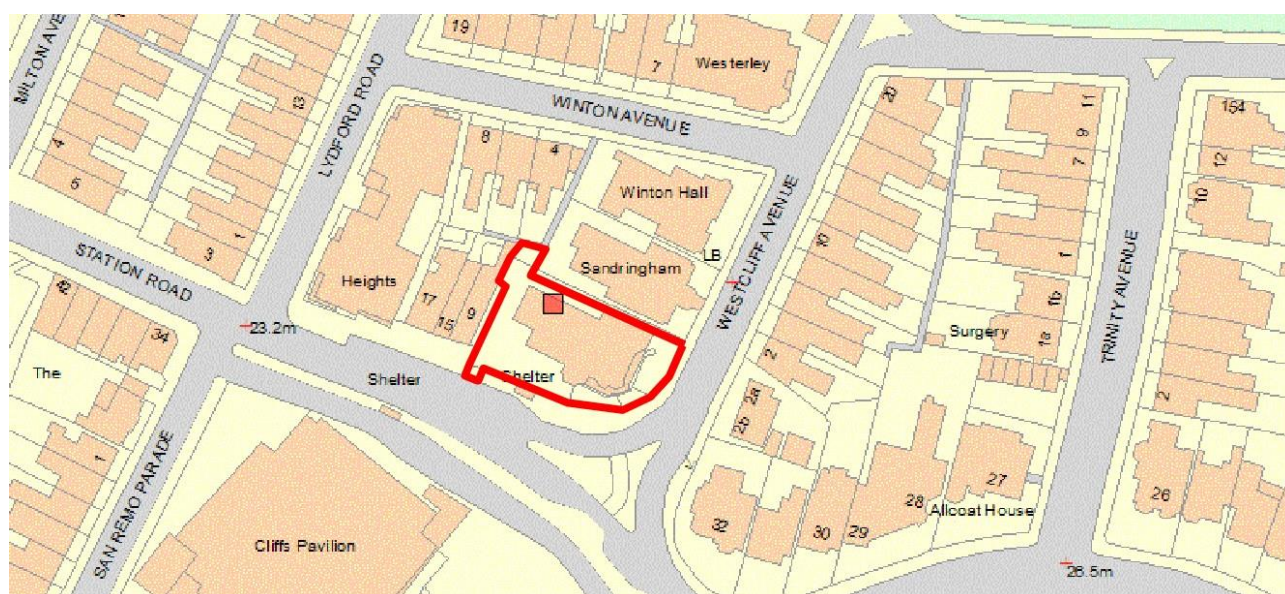


Reference:	22/01015/FUL	
Application Type:	Full Application	
Ward:	Milton	
Proposal:	Convert existing Beecroft Art Gallery (Class F1(b)) to 9no. self-contained flats (Class C3), extend dormer to front, erect four storey side/rear extension, form roof top access to new roof terraces, layout parking and form new vehicle access onto Station Road, alter elevations	
Address:	1 - 3 Westcliff Avenue Westcliff-on-sea Essex SS0 7RA	
Applicant:	Property Point AK Limited	
Agent:	Neobards Limited	
Consultation Expiry:	09.06.2022	
Expiry Date:	07.07.2022	
Case Officer:	Abbie Greenwood	
Plan Nos:	NEO.1166.0100 (Existing Site Plan) NEO.1166.0101 (Existing Ground Floor Plan) NEO.1166.0102 (Existing First Floor Plan) NEO.1166.0103 (Existing Second Floor Plan) NEO.1166.0104 (Existing Roof Plan) NEO.1166.0105 (Existing Elevations) NEO.1166.0125.C (Proposed Site and Location Plan) NEO.1166.0126.C (Proposed Ground Floor Plan) NEO.1166.0127.D (Proposed First Floor Plan) NEO.1166.0128.E (Proposed Second Floor Plan) NEO.1166.0129A (Proposed Third Floor Plan) NEO.1166.0130 (Proposed Roof Plan) NEO.1166.0131.B (Proposed Elevations) NEO.1166.0132.A (Proposed Details)	
Supporting Documents	NEO.1168.0133.B (3D Visuals) NEO.1166.0135.A (Proposed Window Comparisons)	

	<p><b>Planning Statement: Heritage, Design and Access</b> Statement reference NEO.1166. 01 dated 04.05.22</p> <p><b>Structural Inspection Report by DBS reference 17-1230</b> dated 06.05.22</p> <p><b>Roof Lantern Report dated 29.03.22</b></p> <p><b>Balustrade Condition Report dated 29.03.22</b></p> <p><b>Planning Statement: Drainage reference NEO.1166. 01</b> dated 28.05.22</p> <p><b>EA Flood Map (Zone 1 Low Risk)</b></p> <p><b>Preliminary Ecological Assessment reference</b> <b>ASW/PPDL/004/26/2022 dated April 2022</b></p> <p><b>Site Record Condition Photos dated 04.05.22</b></p> <p><b>Construction Method Statement by Property Point</b> <b>Homes (Version 2) dated May 2022</b></p>
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>



