

Southend-on-Sea Borough Council

Agenda
Item

Report of the Corporate Director of Place
To
Development Control Committee
On
06th July 2016

Report(s) on Planning Applications
A Part 1 Agenda Item

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Reference:	16/01030/AMDT
Ward:	Blenheim Park
Proposal:	Application to vary condition 13 of planning permission 15/01785/AMDT to extend the timeframe by which details of the access, appearance, landscaping, layout and scale (hereinafter called the reserved matters) shall be submitted to the local planning authority to 18th July 2016.
Address:	845 - 849 London Road, Westcliff-on-Sea, Essex
Applicant:	Venture Capital Associates Ltd
Agent:	Phase 2 Planning and Development
Consultation Expiry:	30.06.2016
Expiry Date:	06.09.2016
Case Officer:	Janine Rowley
Plan No's:	356.207.00; 356.206.02; 356.207.00; 356.208.00
Recommendation:	Members are recommended to DELEGATE AUTHORITY TO THE GROUP MANAGER OF PLANNING & BUILDING CONTROL, HEAD OF PLANNING & TRANSPORT or CORPORATE DIRECTOR FOR PLACE to GRANT PLANNING PERMISSION subject to the completion of a S106 legal agreement:

1 The Proposal

1.1 Permission was granted in 2013 for the erection of a 4 storey block including 22 flats, 2 commercial units. The application seeks to vary condition 13 of planning permission 15/01785/AMDT to extend the timeframe for details of the access, appearance, landscaping, layout and scale (hereinafter called the reserved matters) can be submitted to the local planning authority not later than 18th July 2016 in accordance with the decision date of the original application 13/00061/EXTM. The most recent notice on the site shortened this to 18th March 2016. The proposal is not to defer the date for commencement.

1.2 Condition 13 is proposed as follows:

“Details of the access, appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to the local planning authority not later than 18th July 2016. The development hereby permitted shall begin not later than the 19th March 2018.”

1.3 The development is of the same character, design, layout, unit numbers and as per the scheme originally approved under application 13/00061/EXTM and 15/01785/AMDT, albeit with the changes discussed above.

2 Site and Surroundings

2.1 The site is located on the northern side of London Road, 175m west of its junction with Southbourne Grove. It is a regular shaped site with a frontage of 30m and a maximum depth of 74m.

2.2 The site is currently empty following the demolition of the existing buildings. The streetscene on this side of London consists of a mix of properties with a variety of uses at ground floor and predominately ancillary offices and residential accommodation at first floor. The southern side of this part of London Road is bounded by Chalkwell Park. To the west of the site is a recently constructed flatted development including commercial premises to the ground floor.

2.3 The front of the units provides a forecourt area which is used for a mix of uses including the display of goods and informal car parking.

3 Planning Considerations

3.1 The overall design, scale, layout and numbers of units of the development remain unaltered from 13/00061/EXTM. The only issues for consideration in relation to this application is the change to condition 13 of 15/01785/AMDT in relation to the time period of the reserved matters submission to be consistent with the original permission of 13/00061/EXTM 18th July 2016.

4 Appraisal

Principle of the Development

The National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP1, CP4 and CP8; DPD2 (Development Management Document) policies DM1, DM3, DM7

- 4.1 Permission was granted in 2013 for the erection of a 4 storey block including 22 flats, 2 commercial units, and then subsequently amended in 2015 to allow for the roof and lift shaft to be constructed. This application seeks to vary condition 13 of planning permission 15/01785/AMDT to extend the timeframe for details of the access, appearance, landscaping, layout and scale (hereinafter called the reserved matters) to 18th July 2016 in accordance with the decision date of the original application 13/00061/EXTM.

Section 73 of the Act allows for variations to conditions. This variation is considered reasonable and in line with a previous decision of the Council. There is no objection and no harm would result.

Design and Impact on the Character of the Area:

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; DPD2 (Development Management Document) policy DM1 and the Design and Townscape Guide.

- 4.2 The design, layout, scale and height of the proposed development have been previously considered acceptable under applications 13/00061/EXTM and 15/01785/AMDT and are unchanged.

Traffic and Transport Issues

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP3; CP4; DPD2 (Development Management Document) policy DM1 and Design and Townscape Guide.

- 4.3 This amended application does not result in additional traffic generation or the need for additional parking.

Impact on Residential Amenity:

The National Planning Policy Framework; DPD1 (Core Strategy) policy CP4; DPD2 (Development Management Document) policies DM1 and DM3 and the Design and Townscape Guide.

- 4.4 The scale and height of the development remains unchanged from the previously approved application 15/01785/AMDT as agreed by members of Development Control Committee on the 13th January 2016. The proposal would not extend the period for commencement and thus have no discernible impact on the vicinity.

Developer contributions.

Planning Policies: NPPF; DPD1 (Core Strategy) policies KP3

- 4.5 The Core Strategy Policy KP3 requires that:

*“In order to help the delivery of the Plan’s provisions the Borough Council will:
2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed”.*

- 4.6 The provisions of the previous S106 agreement completed for this development should be carried forward via a new agreement as part of this amendment. The provisions include affordable housing, and education contributions, and this will not change.

Community Infrastructure Levy Regulations

- 4.7 The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010. The planning obligation discussed above and as outlined in the recommendation below has been fully considered in the context of Part 11 Section 122 (2) of the Regulations, namely that planning obligations are:
- a) necessary to make the development acceptable in planning terms; and
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development

As the application is made under S73 of the Town and Country Planning Act and does not result in the creation of any additional floorspace, although it is CIL Liable, it is not CIL chargeable. Thus a CIL contribution is not required.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework.
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Accessibility and Transport), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 6.4 Development Management Document 2: Development Management Document policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and effective use of land), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM14 (Environmental Management), DM15 (Sustainable Transport Management)
- 6.3 Supplementary Planning Document 1: Design & Townscape Guide (2009)

7 Representation Summary

Design and Regeneration

- 7.1 No objections as per the previous application 15/01785/AMDT.

Highway Authority

- 7.2 No objections as per the previous application 15/01785/AMDT.

Public Consultation

- 7.3 A site notice displayed on the 09.06.2016 and 94 neighbours notified of the proposal. No letters of representation have been received at the time of writing this report.

8 Relevant Planning History

- 8.1 Application to vary condition 11 of planning permission 10/00129/OUTM dated 29 April 2010 & 13/00061/EXTM dated 19 March 2013 (the development hereby approved is not to exceed four storey or 11.4m in height), excluding 1.8m high privacy screen to the roof garden and condition 14 (drawing numbers) to increase height of the building to 12.4m (13m high including lift shaft) plus a 1.8m high privacy screen to the roof garden- Granted (15/01785/AMDT).
- 8.2 Application for Approval of Details pursuant to condition 02 (details of materials), condition 06 (acoustic fence), condition 09 (refuse storage), condition 12 (details of the gate to the undercroft parking) of planning permission 13/00061/EXTM dated 19/03/2015- Agreed (15/01804/AD)

- 8.3 Application for Approval of Details pursuant to condition 02 (details of materials), condition 09 (privacy screen) of planning permission 15/00305/RESM dated 15/04/2015- Agreed (15/01465/AD)
- 8.4 Modification of planning obligation dated 18/07/2013 (as modified by appeal decision dated 07/01/2015) pursuant to application 13/00061/EXTM to vary the affordable housing requirement to provide a financial contribution in lieu of on-site provision- Granted (15/01304/DOV)
- 8.5 Demolish existing building and erect 4 storey block comprising of 22 flats, 2 commercial units, lay out parking, refuse and cycle stores (Approval of reserved matters following outline application 10/00129/OUTM which was granted extension of time under 13/00061/EXTM dated 19.03.2013)(Amended Proposal)- Reserved matters approved (15/00305/RESM)
- 8.6 Demolish existing building and erect 4 storey block comprising of 22 flats, 2 commercial units, lay out parking, refuse and cycle stores (Approval of reserved matters flowing outline application 10/00129/OUTM which was granted extension of time under 13/00061/EXTM dated 19.03.2013)- Refused (14/01458/RESM). Appeal allowed.
- 8.7 Demolish existing building and erect 4 storey block comprising of 22 flats, 2 commercial units, lay out parking, refuse and cycle stores (outline application) (application to extend the time limit for implementation following planning permission 10/00129/OUTM dated 29 April 2010)- Granted (13/00061/EXTM)
- 8.8 Demolish existing building and erect 5 storey block comprising of 24 flats, 2 commercial units, lay out parking, refuse and cycle stores (outline application)- Refused (11/00975/OUTM)
- 8.9 Demolish existing building and erect 4 storey block comprising of 22 flats, 2 commercial units, lay out parking, refuse and cycle stores (outline application)- Granted (10/00129/OUTM)

9 Recommendation

9.1 Members are recommended to DELEGATE AUTHORITY TO THE GROUP MANAGER OF PLANNING & BUILDING CONTROL, HEAD OF PLANNING & TRANSPORT or CORPORATE DIRECTOR FOR PLACE to GRANT PLANNING PERMISSION subject to the completion of a S106 legal agreement:

- a) a commuted sum payment for affordable housing of £134,673 in lieu of on-site provision (subject to the conditions set out in paragraph 4.11 above)**
- b) £37, 458.58 education contribution**
- c) S106 monitoring fee**

b) The Head of Planning and Transport or the Group Manager (Development Control & Building Control) be authorised to determine the application upon completion of the above obligation, so long as planning permission when granted and the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:

01 Details of the access, appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to the local planning authority not later than 18th July 2016. The development hereby permitted shall begin not later than the 19th March 2018.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of the details mentioned.

