

Southend –on-Sea Borough Council

Agenda
Item

Report of the Corporate Director of
Enterprise, Tourism & the Environment
To
Development Control Committee
On
11th August 2010

Report(s) on Planning Applications

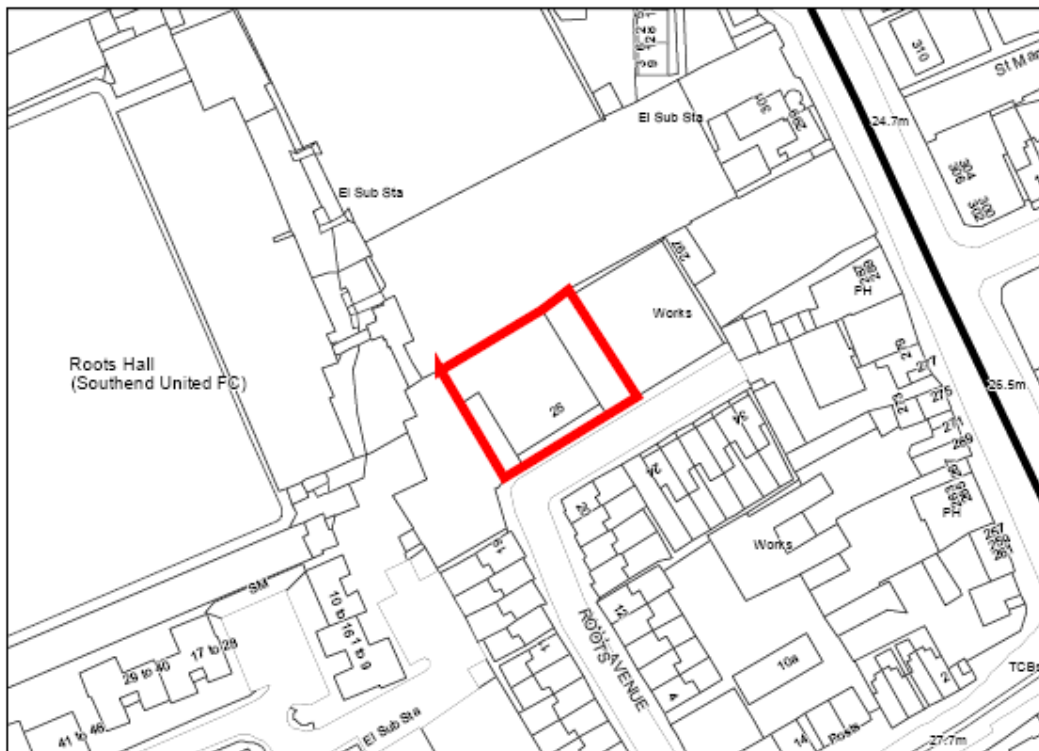
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Reference:	SOS/07/01180/OUTM
Ward:	Prittlewell
Proposal:	Demolish building and erect three storey block of 18 self contained flats with basement parking spaces (amended proposal)
Address:	25 Roots Hall Avenue, Southend-On-Sea
Applicant:	Mrs P Orchard
Agent:	The Planning and Design Bureau
Consultation Expiry:	12th October 2007
Expiry Date:	27th September 2007
Case Officer:	Charlotte Galforg
Plan Nos:	PDB/07/06/02, PDB/07/06/03, PDB/07/06/06a, PDB/07/06/07, PDB/07/06/08b.
Recommendation:	Grant planning permission subject to completion within 12 months of a S106 Agreement



1 Background

- 1.1 This application was previously considered by Development Control Committee on 10th October 2007 and the Committee resolved to grant conditional permission subject to completion of a Section 106 Agreement in respect of affordable housing, an education contribution and a contribution towards public open space facilities. The application was delegated to officers for the completion for the agreement.
- 1.2 There have been delays in progression of the Section 106 Agreement, mainly due to the applicants' uncertainty as to whether the site would be redeveloped as part of the wider Roots Hall redevelopment. There had been no contact from the applicant/agent since early 2008 until October last year. The applicant has now expressed a desire to complete the agreement and taking into consideration the time that has lapsed since the original committee resolution it is necessary to assess whether there have been any material change in circumstances since the original committee resolution. Such changes may include new policies, legislation or infrastructure changes.
- 1.3 The original committee report plus the supplementary report from 10th October 2007 are included as Appendix 1 and the minutes are included as Appendix 2 to this report.

2 The Proposal

- 2.1 The application is in outline with all matters reserved, and proposes to demolish the existing industrial building and erect up to 18 flats, with the scale parameters suggested as being three storeys and 11m high (i.e. 2.75m higher than the existing building height), with a possible footprint taking up the majority of the width of the site, allowing, for example, 5.1m to the east side and 1.5m to the west side boundary, being slightly isolated from the front boundary and isolated from the rear boundary by 13.2m – this would be the likely location of amenity space and refuse/recycling stores and cycle stores. Basement parking is envisaged, 23 car parking spaces are suggested and cycle parking.

3 Site and Surroundings

- 3.1 The site consists of a two storey general industrial premises: a former metal fabricators with associated servicing space, located on the northern side of Roots Hall Avenue, just east of the rear entrance to the football stadium car park, and south of the main football stadium car park. To the east is a further industrial premises and to the south are two storey terraced dwelling houses, which extend up the southern arm of the Avenue, to join in with the commercial part of West Street. Further east are the rear of properties fronting Victoria Avenue, comprising mainly ancillary garage and storage buildings for those commercial/pub uses.

3.2 The road suffers from on-street parking stress, brought about by a combination of the proximity to the town centre and football ground, and the lack of parking facilities for local commercial and residential properties.

4.0 **Planning Considerations**

4.1 The main issues when considering this application are: the history of the application and the fact that members have previously resolved to grant planning permission for the development, any material changes in circumstances that have taken place since the application was originally considered at Committee, the principle of residential development on this site, design, impact on neighbours and implications for parking and traffic, and impact on the potential for development on the surrounding sites, developer contributions

5 **Appraisal**

5.1 The application was originally considered at Development Control Committee in 2007, where it was resolved to grant planning permission subject to completion of a S.106 Agreement and various conditions. Therefore, unless there have been material changes in circumstances which would justify a change in recommendation the application should be recommended for approval.

5.2 Since 2007 National Planning guidance has been revised in that several PPS's have been revised. PPS 3 was most recently revised on June 9th 2010, when the definition of previously developed land was amended. Minimum net housing density targets have also been deleted.

5.3 Regional Planning Guidance has been revised in that the East of England Plan has been published, replacing the Essex Structure Plan (the East of England Plan has recently been revoked) and the Core Strategy has been published superseding the Borough Local Plan. Supplementary Planning Documents including the SPD1 Design and Townscape Guide revision (2009) have also been published.

5.4 With regard to the application site, Committee have resolved to grant planning permission on the wider Roots Hall site for redevelopment with housing and a supermarket. The application site is included within the red line site of the wider Roots Hall redevelopment planning application.

Principle of development

Planning Policy Statements: PPS1, PPS 3, DPD1 (Core Strategy) Policies, KP1; KP2; CP3, CP8, BLP Policies; C11, C14, H5, T8, T11.

5.5 This site has proposal site (P3j) notation in the BLP, which suggests that such sites would be suitable for residential use as they are poorly located for their current industrial use, this policy is saved within the Core Strategy

- 5.6 This application site forms part of the red line application site for the wider Roots Hall development and is shown within that application as being the site of the replacement housing block for St Mary's Court. The football stadium redevelopment had been agreed in principle at the time when the application was originally considered at Committee. Notwithstanding this, they are standalone applications and it is considered that each should be considered on its own merits. The applicants for the SUFC/Sainsbury development would need to purchase the 25 Roots Hall Avenue site if they wished to proceed with their development in accordance with their submitted plan – this is a matter for them and was not raised as an objection when the application was originally considered.
- 5.7 No objections are therefore raised in principle to the development.

Design

Planning Policy Statements: PPS1, PPS 3; DPD1 (Core Strategy) policies KP1, KP2, KP3, CP4, CP7; BLP policies; C4 C11, C14, H5.

- 5.8 PPS1 states that *“Design which is inappropriate in its context, or which fails to take the opportunities available for improving the quality and character of an area and the way its functions should not be accepted”*. The need for good design is reiterated in PPS3, policies C11 and H5 of the BLP and Policies KP2 and CP4 of the Core Strategy and the Design and Townscape Guide.
- 5.9 The application is outline only with all matters resolved for further consideration. Three storey development would be at variance with other development within the streetscene. However, this in itself is not a reason to object to the scheme at outline stage. The existing buildings are of a comparable scale to three residential storeys and the design of the existing buildings detracts from the streetscene. It is therefore accepted that their removal and redevelopment with a well designed development, which would terminate the vista along Roots Hall Avenue, could assist the streetscene.
- 5.10 It is considered possible to design a three storey structure here that would be acceptable in the streetscene and in relation to the adjoining Conservation Area, however this may require that the upper floor be contained within the roof of the development, similar to proposals which were previously submitted for the replacement St Marys Court development. The detail of this and the scale and layout would be controllable at reserved matters stage and would have to be carefully designed so as to ensure that the development would not appear out of keeping with the generally two storey terraced accommodation within the wider streetscene. The application also includes a basement car park, the access to the car park will have to be carefully designed to ensure that it does not appear overly dominant or out of keeping within the streetscene. Given these factors it may be that in order to accommodate an appropriately designed development within the site, the numbers of units may need to be reduced. This will only become clear at submission of reserved matters.

- 5.11 The Prittlewell Conservation Area is 24m to the east, separated from the site by the industrial works. As the eastern arm of this Avenue is not a general thoroughfare, the public impact of the site in the context of the Conservation Area is limited.
- 5.12 The density of the proposed development is comparable to that agreed for the wider Roots Hall development proposals and is considered acceptable in principle.

Traffic and Transport issues

Planning Policy Statements: PPS1, PPG 13: Transport; DPD1 (Core Strategy) policies: KP2, KP3, CP3; BLP Policies; T1, T8, T10, T11, T12, T13.

- 5.13 The site has been in industrial use and would have generated commercial traffic and lorries in this narrow cul de sac. It is considered that the traffic generated by 18 flats would be less intrusive to local residents and would not result in congestion on the surrounding roads, so no objection is raised in principle to the level of traffic generation from the proposal.
- 5.14 With regard to parking and access issues, the indicative plan shows 23 parking spaces (128%) at basement level. This is in line with Borough Council adopted guidance and the approach of Central Government regarding non-car-borne use, in fact the level of parking could be argued to be excessive given the nature of the proposed development and the proximity of the site to public transport and the town centre. Cycle parking facilities are also indicated as being provided within the basement area and are considered acceptable in principle. The site access will be determined at reserved matters stage, however the indicative plans show that a ramp to the basement car parking area could be accommodated, (details would have to be agreed at reserved matters stage as would the layout of the parking area). With the current on-street waiting/parking restrictions and the proposed number of parking spaces, the access for emergency services should be no more difficult than the current situation. It should be borne in mind that the current industrial use could generate significantly more large vehicles than it currently does, if the premises were used to full.

Impact on amenity of adjacent occupiers

Planning Policy Statements: PPS1- Delivering Sustainable Development; PPS 3 - Housing; DPD1 (Core Strategy) policies; CP4, BLP policies C11, H5.

- 5.15 Regarding the impact of the development on existing residential properties, there are no dwellings immediately abutting the site. Whilst there are terraced houses on the opposite side of Roots Hall Avenue, overlooking is not normally a concern across roads.

- 5.16 This is a general industrial site and fumes, dust, and machinery noise, as well as traffic generation, could impact upon surrounding residents without the need for further planning permission. The level of activity associated with the use of the site for flats is likely to have less impact than the use of the site for industrial purposes.

Impact on amenity of future occupiers

Planning Policy Statements: PPS1; PPS 3; DPD1 (Core Strategy) policies; CP4, BLP policies C11, H5.

- 5.17 The applicant has submitted an illustrative layout plan with the application. This shows one bed units of 54.4sqm and 2 bed units of 66.5 sqm. These unit sizes are in principle acceptable, provided the two bed unit is for three persons. However unit sizes would be agreed at reserved matters stage.