## **1 Site and Surroundings**

- 1.1 The application relates to the former Beecroft Art Gallery at 1-3 Westcliff Avenue on the corner with Station Road and in Shorefields Conservation Area. The building dates from the early C20 and was originally built as two houses but was soon converted to the Warwick Hotel as part of the rapid expansion and popularity of Southend as a tourist resort in the early to mid C20. At this time the hotel was described in an advert as 'having the finest position on the cliffs'. Photos of this time show the building as being highly decorated including bespoke cast iron balustrading, a feature timbered gable with lantern detail and roof terrace and it was a local landmark in this area. In 1951 the hotel was converted to the Beecroft Art Gallery, and this remained until only a few years ago when the gallery relocated to Victoria Avenue. The building has been vacant since this time. The building has retained some, but not all, of its original features but is in a poor state of repair and is suffering from structural damage at the southeast corner. Nevertheless, the building is still considered to have great potential to make a positive contribution to the character of the conservation area subject to repairs and reinstatement works.
- 1.2 The properties to the east and north of the site are also within Shorefields Conservation Area and are generally houses some of which have been converted to flats, care homes and guest houses. The care home directly north of the site is currently vacant. Opposite the site to the south is the Cliffs Pavilion Theatre and the Cliff Gardens. To the east is a small flatted block.
- 1.3 Aside from the heritage designation there are no site specific policies, however, the site is adjacent to (but outside) the Southend Central Area Action Plan (SCAAP) area which includes the Cliffs Pavilion opposite. This building is designated as a landmark building and the views towards and from the Cliff Gardens are also protected under SCAAP Policy DS3.

## **2 The Proposal**

- 2.1 The proposal seeks planning permission to erect a four storey side/rear extension and convert the former art gallery (Class F1 (b)) into nine self-contained flats (Class C3): (6 x 2 bed units and 3 x 3 bed units). In addition to the proposed extension, the proposal includes various works to the exterior of the building including the extension of the front dormer, reinstatement of the traditional decorative roof lantern and timbering to the main gable and reintroduction of the roof terrace.
- 2.2 A structural report submitted with the application comments that there is significant cracking to the exterior of the corner bay and distortion to the veranda at first floor and this section of the building will need to be partially rebuilt but otherwise the building is generally sound.
- 2.3 The proposed extension is 3 storeys plus roof accommodation and is located on the west side of the building fronting Station Road. It measures 5.2m wide, 10.7m deep with a dual gabled roof which has an eaves height of 8.9m, a ridge height of 11.9m and a maximum height of 14.2m including access doors to the roof terrace. The extension replaces an existing smaller 2 storey blank flat roofed extension in this location which contained galleries. The extension will be constructed of red brick and render with a red tile roof to match the existing building. The proposed alterations to the existing building will use traditional materials to maintain its historic character.

- 2.4 6 parking spaces will be provided on the forecourt in the northeast and southwest corners of the site. The former is accessed by an existing vehicular crossover from Westcliff Avenue and the latter will be accessed via a new crossover from Station Road. Each flat would have access to a private amenity space as either a small garden, balcony and/or roof terrace.

### **3 Relevant Planning History**

- 3.1 22/00578/PREAPF - Convert existing Beecroft Art Gallery (Class F1 (b)) to 9no. self contained flats (Class C3), extend dormer to front, erect four storey side/rear extension, form roof top access to new roof terraces, layout parking and form new vehicle access onto Station Road, alter elevations – advice given
- 3.2 16/02258/BC3 - Convert existing Beecroft Art Gallery (Change of use of former Beecroft Art Gallery (Class D1) to 20 Artist Studios (Class B1) alterations to part of boundary wall and install cast iron metal gate, layout landscaping, cycle and bin stores and alterations to elevations – approved but not implemented.

### **4 Representation Summary**

#### **Public Consultation**

- 4.1 20 neighbouring properties were consulted, a press notice published, and a site notice displayed. 1 letter of representation was received raising the following issues:

- Loss of private estuary views

Officer Comment: These concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

#### **Essex Fire Service**

- 4.2 No objections.

#### **Environmental Health**

- 4.3 No objections subject to conditions relating to construction hours, noise mitigation for new dwellings and waste management. The detailed wording of the suggested conditions has been refined to better reflect the test for planning conditions set out in planning guidance.