02 The development hereby permitted shall be carried out in accordance with plans 356.207.00; 356.206.02; 356.207.00; 356.208.00.

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

03 Within sixth months of the date of the last reserved matters approved details of materials shall be submitted to and agreed in writing by the local planning authority.

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

04 No flat shall be occupied until 23 car parking spaces have been provided, together with a properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority. The car parking hereby approved shall be retained for the use of occupiers or visitors to the residential units in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

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 (NPPF), DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management Document) policy DM15 and SPD1 (Design and Townscape Guide).

- 05 Within sixth months of the date of the last reserved matters approved details of hard and soft landscaping shall be submitted to and agreed in writing by the local planning authority.**

All planting in the approved landscaping plan drawing PR024-01B landscape plan shall be carried out within the first planting season of first occupation of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the local planning authority.

Reason: In the interests of visual amenity and the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management Document) policy DM1, and SPD1 (Design and Townscape Guide).

- 06 The details of renewable energy shall be implemented in accordance with the Sustainability and Energy Report by David Plant Architecture agreed under application as shown on drawing 356.201.02, shall be implemented prior to occupation of the flats to provide at least 10% onsite renewable energy, unless otherwise agreed in writing by the local planning authority.**

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2 and CP4, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

- 07 The acoustic fence shall be installed to the northern boundary as shown on drawing 356.205.00 and the supporting information from David Plant Architecture submitted on the 26.03.2015 shall be installed prior to the occupation of the flats hereby approved unless otherwise agreed in writing by the local planning authority.**

Reason: In order to the protect the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Development Management DPD 2015 policy DM1.

- 08** No flats hereby approved shall be occupied until cycle parking spaces has been provided in accordance with the approved plan 356.207.00, and cycle parking shall be retained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy and Policy DM15 of the Development Management DPD 2015.

- 09** No flat roofed areas of the proposed development, with the exception of the roof terrace specified on plan 356.208.00, are to be used for sitting out or as any type of amenity space unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to the protect the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Development Management DPD 2015 policy DM1.

- 10** The privacy screens shall be implemented in accordance with drawings 356.306.03 and 356.304.03, and shall be installed prior to the first occupation of the residential flats hereby approved, unless otherwise agreed in writing by the local planning authority. The screens shall be permanently retained, thereafter.

Reason: In order to the protect the amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Development Management DPD 2015 policy DM1.

- 11** Prior to first occupation of the development the gate to the undercroft shall be installed in accordance with drawing 356.204.01 and shall be permanently retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to ensure the protection of residential amenities of surrounding residents in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Development Management DPD 2015 policy DM1.. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management Document) policy DM1, and SPD1 (Design and Townscape Guide).

- 12 The waste management details as shown on drawing dapa_356_207.00 shall be implemented prior to the first occupation of the development unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of amenity and waste management in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide) and the Waste Management Guide.

- 13 Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting, shall be submitted to the local planning authority for approval the development shall be carried out in accordance with the approved details.**

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

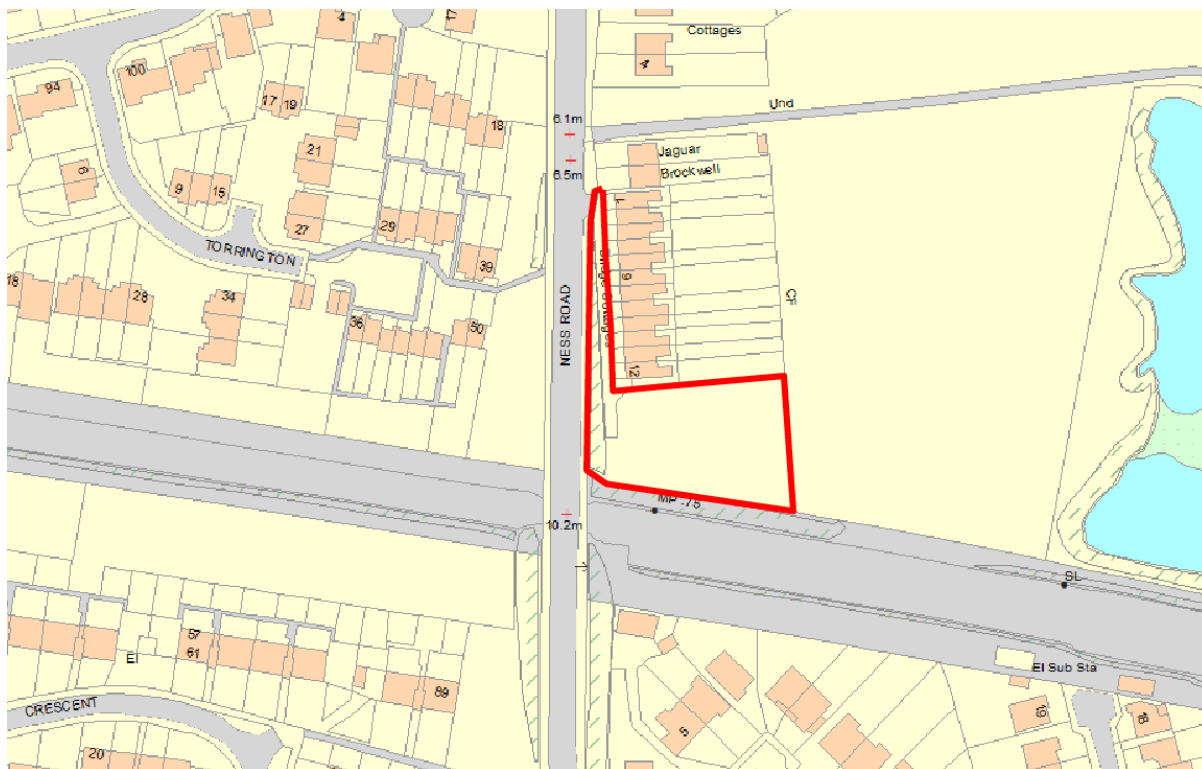
Informatives

- 1 As this application has been made pursuant to Section 73 of the Town and Country Planning Act 1990, Community Infrastructure Levy (CIL) Regulation 128A applies. You are advised that in this instance there will be no CIL charge on this permission as there is no net increase in floorspace between the original permission and the S73 permission.**
- 2 You are advised that the development hereby approved is likely to require approval under Building Regulations. Our Building Control Service can be contacted on 01702 215004 or alternatively visit our website http://www.southend.gov.uk/info/200011/building_control for further information.**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

c) In the event that the planning obligation referred to in part (a) above has not been completed by 06.09.2016 the Head of planning and Transport or Group Manager (Planning & Building Control) be authorised to refuse planning permission for the application on the grounds that the development fails to:- 1) provide for education facilities to serve the development, 2) provide affordable housing to meet the needs of the Borough. As such would result in increased pressure on public services and infrastructure to the detriment of the general amenities of the area, contrary to Policies KP2, KP3, CP3, CP4, CP6 and CP8 of the Core Strategy, Policies DM1, DM3, DM7, DM15 and the Design and Townscape Guide (2009).

Reference:	16/00688/FUL
Ward:	West Shoebury
Proposal:	Erect five terraced dwellinghouses with parking to rear (Amended Proposal)
Address:	12 Bridge Cottages, North Shoebury Road, Shoeburyness, Southend-On-Sea, Essex, SS3 8UN
Applicant:	Mr S. Riaz (Pimco UK Ltd)
Agent:	Glen Eldridge Architects
Consultation Expiry:	14/06/16
Expiry Date:	14/07/16
Case Officer:	Ian Harrison
Plan No's:	GE 150/P01 B and GE 150/P02 A
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 The application seeks planning permission for the erection of a block of five dwellings with associated parking and amenity space.
- 1.2 The main part of the proposed building would measure 8.4 metres deep and 21.55 metres wide with an eaves height of 5.2 metres and a ridge height of 8 metres. At the rear of the block would be a ground floor rear projection that would measure 6.3 metres deep and continue for the width of the block with a flat roof built to a height of 2.5 metres.
- 1.3 The block would be divided into 5 two storey dwellings, with rooms in the roof, all of equal width. At first floor, dwellings one and two would share a rear projection that would measure 3.3 metres deep and 6.7 metres wide with an eaves height of 4.3 metres and a double-piled roof with two ridges built to heights of 5.6 metres. An identical shared projection would be provided at the rear of dwellings 3 and 4. A smaller projection would be provided to serve dwelling five which would measure 3.5 metres wide and feature an eaves height of 4.3 metres and a ridge height of 5.6 metres.
- 1.4 A dormer would be provided to the rear of each dwelling that would measure 1.3 metres wide and 1.9 metres tall. A rooflight would also be provided to the rear of each dwelling.
- 1.5 Each dwelling would feature three bedrooms that would measure 11.6, 12 and 14.7 square metres in area (with the third bedroom having limited headroom meaning that the usable floorspace is reduced to 11 metres). The total usable floor area of each dwelling would be 110 square metres.
- 1.6 An 11.7 square metre front garden would be provided to each dwelling, partially enclosed by a wall that would measure 1.1 metres tall. The levels of the site would be changed with the bottom of the dwellings being set 0.2 metres below the neighbouring dwellings of Bridge Cottages. Rear gardens would be provided to measure 105 square metres per property, except for dwelling 5 which would be served by an 84 square metre garden.
- 1.7 Access to the site would be from the track that leads in front of the existing Bridge Cottages and connects to Ness Road 45 metres to the North of dwelling one. The existing track would continue past the proposed dwellings and turn at the South boundary of the site to provide access to a parking area at the South East corner of the site that would contain 10 parking spaces.
- 1.8 Porches would be provided at the front elevation, level access thresholds would be provided and the internal doors would be of the appropriate width and positioning to comply with Part M4(2) of the Building Regulations. No provisions are shown for refuse storage. A noise impact assessment has been provided in relation to this application.