- 5.18 The indicative layout plan shows amenity space provided to the rear of the building, with an indicative size of some 360sqm, which equates to some 15sqm per unit. This is considered an reasonable **The gradient of any vehicular access to the site shall not exceed 4% for the first 5 metres from the highway boundary and shall not exceed 8% thereafter, unless otherwise agreed in writing with the Local Planning Authority**

The amenity space to serve the development and could be landscaped in such a way to make a useable communal space, perhaps including private areas for some of the ground floor units.

- 5.19 Refuse storage would need to be detailed at the reserved matters stage, although the width of the building means that this can be stored to the rear and wheeled to the front of the building for collection.

Impact on other development

Planning Policy Statements: PPS1, PPS3; DPD1 (Core Strategy) policies; CP4, BLP policies C11, H5.

- 5.20 The application site was originally earmarked as part of the site where the replacement building for St Marys Court would be located as part of the wider Roots Hall development scheme. If the adjoining site were proposed to be redeveloped for housing it would be important to ensure that the development on the adjoining site did not prejudice the development at 25 Roots Hall Avenue and similarly that any development at 25 Roots Hall Avenue did not prejudice the development of the adjoining site. Thus any Reserved Matters application for this site will need to have regard to the adjoining site.

Decontamination

Planning Policy Statements: PPS1, PPS 3, PPS 23, PPG 24: DPD1 (Core Strategy) policies: Key Policies: KP2, CP4, CP8; BLP Policies H5, U2.

- 5.21 Given the previous general industrial use of the site it is likely that the site will be contaminated. Officers are satisfied that investigation of this matter and suitable remediation measures can properly be addressed by the use of appropriate conditions.

Sustainable Construction

Planning Policy Statements: PPS1, PPS 3, PPS 22, PPG 24: DPD1 (Core Strategy) policies: Key Policies: KP2, KP3, CP4, CP8; BLP Policy C11

- 5.22 Policy KP2 sets out development principles for the Borough and refers specifically to the need to:

“include appropriate measures in design, layout, operation and materials to achieve:

a reduction in the use of resources, including the use of renewable and recycled resources.

..... 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), ...wherever feasible. How the development will provide for the collection of re-usable and recyclable waste will also be a consideration.....

.....development proposals should demonstrate how they incorporate ‘sustainable urban drainage systems’ (SUDS) to mitigate the increase in surface water run-off... “

- 5.23 Because the application was submitted prior to adoption of the Core Strategy, no details have been submitted of how the energy needs of the development will come from renewable options, or how Sustainable Drainage (SUDs) details could be incorporated into the development; however, officers are satisfied that this issue could also be satisfactorily dealt with by condition

Developer contributions.

Planning Policy Statements: PPS1, PPS3, PPS 6, PPS 22; PPS 23, Planning Policy Guidance Note 13, DPD1 (Core Strategy) policies KP3, BLP policies: U1.

- 5.24 Since the application was first considered by Committee the Core Strategy has been adopted and the Community Infrastructure Levy (CIL) regulations have been issued (see paragraph 5.31 below) .In light of these material changes to policy it is considered necessary to review the contributions associated with the development.

- 5.25 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”.

- 5.26 The 2007 S106 agreement required a 10% provision of affordable housing (i.e. 2 units), an education contribution of £8,438.28 and a contribution for improvements to public open space facilities of £698/unit.

Affordable Housing

- 5.27 Since the application was originally considered by Committee the Core Strategy has been adopted and Affordable Housing requirements have been revised. This is a material change in circumstance since the previous applications were considered. For a scheme of 18 units the affordable housing requirement is now 20%, which would equate to provision of 4 units. It is therefore considered reasonable that the S.106 Agreement should be revised to take account of this change.

Education

- 5.28 The original calculation of the Education contribution was calculated on the basis of the breakdown of units proposed in an earlier application and equated to £8,438.28. Since the previous permission was granted the Core Strategy DPD1 has been adopted and the CIL regulations have been published. This is a material change in circumstance since the previous applications were granted permission. The revised contribution sought is £9,833.10. The revision to the amount of contribution has come about as the officers are now using a revised template for calculation to allow for index-linking which incorporates the reduced Regional Multiplier as well as the latest Cost per New Pupil Place. It is therefore considered reasonable that the S.106 Agreement should be revised to take account of this change.

Public Open Space

- 5.29 The original document sought a contribution per unit for improvements to public open space. Adoption of the Core Strategy resulted in removal of prescriptive requirements for amenity space provision. The indicative layout of the development shows that a maximum of 24sqm of amenity space per unit is capable of being provided (this is below the requirements that were contained within the BLP Appendices that have not been saved as part of the Core Strategy) The site is within reasonable walking distance of both Priory Park and Churchill Gardens. On the basis that prescriptive amenity space standards have now been superseded, the size of amenity space that it would be possible to provide and the location of the site, it is no longer considered reasonable to require a contribution for improvements to public open space in relation to this development. It is therefore considered reasonable that the S.106 Agreement should be revised to take account of this change.

Monitoring fee

- 5.30 The applicant has been requested to make a contribution to cover the costs of monitoring the S.106 agreement.

Community Infrastructure Levy Regulations

- 5.31 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

The conclusion is that the planning obligation outlined in this report meets all the tests and so constitutes a reason for granting planning permission in respect of application 07/01180/OUT.

5.32 Conclusion

There is no objection in principle to residential development of the application site. It is considered that levels of traffic generation and impact on neighbours would be acceptable given the existing use on site. Careful consideration of the design of the development will be necessary to ensure that it will be acceptable within the streetscene. The standard of accommodation that can be provided is considered acceptable in relation to the amenities of future occupiers. Officers are satisfied that issues such as contamination, refuse collection and renewables can be adequately addressed by the use of conditions. The development should not compromise the redevelopment of other adjacent sites. Subject to completion of a legal agreement including the revised heads of terms as outlined above the application is considered acceptable. However given the time it has taken to progress the S.106 Agreement it is the recommendation that a requirement to conclude the Agreement in 1 year is appropriate.

6.0 Planning Policy Summary

- 6.1 National Policies - Planning Policy Statements: PPS1- Delivering Sustainable Development; PPS 3 - Housing; PPS 5 - Planning for the Historic Environment; PPS 22- Renewable energy; PPS 23 - Planning and Pollution Control Planning Policy Guidance Notes PPG 13: Transport; PPG 24: Planning and Noise.
- 6.2 DPD1 (Core Strategy) Policies- Key Policies, KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP8 (Dwelling Provision).

- 6.3 Borough Local Plan Policies – BLP Policies; C4 (Conservation Areas) C11 (New Buildings, Extensions and Alterations), C14 (Trees, Planted Areas and Landscaping), C15 (Retention of Open Spaces), H5 (Residential Design and Layout Considerations), H7 (The Formation of Self-Contained Flats), E5 (Non-Residential Uses Located Close to Housing), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T12 (Servicing Facilities), T13 (Cycling and Walking), U2 (Pollution control)
- 6.4 This site has proposal site (P3j) notation in the BLP, which suggests that such sites would be suitable for residential use as they are poorly located for their current industrial use, this policy is saved within the Core Strategy
- 6.5 Supplementary Planning Document 1: Design & Townscape Guide (2009).
- 6.6 EPOA adopted Vehicle Parking Standards.
- 7.0 Representation Summary - 2007**
- 7.1 **Education** – an education contribution of £8,438.28 is required based on one and two bed split, for secondary and post 16 education provision
- 7.2 **Traffic and Transportation** – All refuse matters to be in accordance with Waste Management Guide and latest best practice. Concerns about some of parking spaces that the layout of some of the car parking spaces is not acceptable [**officer comment the detail of the parking layout can be resolved at Reserved Matters stage**]. Visibility splay and reinstatement of pavement conditions requested
- 7.3 **Representation Summary 2 010** – to be reported
- 7.4 *Public Consultation - 2007*
- 7.5 Press and site notice and neighbour notification seven objections on the following grounds:
- Loss of privacy and overlooking
 - Insufficient parking in area of parking stress
 - Access to extra site will cause hazards
 - Will cause flooding and extra stress on drainage
 - New development will overpower older-style terraces
 - Development would need to be piled
 - Note applicant willing to provide contribution to school places but no attention paid to relationship with nearby Conservation Area – impossible to understand impact of development

- In direct conflict with comprehensive redevelopment of Roots Hall site and this site forms relocated St Marys Court affordable housing. Development would be piecemeal.

7.6 2010 – to be reported

8.0 Relevant Planning History

8.1 The original factories were approved in the late 1960s.

8.2 December 2005 – refusal of redevelopment of site with 3 storey block of 18 flats (SOS/05/01283/OUT) (siting and means of access were submitted). Refused for reasons relating to: redevelopment with no. of flats proposed, over 3 storeys, with proposed siting, would constitute overdevelopment, resulting in a bulky building, out of character with and detrimental to the local streetscene, harming the amenity of future residents and the proper planning of the area.

8.3 May 2006 - amended outline application refused to demolish building and erect three storey block of 18 flats with basement parking spaces (SOS/06/00312/OUT) (siting, design, external appearance and means of access were submitted). Refused for reasons relating to: redevelopment of the site with the number of flats proposed, over three storeys, as a result of the proposed building's siting, design and form would constitute overdevelopment of the site, resulting in an inappropriate building, out of character with and detrimental to the local streetscene by reason of its scale, height, overall bulk, detailed design and lack of context, causing harm to the character and appearance of the nearby Conservation Area and prejudicing the proper planning of the area.

8.4 September 2007 – SOS/07/01111/OUTM, Members resolved to grant planning permission subject to completion of a S.106 Agreement to: Demolish football stadium, flats, shops and college; redevelop site with retail food store at first floor level (10,113 sq.m); and petrol filling station with kiosk, two standalone units fronting Fairfax Drive for class A3, A4,B1 and D1 uses, a total of 272 residential units comprising flat, semi detached and terraced houses (including affordable housing), layout parking spaces (some below buildings) and lay out security areas, form vehicular accesses / egresses onto Fairfax Drive, Roots Hall Avenue and Victoria Avenue and modify access to Shakespeare Drive for emergency and pedestrian only access, lay out associated landscaping and erect retaining walls to southern part of site. The S.106 Agreement remains outstanding.

8.5 April 2009 – SOS/09/00090/FULM - Demolish existing buildings and erect three, three storey blocks and one, two storey block of 36 self contained flats with associated balconies, including 2 retail units, 4 plant units, 1 sub-station, refuse and cycle stores, lay out 28 parking spaces, amenity space and form pedestrian access onto Victoria Avenue Development At Roots Hall Avenue Covering 25 Roots Hall Avenue And 293-297 Victoria Avenue, Southend. Application withdrawn.

9.0 Recommendation

Members are recommended to:

9.1 a) **DELEGATE AUTHORITY TO THE GROUP MANAGER OF DEVELOPMENT CONTROL & BUILDING CONTROL OR THE HEAD OF PLANNING AND TRANSPORT to GRANT PLANNING PERMISSION subject to the completion within 12 months of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following obligations:**

- **Provision of 4 affordable housing units, equating to 20% of the total number of units. Unit size and tenure to be agreed.**
- **an Education contribution of £9833.10**
- **S.106 agreement monitoring Contribution of £1,396**

and subject to the conditions set out below.

b) If the above agreement has not been completed within 12 months of the date of committee such that planning permission would have been granted, then the Group Manager of Development Control & Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete a S106 agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the obligations which would have been secured; if so, the Group Manager of Development Control & Building Control is authorised to determine the application and agree appropriate reasons for refusal under delegated authority.

9.2 Conditions, Reasons & Informatives

01 Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years beginning with the date of this permission.

b. The development hereby permitted shall be begun not later than whichever is the later of the following dates

i) the expiration of 5 years beginning with the date of this permission;

ii) the expiration of 2 years beginning with the approval of the last reserved matter to be approved.