#### **Highways**

- 4.4 There are no highway objections to this proposal. The proposed parking layout ensures cars can enter and manoeuvre effectively.

#### **Lead Local Flood Authority**

- 4.5 No objections subject to conditioning full drainage details.

## **Southend Airport**

4.6 No objections.

## **Milton Conservation Society**

- 4.7
- The loss of the building for cultural use is regrettable but the application, for the retention and repair of the landmark building is generally supported. The retention and protection of this building is important to the conservation area.
  - The retention and reinstatement of key features is particularly welcomed.
  - The existing railings should be retained. Where the railing needs to be raised to meet the Building Regulations, this needs to be done with some care so as not to distract from the historic parts.
  - Concerns are raised in relation to the lack of parking, fewer units would be preferred, however, given the specific location of the site and the carbon emissions aspect of the climate emergency that we face, we can see that this should be looked at differently now- subject to the provision of cycle parking.
  - There is also a lack of amenity but the site is located next to the cliff gardens.
  - The proposal seems to give rise to overlooking at the rear. This section should be redesigned as best as possible.
  - If these issues are addressed the scheme would be supported.

[Officer Comment: the scheme has been amended during the course of the application including in relation to detailing of reinstated historic features and to address overlooking concerns at the rear.]

4.8 This application was called to Development Control Committee by Cllr Walker.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2021) and National Design Guide (Rev 2021)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP8 (Dwelling Provision)
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality) DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM8 (Residential Standards), DM10 (Employment Sectors) and DM15 (Sustainable Transport Management)
- 5.4 Southend Central Area Action Plan (SCAAP) (2018), Policy DS3 (Landmarks and Landmark Buildings)
- 5.5 Southend-on-Sea Design & Townscape Guide (2009)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.7 Shorefields Conservation Area Appraisal (2021)

- 5.8 Technical Housing Standards Policy Transition Statement (2015)
- 5.9 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.10 Essex Coast Recreational Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.11 Southend Electric Vehicle Charging Infrastructure SPD (2021)

## **6 Planning Considerations**

- 6.1 The main considerations in the determination of this application are the principle of the loss of the cultural use and change to residential use, the impact on the character of the historic building and wider conservation area, impact on residential amenity, quality of accommodation for future occupants, traffic and highways implications, sustainability, ecology including RAMS and CIL.

## **7 Appraisal**

### **Principle of Development**

- 7.1 Paragraph 119 of the NPPF states: *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”* Furthermore, policy DM3 of the Development Management Document stipulates that the Council will support development that seeks to optimise the use of land in a sustainable manner that does not lead to over-intensification, which would result in undue stress on local services and infrastructure.
- 7.2 Policy CP1 of the Core Strategy seeks to enhance the city’s role as a cultural hub and Policy CP6 seeks to safeguard existing cultural facilities but Policy CP2 states that *‘Southend Town Centre will remain the first preference for all forms of retail development and for other town centre uses attracting large numbers of people, including cultural services.’* Policy DM10 of the Development Management Document directs cultural uses to the city and district centres.
- 7.3 The proposal seeks to change the use of the existing historic building from an Art Gallery (Class F1 (b)) to 9 no. self-contained flats (Class C3). In support of the change of use the application states:
  - *‘Although this application seeks to change the use of the building the Beecroft will not be lost to the community as it has been relocated to Victoria Avenue in the town centre.*
  - *A previous attempt to provide Community Use Artists studios failed to be implemented and the building remains vacant and in disrepair, we therefore consider Residential use the only sustainable use for the building. This will ensure the building is full renovated, occupied and maintained for the future.*
  - *It is very unlikely that the existing building could be considered viable for Community use now, split floor levels and restricted access make conversion of the building for public use uneconomic.*

- *The original building was first constructed as 2 houses both large scale, domestic in character. Both dwellings were later converted to The Warwick Hotel also residential in use. We understand the Heritage value rightly attributed to this building, however given its previous residential status we do not believe a change to this more sustainable use will be detrimental to the property or Conservation Area.*
- *With the proposed change of use to residential comes the benefit of renovation, refurbishment, conservation and continued upkeep and maintenance. We believe these to be of benefit to the public outweighing any potential harm caused by sensitive extension and conversion of the existing building.*

7.4 The proposal does not result in a net loss of cultural facilities for the city as the Beecroft Art Gallery has moved into the former Central Library, and the library has moved into a new building at the Forum. These are both within the city centre which is the primary location as noted in the policies above. The building is a heritage asset in a poor state of repair and the proposal for residential use, for which the building was initially designed, would provide the optimum viable use and facilitate its restoration and the reinstatement of key historic features that have been lost. The works will be positive for the conservation area and the seafront views protected in the SCAAP and for the setting of the Cliffs Pavilion, a designated landmark building.

