sqm	13.3sqm 3.3m width	
Flat 5 1 bed 2 person	51 sqm	13.3sqm 3.3m width	
Flat 6 1 bed 2 person	52.8 sqm	13sqm 3.3m width	
Flat 7 1 bed 2 person 2 storey	63.5 sqm	19.6 sqm 3.7m width	

7.25 The proposals meet the required housing standards and are acceptable and policy compliant in this regard.

### *Quality of Habitable Rooms*

7.26 The previous proposal was refused because the nature and layout of the basement flats

and proximity to the refuse store would result in a poor living environment, due to the unacceptable outlook to the rear, to the significant detriment of the living conditions of future occupiers. The current application seeks to address this by demolishing the existing poor-quality kitchen extension and reconfiguring the refuse and cycle store. The amended layout enables a small but useable amenity area to be provided to the rear of the basement units and improves the outlook for the bedrooms of these proposed units significantly. The amended arrangement is considered to have overcome that previous reason for refusal in this regard.

- 7.27 The habitable rooms of the upper floor flats have the same outlook as the previous application and this remains acceptable. The amended design of the outbuilding, which is also proposed to be converted to a 1 bed unit, has altered the outlook to this unit as higher-level windows are proposed to the east side, but an additional sash window is proposed to the north elevation to provide additional outlook to the main living space. Given the constraints of the site and area, this is considered to be reasonable, and the proposal is policy compliant in this regard.

#### *M4(2) – Accessibility*

- 7.28 Development Management Policy DM8 requires all new residential developments to be accessible for all and to meet the standards set out in Building Regulations M4(2) - Accessible and Adaptable Dwellings, however in this case the proposal is for the change of use of an existing building therefore this requirement does not apply.

#### *Amenity Provision*

- 7.29 Policy DM8 requires all new residential units to ‘*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.*’ The two basement flats would have small terraces to the rear of 36sqm and 39 sqm. This is an improvement on the previous application where only one terrace was proposed. No amenity space is proposed for the remaining units. This is unchanged from the previous proposal. The lack of private amenity space for 5 of the units is a negative aspect of the proposal however, there is limited scope for additional amenity space to be provided at higher floor levels given that the building is listed. Also the site is directly opposite the Cliff Gardens and Seafront. The level of amenity space proposed is therefore, on balance, considered to be acceptable and the proposal is policy compliant in this regard.
- 7.30 Overall, therefore, it is considered that, the amended proposal has satisfactorily overcome the previous reason for refusal in relation to the standard of accommodation for future occupiers of the basement units and is now, on balance, acceptable and policy compliant in this regard.

#### **Impact on Residential Amenity**

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

- 7.32 The proposal involves no extensions to the built form or alterations to the exterior of the main listed building except for the removal of the rain porch and demolition of the single storey rear extension and replacement of some window frames within existing openings. Given the similarities in use and outlook between a hotel and a residential building it is considered that the proposed change of use will not have a significant impact on the amenities of neighbours in any regard.
- 7.33 The proposal includes conversion of the outbuilding to residential accommodation. This includes the introduction of new windows on the east and north elevations at ground floor and the removal of windows in the south elevation at first floor. The new windows at ground floor will look onto the rear vehicular access and will not have a material impact on privacy of the neighbouring unit.
- 7.34 The proposal is therefore acceptable and policy compliant in its impact on neighbour amenity.

### **Traffic and Transportation Issues**

- 7.35 The existing hotel has 14 bedrooms and 5 off street parking spaces. Policy DM15 states that hotels in the central area should provide 1 space per bedroom but such standards are expressed as a maximum. The existing use is therefore notionally deficient by 9 spaces.
- 7.36 The proposal seeks to convert the building into 7 flats and proposes 2 off street parking spaces. Cycle storage for 7 bikes and a refuse and recycling area containing 6 wheelie bins is also proposed to the rear of the building with access to the rear vehicular access way. Policy DM15 states that flats in the central area should provide a minimum 1 space per flat. The proposal has a deficiency of 5 spaces in relation to this policy but DM15 states that *'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.'* The site is in a sustainable location close to public transport and amenities.
- 7.37 The previously refused application included 3 parking spaces to the rear which was found to be acceptable in relation to parking provision given the circumstances of the site and proximity to the town centre. Within the current scheme one fewer space is proposed. This is to provide satisfactory access to the proposed bin and cycle store to the rear of the building which was previously found to be unacceptable in the refused 2021 application as it required access via third party land. The proposed provision is not considered to have any adverse parking or highway safety impacts, The Council's Highways team have not raised any objections in this case, including due to the sustainable location of the site.
- 7.38 The proposal is considered to have overcome the previous reason for refusal in relation to refuse and cycle parking provision at the site and is acceptable and policy compliant in regards to all highways matters.