1.9 This application follows the refusal of application 15/01703/FUL, which proposed a similar development, for the following reasons:

01 The proposed development, by virtue of the scale and design of the proposed dwellings would not reflect the character and appearance of the surrounding area and would not be of sufficient design quality to comply with the NPPF, policies KP2 and CP4 of the Core Strategy, Development Management DPD policies DM1 and DM3 and advice contained within the adopted Design and Townscape Guide (SPD1).

02 The proposed dwellings would be served by poor quality amenity space of limited size that would not be adequate in terms of quality or quantity and would therefore result in an unacceptably low standard of accommodation for future occupiers. Moreover, it is considered that it has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would not be subjected to unreasonable noise disturbance by virtue of the proximity to the railway line. The proposal is therefore contrary to the National Planning Policy Framework 2012 and National Planning Practice Guidance, Development Management DPD Policies DM1, DM3 and DM8 and SPD1.

03 It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed residential unit would accord with the standards of Part M4(2) of the Building Regulations. The proposal would therefore fail to create flexibly designed homes to respond to future occupiers changing physical and social requirements over their lifetime contrary to the NPPF and policies DM1 and DM8 of DPD2 (Development Management).

1.10 Although now expired, outline planning permission has previously been granted for the erection of a terrace of four dwellings at the site under the terms of applications 09/00920/OUT and 12/00828/EXT.

2 Site and Surroundings

2.1 The application site is located to the east of Ness Road, to the south of Bridge Cottages and to the north of the railway line that connects Shoebury to London. The application site includes the existing access track that connects Ness Road to the main section of the application site, leading in front of the existing 12 dwellings known as Bridge Cottages.

2.2 The application site is not the subject of any site-specific policy designations.

2.3 The site is bordered by the railway line to the south, highway to the west, an area of open space to the east and is otherwise surrounded by residential properties. The site is currently used as an area of informal parking, storage and landscaping.

3 Planning Considerations

- 3.1 The main considerations of relevance to this application are the principle of the development, the design and impact on the streetscene, the amenities of neighbouring residential properties, the amenities of future occupiers of the dwellings and highway safety and parking implications.

4 Appraisal

Principle of Development

National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4 and CP8, and Development Management DPD Policies DM1, DM3 and DM8

- 4.1 This proposal is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP8. The NPPF states that “Housing applications should be considered in the context of the presumption in favour of sustainable development.”
- 4.2 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough. Policy CP8 also expects 80% of residential development to be provided on previously developed land and 1,400 homes to be provided within Shoeburyness during the plan period.
- 4.3 Policy DM3 of the Development Management DPD promotes the efficient and effective use of land in a sustainable manner which does not lead to over intensification or undue stress on supporting infrastructure. Infill development will be supported where in respects the character of the area and amenity of existing residential properties.
- 4.4 From this basis, it is considered that the principle of undertaking residential development at this site should be supported, subject to the following detailed considerations. This is especially the case given that two of the 12 core principles of sustainable development that are identified within the NPPF are to “*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*” and to “*proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.*” In this instance it is considered relevant to note that planning permission has previously been granted for the erection of 4 dwellings at the application site.

Design and Impact on the Character of the Area:

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

- 4.5 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF as well as Policies DM1 and DM3 of the Development Management DPD and Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that the Council is committed to good design and will seek to create attractive, high-quality living environments.
- 4.6 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.
- 4.7 The NPPF states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.
- 4.8 The site currently contains no buildings and is used for informal parking and domestic storage and unkempt landscaping. It is therefore considered that the existing site does not contribute positively to the street scene and the development of the site for residential purposes would therefore be of some visual benefit to the general character of the area.
- 4.9 It is considered that the replication of the building line of the existing buildings is appropriate and it is considered that there is scope to provide a terrace development at the site to replicate the character of Bridge Cottages. Moreover, it is considered that the buff/yellow bricks that are referred to in the applicant’s submissions would be a good match for the existing properties and the discreet positioning of the car parking is appropriate. Also, although the proposed building would be slightly taller than the existing terrace, it is considered that the visual impact of this variation would be minimal and as such the height of the dwellings is considered to be appropriate.
- 4.10 It is considered that previous concerns about the arrangement and detail of the windows and doors at the front elevation have been addressed and the provision of porches, suitably tall windows and soldier courses above the windows would ensure that the front elevation is of suitable architectural quality. Officers recommended that differing materials are provided at the front elevation to define the individual units this could be dealt with by condition. It is therefore considered that a condition should be imposed on any permission to require a scheme of materials or some other architectural solutions to create an appearance of division between the proposed dwellings at the front elevation.

- 4.11 The side elevation of the dwelling would be visible from the bridge to the South West of the application site. The proposal would feature a long, unrelieved side elevation which is lacking in windows. However, given the presence of a significant noise source to the South it is considered that the provision of windows at the side elevation would be undesirable and the similar lack of windows in the existing dwelling means that the visual impact would not be materially worse or different to the existing situation.
- 4.12 The proposed development would feature suitably arranged and designed rear projections that are subordinate to the main part of the dwelling and replicate a traditional 'outrigger' feature.
- 4.13 In this instance, the design concerns of the previous application have been satisfactorily addressed, it is considered that the proposed development would be of appropriate layout, scale and appearance and would represent the enhancement of a currently untidy site.

Impact on Residential Amenity:

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policies DM1 and DM3 and SPD 1 (Design & Townscape Guide (2009))

- 4.14 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy DM1 of the Development Management DPD also states that development should "Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight."
- 4.15 The most significant impacts of the proposed development are likely to be on the neighbouring property of 12 Bridge Cottages and to a gradually lesser extent, the other 11 Bridge Cottages to the North.
- 4.16 12 Bridge Cottages features no windows in the side elevation and it is noted that the proposed development has been arranged as a continuation of the existing terrace. As a result, the main part of the proposed dwelling would replicate the depth of the existing cottages and the proposed first floor projection of the building would only be deeper than the main part of the neighbouring dwelling at a point that is 2 metres from the two storey rear elevation of that dwelling. The ground floor rear projection would match the depth of a single storey rear extension to the neighbouring property.

Whilst the proposed development would cause the loss of some light within the garden area of the neighbouring property in the late winter afternoon and summer evenings and feature windows that would face obliquely towards the garden of the neighbouring property, it is considered that the impact on the light, privacy and general amenities of the neighbouring residents would not be harmful to an extent that would justify the refusal of the application on those grounds.

- 4.17 The intensified use of the access track at the frontage of the site would not generate noise that is materially different to that which is derived from the frequent use of Ness Road. As such it is considered that the proposal would not cause undue noise disturbance within the existing dwellings. The use and maintenance of the access track is a civil matter between parties and not a matter that can be influenced by the Local Planning Authority and as such, whilst the objections of the neighbouring residents are noted, it is considered that the condition of the access track is not reason for the refusal of the application.
- 4.18 No other dwellings would be materially affected by the proposed development.

Impact on Highway Safety and Parking Provision

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policies DM1, DM3 and DM15 and SPD1

- 4.19 Policy DM15 states that each of the dwellings that are proposed by this application should be served by a minimum of two parking spaces. The provision of a total of 10 parking spaces for the proposed residential development is therefore in accordance with content of the emerging parking standards.
- 4.20 The site is currently used to provide parking for the existing Bridge Cottage dwellings, although the land is understood not to be within the control of the neighbouring properties and is privately owned. It is therefore the case that there is no ability for the Local Planning Authority to ensure that access to this informal parking is retained and it would be the landowner's choice if he/she were to restrict or prevent access to the parking area. Therefore, whilst the loss of parking to serve the existing dwellings would be unfortunate it could be removed at any time.
- 4.21 No provision is shown for cycle parking, but it is noted that such provision could be made within the gardens of the proposed dwellings and therefore no objection should be raised to the application on those grounds.
- 4.22 No objection has been raised to the proposal by the Highway Authority as it has been stated that there is ample space for vehicles to turn within the site and leave the site in a forward gear. It is also considered that the additional dwellings or traffic movements associated with the dwellings will not have a detrimental impact on the local highway network. For these reasons it is considered that no objection should be raised to the development on the grounds of access.