7.5 It is therefore considered that the proposed change of use should be supported in this case subject to the detailed considerations set out below.

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

7.6 The Council has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

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

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

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

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

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

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

- 7.8 The NPPF also states that '*Good design is a key aspect of sustainable development*' and this is referenced throughout the NPPF as well as in policies KP2 and CP4 of the Core Strategy and policies DM1 and DM5 of the Development Management Document. The Design and Townscape Guide also states that the Council is committed to good design and the preservation and enhancement of heritage assets.
- 7.9 In regard to development affecting heritage assets, Policy DM5 states that "*Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted.*" The NPPF states that "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation*".
- 7.10 In relation to this building, the Shorefields Conservation Area Appraisal states '*The former Beecroft Gallery is a focal point, though its poor condition is a major detractor.*' The poor condition of the building is also noted at 6.3.3 where it states '*The former Beecroft Art Gallery is vacant and has some rotting timberwork and broken glazing. The balcony and veranda have peeling paintwork. The building's poor condition is linked to its vacancy. Vacant buildings look unattractive and give an air of neglect. Vacancy can also lead to issues with condition, ... Vacant buildings can also be a target of anti-social behaviour.*' Equally, the Appraisal notes the building has having potential to make a significant and positive contribution to the character of the conservation area and the Management Plan of Appraisal states at 6.3.46 that '*Views of landmark buildings, the Westcliff Hotel, Allcoat House and the former Beecroft Gallery, should be maintained and enhanced.*'
- 7.11 The application seeks to convert the building into 9 self-contained flats. The following alterations are proposed to facilitate the conversion:
- The removal and infilling of the entrance door and modern porch facing Station Road and the inserting of French doors into the east side of the main gable to provide access to the amenity terrace. (The other entrance onto Westcliff Avenue will be retained as the main entrance to the building.)
  - The removal of 2 windows to each the side of the main front gable at first floor and their replacement with blind window details to prevent inter-looking between units.
  - The adaption of the south hanging bay to include French doors and a balcony of a matching design with a similar balcony detail above.
  - The widening of the southern facing flat roof dormer.
  - Increase height of brick parapet to east bay to 1.1m for safety reasons.
  - Alteration of boundary wall facing Station Road to remove one panel of brickwork to enable a new vehicular access to be created.

7.12 The proposal includes the repair and reinstatement of a number of historic features including:

- The repair and rebuilding of the corner bay at lower levels which is suffering from structural damage from the subsidence of the veranda which has caused it to rotate and pull in the front bay. This will be rebuilt to the same design including the terrace and first floor balcony in this location using reclaimed materials.
- The restoration of the main gable including reinstatement of the timbering and finial detail and the large decorative roof lantern. This will be constructed in metal with lead roof and ornamental metal ridge detail to match the original design seen in historic photos.
- The replacement of all windows with new white painted timber sliding sash windows.
- The reinstatement of the former roof terrace including the distinctive access doorways.
- The restoration of the dormers.
- The works will involve salvaging and re using of materials including, brick, tiles and the decorative railings which will be sensitively adapted to raise their height in line with building regulations. All new balcony railings will match the existing design including detailing and profile.
- The existing boundary wall will be repaired.
- All chimneys to be retained.

7.13 The building is in a key location and is an important part of the history of Shorefield Conservation Area but it is vacant and in a poor state of repair and this is detracting from the character of the area. It also has a more modern two storey flat roofed blank box style extension to the west side of the building which is proposed for removal as part of the development. Even though set back from the street frontage this is not a positive aspect of the building's appearance. The building also has structural issues at its southeast corner and has noticeably deteriorated during the time it has been vacant. Nevertheless, the historic quality of the building is still evident, and it has potential to once again be an attractive and prominent landmark for the conservation area. There is no doubt, however, that significant restoration works are required to achieve this.

7.14 The proposed enhancements to the building will not only bring it back into a habitable state but will reinstate key historic features which have been lost. The proposed design of these features are a close replication of the original character and they are therefore welcomed. As noted in above, the NPPF and planning policies direct that 'great weight' should be given to the retention and conservation of heritage assets.

7.15 To facilitate the restoration of the building the proposal seeks to erect an extension to the western end, replacing the existing modern extension in this location to provide additional floorspace for the proposed flats. This has been carefully designed to ensure that it is well proportioned and retains an appropriate gap to the neighbour, that it remains subservient to the main building, that it is resolved in its detailing and provides a suitable continuation of the building's character.