### **Sustainable Construction**

- 7.39 Policy KP2 of the Core Strategy states that *"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”.*

- 7.40 In this instance, given that the proposal relates to the conversion of listed buildings and the confined and exposed nature of the site, it is considered that it would not be appropriate to require renewable technologies provision as part of any decision.
- 7.41 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 and appliances. This requirement is considered to be reasonably compatible with the constraints of the heritage asset and could be controlled by condition were the proposal otherwise acceptable. The proposal is therefore considered to be acceptable with reference to these matters.

#### *Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)*

- 7.42 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 29<sup>th</sup> 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. This has been paid and the proposal is acceptable and contrary to policy in this regard.

#### *Other Matters - Fire Access*

- 7.43 The Fire Brigade have raised concerns about access to the unit in the outbuilding as the rear access is not suitable for fire appliances but have agreed that this can be addressed via sprinklers. This solution is considered to be acceptable and could be addressed separately under Building Regulations.

#### **Community Infrastructure Levy (CIL)**

- 7.44 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 498 sqm, which may equate to a CIL charge of approximately £19134.69 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

## **8 Conclusion**

8.1 Given that the proposal has not fully addressed elements of Policy DM12 in relation to the loss of visitor accommodation for the town, an appropriate balancing exercise must be undertaken to determine whether the public benefits of the proposal outweigh harm caused in this case. Weighing in favour of the public benefits of the proposal are:

- The provision of housing (7 units) - 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. As noted above the amended proposal has overcome the previous reason for refusal in relation to the quality of accommodation for future occupiers and the proposed units are now considered to be good quality.
- Enhancement of the listed building and securing its future viability - The proposal includes a number of significant enhancements to the listed building as compared to the previous scheme. These enhancements are generally over and above what is required for the conversion of the building in terms of standard of accommodation for future occupiers and add significant value to the scheme as compared to the previous applications. It is unlikely that all these enhancements would be brought forward independent of this proposal so this is a good opportunity to achieve positive change for the listed building. The completed scheme will also provide an optimal viable use for the listed building securing its future retention and preservation. These enhancements are a significant benefit of the scheme and their implementation can be secured by condition.
- Very little weight can be given to the personal circumstances of the applicant in this case.

8.2 The amended proposal has satisfactorily addressed the previous reasons for refusal in relation to the standard of accommodation, refuse and cycle storage arrangement and RAMS. Overall, on balance, it is considered that, in this particular case, the public benefits of the amended proposal, including the provision of good quality housing and the significant enhancements to the listed building are of sufficient public benefit to the Borough to overcome the negative aspects of the proposal in relation to the loss of visitor accommodation.

8.3 The planning application and listed building consent are therefore recommended for approval subject to conditions.

## **9 Recommendation**

**9.1 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 solely in accordance with the following approved plans 1436-01B, 1436-02G, 1436-03D, 1436-04A, 1436-05B, 1436-06, 1436-07B**

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

**03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition works as shown in the approved plans shall take place unless and until full product details of the materials to be used on all the external and internal elevations, including roofs, walls (external infill and new partitions and ceilings), all new windows and doors including dormers, external terraces, boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in full accordance with the approved details before it is brought into first use.**

**Reason: To safeguard the visual amenities of the listed building and wider conservation area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).**

**04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition of the rear extension and internal partitions as set out in the approved plans shall take place unless and until full design details for the proposed heritage enhancement works as set out in document titled 'Schedule of Enhancements to 5 and 6 Clifftown Parade for 21/02172/FUL & 21/02173/LBC dated 13.12.21' have first been submitted to and agreed in writing by the Local Planning Authority. These shall include:**

- (i) Design details including large scale cross sections at 1:10 or 1:20 as appropriate for the proposed remodelling of the mansard roof at number 5 Clifftown Parade including replacement front dormer window arrangement and detailing of new facing materials including ridge and eaves detail.**
- (ii) A schedule of all windows identifying all original and non-original windows. All original windows shall be retained and refurbished as required. All non-original windows shall be replaced with new single glazed timber sash windows of the original design. Full detailing of the replacement windows including large scale details and sections at a scale of 1:10 shall be provided.**
- (iii) Large scale details and sections at 1:5 or 1:10 as appropriate of proposed replacement skirting boards, cornices and internal doors and architraves.**
- (iv) Large scale details of the proposed outbuilding windows and doors at a scale of 1:10 or 1:20 as appropriate.**
- (v) Full details of making good of the front elevation following removal of the rain porch and the infilling of the rear elevation at lower ground floor following removal of the existing single storey extension including replicating stone surround to match upper floors.**

- (vi) Any new servicing required by the conversion scheme which impacts on the external elevations including meter boxes, vents and pipes.