Living Conditions for Future Occupiers

National Planning Policy Framework 2012, Technical Housing Standards, Development Management DPD Policies DM1, DM3 and DM8 and SPD1

4.23 Paragraph 17 of the NPPF states that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. It is considered that most weight should be given to the Technical Housing Standards that have been published by the government which are set out as per the below table:

- Minimum property size for a 3 bedroom, three storey (5 bed space) dwelling shall be 99 square metres
- Bedroom Sizes : The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m ; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

Weight should also be given to the content of policy DM8 which states the following standards in addition to the national standards.

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.

- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

- 4.24 The proposed dwellings and bedrooms would be of adequate size to comply with the abovementioned standards. Unlike the previous proposal at this site, the proposed dwellings would be served by good sized gardens that replicate the size of the other gardens within the surrounding area. The proposed development is therefore considered to include adequate gardens to afford future occupants with appropriate living conditions and it is therefore recommended that planning permission is no longer refused for that reason.
- 4.25 The application site is bound by a busy highway to the West and a railway to the South and as such it is considered that noise sources could impact upon living conditions. The impact of this noise on the living conditions of future occupants has previously been a reason for the refusal of applications at this site. A new noise impact assessment has been provided in relation to this application which has not been submitted previously.
- 4.26 At the time of writing, no response has been received from the Council's Environmental Services Team with respect to the noise assessment that has been submitted. It is noted that the conclusion of the report is that the proposed residential units could be designed so as not to be subjected to unacceptable levels of noise from the adjacent railway line and highways and it is therefore considered that the living conditions for future occupants can be made to be adequate and the proposal would therefore be compliant with the abovementioned policies. Subject to this conclusion being ratified by the Council's Environmental Health Team, which can be confirmed in a Supplementary Report, it is considered that no objection should be raised to the proposed development on the grounds of noise.
- 4.27 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. Unlike the previous application, it has been satisfactorily demonstrated that the proposed development would be able to comply with the abovementioned standards and this should not therefore form a reason for the refusal of the application.

Refuse Storage and Collection

National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Development Management DPD policies, DM1, DM3 and DM8 of the Design and Townscape Guide, 2009 (SPD1).

- 4.28 The Council's Waste Management Guide for Developers states that 'edge of property sacks' can be used for developments consisting of dwellings. Therefore, it is considered that refuse storage facilities will be able to be provided at the site.
- 4.29 The comments of the Highway Authority with respect to the ability of refuse vehicles to access the site are noted.
- 4.30 Private refuse collection can occur and in this case it would not be necessary to comply with the abovementioned standards. Details of adequate waste collection arrangements have not been provided but it is considered that it would be possible to address this matter through the imposition of a condition.

Ecology and Tree Protection

NPPF Section 11, Core Strategy Policies KP1, KP2 and CP4.

- 4.31 Natural England Standing Advice requires that where a site is likely to be a habitat for protected species, an initial survey is undertaken to confirm that this is the case and then subsequent surveys are undertaken to identify the population of protected species at a site and the manner in which the species are using the site and then propose measures to enable the protection of species and the retention or suitable replacement of habitats. Unless this exercise has been undertaken in full, it is considered that the Local Planning Authority would not be able to be satisfied that the proposed development would not cause harm to protected species and, taking a precautionary stance, development should therefore be refused.
- 4.32 As part of previous application's the applicant submitted the equivalent of a 'Phase 1' habitat survey which identified that further survey work was required, the trees at the site should be retained and protected in the interests of preserving the habitats of existing protected species and that it is not possible to confirm mitigation measures until the abovementioned surveys have been undertaken. Previous submissions have also included an Arboricultural Impact Assessment but no such submissions have accompanied this application.
- 4.33 In this instance, as the development area would be focused on land which is unlikely to be of significant ecological value and would not cause the loss of trees, it is considered that the undertaking of an appropriate survey and the provision of replacement landscaping can be a required under the terms of a condition and this would address any concerns with respect to these matters.

Community Infrastructure Levy

- 4.34 This application is CIL liable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The proposed development will result in the formation of a building that measures 550 square metres in internal area. The proposed development would therefore require a CIL payment of approximately £11,634.62.

Other Matters

- 4.35 Policy KP2 requires 10% of energy usage at the site to be sourced from on-site renewable energy. Limited details of compliance with this policy requirement have been provided by the application, but it is considered that this could be addressed through the imposition of a condition.
- 4.36 It is considered appropriate to note the comments that have been provided previously by Network Rail with respect to developments at the site. However, as the development is now further from the shared boundary, it is considered that the comments are of reduced relevance in many respects.

5 Conclusion

- 5.1 As previous objections have been addressed, it is considered that the proposed development would be visually acceptable, would not cause undue harm to the amenities of neighbouring residents, would provide adequate living conditions for future occupants and would provide adequate parking and vehicular access. Therefore, subject to the imposition of conditions, it is recommended that planning permission is granted.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework
- 6.2 Core Strategy DPD (adopted December 2007) Policies KP2 (Spatial Strategy), CP3 (Transport and Accessibility), CP4 (Development Principles) and CP8 (Dwelling Provision)
- 6.3 Design and Townscape Guide SPD (adopted December 2009)
- 6.4 Development Management DPD Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).
- 6.5 Technical Housing Standards
- 6.6 Community Infrastructure Levy Charging Schedule.

7 Representation Summary

Highway Authority

- 7.1 The site is currently used as informal parking area for up to 12/13 cars which is accessed via an existing 3m private road.

The proposal provides 5 houses with 10 car parking spaces in accordance with current guidance. The proposed parking layout allows vehicles to manoeuvre effectively and leave the site in a forward gear onto Ness Road which is a classified road.

Refuse storage has been provided but is outside of current collection guidance therefore alternative arrangements would need to be made on the day of collection

It is not considered that the additional dwellings or traffic movements associated with the dwellings will have a detrimental impact on the local highway network. The site is in a sustainable location with regard to public transport with good links in close proximity.

Therefore no highway objections are raised.

Having reviewed the proposal from an emergency vehicle perspective. The fire brigade would be able to reach first of the proposed houses utilizing the on-board fire hose via the access road which measures approximately 45m from the back of highway. Alternatively access for fire fighting would be from Ness Road Bridge which is in an elevated position and give full access in terms of fire fighting requirements.

Design and Regeneration Team

- 7.2 The amended window sizes are an improvement and this has resolved the earlier objection to this. It is noted that the ridge and eaves are slightly different but these are minimal and will not be very apparent in the streetscene although matching these would be better.

It is also considered that particularly chimneys to match the adjacent terrace and even simple monopitched rain porches would add interest to the frontage and reference to the adjacent terrace and this should be considered. The flank of the southernmost property will be visible from the bridge and, given the depth of this elevation it would be beneficial if this could be articulated with a couple of sash windows maybe to bed 2 and the living area.

Stock brick is considered appropriate in this context – a sample should be submitted so that it can be matched to the neighbour, artificial slate will contrast with most of the adjacent terrace but it is noted that there are a couple of slate roofs to the northern end and this was the original roof covering so this is accepted in principle although real slate, which has a softer appearance is preferred. Upvc is acceptable for the windows provided they are sash mechanism.

Composite front doors are fine.

Details of the boundaries, landscaping and renewables will need to be conditioned.

Environmental Health

- 7.3 At the time of writing, no comments have been received. Any advice received can be provided within a Supplementary Report before the Development Control Committee Meeting.

Public Consultation

- 7.4 A site notice was posted and letters were sent to 17 neighbouring properties. 9 letters of objection have been received which have objected to the application on the following grounds:

- The proposal represents overdevelopment as the dwellings would feature more bedrooms than the existing dwellings.
- Three storey development is not in-keeping with the existing adjacent properties.
- The proposal would cause the loss of local wildlife and habitats and no survey has been undertaken.
- There is no access to the public highway as part of the access track is privately owned and preventing use of this would prevent access to the site. [Officer Note - This matter can be addressed by condition].
- The proposed development would conflict with the deeds of the neighbouring property. [Officer Note – Not a material consideration]
- The proposal will place additional strain on the existing soakaways and drainage, especially as a soakaway already exists at the site.
- The proposed development and vehicles associated with construction, would detract from highway safety, particularly at the junction with Ness Road.
- No parking is provided for the existing dwellings of 1-12 Bridge Cottages
- Inadequate parking is provided for the proposed dwellings.
- Emergency vehicles will not be able to access the site. [Officer Note – This matter has been addressed by the Highway Authority comments above].
- The proposal will prevent utility and service providers reaching the neighbouring properties.
- The site contains Japanese Knotweed [Officer Note – The presence of Japanese Knotweed would be addressed by other legislation]
- The previous decision should be repeated.
- If development is allowed, neighbours should be compensated.
- The proposal would cause a loss of property value.
- The development process would cause stress to neighbouring residents.
-

- 7.5 This application has been called-in to the Council's Development Control Committee by Cllr Jarvis.