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

02 The development hereby permitted may only be carried out in accordance with reserved matter details (siting, design, layout, and external appearance of the buildings the means of access thereto, and the landscaping of the site) the approval of which shall be gained in writing from the local planning authority before the development is commenced

Reason The application is in outline only and the particulars submitted are insufficient for consideration of the details mentioned

03 No development shall take place until samples of the materials to be used on all the external elevations, on any screen/boundary walls and fences, and on all external surfaces have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance Policies C4 and C11 of the Southend on Sea Borough Local Plan and CP4 of the Core Strategy DPD1

04 No dwelling shall be occupied until at least 1 parking space per unit to serve the development has been provided in accordance with details which shall be submitted with the reserved matters and approved by the Local Planning Authority. The parking spaces shall be permanently reserved for the parking of residents and visitors to the residential units.

Reason: To make suitable provision for parking off the highway and in the interests of highway safety, in accordance with Policies T11 and T8 of the Southend on Sea Borough Local Plan and Policies KP2 and CP3 of the Core Strategy DPD1

05 No part of the development shall be occupied until at least 1 cycle parking space per unit has been provided in accordance with details which shall be submitted with the reserved matters and approved by the Local Planning Authority. The cycle parking spaces shall be permanently reserved for the cycle parking of residents and visitors to the residential units.

Reason: To ensure a satisfactory standard of off street cycle parking in accordance with Policies T13 and T8 of the Southend on Sea Borough Local Plan and Policies KP2 and CP3 of the Core Strategy DPD1

06 The development shall not be occupied until details of all boundary treatment have been submitted to and approved by the Local Planning Authority and the boundary treatment shown on the approved details shall be installed prior to first occupation of any residential unit.

Reason: In the interests of amenity in accordance with Policies E5 and C11 of the Borough Local Plan and CP4 of the Core Strategy DPD1

07 Prior to commencement of development details of SUDs to serve the development shall be submitted to and approved by the Local Planning Authority and thereafter implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory standard of sustainable drainage in accordance with Policies KP2 and CP4 of the Core Strategy DPD1

08 Prior to first occupation of the development a waste management strategy for the development shall be submitted to and approved by the Local Planning Authority, the strategy shall also detail how the development will provide for the collection of re usable and recyclable waste and waste management for the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure adequate and appropriate storage, recycling and collection of waste resulting from the development in accordance with Policy KP2 of the Core Strategy DPD1

**No development shall be commenced until:
a site investigation has been undertaken to determine the nature and extent of any contamination, and**

the results of the investigation, together with an assessment by a suitably qualified or otherwise competent person, and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority

Prior to the first occupation of the development hereby permitted (or, where the approved scheme provides for remediation and development to be phased, the occupation of the relevant phase of the development)

the approved remediation scheme shall be fully implemented (either in relation to the development as a whole or the relevant phase, as appropriate) and

a Certificate shall be provided to the Local Planning Authority by a suitably qualified or otherwise competent person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: To ensure that the land is not contaminated in the interests of public health and safety

Prior to commencement of development a renewable energy assessment will 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 on site 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.

Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources, in accordance with Policy KP2 of the Core Strategy DPD1

Concurrently with the submission of Reserved Matters details of existing and proposed levels on the land and in relation to adjoining land, including sections, shall be submitted to and approved by the local planning authority. The development shall be constructed at the levels indicated on the approved drawings

Reason: For the avoidance of doubt and to safeguard the character and appearance of the area and to protect the amenities of surrounding occupiers in accordance with policies C4, C11 and H5 of the Borough Local Plan and Policies KP2 and CP4 of the Core Strategy DPD1

There shall be no obstruction to visibility above a height of 0.6 metres within 1.5 metre by 1.5 metre splays formed either side of the vehicular access(s) to Roots Hall Avenue

Reason: In the interests of highway safety in accordance with policies T8 of the Borough Local Plan and CP3 of the Core Strategy DPD1

The gradient of any vehicular access to the site shall not exceed 4% for the first 5 metres from the highway boundary and shall not exceed 8% thereafter, unless otherwise agreed in writing with the Local Planning Authority

Reason: In the interests of highway safety in accordance with policies T8 of the Borough Local Plan and CP3 of the Core Strategy DPD1.

None of the dwellings shall be occupied until the existing vehicular accesses to Roots Hall Avenue have been permanently and effectively closed at the applicants expense in accordance with details which have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety in accordance with policies T8 of the Borough Local Plan and CP3 of the Core Strategy DPD1

Reason for approval:

This permission has been granted having regard to (Core Strategy) policy KP1, KP2, KP3, CP3, CP4 and CP8, Borough Local Plan 1994 policy C4, C11, C14, H5, T8, T11, T12, T13, and U2 and SPD1 (Design and Townscape Guide) together with Government guidance and all other material considerations including any representations. The carrying out of the development permitted, subject to any conditions imposed, would accord with those policies and in the opinion of the local planning authority there are no circumstances which otherwise would justify the refusal of permission.

Appendices

Development Control Committee report and Supplementary report dated 10th October 2007

Minutes of 10th October 2007 committee

APPENDIX 1 – Committee Report -10 October 2007

Prittlewell Ward –

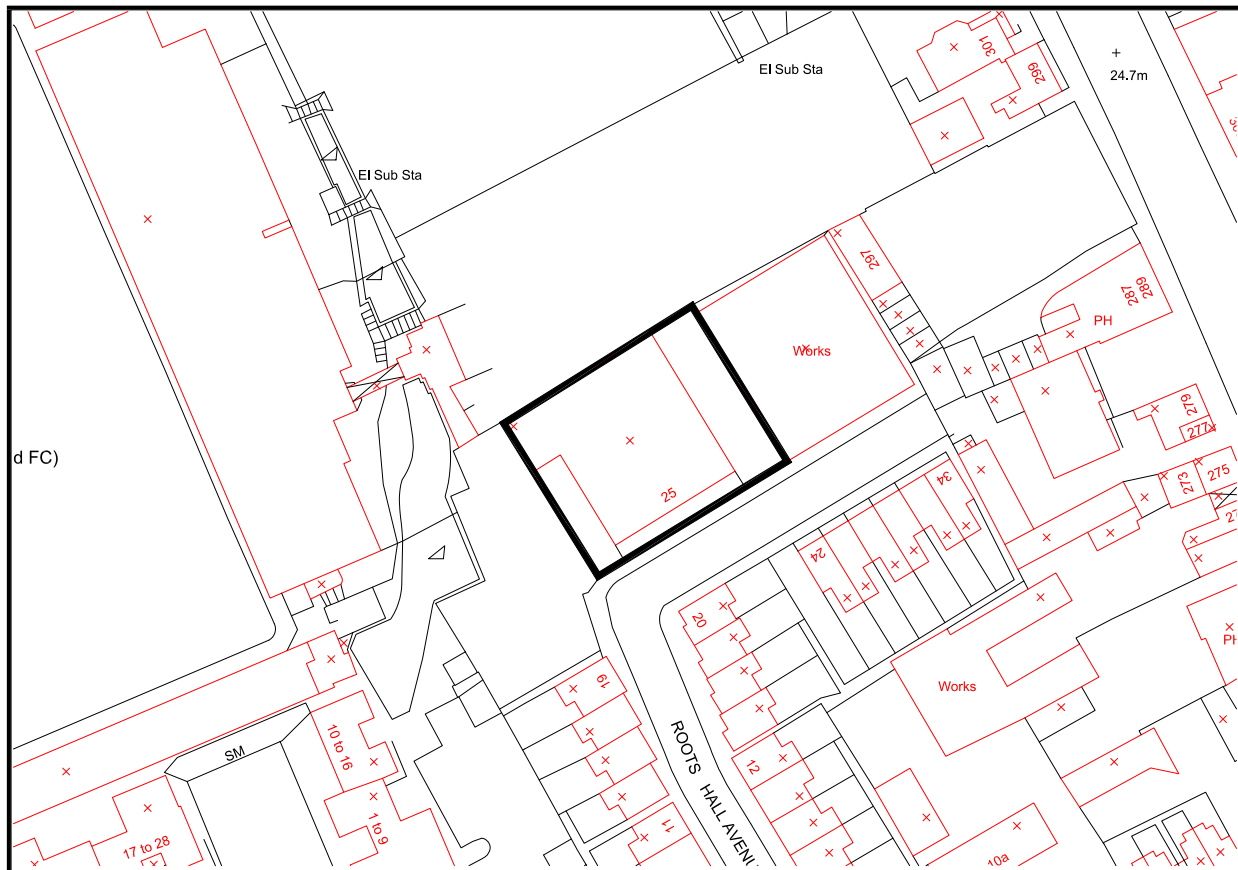
SOS/07/01180/OUTM (Application for outline planning permission)

DEMOLISH BUILDING AND ERECT THREE STOREY BLOCK OF 18 SELF CONTAINED FLATS WITH BASEMENT PARKING SPACES (AMENDED PROPOSAL)

25 Roots Hall Avenue, Southend-On-Sea SS2 6HN

P Orchard

The Planning and Design Bureau



1 The Proposal

- 1.1. An outline application with all matters reserved, to demolish the industrial building and erect up to 18 flats, with the scale parameters suggested as being three storeys and 11m high (i.e. 2.75m higher than the existing building height), with a possible footprint taking up the majority of the width of the site, allowing, for example, 5.1m to the east side and 1.5m to the west side boundary, being slightly isolated from the front boundary and isolated from the rear boundary by 13.2m – this would be the likely location of amenity space and refuse/recycling stores and cycle stores. Basement parking is envisaged – 23 spaces are suggested – and cycle parking.

1.2.	Site area (gross)	0.092ha	0.109ha
	Length of frontage	55% (frontage is commercial)	
	Density	164 dph	

1.3. The applicant has provided photographs of the surrounding area, showing a number of multi-storey flatted blocks along West Street, Victoria Avenue and Roots Hall Drive. A Design and Access Statement mentions that this is a sustainable location, the townscape characteristic locally is two and three storey buildings close to the back edge of pavement, continuous terraces/linear frontages with little space between, creating a strong sense of enclosure. The redevelopment will remove a 'bad neighbour' use and an unsightly building and the chance to erect a focal point for Roots Hall Avenue.

2 Location and Description

2.1. The site consists of a two storey general industrial premise – metal fabricators (still in use) – with associated servicing space, located on the northern side of Roots Hall Avenue, just east of the rear entrance to the football stadium car park, and south of the main football stadium car park. To the east is a further industrial premise and to the south are two storey terraced dwellinghouses, which extend up the southern arm of the Avenue, to join in with the commercial part of West Street. Further east are the rear of properties fronting Victoria Avenue, comprising mainly ancillary garage and storage buildings for those commercial/pub uses. Three storey properties and two storey houses exist on local roads.

2.2. The road suffers from on-street parking stress, brought about by a combination of the proximity to the town centre and football ground, and the lack of parking facilities for local commercial and residential properties.

3 Development Plan

3.1. ESRSP Policies CS1 - Achieving Sustainable Urban Regeneration, CS2 - Protecting the Natural and Built Environment, CS4 - Sustainable New Development, HC2 - Conservation Areas, BE1 - Urban Intensification, BE2 - Mixed Use Developments, BE5 - Planning Obligations, H1 - Distribution of Housing Provision, H2 - Housing Development - The Sequential Approach, H3 - Location of Residential Development, H4 - Development Form of New Residential Developments, BIW4 - Safeguarding Employment Land, T6 - Walking and Cycling, T12 - Vehicle Parking.

3.2. BLP Policies C4 (Conservation Areas), C11 (New Buildings, Extensions and Alterations), H1 (Housing Provision), H5 (Residential Design and Layout Considerations), H7 (The Formation of Self-Contained Flats), E4 (Industry and Warehousing), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T13 (Cycling and Walking), Proposal site P3j.