7.16 Works to the frontage will include the accommodation of more parking spaces and stores for refuse and cycles. The plans show that these can be accommodated in an acceptable way which uses the existing boundary wall and screening and provides areas for soft landscaping.

- 7.17 Overall, it is considered that the proposal would have a significant and positive impact on the historic character of the existing building and would enhance the character of the conservation area and setting of the landmark Cliffs Pavilion. Subject to the agreement of details of materials and landscaping, the proposal is considered to be acceptable and policy compliant in terms of design and heritage matters.

### Standard of Accommodation for Future Occupiers

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

### Space Standards

- 7.20 All new homes are required to meet the National Technical Housing Standards. The minimum requirements are as follows:

<b>Table 1 - Minimum gross internal floor areas and storage</b>			
<b>Number of bedrooms(b)</b>	<b>Number of bed spaces (persons)</b>	<b>1 storey dwellings</b>	<b>2 storey dwellings</b>
1b	1p	39 (37) *	
	2p	50	58
2b	3p	61	70
	4p	70	79
3b	4p	74	84
	5p	86	93

- 7.21 The floor areas of the proposed flats are as follows:

	<b>Net Internal Area</b>	<b>Bed 1</b>	<b>Bed 2</b>	<b>Bed 3</b>
Flat 1 2 bed 4 person	79.3 sqm	16sqm W = 4.2m	12.7 sqm W= 3m	
Flat 2 2 bed 4 person	74.5 sqm	11.7 sqm W= 3m	16.1 sqm W= 4.1m	
Flat 3 2 bed 4 person	92 sqm	16.1 sqm W=3m	13.9 sqm W= 2.9m	
Flat 4 (duplex) 2 bed 4 person	103.3 sqm	20.3 sqm W = 4.3m	15.4 sqm W=3.2m	
Flat 5 3 bed 5 person	112.3 sqm	18.2 sqm W= 4.9m	15.8 sqm W=3.8m	13.4 sqm W=2.5m
Flat 6 2 bed 4 person	92.1 sqm	18.5 sqm W=4.1m	17.9 sqm W=4.2m	
Flat 7 2 bed 3 person	73.7 sqm	14.6 sqm W= 4.3m	11.6 sqm W= 2m-3.5m	
Flat 8 3 bed 5 person	116.2 sqm	22.3 sqm W=3m	17.1 sqm W= 3.5m	11.4 sqm

				W=2.3m
Flat 9 3 bed 5 person	118.1 sqm	18.1 sqm W= 3.4m	13.7 sqm W=3.4m	10.7 sqm W= 2.2m

- 7.22 These areas exceed the required housing standards and the proposal is acceptable and policy compliant in this regard.

#### *Quality of Habitable Rooms*

- 7.23 All habitable rooms that face east, south and west have good light and outlook. The rooms to the rear, which are bedrooms and a secondary window to a living space, have been adapted to include some form of obscure glazing to prevent harmful overlooking of the neighbours. The main bedroom windows in the centre of this elevation at first and second floor will have a bay window with fixed obscure glazed lower sashes to the north and northeast and clear windows to the northwest direction. This will restrict outlook northwards but views out will still be possible and the rooms will receive good daylight. The small bedrooms/offices at first and second floor towards the eastern end of this elevation will have obscure glazed fixed lower sashes but will retain outlook via the upper sash. The secondary window to the living area and bedroom at the western end of the rear elevation will be fixed obscure glazing as outlook and ventilation is provided by the primary windows which have outlook to the west. Overall, this solution is not ideal but all rooms will have good light and the proposals have ensured that the main habitable rooms maintain a satisfactory outlook with only the third bedroom/office having some restrictions. Given the constraints of the existing building, in particular its positioning so close to the boundary, and as part of an overall balanced assessment, the proposed arrangements are considered to be acceptable and the proposal is acceptable and policy compliant in this regard.

#### *7.24 M4(2) – Accessibility*

Development Management Policy DM8 requires all new residential developments to be accessible for all and to meet the standards set out in Building Regulations M4(2) - Accessible and Adaptable Dwellings, however in this case the proposal is for the change of use of an existing building therefore this requirement does not apply. The proposal has however maintained the existing lift which serves more than half the flats and they are all generous in size.

#### *Amenity Provision*

- 7.25 Policy DM8 requires all new residential units to '*Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated.*'
- 7.26 An area of amenity space to the rear will be split to provide garden areas for flats 1 and 3 which have direct access to this area. Flats 2, 3, 4, 5, 6, 7, 8, 9 have private balconies, some of which are generous, and flats 8 and 9 also have private roof terraces. The site is also close to the seafront and Cliff Gardens. The proposal is considered to be acceptable and policy compliant in relation to private amenity provision in all regards.