The development shall be carried out and completed in full accordance with the approved details before the development hereby approved is brought into use.

**Reason:** To ensure the development suitably maintains and enhances the character and appearance of the listed building in accordance with the National Planning Policy Framework (2021), policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and policies DM1 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

**05** The 2 car parking spaces (including 1 disabled spaces) shown on approved plan 1436-03D shall be provided and made available for use at the site prior to the first occupation of the flats hereby approved. The car parking spaces shall thereafter be permanently retained solely for the parking of vehicles in connection with the occupiers of the dwellings hereby approved and their visitors.

**Reason:** To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

**06** The development hereby approved shall not be occupied until and unless full details of the refuse and recycling store and the secure, covered cycle parking to serve the flats have been previously submitted to and agreed in writing by the Local Planning Authority . The development shall be implemented in full accordance with the approved details and shall be made available for use prior to first occupation of the development and shall be retained for the lifetime of the development.

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

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

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

**08 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition of the existing building shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority . The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. The details submitted shall include, but not limited to:-**

- i) Any new means of enclosure, of the site including any gates or boundary fencing including internal divisions between the rear amenity spaces and storage areas;**
- ii) Any new hard surfacing materials;**
- iii) Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan.**

**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: In the interests of visual amenity of the area and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007).**

**09 Construction Hours for the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays, Bank or Public Holidays.**

**Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).**

#### **Informatives**

**01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative**

that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended).

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.

03 The applicant is advised that, in order to meet Building Regulations requirements for plot 7, which is over 45m from the highways, sprinklers will be required to be installed in this unit (as this planning permission and listed building consent does not consent for a dry riser to be installed through the listed building which is the only other alternative). The sprinklers will not require listed building consent in this case as the outbuilding is not historic and therefore does not fall under the remit of the listing.

**GRANT LISTED BUILDING CONSENT** 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 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

02 The development hereby permitted shall be carried out solely in accordance with the following approved plans 1436-01B, 1436-02G, 1436-03D, 1436-04A, 1436-05B, 1436-06, 1436-07B

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition works as shown in the approved plans shall take place unless and until full product details of the materials to be used on all the external and internal elevations, including roofs, walls (external infill and new partitions and ceilings), all new windows and doors including dormers, external terraces, boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in full accordance with the approved details before it is brought into first use.

Reason: To safeguard the visual amenities of the listed building and wider conservation area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice contained within the Southend Design and Townscape Guide (2009).

**04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition of the rear extension and internal partitions as set out in the approved plans shall take place unless and until full design details for the proposed heritage enhancement works as set out in document titled 'Schedule of Enhancements to 5 and 6 Clifftown Parade for 21/02172/FUL & 21/02173/LBC dated 13.12.21' have first been submitted to and agreed in writing by the Local Planning Authority. These shall include:**

- (vii) Design details including large scale cross sections at 1:10 or 1:20 as appropriate for the proposed remodelling of the mansard roof at number 5 Clifftown Parade including replacement front dormer window arrangement and detailing of new facing materials including ridge and eaves detail.**
- (viii) A schedule of all windows identifying all original and non-original windows. All original windows shall be retained and refurbished as required. All non-original windows shall be replaced with new single glazed timber sash windows of the original design. Full detailing of the replacement windows including large scale details and sections at a scale of 1:10 shall be provided.**
- (ix) Large scale details and sections at 1:5 or 1:10 as appropriate of proposed replacement skirting boards, cornices and internal doors and architraves.**
- (x) Large scale details of the proposed outbuilding windows and doors at a scale of 1:10 or 1:20 as appropriate.**
- (xi) Full details of making good of the front elevation following removal of the rain porch and the infilling of the rear elevation at lower ground floor following removal of the existing single storey extension including replicating stone surround to match upper floors.**
- (xii) Any new servicing required by the conversion scheme which impacts on the external elevations including meter boxes, vents and pipes.**

**The development shall be carried out and completed in full accordance with the approved details before the development hereby approved is brought into use.**

**Reason: To ensure the development suitably maintains and enhances the character and appearance of the listed building in accordance with the National Planning Policy Framework (2021), policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and policies DM1 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).**

#### **Informatives**

**01 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in**

**the Borough.**

**The Local Planning Authority has acted positively and proactively in determining this application by 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.**