3.3. Interim employment land policy. States 'employment land.... does not apply to proposal sites P3f-P3t of the BLP'.

3.4. EPOA vehicle parking standards.

3.5. Adjacent to Prittlewell Conservation Area.

3.6. Core Strategy.

4 Planning History

- 4.1. Original factories approved in late 1960s.
- 4.2. Nearby within Conservation Area – rear of 279 Victoria Ave – refusal of demolition of workshops and erection of three storey block of 12 flats and 9 parking spaces (SOS/02/00333/FUL). Refused as demolition unacceptable having regard to employment potential integral to character of Conservation Area and objectives of Heritage Economic Regeneration Scheme for the area; building's unsympathetic design and relationship to existing buildings would be detrimental to character and visual amenities of CA; and development because of its size, siting and relationship with neighbouring development would constitute overdevelopment of the site, detrimental to the character and amenities of the CA and adjoining properties, particularly having regard to overlooking and loss of privacy.
- 4.3. **December 2005 – refusal of redevelopment of site with 3 storey block of 18 flats (SOS/05/01283/OUT) (siting and means of access were submitted). Refused for following reasons: redevelopment with no. of flats proposed, over 3 storeys, with proposed siting, would constitute overdevelopment, resulting in a bulky building, out of character with and detrimental to the local streetscene, harming the amenity of future residents and the proper planning of the area. As such the development contrary to ESRSP BE1 and CS2 and BLP C11 and H5;**
Proposal makes no compensatory provision for local educational needs generated – thereby contrary to ESRSP BE5.
- 4.4. Application withdrawn for another developer to redevelop this and the adjoining site to the east (SOS/06/00202/FUL).
- 4.5. **May 2006 amended outline application refused to demolish building and erect three storey block of 18 flats with basement parking spaces (SOS/06/00312/OUT)(siting, design, external appearance and means of access were submitted). Refused for: The redevelopment of this site with the number of flats proposed, over three storeys, as a result of the proposed building's siting, design and form would constitute overdevelopment of the site, resulting in an inappropriate building, out of character with and detrimental to the local streetscene by reason of its scale, height, overall bulk, detailed design and lack of context, causing harm to the character and appearance of the nearby Conservation Area and prejudicing the proper planning of the area. As such, the development would be contrary to Essex and Southend-on-Sea Replacement Structure Plan Policies BE1, CS2 and HC2 and Borough Local Plan Policies C4, C11 and H5; The proposal makes no compensatory provision for local educational needs generated by the development. The proposal is thereby contrary to Policy BE5 of the Essex and Southend-on-Sea Replacement Structure Plan.**
- 4.6. September 2007 – Members indicated that they were minded to grant permission for the redevelopment of the SUFC and adjoining sites (including this site), for retail, commercial, petrol station and residential (SOS/07/01111/OUTM).

5 External Consultation

5.1 None.

6 Internal Consultation

6.1 DCL – an education contribution of £8,438.28 is required based on one and two bed split, for secondary and post 16 education provision

6.2 Highway Comment – All refuse matters to be in accordance with Waste Management Guide and latest best practice. Concerns about some of parking spaces – do not comply with SPD1. Visibility splay and reinstatement of pavement conditions requested.

6.3 DACS (housing) – to be reported.

6.4 DACS (Leisure) – to be reported.

7 Publicity

7.1 Press and site notice and neighbour notification seven objections on the following grounds:

- ◆ Loss of privacy and overlooking
- ◆ Insufficient parking in area of parking stress
- ◆ Access to extra site will cause hazards
- ◆ Will cause flooding and extra stress on drainage
- ◆ New development will overpower older-style terraces
- ◆ Development would need to be piled
- ◆ Note applicant willing to provide contribution to school places but no attention paid to relationship with nearby Conservation Area – impossible to understand impact of development
- ◆ In direct conflict with comprehensive redevelopment of Roots Hall site and this site forms relocated St Marys Court affordable housing. Development would be piecemeal.

8 Appraisal

8.1 The issues to be considered here are:

- ◆ The principle of the loss of the industrial use to full residential;
- ◆ The potential future comprehensive redevelopment of the football stadium site with surrounding sites;
- ◆ The impact flats of three storeys and basement, on the streetscene and comparison with the implemented permission for extensions on the current building;
- ◆ The impact on the nearby Conservation Area;
- ◆ The impact on surrounding residential and non-residential uses;
- ◆ The suggestion of increased noise and traffic;
- ◆ Parking and access implications;
- ◆ Refuse and amenity space provision;
- ◆ Drainage and flooding issues and land stability;
- ◆ The issue of precedent;
- ◆ Density considerations;
- ◆ Affordable Housing considerations;

- ◆ Potential contamination;
- ◆ Comparison of previous refused schemes with this scheme.

- 8.2 This site has proposal site (P3j) notation in the BLP, which suggests that such sites would be suitable for residential use as they are poorly located for their current industrial use, cause nuisance and adversely affect the environment for residents in the area. However, since this proposal site notation was written, this type of site falls within the industrial protection policies of the ESRSP and its loss would be contrary to the PAER (Priority Area for Economic Regeneration) aims of encouraging the retention of industrial premises, in order to rebalance the availability of jobs within the Borough. The interim policy seeks justification for the loss of such properties, in the form of marketing and an assessment of the future of the site, encompassing the use/redevelopment for mixed use. The loss of such sites for entirely residential use is resisted. **However**, a number of the Proposal sites within the BLP were excluded from this interim guidance and this site – P3j is one of those sites. As such, in writing the interim guidance, the issues connected with these identified sites were recognised and they were not protected. **No objection was raised on this ground in the previous applications.**
- 8.3 As the football stadium redevelopment has been agreed in principle, subject to call-in by the Secretary of State, this proposal could remove part of the site of the SUFC redevelopment, meaning that certain aspects of it could not be implemented. The timing of the committee dates could have meant that the application for 25 Roots Hall Avenue could have been decided first and it would have been decided on its merit, with a note on the report about the existence of the SUFC application. The existence of this application was reported in the agenda for the SUFC redevelopment but, as they are standalone applications, it was reported that each should be treated on merit. The current application was received one day after the Roots Hall application and whilst the (SUFC) decision cannot unduly influence the decision on this application (since the result was not known at the point of submission of the application and cannot be applied 'retrospectively'), the existence of the application is a material consideration. The application site is not part of a 'Development Brief' area however (and nor is the SUFC and adjoining land), so the conflict with the SUFC and Sainsbury proposal does not render the scheme unacceptable. The applicants for the SUFC/Sainsbury development would need to purchase the 25 Roots Hall Avenue site if they wished to proceed with their development – this is a matter between them. If such a purchase cannot be made, the outline application for the SUFC/Sainsbury development would probably have to be resubmitted. **The previous applications were not refused on the ground of conflict between the proposals.**

- 8.4 A three storey development would be different from anything else in the streetscene. However, this in itself is not a reason to object to the scheme at outline stage. This site, together with its neighbour to the east, forms the northern end of the Avenue and the 'streetscene' could therefore be argued to be these two premises only. The design of the current buildings detracts from the streetscene and it is accepted that their removal and redevelopment with a well designed vista development would assist the streetscene. It is considered possible to design a three storey structure here that would be acceptable in the streetscene and in relation to the adjoining Conservation Area. The detail of this and the scale and layout would be controllable at reserved matters stage. Compared to the still completable permission for extensions to the factory, the height is comparable but clearly higher than the existing building. The width of the likely building is being clarified – this could be wider than the current building and could, thus, be too bulky in the streetscene.
- 8.5 The high density of development proposed is comparable to that accepted in the SUFC/Sainsbury development and whilst it is not comparable to the Victorian terrace in density, this is a site which stands alone in the streetscene and could act as a gateway development for the more comprehensive developments envisaged to the north. It should be noted that the flatted developments to the west, on Roots Hall Drive display a denser form of development than the older terraced areas, so there is a precedent for denser living.
- 8.6 The Prittlewell Conservation Area is 24m to the east, separated from the site by the industrial works. As the eastern arm of this Avenue is not a general thoroughfare, the public impact of the site in the context of the Conservation Area is limited. As stated above, a three storey building could be designed for the site under the reserved matters application and the bulk, subject to clarification about the suggested building width, is considered acceptable.
- 8.7 Regarding the impact on residential properties, there are no dwellings immediately abutting the site. Whilst there are terraced houses on the opposite side of Roots Hall Avenue, overlooking is not normally a concern across roads, as this isolation exists. It is accepted that the development would be higher than existing and the views of the residents of the terrace would alter. **This was not used as a reason for refusal on the previous application and circumstances have not altered materially.**
- 8.8 No residential properties currently exist to be affected to the north, west and east.
- 8.9 The existing authorised industrial use of the site could impact more than currently in environmental terms. This is a general industrial site and fumes, dust, machinery noise and large delivery vehicles could be more excessive without further planning permission. The proposed 18 flats would not cause greater pollution or disturbance compared to the potential existing site use.
- 8.10 Turning to parking and access issues, the proposal for 23 parking spaces (128%) is in line with Borough Council adopted guidance and the approach of Central Government regarding non-car-borne use. The site is close to good public transport links in the form of buses and trains and the centre of Southend is approximately 10 minutes' walk away. The concerns of neighbouring residents are understood with regard to the congestion on this Avenue but without the restraint on car ownership, the aims of getting people onto public transport/cycling/walking will not succeed.

- 8.11 Recent appeals have indicated that the Inspectorate have not supported the Council where increased parking facilities have been sought. Cycle parking facilities are acceptable. The site access will be determined at reserved matters stage. The existing vehicular crossings at the site take up in excess of 50% of the pavement to the front and part of this could be closed at the applicant's expense, which would improve the amenity of the site. Issues regarding parking space geometry can be dealt with the reserved matters stage. With the current on-street waiting/parking restrictions and the proposed +1 space per flat, the access for emergency services should be no more difficult than the current situation. It should be borne in mind that the current industrial use could generate significantly more large vehicles than it currently does, if the premises were used to full capacity. One space more is proposed now compared to the most recent refusal and the previous application **was not refused for reason of insufficient parking.**
- 8.12 The proposed siting of the building leaves a limited area for useable un-overshadowed amenity space at the rear. Central government and appeal decisions have indicated that amenity space is not an important consideration and that if people want such provision to be of a particular size, they will not buy such a dwelling. The suggested communal arrangement is considered acceptable in this case. **This kind of level of provision was accepted on the previous scheme.**
- 8.13 Refuse storage would need to be detailed at the reserved matters stage, although the width of the building still needs clarifying to ensure a wheeled container could get to the rear of the site.
- 8.14 The site is not recognised as one that suffers from instability or flooding. The site would, no doubt, have to have an amended foul/surface water drainage system for the flats – this would be dealt with by the Building Regulations. It would not be in the interests of the developer to design a basement car park that floods each time it rains – there are methods to avoid this. Again, the Building Regulations exist to ensure the site is capable structurally of being developed in the way proposed and there are many construction methods – one of which is piling – if claims were to be made as a result of construction work, this is not a planning consideration.
- 8.15 The adjoining commercial premises are also covered by the Proposal site (P3j). In theory an application could be submitted for redevelopment of that site. Such an application has not been submitted however and, as with the current application, it would be treated on its merits.
- 8.16 An affordable housing contribution has been offered (two units). This would be achieved through a S106 Agreement. The education contribution suggested has been communicated to the applicant, whose agreement is expected. The applicant has also offered a contribution towards public open space provision and the level (if at all) of contribution is being assessed.
- 8.17 The site could well contain contaminants and any approval would need to be conditioned to have a contamination investigation and remediation where necessary.

8.18 In comparison to the refused schemes, less detail has been submitted on this outline and this means that the principle of this number of flats on the site is being sought. All the detail concerning access, layout, appearance, scale and landscaping will be resolved at reserved matters stage – at which point the Council can assert the need to have a good design, that is in character with its surroundings and which sets the benchmark for the development of other local areas. On the basis of the quantum of development, subject to clarification on the width of the suggested building, the scheme is now considered to be acceptable.

9 Recommendation

Subject to clarification on the width of the building and the education contribution, MEMBERS ARE RECOMMENDED TO delegate for a S106 agreement regarding affordable housing, education contribution and a contribution towards public open space facilities (latter if required) and subject to the following conditions:

- 01 reserved matters time limit**
 - 02 reserved matters of layout, scale, appearance, access and landscaping to be submitted**
 - 03 material samples to be submitted**
 - 04 restriction on side windows**
 - 05 provide parking**
 - 06 retain parking**
 - 07 provide cycle parking**
 - 08 retain cycle parking**
 - 09 provide refuse and recycling storage to Waste Management Guide and current good practice**
 - 10 contamination report and remediation**
 - 11 levels details to be submitted**
 - 12 Visibility splay**
 - 13 reinstatement of pavement at applicant's expense**
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Appendix 2

Southend-on-Sea Borough Council

Development Control Committee 10th October 2007

SUPPLEMENTARY INFORMATION

Agenda Item 4 – Report on Planning Applications

Agenda Item 4a – Pre Meeting Site Visits

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**07/01180/OUTM 25 Roots Hall Avenue, Southend on Sea
Proposal**

The applicant has written to confirm that the maximum width of the building is 27.1m. They have also agreed to 2 affordable housing units, relevant contribution towards education provision and open space.