## *Noise and Disturbance*

- 7.27 The Council's Environmental Health Officer advises that a noise report should be submitted to ensure that the habitable rooms meet the required guidelines given the presence of the road and theatre. This can be achieved via condition.
- 7.28 Overall, therefore, it is considered that, the proposal would provide a satisfactorily standard of accommodation for future occupiers and is acceptable and policy compliant in this regard.

## **Impact on Residential Amenity**

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

### *Impact on Sandhurst Care Home to the rear (north)*

- 7.30 The existing building has an existing rear outrigger to the west which has been extended with a 2 storey addition which extends the built form by a further 5m. This whole rear section of the building is set 3.5m from the northern boundary with Sandhurst Care Home and 6.9m from the neighbouring building itself. This projection has 4 existing windows facing the neighbour and first and second floor level some of which serve bathrooms. It is also proposed to reinstate the roof terrace but this is located in the centre of the roof only and orientated away from neighbours. Sandhurst has 5 bedroom windows at first and second floor facing the site. Sandhurst is set at a higher land level than the application building (approx. 500mm). The care home is currently vacant.
- 7.31 The proposal seeks to demolish the existing two storey gallery extension and add a 3 storey extension plus roof accommodation in its place. The new extension also extends 5.2m from the end of the historic building so is comparable in depth to that which it replaces albeit a floor higher with a pitched roof. The proposal would have 8 windows facing the neighbour to the north but designed to have windows which are either angled away from the neighbour or will have their lower sashes obscure glazed and fixed shut to prevent overlooking to the north. It is considered that this has satisfactorily addressed any overlooking concerns between these two sites. In addition, the scale of the extension is, on balance, within reasonable limits given that which already exists and will have an acceptable impact on the outlook of this neighbour. The proposed roof terrace would be at least a further 3.5m from the boundary and at a higher level than the existing windows. It is considered that this would not result in significantly harmful overlooking of this neighbour in all regards.

### *Impact on Neighbour to the West 9-11 Station Road*

- 7.32 The existing building is set between 5.9m and 6.3m from the west boundary and 7.2m from the flank elevation of the neighbour to the west. The western end of the existing building is 7.9m wide and is two storeys in height with no windows facing west. The neighbour 9-11 Station Road has a number of windows in its east elevation facing the site which are to habitable rooms but these are located towards the front and middle area of the building. The neighbouring windows which are furthest away from the front of the building are angled towards the sea. The rear section is blank and behind the main building is the yard to the commercial use at ground floor.

- 7.33 The existing extension in this location will be demolished and replaced with a new residential extension. This has a comparable depth to the existing arrangement but would be 10.7m wide with two windows facing west located at the northwest corner of the extension at first and second floor level.
- 7.34 The proposed extension is wider and taller than the existing gallery extension in this location but the separation to the neighbour has been maintained and is sufficient to ensure that the development will not appear overbearing or result in a harmful sense of enclosure for this neighbour. The windows at the northwest corner will serve habitable rooms but they are sufficiently far back in the proposed extension so that they will not give rise to unreasonable overlooking of the neighbour on balance. No windows are proposed at 3<sup>rd</sup> floor level facing west so the neighbouring windows at this level are not overlooked by the proposal.
- 7.35 The proposal, including the new extension, is considered to have an acceptable impact on the amenity of all other properties in the vicinity including in Winton Avenue and Westcliff Parade in all relevant regards.
- 7.36 Overall, therefore, it is considered that, on balance, the proposal would have an acceptable and policy complaint impact on residential amenity.

### **Traffic and Transportation Issues**

- 7.37 Policy DM15 of the Development Management Document states: *“All development should meet the parking standards (including cycle parking) set out in Appendix 6 [which requires a minimum of 1 parking space and 1 cycle space per flat]. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context. Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity”.*
- 7.38 The existing site has an area of hardstanding at its northeast corner accessed by an existing vehicular crossover onto Westcliff Avenue. It is proposed that this is retained and the parking area formalised to provide 2 off street car parking spaces. It is also proposed to create a new vehicular access from Station Road at the southwest corner of the site which will provide access to 4 additional parking spaces making a total of 6 spaces for 9 flats. This is below the policy requirement, but the site is constrained by the existing building and the junction. The site is within walking distance of Westcliff Station, bus stops and Hamlet Court Road shops and other amenities and there is a large public car park close to the site. The Council's Highways Officer has raised no objection to the level of parking or the accessibility of spaces including the impact on the adjacent bus stop or junction. The proposed parking arrangement is therefore considered to be acceptable. It is considered that there is scope for EV charging to be provided for the 4 parking spaces to the western side of the site as the charging can be screened or incorporated into the new building. This is less achievable on the Westcliff Avenue frontage as the historic building is very exposed here and there is little opportunity for screening. Given the constraints of the building, EV charging 4 out of 6 spaces is considered reasonable. This can be required by condition.