8 Relevant Planning History

- 8.1 Outline planning consent (09/00920/OUT) was granted for the development of the site for 4 houses (two semi-detached pairs) and 18 parking spaces (for use by the new and existing dwellings). An extension of time was granted in 2012 under the terms of application 12/00828/EXT. These permissions are no longer extant.
- 8.2 Application 15/00138/FUL proposed the erection of a three storey block of four dwellings and four flats with parking to the rear. That application was refused for the following reasons:
- 01 The proposed development, by virtue of the proximity of the built form to the boundaries of the site, the scale and appearance of the building and the setting of the building in the context of the surrounding developments, would appear cramped at the site and would not be in-keeping with the grain of the surrounding area. The proposal would therefore cause harm to the character of the area contrary to the NPPF, Policies C11 and H5 of the Borough Local Plan and KP2 and CP4 of the Core Strategy, emerging Development Management DPD policies DM1 and DM3 and advice contained within the adopted Design and Townscape Guide (SPD1).
- 02 The proposed flats would be served by poor quality amenity space of limited size that would not be adequate in terms of quality or quantity and would therefore result in an unacceptably low standard of accommodation for future occupiers. Moreover, it is considered that it has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would not be subjected to unreasonable noise disturbance by virtue of the proximity to the railway line. It is also considered that inadequate facilities are in place with respect to the collection of domestic waste from the site. The proposal is therefore contrary to the National Planning Policy Framework 2012 and National Planning Practice Guidance, Borough Local Plan Policies C11, H5 and H7, Emerging Development Management DPD Policies DM1, DM3 and DM8 and SPD1.
- 8.3 Application 15/01707/FUL proposed a similar development. That application was refused for the reasons set out above.

9 Recommendation

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

- 01. The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.**

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

- 02. The development shall be carried out in accordance with the approved plans: GE 150/P01 B and GE 150/P02 A**

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

- 03. No development shall take place until samples of the materials to be used on all the external elevations and on the external parking area have been submitted to and approved by the local planning authority. In addition, details shall be submitted to show how materials or other architectural details shall be used to define the width of each individual dwelling. The development shall only be carried out in accordance with the approved details.**

Reason: To safeguard character and appearance of surrounding area in accordance with policy DM1 of the Development Management DPD and policies KP2 and CP4 of the Core Strategy

- 04. Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions or outbuildings shall be erected at the site unless otherwise agreed in writing by the local planning authority.**

Reason: To safeguard character and appearance of surrounding area and ensure that no additional windows are installed in the South side elevation of the building which could reduce the living conditions of occupiers of that dwelling. In accordance with policies DM1 and DM8 of the Development Management DPD and policies KP2 and CP4 of the Core Strategy

- 05. Prior to the commencement of the development hereby approved, a suitably trained ecologist shall undertake a 'walkover' visit of the site and an assessment of protected species at the site at the application site to the Local Planning Authority for its written approval. No development shall occur at the site until the written approval of the Local Planning Authority is provided.**

If necessary, the assessment shall include full details of any further survey work that is required, which shall subsequently be undertaken prior to the commencement of the development.

If necessary, a scheme of any required mitigation for the presence of protected species at the site shall be submitted and agreed in writing by the Local Planning Authority and fully implemented prior to the commencement of development at the application site.

Reason: To enable the identification and protection of protected species at the application site, in accordance with the National Planning Policy Framework and policy CP2 of the Core Strategy (DPD1)

06. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and 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. These details shall include, for example:-

- i. proposed finished levels or contours;**
- ii. hard surfacing materials;**
- iii. This shall include details of details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established, details of measures to enhance biodiversity within the site and tree protection measures to be employed during demolition and construction.**

Reason: To safeguard character and appearance of surrounding area and the amenities of the occupants of the proposed development in accordance with policies DM1, DM3, DM5 and DM8 of the Development Management DPD and policies KP2 and CP4 of the Core Strategy.

07. Prior to the occupation of any of the dwellings hereby approved, details of refuse collection storage facilities (including collection day arrangements) shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be provided at the site prior to the first occupation of the dwelling.

Reason: To ensure that satisfactory refuse storage facilities are provided at the site in the interests of sustainability, amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, policies DM1 and DM8 of DPD2 (Development Management), and SPD1 (Design and Townscape Guide).

08. Prior to the first occupation of the dwelling hereby approved, the 10 parking spaces shall be provided as shown on the plans hereby approved along with a suitably constructed access to the highway. The parking and access track shall thereafter be retained at all times.

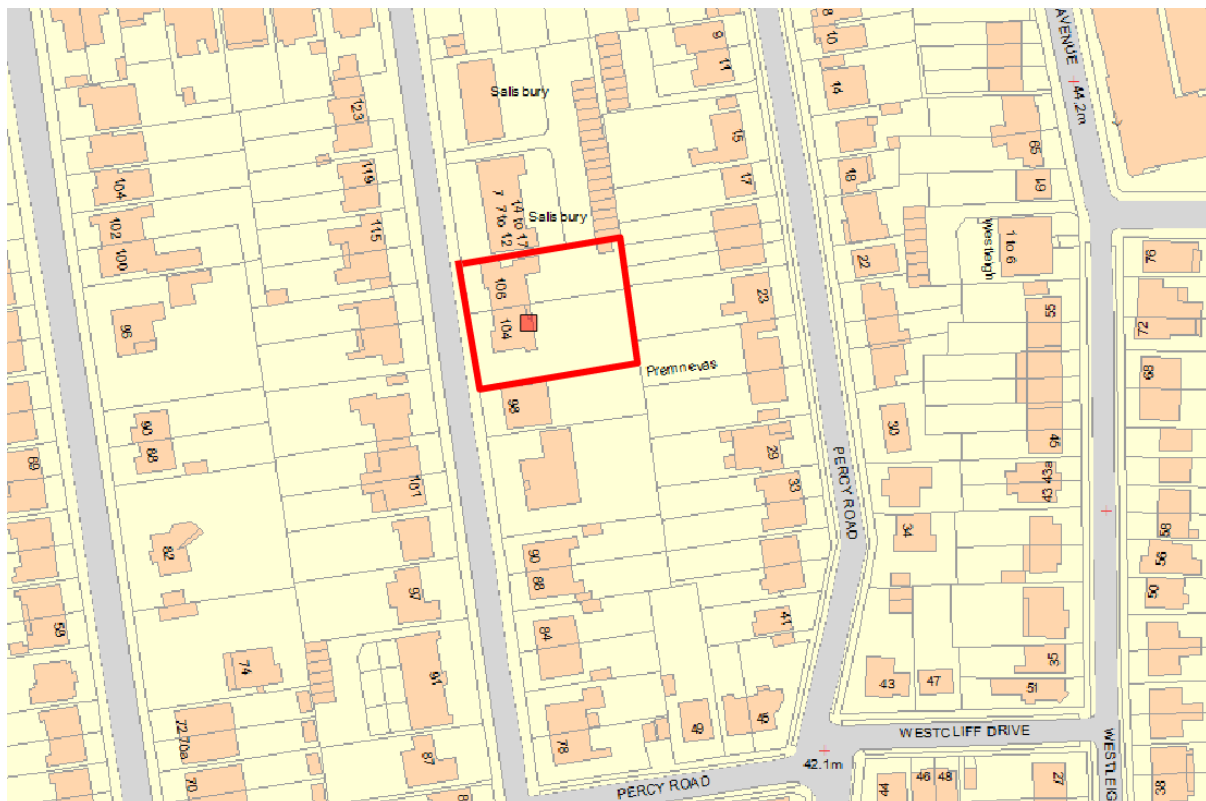
Reason: To ensure the adequate provision of parking at the site in accordance with policy DM15 of the Development Management DPD.

- 09. A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the development and implemented in full prior to the first occupation of the dwelling houses. This provision shall be made for the lifetime of the development.**

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy, the Design and Townscape Guide (SPD1) and Development Management Document Policy DM2.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Reference:	16/00832/FUL
Ward:	West Leigh
Proposal:	Demolish existing dwellinghouses at 104-106 Salisbury Road, erect three detached dwellinghouses with garages to rear and alter existing vehicular crossovers onto Salisbury Road (Amended Proposal)
Address:	104 Salisbury Road, Leigh-On-Sea, Essex SS9 2JN
Applicant:	Mr D. MacDonald
Agent:	Mr G. Coxall (Third Dimension Arch. Design Ltd)
Consultation Expiry:	30 th June 2016
Expiry Date:	2 nd August 2016
Case Officer:	Naomi Scully
Plan No's:	100, 101c, 102a, 103a, 104, 105a
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to demolish the existing pair of semi-detached bungalows at 104-106 Salisbury Road and erect three detached dwellings with garages to the rear in their place. It is also proposed to alter the existing vehicular crossovers onto Salisbury Road.
- 1.2 The proposed dwellings would be two storey but with accommodation in the roof and would be 7.7 metres wide x 12.6 metres deep x 6.9-8.6 metres high. Plots 2 and 3 are set back 4.55 metres from the highway while plot 1 is set back 5.38 metres.
- 1.3 The internal floorspace for each dwelling equates to 198.43 sqm for each proposed dwelling. Each dwelling would include:
- Ground floor – study, living room, utility, WC, kitchen and dining/family room
 - First floor – 4 bedrooms, bathroom and en-suite
- 1.4
- Roofspace - Playroom

Each of the dwellings would have a rear garden varying in size from 170 sqm – 183 sqm which would be defined by timber fencing to the side and rear boundaries. Each of the dwellings would have a hardstanding area to the front which would provide one off-street parking space for each dwelling together with an integral garage.