Appendix 3

Development Control Minutes

Date:

Wednesday, 10th October, 2007

Time:

2.00pm

Place:

Civic Suite, Civic Centre, Southend-on-Sea

(g) Prittlewell Ward

SOS/07/01180/OUTM (Application for outline planning permission)

DEMOLISH BUILDING AND ERECT THREE STOREY BLOCK OF 18 SELF CONTAINED FLATS WITH BASEMENT PARKING SPACES (AMENDED PROPOSAL)

25 Roots Hall Avenue, Southend-On-Sea SS2 6HN

P Orchard

The Planning and Design Bureau

DELEGATED for a S106 agreement regarding affordable housing, education contribution and a contribution towards public open space facilities (latter if required). The Committee had no objection subject to the following conditions:

01 reserved matters time limit

02 reserved matters of layout, scale, appearance, access and landscaping to be submitted

03 material samples to be submitted

04 restriction on side windows

05 provide parking

06 retain parking

07 provide cycle parking

08 retain cycle parking

09 provide refuse and recycling storage to Waste Management Guide and current good practice

10 contamination report and remediation

11 levels details to be submitted

12 Visibility splay

13 reinstatement of pavement at applicant's expense

14 design brief for this site to be drawn up

Attendance Details

Present:

Cllr R Price (Chairman), Cllr M L Day (Vice-Chairman), Cllr R A H Brown, Cllr J R Clinkscales, Cllr A Crystall, Cllr R F T Davy, Cllr Mrs M F Evans, Cllr J M Garston*, Cllr R E Hadley, Cllr B T Kelly*, Cllr G Lewin, Cllr D A Norman, Cllr Mrs A V Robertson, Cllr M Royston, Cllr R A Woodley*

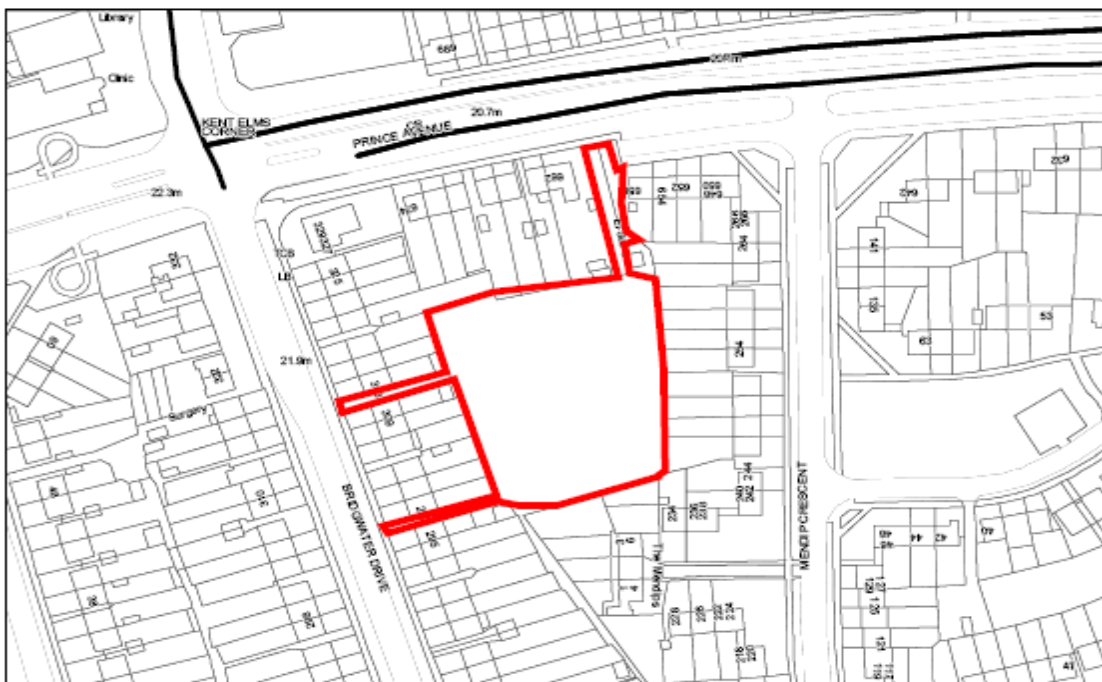
***Substitutes in accordance with Council Procedure Rule 31.2**

In attendance:

Councillors Grimwade, Ms Painton, Flewitt, Garne, Godwin, Mrs White

J K Williams, F Abbott, S Kearney, J Kastel, J Westgate, D Connor, D Savage and P McIntosh

Reference:	SOS/10/00655/FULM
Ward:	Blenheim Park
Proposal:	Erect 16 two storey dwellings with associated garages, parking, hardstanding and turning areas and 1 block of three garages and form access road from slip road
Address:	Land rear of 660 Prince Avenue and 311 Bridgwater Drive, Westcliff-on-Sea, Essex, SS 0HA
Applicant:	David Wilson Homes
Agent:	Carter Jonas LLP
Consultation Expiry:	22 nd July 2010
Expiry Date:	27 th August 2010
Case Officer:	Janine Argent
Plan Nos:	Site Plan; 010-019-001; 010-019-021; 010-019-020; 010-019-019; 010-019-018; 010-019-017; 010-019-016; 010-019-015; 010-019-014; 010-019-013; 010-019-012; 010-019-011; 010-019-002
Recommendation:	Refuse Planning Permission



1 The Proposal

1.1 Planning permission is sought to erect 16 two storey dwellings with associated garages, parking, hardstanding and turning areas and 1 block of three garages and form access road from slip road.

1.2 Site Area	00.41 hectares
Density	39 dwellings per hectare
Height	8.1m-9.6m two storeys including rooms in the roof
No of units	16 dwellings
No of bedrooms	(12 x 3 bed, 4 x 4 bed)
Types of dwellings	Terraced, semi-detached, linked detached and detached.
Parking	34 spaces
Cycle parking	Cycle storage to be located within garages or dwellinghouses given that garage is provided per dwelling
Amenity Space	42sqm-90sqm
Refuse Storage	None shown but can accommodate within curtilage

1.2 It should be noted there is an extensive history associated with this site. This application has been submitted following refusal of planning application SOS/07/001182/FULM for the demolition of the warehouse, industrial units 311 Bridgwater Drive and 660 Prince Avenue, erect two storey building comprising one self-contained flat with integral garage and car ports to ground floor, a three storey detached house and four part single, part two, part three storey terraces comprising 22 houses with associated garages, parking, gardens, hardstanding and turning areas and two detached double garages and form access road from slip road and lay out parking strip fronting 648-656 Prince Avenue for the following reason:

The proposed development by reason of its bland, uninspiring and poor design quality lacks context with its surroundings and would be detrimental to the character and appearance of the area, contrary to Policies H5 and C11 of the Borough Local Plan and BE1 of the Essex and Southend on Sea Replacement Structure Plan.

1.3 The above planning application was subsequently dismissed at appeal due to the proposed development failing to relate to or respect the modest domestic scale and appearance of adjoining dwellings or to achieve a high standard of design. Furthermore, the proposed design was considered inappropriate in its context and lacking in innovation or originality on the 13th May 2008.

1.4 This current application includes amendments as follows:

- The number of dwellings on site has been reduced from 23 units to 16 units.
- The scale and bulk of the overall development has been reduced in height from 3 storeys to 2 storeys with some plots with rooms in the roof
- The development will now include 5 pairs of semi-detached dwellings, 2 detached properties, 1 linked detached property and a row of 3 terraced properties.

1.5 The design and access statement accompanying this planning application states that the scheme has been derived from the previously approved scheme for 18 dwellings but provides dwellings more in line with market aspirations at a lower density.

2 Site and Surroundings

2.1 A vacant site formerly used as an industrial site, with general industrial uses having existed previously a Coachworks, then a car repairs site. A number of substantial industrial buildings previously existed on site however, these have been demolished.

2.2 The site is located at the rear of residential properties 656-674 Prince Avenue, 264-234 Mendip Crescent, north of the Mendips and to the rear of 295-317 Bridgwater Drive. The locality is primarily residential in character, with a local commercial area to the northwest, on the junction of Prince Avenue and Bridgwater Drive.

2.3 Vehicle accesses to the site currently exist from two points on Bridgwater Drive, between 295-299 and between 309-313 and from Prince Avenue, between 656 and 662.

2.4 Some trees lie within the site and notably an Oak tree close to the exit onto Prince Avenue.

2.5 A slip road runs parallel to Prince Avenue, abutting the site in its north eastern corner, with a grass verge separating the slip road from Prince Avenue and a section of pavement separating the slipway carriageway from the actual site.

2.6 Due to the gaps between properties, glimpses of the site can be seen from Bridgwater Drive and Prince Avenue.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the residential development, design and impact on character of the area, traffic and transportation issues and impact on residential amenity and sustainable construction and whether the development overcomes the issues raised by the Inspector at appeal.

4 Appraisal

Principle of Development

Planning Policy Statement 1; DPD1 (Core Strategy) policies KP1, KP2, CP4, CP8; BLP policies C11, H5 and the Design and Townscape Guide SPD1 (2009)

- 4.1 The principle of redeveloping the site for residential use has been established by previous planning applications and subsequent appeals for residential development since 2002. There has been no change in policy that would warrant reconsideration of this matter in principle.

Design and impact on the character of the area

Planning Policy Statement 1, Planning Policy Guidance Note 3; DPD1 (Core Strategy) policies KP2, CP4; Borough Local Plan policies C11, C14, H5, and Design and Townscape Guide SPD1 (2009)

Scale

- 4.2 The principle of 2/3 storey elements was accepted at outline stage by the Inspector *“A well designed development rising in part to three storeys would not, in my opinion, be out of keeping with the area. It would result in a considerable improvement in conditions for some neighbouring residents where there are existing high single storey or two storey commercial buildings very close to their rear boundaries. Although the development would be visible from neighbouring streets, I do not consider that it would be prominent in the area”*. The reserved matters scheme the proposed a part two part three storey scheme which, was approved at 12m high. The previous scheme dismissed at appeal for 23 dwellings was higher than the previously approved houses but lower than the flatted scheme at 11m high (SOS/07/01182/FULM). The current scheme has a height of 8.1m-9.6m, which is considered acceptable in principle.

Design and layout

- 4.3 Good design in all its aspects is of fundamental importance in development control and is essential to the protection and enhancement of the environment.

- 4.4 The Design and Access Statement accompanying the application states that layout of the development is to provide more traditional, formal layout within the constraints of the site. The applicant contends that the layout has been developed with the intention of respecting traditional character whilst seeking to reinforce the landscaping to the existing street. The dwellings have been orientated to maximise the views into and out of the site and due regard to the existing dwellings bordering the site. It should be noted that the Inspector previously concluded that the layout of the scheme in the form of a loose courtyard was considered logical and appropriate given the size, shape and backland location of the development, therefore no objection can be raised and a condition will ensure landscaping both soft and hard is provided subject to this scheme being acceptable.
- 4.5 The applicant contends that due to the lower density greater landscaping can be provided to the front of dwellings and it appears from the plans landscaping could be introduced to the front of plots 1-10 and 13-16 however, the overall layout will be dominated by hard standing surface as previously approved under planning application SOS/06/00146/FUL.
- 4.6 This is a significant stand alone site and represents the opportunity to produce a development displaying a good quality contemporary design. However, the application proposal scheme does not relate to any form of traditional architecture that is found within the Borough. The proposal could be located anywhere in the country.
- 4.7 The design quality of the elevations is considered to be poor, bland and uninspiring and totally lacks context with the surrounding location. The elevations do not reflect upon key aspects of local character including the uniformity of design, simple roof forms and the strong fenestration are not reflected in the overall design approach. The overall design includes some interest in the form of 3 large gables and 2 box projections but it is considered the proposed gables are out of scale and applied randomly and do not provide strong rhythm and unity that can be found within the surrounding area. In addition, the fenestration is uninspiring and does not help to add enliven or add quality to the development. The proposed dormer windows to plots 4-7 result in incongruous features poorly relating to the roof in which they would be installed upon. It should also be noted that the dormer are shown on elevations as flat roofed dormers but on the site layout as gabled.
- 4.8 In terms of design detail there are a number of which will cause the window to be shortened, the variation of roof pitches uses and the dominance of the garages, which are of concern. With regard to the garages there is an awkward join between the garages for plots 11 and 12 and the 'through garage' arrangement for plots 14 and 15 will create unattractive voids in the streetscene and compromise the living standard for any potential future residential occupiers.
- 4.9 The materials for the development include brick, render and weatherboarding to the walls of the development and concrete roof tiles. The proposed materials are not considered to relate to the surrounding locality and therefore contrary to policy.