### *Cycle Parking and Refuse Storage*

- 7.39 The proposed site plan shows locations for a refuse store behind the parking area to the western end of the site and a cycle store for 9 cycles on the frontage screened by the existing boundary wall. These sizes and locations are considered to be acceptable and full details of the stores themselves can be agreed by condition. The proposal is acceptable and policy compliant in this regard.

### *Construction Method Statement / Management Plan*

- 7.40 A construction management plan has been submitted with the application. The Council's Highways Officer has reviewed this document and found it to be acceptable. The proposal is acceptable and policy compliant in this regard.
- 7.41 The proposal is therefore considered to be acceptable and policy compliant in all highways matters.

### **Sustainable Construction**

- 7.42 Policy KP2 of the Core Strategy states that *"All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide"*.
- 7.43 In this instance, given that the proposal relates to the conversion of a prominent historic building and the confined and exposed nature of the site, it is considered that it would not be appropriate to require renewable technologies provision as part of any decision. It is also noted that the embodied carbon saved through a conversion scheme is significant and weighs in favour of this development.
- 7.44 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings and appliances. This requirement is considered to be reasonably compatible with the constraints of the heritage asset and can be controlled by condition. The proposal is therefore considered to be acceptable in these matters.
- 7.45 A drainage report has been submitted with the application and this has been reviewed by the Local Lead Flood Authority. No objections are raised to the proposal subject to the submission of full details. The proposal is therefore acceptable and policy compliant in this regard.

### **Ecology**

- 7.46 An Ecology report has been submitted with the application. This concludes that the building, which is in a poor state of repair including a number of holes in the roof, has potential for breeding birds and bats but that no active nests or evidence of bats was found at the time of the survey. However, it does recommend that a follow up bat emergence survey is carried out prior to commencement.

The report also recommends the installation of bird boxes and insect boxes and hedgehog doorways in the fence. These can be secured by condition.

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

- 7.47 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), was adopted by Full Council on 29<sup>th</sup> October 2020, requires that a tariff of £137.71 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. This has been paid and the proposal is acceptable and contrary to policy in this regard.

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

- 7.48 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 1058 sqm, which may equate to a CIL charge of approximately £ (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

#### **7.49 Planning Balance and Housing Supply**

The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families. For the proposed provision of housing the HDT and 5YHLS weigh in favour of the principle of this type of development. This proposal would provide 9 new dwellings including 3 x 3 bed units suitable for families for which there is an identified need. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of converting the building to residential use is acceptable and the proposal creates new housing, including family sized units, which should be given increased weight in the balancing exercise given the deficit in housing land supply. The design of the development is considered to be acceptable, particularly as the proposal will result in the sensitive regeneration of a historic building safeguarding its future. The proposed enhancement works will rejuvenate the historic building which would be a significant benefit to the conservation area and have been given significant weight in the assessment of this proposal. On balance, the proposal will provide an acceptable standard of accommodation for future occupiers and have an acceptable impact on residential amenity subject to conditions. The limited compromises that the scheme has made in these areas and which are considered to be minor in degree would be significantly outweighed by the public benefits of the scheme including the regeneration of the historic building and the provision of housing. The proposal would have an acceptable impact on traffic and highways, ecology and sustainability. The application is therefore recommended for approval subject to conditions.

## **9 Recommendation**

- 9.1 **GRANT PLANNING PERMISSION** subject to the following conditions:

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

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

**02 The development hereby permitted shall be carried out solely in accordance with the following approved plans NEO.1166.0100 (Existing Site Plan), NEO.1166.0101 (Existing Ground Floor Plan), NEO.1166.0102 (Existing First Floor Plan), NEO.1166.0103 (Existing Second Floor Plan), NEO.1166.0104 (Existing Roof Plan), NEO.1166.0105 (Existing Elevations), NEO.1166.0125.C (Proposed Site and Location Plan), NEO.1166.0126.C (Proposed Ground Floor Plan), NEO.1166.0127.D (Proposed First Floor Plan), NEO.1166.0128.E (Proposed Second Floor Plan), NEO.1166.0129A (Proposed Third Floor Plan), NEO.1166.0130 (Proposed Roof Plan), NEO.1166.0131.B (Proposed Elevations), NEO.1166.0132.A (Proposed Details).**

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

**03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations, including walls (infilling and new and gable decoration and including colours), balconies including balustrade, supporting column, fascia and floors and dormers, windows including glazing, roof and roof terraces including coping/edge, fascia and soffits, rainwater goods and boundaries have been submitted to and approved in writing by the Local Planning**

**Authority.** The development shall be carried out in accordance with the approved details before it is brought into first use.