1.5

Materials to be used on the external elevations include facing brickwork and render to the walls, UPVC windows and doors, permeable paving, clay roof tiles. Areas of soft landscaping are proposed to the front. There is an existing street tree within the pavement to the front which is not proposed to be removed.

1.6

It should be noted a previous application 16/00025/FUL to demolish existing dwellinghouses at 104-106 Salisbury Road, erect three dwellinghouses and form additional vehicular access onto Salisbury Road (Amended Proposal) was refused at Development Control Committee on the 13.04.2016. The application was refused for the following reason:

1.7

1. *The proposed dwellings, by way of their poor detailed design would be out of keeping appearing out of context and visually harmful to the detriment of the surrounding area. This is contrary to the National Planning Policy Framework policies KP2 and CP4 of the Core Strategy DPD1, Policies DM1 and DM3 of Development Management Document DPD2 and policies and the Design and Townscape Guide.*

- 1.8 An appeal has being lodged against the above decision. The main changes following the previous refusal 16/00025/FUL include the reduction of depth of the dwellings from 14.6 metres to 12.6 metres, width of dwellings reduced from 9.13 metres to 7.7 metres, loss of integral garages and re-siting of garages to rear of dwellinghouses, three detached properties instead of one detached and a pair of semi-detached dwellings. The roof form has also being altered to exclude the gable rearward projection and westernmost gable projection to the front elevation. It is proposed to form a bay window to the easternmost side and a canopy over the main entrance door at ground floor level of the front elevation. Alterations to the front elevation hardstanding area have also occurred. The amenity space of this proposal reduces from 200-210 sqm to 170-183 sqm due to the siting of the garages in the rear garden.

2 Site and Surroundings

- 2.1 The site is located on the eastern side of Salisbury Road and contains a pair of semi-detached bungalows, both of which benefit from off-street parking to the frontage and modest sized gardens. No. 104 is a wider site than No. 106 and there is a greater level of separation to the southern boundary, whereas the garage to No. 106 adjoins the northern boundary.
- 2.2 The surrounding area is residential in character with a variety of two storey houses, mostly as semi-detached pairs, bungalows and some modestly scaled flatted developments. The buildings are generally traditional in their form and tall bay windows are a common feature especially on the houses. There are a mix of roof styles and materials.

3 Planning Considerations

- 3.1 The main issues for consideration are the principle of the development, design and impact on the streetscene, any impact on neighbours, and living conditions for future occupiers, parking implications, use of on-site renewables and whether the proposal has overcome the previous reason for refusal in relation to design of application 16/00025/FUL.

4 Appraisal

Principle of Development:

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

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

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

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

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

4.2 Policy DM3 states *“The conversion or redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal:*

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

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

4.3 It has been demonstrated the proposed detached two storey dwellings to replace the existing bungalows would meet with Part M4(2) (former Lifetime Homes Standards) and therefore the application is considered acceptable on this basis.

4.4 Regarding infill development, the Development Management Document policy DM3 states that infill development will be considered on a site by site basis assessing impact upon living conditions, amenity of existing occupiers, conflict with character and grain of the local area. Furthermore, the Design and Townscape Guide advises that the size of a site together with an analysis of local character and grain will determine whether sites are suitable for infill development.

4.5 Having regard to the above, the proposal for redevelopment of the site is considered acceptable in principle and was not previously objected to under application 15/00292/FUL and 16/00025/FUL.

Design and Impact on the Character of the Area

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

- 4.6 In relation to infill development, policy DM3 of the Development Management Document DPD2 and the Design and Townscape Guide states that where considered acceptable in principle, the key to successful integration of infill sites into the existing character is to draw strong references from the surrounding buildings such as maintaining the scale, materials, frontage lines and rooflines of the neighbouring properties which reinforce the rhythm and enclosure of the street. It is noted that the dwellings in Salisbury Road are mixed in design and generally two storeys. As such there is no objection in principle to dwellings two storey in height.
- 4.7 The previously refused application for one detached and a pair of semi-detached dwellings (reference: 16/00025/FUL) had an overall depth of 14.6 metres. This amended proposal for three detached dwellings will have an overall depth of 12.6 metres for all three properties while the minimum height of 6.9 metres and maximum height of 8.6 metres will remain unchanged. The width of the proposed dwellings is also reduced from 9.13 metres wide to 7.7 metres wide. There is no objection to the overall scale and height of the dwellings. The layout of the development is considered acceptable and would provide each dwelling with two off-street parking spaces and rear garden area and would retain a separation distance of 1 metre from each of the side boundaries from the proposed dwellinghouses. The massing and building line of the proposed dwellings would generally be in keeping with the neighbouring and other properties in the street.
- 4.8 It is considered the proposed design and parking arrangements is a significant improvement from previous application. Therefore this proposal is considered acceptable.
- 4.9 Areas of soft landscaping are proposed to the frontage which is considered sufficient to soften the appearance of the hardstandings to either side. Policy DM1 of the Development Management Document advocates the need for any new development to include soft landscaping to integrate with the surrounding townscape. The rear gardens would be lawned and block paved. The proposal is considered to provide a sufficient level of soft landscaping, although further specific details can be controlled by condition if the proposal is deemed acceptable.
- 4.10 With regard to the vehicle crossovers, it is noted that both properties currently have crossovers. It is proposed to alter each crossover to the front. One is created by extending the existing crossover to the south to an overall width of 6.5 metres and the new crossover to the north is 4.7 metres. Crossovers are part of the character of the street and as such the proposed crossovers would not be out of keeping. They would be of an acceptable width and would not result in the loss of any planted verges or street trees. If the application is deemed acceptable a condition will be imposed to ensure appropriate protection measures are implemented whilst any development works are carried out.

- 4.11 It is considered the proposal would be in keeping with neighbouring dwellings and the streetscene in general. The proposed development would not be detrimental to the character of the area or contrary to the NPPF, Policies KP2 and CP4 of the Core Strategy DPD1; Policy DM1 and DM3 of the Development Management Document DPD2 and advice contained within the adopted Design and Townscape Guide (SPD1).

Standard of Accommodation for Future Occupiers

National Planning Policy Framework, Development Management DPD2 policy DM8, The National Technical Housing Standards DCLG 2015 and the Design and Townscape Guide (SPD1)

- 4.12 It should be noted on the 1st October 2015 the National Technical Housing Standards were adopted. All of the dwellings would be in excess of the required standards and therefore no objection is raised. Furthermore, all houses will have sufficient outlook and daylight for future occupiers in all habitable rooms.
- 4.13 Policy DM8 (iii) states that all new dwellings should meet the Lifetime Home Standards, unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Home Standards has now been superseded by the National Technical Housing Standards and all new dwellings are required to meet building regulation M4 (2)- 'accessible and adaptable dwellings'. Sufficient information has been submitted to demonstrate that the proposal meets the criteria for the Building Regulation M4 (2). The development proves it would be accessible and adaptable for older people or wheelchair users, in accordance with the NPPF, Policy DM8 of the Development Management DPD and National Housing Standards 2015.
- 4.14 Policy DM8 of the Development Management Document DPD2 states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers.
- 4.15 Paragraph 143 of the Design and Townscape Guide, 2009 (SPD1) states:

"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 useable amenity space for the enjoyment of occupiers in some form..."

- 4.16 The detail of the amenity space proposed is detailed in paragraph 1.4 above and is considered sufficient and usable amenity space for all three dwellings and therefore no objection is raised on this element.

Impact on Neighbouring Occupiers

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

- 4.17 Policy DM1 of the Development Management Document states that any new development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.
- 4.18 The neighbouring property to the north is Salisbury Court which is a three storey block of maisonettes. It is noted that this property has windows within the front, side and rear elevations. The projection of the proposed dwellings alters from the previously refused dwellings under application 16/00025/FUL, plot 2 and 3 projects 2.4 metres in front of Salisbury Court. Plot 1 nearest to Salisbury Court would be aligned with Salisbury Court however; the two storey gable projection to the front of plot 2 and 3 would project 0.90 metres in front of plot 1. The windows to the side and rear elevations at ground floor level of the new dwellings would not be obscured glazed while a condition would be imposed to ensure the first floor bathroom and stairs window would be obscure glazed.
- 4.19 The ridge of the proposed dwellings would align slightly above the approximate eaves of Salisbury Court. Similar to application 16/00025/FUL this application contains a gable roof of the same height as the previous application. Taking into account the slope from east to west of the proposed roof form and the gable projections of 6.8 metres high and the reduction in depth of 14.6 metres to 12.6 metres this proposal is an improvement from what was considered acceptable in previous applications. It is considered that the proposal will not result in a greater material harm to the amenities of nearby residential occupiers already previously accepted under application 16/00025/FUL.
- 4.20 It should be noted the main source of light to windows within the Salisbury Court are to the east and west elevations (front and rear). Whilst there will be some reduction in light, to the side/south facing windows, taking into account that the windows are secondary and the main source of light to the primary windows to the kitchen and living room area (east and west respectively) will not be affected and therefore no objection is raised. The proposal will not affect the main source of light to the existing bedrooms. With respect to the lower flat Salisbury Road, consideration has to be given to works that could be carried out at the existing dwellinghouse without the need for planning permission whereby the roof could be altered from a hipped to gable, in light of this no objection is raised to the impact on residents to the lower floor.
- 4.21 With regard to the impact on No. 98 to the south, this dwelling has a window within the side elevation at first floor level which is obscure glazed and serves a staircase and is therefore considered a secondary window. To the rear elevation is a kitchen window at ground floor level and a bedroom window at first floor level (which is the sole source of light to this room). On the rear most elevation is a window serving a family room/dining area (which is an open plan room together with the kitchen) together with a window serving a bedroom at first floor level. Taking into account the reduction in depth of the dwellinghouses, the removal of the two storey rearward projection it is considered the amenities of No. 98 Salisbury Road to the south will be safeguarded.