- 4.10 The proposed amenity space for the 16 dwellings ranges from a minimum of 42sqm for plot 2 to approximately 90sqm for plot 12. It is considered in this instance soft and hard landscaping can be dealt with by condition as previously agreed to ensure landscaping provided adheres to Policy C14 of the Borough Local Plan.
- 4.11 The design and access statement accompanying this planning application states that storage for refuse will include the separation of waste and recyclables in the kitchens of the proposed dwellinghouses together with external areas to accommodate the storage of waste and recycling prior to collection and space to accommodate refuse and recycling and the edge of properties on collection day; composting areas and 2 1100 litre containers for waste and 3 1100 litre containers for recycling. Refuse storage will be required by condition to ensure enough provision is provided.
- 4.12 In light of the above, it is considered that the proposed development is contrary to policies KP2 and CP4 of the Core Strategy, policies H5 and C11 of the Borough Local Plan together with guidance contained within the Design and Townscape Guide SPD1.

Traffic and transportation

Planning Policy Statement 1, Planning Policy Guidance Note 13; DPD1 (Core Strategy) policies KP2, CP4, CP3; BLP policies T8, T11; EPOA Parking Standards and the Design and Townscape Guide SPD1.

- 4.13 The access to the site is as with the previous applications and leads southwards past parking bays and a garage serving plot 7, round the bend past plot 16. The Highways Officer states that the access is very substandard and some issues of passing and delay will arise. However, it should be noted that the road has been previously deemed acceptable following the approval of SOS/06/00146/FUL for 18 dwellings. No impact on the existing highway is anticipated. The vehicle crossing onto the A127 Prince Avenue should be reinstated by condition and the officer further states that a Section 278 agreement will be required in relation to the offsite parking bay on the A127 service road and yellow lines on the south side of the service road.
- 4.14 The parking provision includes 1 garage per dwelling or drive through area leading to the rear of the dwellinghouses (i.e. plots 14 and 15) together with three additional parking bays for visitors. The applicant points out that this is a sustainable location and the parking comply with the council's standards. Provision for cycle parking is not shown and in accordance with the EPOA Vehicle Standards (2001) cycle provision is not required when garages are proposed to serve dwellinghouses given that the cycles could potentially be accommodated within the garages or within the houses/curtilage themselves. In light of the above, the parking provision accords with the EPOA Vehicle Parking Standards.

- 4.15 Overall, although the access is substandard no objections have been raised in principle to the proposed layout and it should be noted that previously approved applications have had similar vehicular access.

Impact on residential amenity

Planning Policy Statement 1; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5 and the Design and Townscape Guide SPD1.

- 4.16 The proposed development is 8.1m – 9.6m high. The separation distances between the rear of the proposed dwellings and the rear of existing dwellings surrounding the site include 35.5m to the north, 19m-29m to the east, 15m to the south and 22m to the west. Given the length of the existing gardens of properties surrounding the site at least 15m it is considered sufficient to mitigate against any potential overlooking.
- 4.17 No windows are proposed to the first floor flank elevations, which is considered to mitigate against any potential overlooking or loss of privacy and given the design and a condition, could ensure that no further windows are added to the development without formal planning permission.
- 4.18 In terms of impact on properties along Prince Avenue, the number of vehicle movements entering the site will obviously increase given the nature of the proposal, however the separation distances between the rear of existing properties and the proposed development are considered to mitigate against any potential noise or disturbance. It should be noted that the previous use of vehicle related uses would have had a significant noise impact by reason of a noise generator; in light of this the proposed residential use is acceptable.
- 4.19 The proposed internal stacking arrangement and room standards are considered acceptable and adhere to the guidance within the Design and Townscape however, not all rooms are considered to have sufficient natural ventilation and daylight to an adequate size for their function with reference to the second floors of plots 4-7, which could potentially harm the residential amenities of any future occupiers.
- 4.20 In light of the above, it is considered that the proposed development will not have any adverse impact on existing amenities of nearby residential occupiers.

Sustainable Construction

Planning Policy Statement 1, Planning Policy Statement 22, Planning Policy Statement 25; DPD1 (Core Strategy) policies: KP2, CP4, SO15, SO17; Borough Local Plan and the Design and Townscape Guide SPD1.

- 4.21 National guidance and relevant planning policy statements together with the East of England Plan, Policy KP2 of the Core Strategy and the Borough Local Plan advocate the need to ensure design maximises the use of sustainable renewable resources in the construction of development. It also states that all development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources and at least 10% of the energy needs of new development should come from on-site renewable options.
- 4.22 The design and access statement accompanying this application refers to construction methods and measures to be taken in order to assist achieving sustainable development including where materials will be sourced, water conservation in the form of low water usage appliances, energy efficiency, insulation, site waste, noise reduction and minimising car use.
- 4.27 The applicant has failed to submit evidence that the proposal will provide at least 10% of renewable energy needs from on site renewable sources. Given the nature of the proposed development by reason of size this requirement should form part of the design stage to ensure it is achievable and compatible with the overall design.

Developer Contributions

Planning Policy Statements: PPS1, PPS 6, PPS 22; PPS 23, Planning Policy Guidance Note 13; DPD1 (Core Strategy) policies KP3, BLP policies: U1.

- 4.28 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”.

Highways improvements

- 4.29 In order to make the development acceptable in highways terms it is considered a contribution toward public transport is required. Bus infrastructure in the area is below current standards. The total cost of upgrading bus stops in the vicinity of the site is estimated to be in excess of £80,000. A contribution of £20,000 towards upgrading this would be required and is deemed to be reasonable and necessary to encourage sustainable travel. This is considered proportionate to the development.

Affordable Housing Provision

- 4.30 Core Strategy CP8 states that all residential proposals 10-49 dwellings will require not less than 20% of total numbers of units on site to be affordable. In this instance 3 Units (20%) will be required (i.e. 2x 3bed Dwellings, 1 x 4bed Dwelling). All housing would be required to Homes Communities Agency minimum standard required for Affordable Housing and should meet Level 3 or 4 code for sustainable homes.

Education Contributions

- 4.31 This development would fall within the Blenheim Primary and Eastwood High School catchments. Increased birth rates and pupil forecasts indicate that education contributions would be required for the provision of primary, secondary education and post-16. In light of this, £117,354.08 would be required for the contributions towards education, in accordance with DEFES multipliers.

Viability Assessment

- 4.32 A '3 Dragons Development Appraisal' accompanies this planning application stating that it is not viable to develop the site if planning obligations in relation to affordable housing, education and highway contributions are sought, see paragraph 6.17 below.
- 4.33 Independent valuation advice has been sought by officers in respect of the appraisal submitted. The findings will be reported to committee and detailed within the supplementary report when a detailed appraisal of the applicant's submissions has been received from the independent valuation adviser.
- 4.34 An exemption to the Borough Council's usual requirements in respect of planning obligations is only likely to be made in exceptional circumstances. For example, if it is essential that a key site be developed in the near future in the interests of regeneration. In this instance, in light of the fact that according to the 2009 Annual Monitoring Report the Council is currently exceeding its targets in terms of housing delivery, it is considered that there is no justification to grant a complete exemption to the planning obligations detailed above. Although there may be scope to negotiate the terms of any Section 106 agreement this application has been determined on the basis upon which it was submitted i.e. that the applicant is unwilling to meet any planning obligation requests. Further information will be provided however.

5 Planning Policy Summary

- 5.1 Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Guidance Note 3 (Housing), Planning Policy Guidance Note 13 (Transport)

- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision)
- 5.3 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations, T8 (Traffic Management and Highway Safety), T11 (Parking Standards), C14 (Trees, Planted Areas and Landscaping), H5 (Residential Design and Layout Considerations)
- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5 EPOA Vehicle Parking Standards (2001)
- 5.6 Waste Management Guide

6 Representation Summary

Design and Regeneration

6.1 Local Character

This is a backland site surrounded by a residential area and close to the A127. There are two different eras of family housing surrounding the site but which have a number of common characteristics. Those on Bridgewater Drive and Prince Avenue are older more traditional dwellings than those in Exford Avenue and Mendip Crescent but they are consistent in the fact that they are all small terraces with good sized gaps between, they are set on a consistent building line, they are of a regular design with simple roof forms, consistent ridge heights and strong fenestration including double height bay windows. There are also some variations in their characters such as materials, exact window design, forecourt design and roof form but the consistencies make for a strong character in this area. It is also noted that the landscaping and particularly trees in this area are an important part of the townscape and make a valuable contribution to local character.

6.2 Proposed Development

This site is within an area of family housing and therefore the principle of housing on this site is would be compatible with local character and is welcomed. The scheme should make positive reference to the key aspects of local character outlined above.

6.3 Layout

There are concerns that the overall layout is not respectful of local character. In particular the lack of a consistent building line, the preference for detached and semi detached houses to short terraces and the lack of landscaping within the streetscene are out of character with the surrounding area. In addition to these issues there is concern that the overall feel of the development will be one dominated by car parking and hardstanding which will take precedent over the houses. Overall a layout better reflected the grain of the surrounding area would be more appropriate.

6.4 Elevations

The elevations have not picked up on key aspects of local character either - the uniformity of design, simple roof forms and the strong fenestration are not reflected in the overall design approach. Overall the fenestration is uninspiring and does not help to add enliven or add quality to the development.

In terms of design detail there are a number of conflicts such as where kitchen units are located in front on front windows, which will cause the window to be shortened, the variation of roof pitches uses and the dominance of the garages, which are of concern. With regard to the garages there is an awkward join between the garages for plots 11 and 12 and the 'though garage' arrangement for plots 14 and 15 will create unattractive voids in the streetscene.

6.5 Conclusion

Overall this scheme does little to reference local character and is not a high quality design in its own right.

6.6 Sustainability

This proposal must comply with Core Strategy Policy KP2 which requires that all new development be of sustainable construction and that at least 10% of energy needs are provided by on site renewables. There is no evidence of this in the application. Applications of this size need to consider this requirement at the design stage to ensure it is achievable and compatible with the overall design.

Highways

6.7 No objections in principle however, the access road appears substandard and some issues of passing and delay will arise. The access road will therefore not be acceptable for adoption however no impact on the existing highway is anticipated.

6.8 The vehicle crossing onto the A127 Prince Avenue should be reinstated by condition.

- 6.9 A Section 278 agreement will be required for the off site parking bay in the A127 service road. A TRO for double yellow lines will be required on the south side of the service road and will need to be included in the detailed design of the service road works and secured within the Section 278 agreement.
- 6.10 Vehicle access in the previous schemes was resisted directly to and from Prince Avenue on road safety and traffic flow grounds (Policy T8). The applicant's choice was to take vehicle access from the end of the service road in front of 648 to 656 Prince Avenue. It will be necessary in order for this access to work properly to relocate the parking which currently occurs in front of 648 to 656 Prince Avenue. This was previously planned to be relocated at the applicant's expense on a new lay by to be sited on the north side of this access road. Whilst this is not ideal, it was regarded as being acceptable.
- 6.11 A new access from Mendip Crescent was preferred from the highway and traffic point of view. Should a similar approach to vehicular access be taken as was taken in the earlier applications, an 8 metre square passing and turning area was required to be provided and maintained for passing at the side of no. 662 Bus infrastructure in the area is below current standards. The total cost of upgrading bus stops in the vicinity of the site is estimated to be in excess of £80,000. A contribution of £20,000 towards upgrading this would be required and is deemed to be reasonable and necessary to encourage sustainable travel.