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

**04** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full design details for all new doors (main entrance and French doors), any replacement dormers, eaves and balcony details for the proposed extension at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved details before it is brought into use. The detailed designs for the other historic features to be reinstated including the lantern, roof terrace, balustrade extension and windows shall be carried out in full accordance with plan reference NEO.1166.0132.A (Proposed Details).

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

**05** No electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, air conditioning units, boiler flues, ventilation grills or ducting shall be fixed to the street elevations of the building subject of this permission without the receipt of express planning permission from the Local Planning Authority.

**Reason:** In the interests of visual amenity and to ensure that the building makes a positive contribution to the character of the Conservation Area. This is as set out in the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

**06** The 6 car parking spaces shown on plan reference NEO.1166.0125.C shall be provided and made available for use at the site prior to the first occupation of the flats hereby approved. The car parking spaces shall thereafter be permanently retained solely for the parking of vehicles in connection with the occupiers of the dwellings hereby approved and their visitors. All the car parking spaces at the rear onto Station Road shall have access to electric vehicle charging points details of which including their position, design and appearance shall have been submitted to and approved in writing by the Local Planning Authority prior to first use of the development.

**Reason:** To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety and that the appearance of EV charging points does not harm the character or appearance of the conservation area, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policies DM5 and DM15 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

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

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

**08** The lower sashes of the first floor windows and second floor rear (north elevation) windows within the development hereby approved and labelled as obscure glazing on drawing reference NEO.1166.0135.A, shall be fixed in place and shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the Local Planning Authority) before the occupation of the development hereby approved and the windows shall be retained as such in perpetuity. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

**Reason:** To protect the privacy and environment of people in proposed and neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

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

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

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

**Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.**

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

**11 No drainage infrastructure, including earthworks, associated with this development shall be undertaken until details of the design implementation; maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- i. A drainage plan must be provided showing all existing drainage to be utilised, details of the new soakaway, and details of the landscaping to show the areas of planting, soft landscaping and lawn. The plan should show or include calculations to show the areas that will contribute surface water flows to the latter**
- ii. Calculations must be provided detailing how the new soakaway has been sized including supporting BRE 365 soil testing results**
- iii. Further details outlining the repair of the drainage around the bay projection, including what this involves, when it will be undertaken as part of the development and what evidence will be gathered to show the repair has been completed successfully**
- iv. Details must be providing outlining who will maintain the soakaway and site drainage following completion of construction**

**The approved scheme shall be implemented, in accordance with the approved details before the development is occupied or brought into use and shall be maintained as such for the lifetime of the development.**

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2021), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

**12** No development shall commence until and unless two bat emergence/re-entry surveys of the existing property, have been undertaken as recommended in Section 5.1 of the submitted Preliminary Ecological Assessment reference ASW/PPDL/004/26/2022 dated April 2022 to determine whether bats are present within the existing building. The results of the survey and any proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. If bats are found to be present, no demolition work shall take place until and unless an acceptable mitigation scheme has been approved in writing by the Local Planning Authority. The development shall commence and proceed only in accordance with the approved mitigation scheme(s). The proposed site clearance and construction works shall then be carried out in full accordance with the recommendations set out in Preliminary Ecological Assessment reference ASW/PPDL/004/26/2022 dated April 2022 or any other details that have been previously agreed in writing by the Local Planning Authority under the terms of this condition prior to first occupation of the development.

**Reason:** A pre commencement condition is justified to ensure any protected species and habitats utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2 and Development Management Document (2015) policy DM2.

**13** No dwellings shall be occupied until their internal areas are protected from external noise in accordance with BS8233:2014 and the current Noise Policy Statement for England. The internal ambient noise levels shall not exceed the guideline values in BS8233:2014 Table 4.

**07:00 to 23:00**

- -Resting - Living room 35 dB LAeq,16hour
- -Dining - Dining room/area 40 dB LAeq,16hour
- -Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour

**23:00 to 07:00**

- -Sleeping/Night-time Bedroom 35 dB LAeq,8hour

In order to achieve this a noise impact assessment shall be undertaken and any subsequent mitigation measures to provide the required protection shall be designed by a person competent in acoustics.

**Reason:** In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

**14** The development hereby approved shall be carried out in full accordance with the submitted Construction Method Statement (Version 2) dated May 2022.

**Reason:** This condition is required to minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4 and Development Management Document (2015) policies DM1 & DM3.

## **Informatives**

**01** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended).

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.