- 4.22 The proposed development would not result in a loss of light or sense of enclosure to the detriment of the residential amenity of these surrounding properties.
- 4.23 Given a condition will be imposed to obscure glaze the proposed landing and bathroom windows to the side elevations it is considered no issue of overlooking shall arise.
- 4.24 In light of the above, no objection is raised to this amended proposal in terms of impact on the residential amenities of nearby residential occupiers.

Traffic and Transportation

National Planning Policy Framework Section 4, Core Strategy Policies KP2 and CP4, Development Management Document DPD2 policy DM15, and the Design and Townscape Guide (SPD1)

- 4.25 Policy DM15 requires at least two parking spaces per dwelling outside of the town centre. The application site is located in close proximity to London Road, where there are a number of bus services available. This amended proposal provides garages that meet current standards of 3m wide x 7m depth together with one off street parking space to the front. Thus the proposed complies with policy. No objections are raised in relation to the siting of the vehicle crossovers in highway safety terms. The level of parking provision was considered acceptable in previous applications.
- 4.26 Cycle and waste storage could be successfully accommodated within the rear garden and can be conditioned if this application is deemed acceptable.

Use of On Site Renewable Energy Resources

Core Strategy Policies KP2 and Design and Townscape Guide SPD1

- 4.27 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from on-site renewable resources, and also promotes the minimisation of consumption of resources. No details accompany this application; however this can be dealt with by condition if the application is deemed acceptable.
- 4.28 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lppd) (1110 lppd) when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, officers are satisfied this can be dealt with by condition.

Other Matters

- 4.29 It is noted that given the limited size of the plot and building, any alterations/extension of the dwelling allowed by the General Permitted Development Order or any order revoking and re-enacting that Order with or without modification, may result in unacceptable living conditions of the future occupiers (i.e. should the rear amenity space would be significantly reduced by a rear extension) or impact on the neighbouring properties (i.e. increased overlooking from dormer windows). For this reason it is considered reasonable permitted development rights for the proposed dwellinghouses to be removed from this proposal.

Community Infrastructure Levy (CIL)

Charging Schedule.

- 4.30 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. CIL is payable on net additional gross internal floorspace. The existing floorspace of the site calculates to approximately 330 sqm. The proposed development will result in 679.81sqm of residential floorspace (£60 per sqm zone 3). The proposed development will therefore, result in a CIL liability of approximately £22199.48

5 Conclusion

- 5.1 There is no objection in principle to houses in this location. The scale and form of the proposal is considered to be an improvement over the previous application and is now compatible with the grain and scale of the area. The proposal is well-designed and subject to the use of high quality materials and detailing, it is considered that this proposal should enhance the character of the surrounding area and the wider streetscene. The proposal in terms of its layout and amenity space will provide an acceptable living standard for future occupiers and adequate parking is provided. The amenities of adjacent occupiers are adequately protected. The proposal is considered to comply with Development Plan Policy.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework, 2012.
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance) and CP8 (Dwelling Provision).
- 6.3 Development Management Document policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources) DM3 (Efficient and Effective use of land), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM15 (Sustainable Transport Management)

6.4 Supplementary Planning Document 1: Design and Townscape Guide 2009.

6.5 CIL Charging Schedule

7 Representation Summary

7.1 Public Consultation

Eighteen neighbouring properties were notified and two site notices were posted at the site. Six letters of representation received at the time of writing the report objecting on the following grounds:

- The development would reduce the amount of light to three windows and a glass panelled door on the south facing wall of a ground floor flat in Salisbury Court. **[Officer Comment: Windows to the flank elevation are considered secondary whereas the primary windows are located to the east and west elevations respectively. Furthermore, loss of light was not a reason for refusal under application 16/00025/FUL albeit the roof design of this amended proposal has changed].**
- Over development, that will have detrimental effect on streetscene and parking issues. **[Officer Comment: The proposal is of a reduced depth to previous applications. Furthermore, overdevelopment was not a reason for refusal under application 16/00025/FUL. Parking is addressed in para 4.25 and 4.26 and was not a reason for refusal under 16/00025/FUL].**
- Loss of privacy to No. 100 Salisbury Road and Flat 16 of Salisbury Court **[Officer Comment: A condition would be imposed for first floor level windows to be obscured glazed]**

7.2 Design and Regeneration

The following comments were received:

The amended design and parking arrangement is a significant improvement no further objections.

Details of materials, boundaries and landscaping and renewables should be agreed.

7.3 Transport and Highways

The following comments were received:

Parking has been provided in accordance with DM15 Policy therefore no highway objections are raised.

7.4 Parks

No comments received at the time of writing.

7.5 Leigh Town Council

The following comment was received:

Objection

The proposed development would cause a loss of light to neighbouring properties. The plans are of a poor design, and not in keeping with the street scene. There is also no sufficient off street parking, and a loss of on street parking. **[Officer Comment: Off street parking and loss of on street parking was not a reason for refusal under application 16/00025/FUL].**

8 Relevant Planning History

- 8.1 16/00025/FUL – January 2016 – Demolish existing dwellinghouses at 104-106 Salisbury Road, erect three dwellinghouses and form additional vehicular access onto Salisbury Road (Amended Proposal) – Application Refused.
- 8.2 15/00292/FUL – February 2015 – Demolish existing dwellinghouses at 104-106 Salisbury Road, erect four semi-detached dwellinghouses and form additional vehicular crossover onto Salisbury Road (Amended Proposal) – Application Refused.
- 8.3 14/01502/FUL – September 2014 – Demolish existing dwellinghouses at 104-106 Salisbury Road, erect four semi-detached dwellinghouses and form additional vehicular crossover onto Salisbury Road – Application Refused.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 100, 101c, 102a, 103a, 104, 105a

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

03 Prior to the commencement of the development hereby approved, details of the external materials to be used in the construction of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall subsequently be used in the construction of the dwelling hereby approved unless otherwise agreed in writing by the Local Planning Authority.

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

04 Car parking space(s) shall be provided in accordance with the submitted plans prior to occupation of the dwelling(s) hereby approved and shall thereafter be permanently retained for the parking of private motor vehicles solely for the benefit of the occupants of the dwelling(s) of which it forms part and their visitors and for no other purpose unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that satisfactory off-street car parking and turning provision is provided for occupants of the new dwelling(s) and in the interests of residential amenity and highway efficiency and safety, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, Borough Local Plan 1994 policy T8 and T11, and SPD1 (Design and Townscape Guide).

05 The first floor level windows to the north and south elevations of each dwelling hereby approved shall be fitted with obscured glazing (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The obscured glazing shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the NPPF, DPD1 (Core Strategy) 2007 policy CP4, DPD2 (Development Management) Policy DM1 and SPD1 (Design and Townscape Guide).

06 Prior to occupation of the dwellinghouses hereby approved details of the refuse storage and cycle storage, shall be submitted and agreed in writing by the local planning authority, shall be installed in accordance with the approved details and be permanently retained thereafter.

Reason: To protect the environment and to ensure adequate waste and cycle storage in the interests of highway safety, visual and residential amenity and general environmental quality in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and DPD2 (Development Management Document) policies DM8 and DM15.

07 No development shall commence until full details of the trees to be retained to the western boundary and details of hard and soft landscape works for the new development have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out within the first planting season as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to Policy CP4 of the Core Strategy DPD1 and DPD2 (Development Management) policy DM1.

08 Prior to the commencement of development a renewable energy assessment shall be submitted to and agreed in writing with the Council to demonstrate how at least 10% of the energy needs of the development will come from onsite renewable options (and/or decentralised renewable or low carbon energy sources. The scheme as approved shall be implemented and brought into use on first occupation of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2 and CP4, DPD2 (Development Management) policy DM2 and SPD1 (Design and Townscape Guide).

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

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008, or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Class A, B, C, D, E and F to those Orders.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework, DPD1 (Core Strategy) Policies KP2 and CP4, DPD2 (Development Management Document) Policy DM1 and SPD1 (Design and Townscape Guide).