Environmental Health

- 6.12 The application site was formerly occupied by a Coachworks and vehicle repairs site and is thus considered to be potentially contaminated. A Site Investigation report from October 2008 has been included as part of this application. This outlines recommended remediation works which are required; these actions shall be carried out appropriately.
- 6.13 A certificate of suitability for the permitted end use of the site should be submitted to Development Control before discharge of the condition.
- 6.14 In order to avoid the occurrence of noise nuisance it is necessary to ensure the sound insulation properties of each residential unit are of an adequate standard.
- 6.15 During the construction phase noise issues may arise, therefore conditions will be required to control hours of working.

Affordable Housing

- 6.16 Adult & Community Services do not feel that the Development Appraisal Tool carried out by Glenny gives a true balanced account of the viability of the proposed development, and the supply of affordable housing, In order to meet housing needs inline with the Borough's, Core Strategy DPD, we would require Affordable Housing to be included, and which would also reflect the broad mix of accommodation in accordance with the Thames Gateway SHMA, August 2008.

Proposed number of units:- 16 units,
Core Strategy DPD Requirement:-3 Units (20%)
i.e. 2x 3bed Dwellings, 1 x 4bed Dwelling.

[Officer Comment: Please refer to the viability assessment in paragraphs 4.32-4.34 above].

- 6.17 As the plans do not give clear indication of unit sizes, we would advise that the units must meet HCA minimum standard required for Affordable Housing, for more information regarding Design & Standards for Affordable Housing, contact:- Ken Caldwell, HCA, Block 2, Suite 3 Westbrooke Centre, Milton Rd, Cambridge, CB4 1YG.

All Affordable Housing should meet Level 3 or 4 code for sustainable homes.

Director of Children and Learning

- 6.18 £117,354.08 would be required for the contributions towards education.

Asset Management

- 6.19 No comments received.

Parks and Open Spaces

- 6.20 No comments received.

Strategy and Planning

- 6.21 No comments received.

Anglian Water Services Limited

- 6.22 The applicant is advised to contact Anglian Water in relation to the appropriate section of the Water Industry Act 1991 in relation to assets affected, water resource zones, water supply network, foul sewerage system, surface water system, wastewater treatment, trade effluent.

The Airport Director

6.23 No objections.

Environment Agency

6.24 Based upon the information provided within the Environmental Site Investigation Report prepared by REC Limited and given the geological and hydrogeological conditions associated with the site, the proposed development is unlikely to pose a significant risk to controlled waters would respect to the presence of contamination.

Essex Badger Protection Group

6.25 There is a possibility of a badger set within the area and badgers do visit the land and some residential gardens adjoining the area.

6.26 A full survey will be required to establish the overall impact such a large development may pose to the existing badger population.

EDF Energy

6.27 No comments received.

Essex and Suffolk Water

6.28 No comments received.

Public Consultation

6.29 49 neighbours have been notified of the proposal and 4 site notices displayed on the 4th June 2010. Two letters of objection have been received stating:

- The proposed development by reason of height and proximity to the boundary will have an adverse impact on residential amenity.
- The proposal will result in the loss of sunlight and daylight.
- The development will affect the value of the properties. **[Officer Comment: This is not a material planning consideration].**
- The slip road has been used for parking for residents over 25 years and will have an adverse impact on the area in terms of loss parking.

7 Relevant Planning History

7.1 SOS/08/00409/FULM- Erect 14 two storey and 4 three storey dwellings with associated garages, parking, gardens, hardstanding and turning areas and 1 block of three garages and form access road from slip road- Withdrawn 16th June 2008

- 7.2 SOS/07/01182/FULM- Demolish warehouse, industrial units, 311 Bridgwater drive, 660 prince avenue, erect two storey building comprising one self contained flat with integral garage and car ports to ground floor, a 3 storey detached house and 4 part single, part 2, part 3 storey terraces comprising 22 houses with associated garages, parking, gardens, hardstanding and turning areas and 2 detached double garages and form access road from slip road- Refused on the 15th October 2007 and subsequently dismissed at appeal.
- 7.3 SOS/06/00146/FUL- Demolish warehouse, industrial units, 311 Bridgwater drive, 660 prince avenue, erect one 3 storey detached house and four 3 storey terraces totalling a further 17 dwellinghouses with associated parking, gardens, hardstanding and turning areas; form access road from slip road and lay out parking strip fronting 648-656 prince avenue- Granted 13th September 2006
- 7.4 SOS/05/01664/RES- Demolish warehouse, industrial units, 311 Bridgwater Drive, 660 Prince Avenue, erect one 3 storey block and one part 2/part 3 storey block comprising a total of 28 flats, with refuse store and amenity areas, lay out parking spaces, form access road from slip road and lay out parking strip fronting 648-656 Prince Avenue (Amended Proposal) (Reserved Matters)- Approved reserved matters 6th March 2006
- 7.5 SOS/05/01368/OUT- Demolish warehouse/industrial units / 311 Bridgwater Drive, erect two blocks comprising of 28 flats, lay out parking including space for 656 Prince Avenue and parking strip, close vehicle accesses to Prince Avenue / Bridgwater Drive and form vehicular access from slip road (Renewal of outline planning permission SOS/01/00593/OUT granted on appeal dated 03/01/03) (OUTLINE)- Withdrawn 2nd January 2007
- 7.6 SOS/05/01117/OUT- Demolish warehouse, industrial units, 311 Bridgwater Drive, 660 Prince Avenue, erect four 2 storey blocks with roof accommodation of 38 flats, lay out 48 parking spaces, amenity areas and form access road onto slip road (Outline)- Refused 4th November 2005
- 7.7 SOS/05/00987/RES- Demolish warehouse, industrial units, 311 Bridgwater Drive, 660 Prince Avenue, erect one 3 storey block and one part 2/part 3 storey block comprising a total of 28 flats, with refuse store and amenity area, lay out parking spaces, form access road from slip road and lay out parking strip fronting 648-656 Prince Avenue (Amended Proposal)- Withdrawn 4th October 2005
- 7.8 SOS/05/00316/FUL- Demolish warehouse, industrial units, 311 Bridgwater Drive, 660 Prince Avenue; erect 3 storey block comprising 42 flats with basement parking, refuse, cycle stores and amenity area, lay out parking spaces, form access road from slip road and lay out parking strip front 648-656 Prince Avenue (Amended Proposal)- Refused 7th June 2005

- 7.9 SOS/03/01592/FUL- Demolish warehouse, industrial units, 311 Bridgwater Drive, 660 Prince Avenue; erect 3 storey block of 48 flats including 10 affordable units with basement parking, refuse and cycle store; form access road from slip road- Withdrawn 8th November 2004
- 7.10 SOS/02/00746/OUT- Demolish warehouse/industrial units and 311 Bridgwater Drive; erect 2 storey blocks of 28 sheltered flats with vehicular access off Prince Avenue, lay out parking and close accesses to Bridgwater Drive (Outline-Alternative)- Withdrawn 10th June 2003
- 7.11 SOS/02/00745/OUT- Demolish warehouse/industrial units and 311 Bridgwater Drive; erect 2 blocks with a total of 20 flats with vehicular access off Prince Avenue, lay out parking and close accesses to Bridgwater Drive (Outline-Amended)- Withdrawn 10th June 2003
- 7.12 SOS/01/00593/OUT- Demolish warehouse/industrial units/ 311 Bridgwater Drive: 2 blocks total 28 flats; lay out parking including space for 656 Prince Ave and parking strip; close vehicle accesses to Prince Ave/Bridgwater Drive; form vehicular access from slip rd- Refused 21st March 2002 and allowed on appeal 3rd January 2003

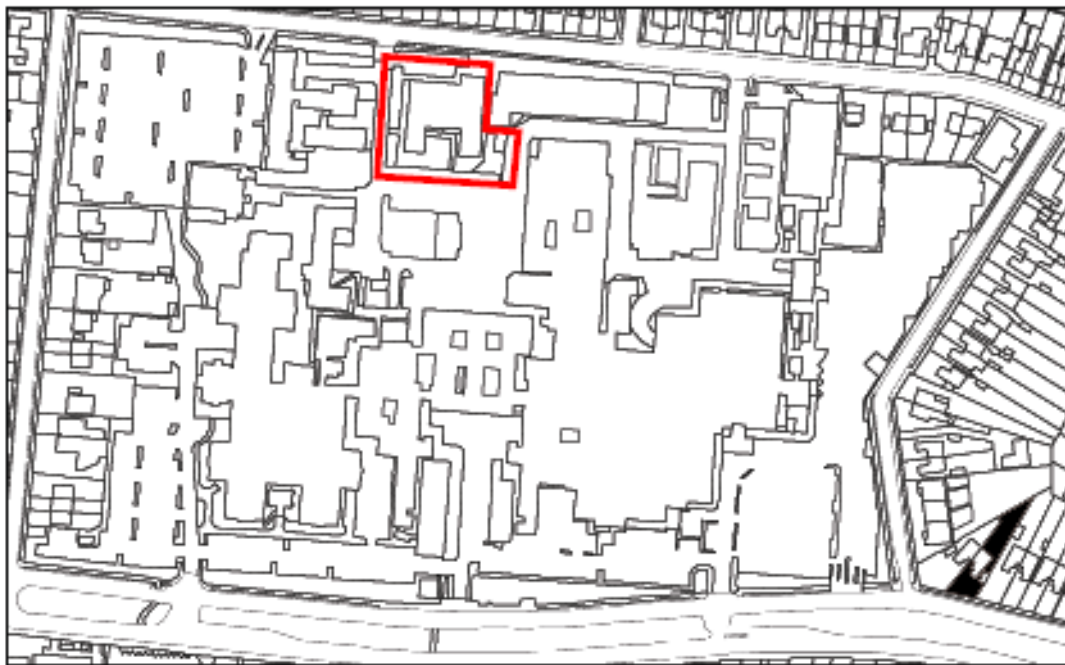
8 Recommendation

Members are recommended to:

8.1 REFUSE PLANNING PERMISSION subject to the following conditions:

- 01 The proposed development by reason of its bland, uninspiring and poor design quality lacks context with its surroundings and would be detrimental to the character and appearance of the area, contrary to Policies KP2 and CP4 of the Core Strategy, policies H5 and C11 of the Borough Local Plan and advice contained within the Design and Townscape Guide SPD1.**
- 02 The proposed development, by virtue of the failure to address sustainable construction and design issues and the use of renewable energy resources, is contrary policy KP2 of the Core Strategy (DPD1).**
- 03 In the absence of a signed legal agreement and the applicant's refusal to provide planning obligations, the proposed development fails to:-) provide affordable housing in accordance with policy CP8 of the Core Strategy (DPD1), ii) mitigate the impact on education provision within the vicinity of the site, and iii) mitigate the increased demand on public transport facilities within the locality. As such, the proposal would fail to meet local housing needs and adversely impact on local community infrastructure, contrary to Planning Policy Statement 3, and policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (DPD1).**

Reference:	SOS/10/01096/FULM
Ward:	Prittlewell
Proposal:	Remove condition 06 of Planning Permission 09/00782/FULM dated 17/10/09 which states a scheme detailing how at least 10% of the total renewable energy needs of the development will be supplied
Address:	Southend Hospital, NHS Trust, Prittlewell Chase, Westcliff-on-Sea, Essex, SS0 0RY
Applicant:	Southend University Hospital NHS Foundation Trust
Agent:	LSI Architects LLP
Consultation Expiry:	22 nd July 2010
Expiry Date:	7 th September 2010
Case Officer:	Janine Argent
Plan Nos:	Not applicable
Recommendation:	Approve



1 The Proposal

- 1.1 Permission is sought to remove condition 06 of Planning Permission 09/00782/FULM dated 17/10/09 which states *“a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the occupation of the new extension to the education facilities at Southend University Hospital. This provision shall be made for the lifetime of the development”*.
- 1.2 This application has been submitted following the approval of the extension to the existing education facilities at Southend Hospital by Development Control Committee on the 7th October 2010, whereby a condition was imposed to ensure 10% of total energy needs of the development will be supplied using on site renewable sources in accordance with Policy KP2 of the Core Strategy.