Informative

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

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Reference:	15/01191/BC3
Ward:	Kursaal
Proposal:	Install biomass boiler plant, a flue, screening fencing and associated equipment to the rear of the main building.
Address:	Southend Adult Community College, Ambleside Drive, Southend-On-Sea, Essex, SS1 2UP
Applicant:	Mr Stephen Lay (Southend Adult Community College)
Agent:	Dr Terence Lewis (Southend Borough Council)
Consultation Expiry:	12/01/16
Expiry Date:	27/11/15
Case Officer:	Ian Harrison
Plan No's:	SACC-002 A, SACC Southend/003 C and 1370/P/01
Recommendation:	GRANT Planning Permission



1 The Proposal

- 1.1 The application seeks planning permission for the erection of a biomass boiler with associated plant within housing structures, a flue and screening fencing at the rear of the Southend Adult Community College building.
- 1.2 The proposed development would involve the provision of container that would measure 9 metres by 2.5 metres with a maximum height of 2.9 metres. The container would host biomass boiler equipment and associated plant and storage. Leading from and along the roof of the container would be a flue that would affix to the South side of the existing building and extend up the rear elevation (to the East side of the existing windows) and continue to a point that is 600mm above the pitched roof of the main building.
- 1.3 Two containers that have been kept at the site have been relocated approximately 3.5 metres to the West to create space for the proposed container. The affected part of the site is a corner of the car parking area at the rear of the site that is bordered by the two storey educational building the North and a single storey projection of that building to the East side. The two existing containers and the biomass container would be enclosed by 3 metre tall cedar clad screening to the South and West sides. The boiler would require approximately 8 deliveries of fuel pellets a year, using a vehicle that is approximately the same size as a refuse lorry.

2 Site and Surroundings

- 2.1 The application site is located to the South of Ambleside Drive. The site contains a large two storey building that is used as Southend Adult Community College. The building is a locally listed building. At the rear of the site is two additional buildings that are used for educational purposes.
- 2.2 The site is not the subject of any site specific planning policies.

3 Planning Considerations

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

4 Appraisal

Principle of Development

National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4 and CP7, Development Management Policy DM1 and SPD1

- 4.1 This proposal is considered in the context of the abovementioned planning policies which generally encourage sustainable energy generation. One of the twelve core principles of sustainable development that are set out by the NPPF is to “support the transition to a low carbon future in a changing climate.”
- 4.2 Paragraph 93 states that planning should support “the delivery of renewable and low carbon energy and associated infrastructure.” Similar advice is set out within paragraphs 96 and 97 of the NPPF and energy generation development is also encouraged by policy KP2 of the Core Strategy.
- 4.3 It is considered that biomass boilers are an efficient and cost-effective means of heating the buildings at the application site. The Energy Saving Trust website indicates that biomass boilers significantly reduce carbon dioxide production in comparison to conventional energy supplies and as such it is considered that the principle of development is in accordance with the abovementioned policies and can be supported.
- 4.4 The National Planning Policy Framework 2012 and Core Strategy Policies KP2, CP4 and CP7 encourage works to schools and other such educational buildings and as such it is considered that the principle of undertaking development within the grounds of educational buildings can be supported. However, it is considered that this is of little relevance to the development that is proposed by this application.

Design and Impact on the Character of the Area:

National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4 and CP7, Development Management Policies DM1 and DM5 and SPD1

- 4.5 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Development Management DPD Policy DM1 and in the Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that “*the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.*”
- 4.6 The NPPF states that “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
- 4.7 The building at the application site is a locally listed building and is therefore a heritage asset that contributes to the visual amenity of the site and the surrounding area. The NPPF and policy DM5 encourage the protection of the heritage assets and this designation should therefore be afforded weigh in the assessment of this application.

- 4.8 It is noted that the structures that are proposed are at the rear of the site and therefore have no impact on the streetscene of Ambleside Drive. It is considered that the front elevation of the building is of significant visual merit which contributes positively to the streetscene and is of most visual significance to the heritage asset and the contribution it makes to the surrounding area. The rear elevation is of much more functional appearance, with pipes and ductwork and single storey rear extensions. It is also noted that the rear of the site is dominated by new buildings and large areas of car parking.
- 4.9 Two containers exist at the rear of the site and in this instance it is considered that the visual impact of adding another container would not materially change the character or appearance of the site. However, to mitigate some of the cumulative visual impact of the containers, the applicant has agreed to provide screening fencing around the containers to mask them as far as possible.
- 4.10 The flue that would lead up the South side of the building would not be visible from the site frontage but would be visible from the car park at the rear, the educational buildings within the site and from the rear of the residential properties that surround the site. Although it would be taller than the existing building, it is considered that the visual impact would not be unduly harmful to the character or appearance of the building and would not be significantly worse than the other similar features of the existing rear elevation. It is proposed that the flue would be a black matt colour rather than shiny silver which is common for flues of this type and it is considered that this will significantly reduce the visual impact of the structure.

Impact on Residential Amenity On-Site and Emissions:

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

- 4.11 Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.
- 4.12 The proposed structures would be located 45 metres from the nearest residential property to the South of the application site and therefore the proposed developments would not cause a loss of light, privacy or outlook.
- 4.13 In addition to the above with respect to residential amenity, policy CP4 states that the Local Planning Authority will achieve high quality development by “preventing, reducing or remedying all forms of pollution including soil, water, noise and other forms of airborne pollution.”

- 4.14 As set out above, guidance indicates that biomass boilers represent a reduction of carbon dioxide generation. However, it is noted that with decentralised energy generation such as this, there are likely to be discharges at the site rather than remotely and therefore there is more likely to be a local impact in terms of fumes which could cause odour and localised pollution. To address this, the height of the proposed flue has increased during the course of the application to ensure that the dispersal of fumes occurs in a satisfactory manner.
- 4.15 The Council's Environmental Health Officers have undertaken extensive dialogue with the applicant with respect to the proposed works and this has led to the submission of a Dispersion Modelling Assessment. The applicant states that the submissions would accord with The Clean Air Act 1993 and this conclusion has been corroborated by the full independent assessment that has been undertaken by the Council's Environmental Health Department which is set out below.
- 4.16 From this basis, subject to the conditions that are suggested, it is considered that the proposed development would not cause emissions that would be materially harmful to air quality within the vicinity of the site and therefore it is considered that no objection should be raised to the proposal on those grounds.

Other Matters

- 4.17 It is considered that there is ample space at the site to enable associated deliveries to occur without posing a threat to highway safety. Vehicles of similar size must be able to access the rear of the application site to serve the buildings within that area and therefore it is considered that the site is suitably accessible for the required deliveries which are expected to occur 8 times a year.
- 4.18 The proposed development does not create enough floorspace to be CIL liable.

5 Conclusion

- 5.1 The proposed development would enable decentralised energy generation at the application site, which is encouraged by national and local planning policies due to reduced carbon dioxide that is generated. The proposal would not cause significant visual harm or detract from the amenities of neighbouring residents to an extent that would justify the refusal of the application.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework

Core Strategy DPD (adopted December 2007) Policies KP2 (Spatial Strategy) and CP4 (Development Principles).

Development Management DPD Policies DM1 (Design Quality) and DM5 (Southend-on-Sea's Historic Environment)

Design and Townscape Guide SPD (adopted December 2009)

Community Infrastructure Levy.

7 Representation Summary

Highway Authority

7.1 There are no highway objections to the proposal

Design and Regeneration

7.2 No comments have been received.

Environmental Protection Team

7.3 I have reviewed the dispersion modelling assessment for the proposed boiler at the Southend Adult Community College in conjunction with the proposed plant information.

The modelled results are based upon estimated background levels however these levels are consistent with the AURN automatic monitor which is sited in a similar location.

Based on the results displayed within the assessment reference AQ101773-1R2, the proposed biomass boiler will not cause the air quality objectives for nitrogen dioxide or particulate matter to be exceeded. Assessment of the proposed installation using Defra supplied 'Technical Guidance: Screening assessment for biomass boilers' and Biomass Calculator Tool v1.02 are consistent with the assessments findings.

However the assessment reports that the installation will cause increases of nitrogen dioxide (between 1.55% & 10.78%) at various receptors, more notably directly downwind of the installation and this should be noted.

Operation of the biomass boiler should be restricted to the specification provided within the application as any change to boiler capacity, fuel or stack may cause increased emissions. Therefore conditions should be attached to any permission granted.

Public Consultation

7.4 Site notices have been posted at the application site. One letter has been received raising various concerns about the applicant's documentation that was first submitted. This has subsequently been reviewed by the applicant and the proposals have been modified and justified by additional documentation and the abovementioned Flue Dispersion Report.

8 Relevant Planning History

- 8.1 The site has been the subject of a number of planning applications for extensions and alterations. The planning history is considered to be of little relevance to this proposal.

9 Recommendation

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

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

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: SACC-002 A, SACC Southend/003 C and 1370/P/01.**

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

- 03 The installation and operation of the biomass boiler shall be restricted to the specification provided within the application. The boiler specified in the application is the Lindner & Sommereaur SL110 110Kw biomass boiler.**

Reason: In the interests of protecting residential amenity and preventing pollution as required by the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guide).

- 04 Prior to initial operation of the biomass boiler, a completed Biomass Boiler Information Request Form detailing on site operation and maintenance of the boiler shall be submitted to, and approved by, the Local Planning Authority.**

Reason: In the interests of protecting residential amenity and preventing pollution as required by the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guide).

- 05 Deliveries of fuel associated with the use of the biomass boiler shall not take place before 08:00 or after 18:00 Monday to Friday, before 08:00 or after 13:00 Saturday, nor at anytime on Sundays or Bank Holidays.**

Reason: In the interests of protecting residential amenity as required by the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guide).

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

- 1. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.**

- 2. You are advised that as the proposed development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.**