2 Site and Surroundings

- 2.1 The main access point to the Southend University Hospital is located on Prittlewell Chase to the south, Cardigan Avenue to the west, Carlingford Drive to the north and Hillborough Road to the east. There are six main vehicular access points to the site, four off Prittlewell Chase and two off Carlingford Drive. The A & E access is off Prittlewell Chase and the hospital is easily accessed by public transport being in proximity to bus stops and railway stations.
- 2.2 There are currently 30 blocks on site, of different periods and architectural styles. Site levels rise from east to west along Prittlewell Chase by approximately 2.4m and along Carlingford Drive by approximately 4.6m.

3 Planning Considerations

- 3.1 The main considerations in this case is whether the condition continued to serve a proper planning purpose and if it is appropriate to remove the condition in the light of the existing planning policies.

4 Appraisal

Sustainable Construction

Planning Policy Statement 1, Planning Policy Statement 22; DPD1 (Core Strategy) policies: KP2, CP4, SO15, SO17; Borough Local Plan Policy C11 and the Design and Townscape Guide SPD1.

4.1 National guidance and relevant planning policy statements together Policy KP2 of the Core Strategy and the borough local plan advocate the need to ensure design maximises the use of sustainable and renewable resources in the construction of development. It also states that all development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources and at least 10% of the energy needs of new development should come from on-site renewable options.

4.2 An Energy Statement/Sustainability Appraisal accompanied planning application SOS/09/00782/FULM including details of energy usage and surface water drainage. The details provided were considered insufficient and further detail was required therefore condition 6 was imposed stating:

“A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the occupation of the new extension to the education facilities at Southend University Hospital. This provision shall be made for the lifetime of the development”.

4.3 The applicant contends that the new education extension building has been designed to minimize the need for air conditioning of the building in most rooms. The building is a high thermal mass structure with exposed concrete ceilings. Natural ventilation is provided using a passive stack throughout the building. The ventilation is controlled via Trend Energy Management System (BMS) controlled louvers over most external windows. The structure is cooled during the night via the BMS system, keeping the internal daytime temperatures within accepted levels. Solar shading has been incorporated on the south and west elevations to minimise heat gains in the summer months. The aforementioned measures would reduce the cooling load of the plant and therefore energy consumption of the building. It should be noted that the existing building will be thermally upgraded and include the replacement of the existing single glazed windows with new double glazed windows to mitigate for the lack of renewable energy sources on site.

4.4 A Hospital Energy Statement accompanies this planning application stating that Southend Hospital University NHS Foundation Trust (SHUFT) has considered its energy usage and investment in the hospital’s heating and domestic hot water supplies, taking into consideration the national sustainability agenda and central government policies which require the public sector to reduce carbon dioxide emissions. The statement states *“The NHS is required to reduce the existing levels of primary energy, consumption by 15% based on its 1999-2000 baseline. The Trusts current primary energy consumption is 182,367GJ, 27% higher than its 1999/200 baseline”.*

4.5 The hospital site is unlike other development within the borough as all parts of the hospital are interlinked and energy supply is dependant on other parts of the site. As such, it is considered the policy requirements for sustainable development need to be looked at in respect of the whole of the site.

- 4.6 It is evident from the energy statement provided that there is a programme of works underway to reduce the carbon emissions and improve energy efficiency of the hospital as a whole including mechanical infrastructure works and building fabric works.
- 4.7 Improving the infrastructure systems and energy efficient will enable the improvement of boiler efficiency from the current level of 54% to 86%. The reduction of carbon emissions and improve energy management further by insulating buildings, replacing new windows together with the support of an environmental management policy. The works have been carried out since 2008/2009 and will be completed 2013-2014 in line with the Carbon Trust Model to improve the patient's environment but also reduce carbon emissions.
- 4.8 In light of the above, it is considered acceptable to remove condition 6 imposed on planning application SOS/09/00782/FULM, given the supporting information provided, which clearly indicates the hospital are working towards reducing carbon emissions as a whole given that all the buildings are interlinked.

5 Planning Policy Summary

- 5.1 National Policy Guidance Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Guidance Note 13 (Transport), Planning Policy Guidance 24 (Noise), Planning Policy Statement 23 (Planning and Pollution Control), Planning Policy Statement 22 (Renewable Energy), Planning Policy Statement 10 (Planning and Waste Management)
- 5.2 Core Strategy DPD1 (2007) Policies KP2 (Development Principles), CP4 (Environment and Urban Renaissance), CP6 (Community Infrastructure)
- 5.3 Borough Local Plan policies C11 (New Buildings, Extensions and Alterations), C14 (Trees Planted Areas and Landscaping), E5 (Non-residential uses located close to housing), T8 (Traffic Maintenance and Highway Safety), T11 (Parking Standards), U2 (Pollution Control), U4 (Southend Hospital), U5 (Access and Safety in the Built Environment)
- 5.4 Design and Townscape Guide SPD1 (November 2009)
- Representation Summary

6 Design and Regeneration

- 6.1 The statements have demonstrated that the hospital site is unlike other development sites in the Borough as all parts of the hospital are interlinked and energy supply is dependant on other parts of the site. As such the policy requirements for sustainable development need to be looked at in respect of the whole of the site and not on a piecemeal basis

- 6.2 It is evident from the energy statement that there is a big programme of works underway to reduce carbon and improve energy efficiency of the hospital as a whole and this is welcomed. It is therefore understandable that it will be difficult to require changes in this area on a piecemeal basis. Provided the hospital are committed to this programme of upgrading the site and improving energy efficiency it can be argued that policy KP2 should be applied in a more flexible way.
- 6.3 In addition to the general programme of improvements, this new building has been designed to with natural passive stack ventilation and solar shading which is welcomed.

7 Public Consultation

- 7.1 19 neighbours notified and a site notice displayed on the 23rd June 2010. No representations have been received.
- 7.2 This application has been called into Development Control Committee by Councillor Velmurugan.

8 Relevant Planning History

- 8.1 SOS/10/00590/AD- Application for approval of details pursuant to conditions 3 (Landscaping) 4 (Ramps/Rails) 5 (External Lighting) 6 (Renewable Energy) 7 (Drainage) and 10 (Refuse Storage) of planning permission 09/00782/FULM- Part grant and part refuse. Conditions 3, 4, 5, 7 and 10 granted and condition 6 refused. 19th May 2010.
- 8.2 SOS/09/00782/FULM to erect three storey extension to south elevation, and conservatory to north elevation to provide exhibition, seminar, meeting, training and office facilities for Education Centre, install extract ducting on roof and realign footpath granted planning permission on the 8th October 2010.
- 8.3 SOS/08/01666/FULM sought consent to erect part single/part two/part three storey extension to provide exhibition, seminar, meeting, training and office facilities for Education Centre, install extract ducting on roof and realign footpath granted planning permission on the 10th March 2010.

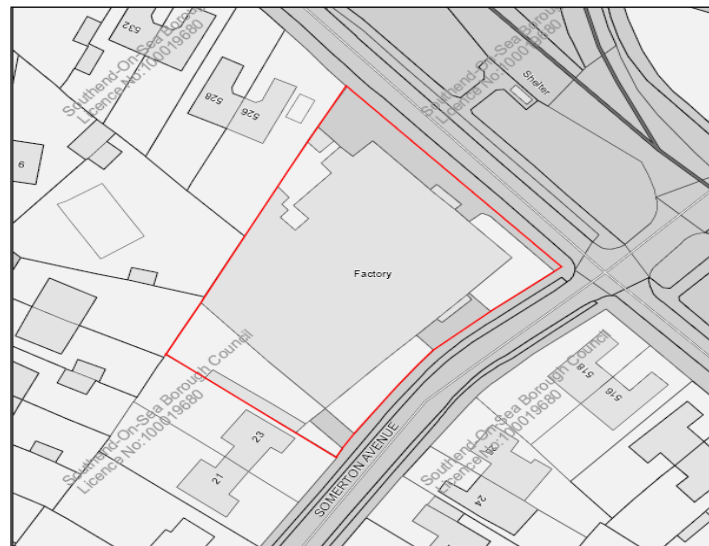
Recommendation

Members are recommended to GRANT PLANNING PERMISSION

Reason for Approval

This permission has been granted having regard to Policy KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance) of the Core Strategy DPD, Policy C11 (New Buildings, Extensions and Alterations), U4 (Southend Hospital) of the Borough Local Plan and advice contained within the Design and Townscape SPD together all other material considerations. The carrying out of the development permitted, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.

Reference:	09/00468/FUL
Ward:	Prittewell
Proposal:	Amended application to extend hours of working to 0700 - 2200 Monday to Friday and 0800 - 1400 on Saturdays, loading and unloading to be restricted to 0800 - 1800 Monday to Friday and 0800 - 1400 on a Saturday (Variation of condition 4 on planning permission SOS/94/0306 dated 1st June 1994, namely "Use light industrial premises (Class B1) as general industrial premises (Class B2)")
Address:	Besafe Ltd, Prince Avenue, Westcliff-On-Sea
Applicant:	PHS BeSafe
Agent:	Ms S Bell of The John Bishop Partnership
Consultation Expiry:	30th April 2009
Expiry Date:	2nd June 2009
Case Officer:	Amanda Rogers
Plan Nos:	6428/1 and 2; Supporting Planning Statement Ref.6428 dated March 2009
Recommendation:	Grant conditional planning permission subject to completion within 6 months of a S106 Agreement



1 Background

- 1.1 This application was previously considered by Development Control Committee on 17 June 2009 and the committee resolved to grant conditional permission subject to completion of a Section 106 Agreement to secure a financial contribution towards strengthening the footway in Somerton Avenue. The application was delegated to officers for the completion of the agreement.
- 1.2 For a number of reasons the completion of the legal agreement has been delayed and although it is now ready to be signed and sealed, an error in the minutes of the 17 June 2009 committee has been noted. As this is an application seeking to vary a condition of an earlier permission, made under Section 73 of the Town and Country Planning Act, all previous conditions need to be imposed on any new permission granted. This was correctly done in the committee report but was unfortunately not followed through to the committee minutes. The case is referred back to committee for an amended committee resolution.
- 1.3 Since last year there have also been two fundamental changes in legislation, namely the revocation of the East of England Plan and the introduction of the Community Infrastructure Levy Regulations, and these changes are addressed below.
- 1.4 The content of the following report is fundamentally the same as that presented to committee on 17 June 2009 and therefore a copy of the original committee report has not been enclosed. However, the supplementary report from 17 June 2009 is included in Appendix 1 and the minutes are included in Appendix 2.

2 The Proposal

- 2.1 The application is for permission to vary condition 4 on planning permission SOS/94/0306 granted on 1 June 1994 to use the premises for general industrial purposes (Use Class B2). Condition 4 of the 1994 permission states that *“Activities may only take place on the land between 08:00 hrs to 18:00 hrs Monday to Friday and 08:00 hrs to 13:00 hrs on Saturdays. No activity is permitted on Sundays or Bank Holidays.”*
- 2.2 The current application seeks to extend the hours of working to 07:00 hrs to 22:00 hrs Monday to Friday and 08:00 hrs to 14:00 hrs on Saturdays, with loading and unloading being restricted to 08:00 hrs to 18:00 hrs Monday to Friday and to 08:00 hrs to 14:00 hrs on a Saturday.
- 2.3 The objective of these extended hours is for the company to accommodate an additional half shift of new workers to deal with new contracts of work awarded to BeSafe. The applicant anticipates that an additional seven jobs would be created as a result of the proposed extensions in hours.

3 Site and Surroundings

- 3.1 The building on this site was originally used by Ekco TV, until about 1970, and then by Telecom Electronics and electric equipment services. The building was mostly vacant between 1984 and 1992. The current commercial laundry use was reported to the Development Control Planning Committee on 15 September 1993, where members decided to take enforcement action, pending further negotiation to restrict the use to one that would be more commensurate with B1 light industrial use.
- 3.2 The building on this site has been in use as a commercial laundry for PHS BeSafe, since planning permission was granted on 1 June 1994 for general industrial purposes (Use Class B2) (SOS/94/0306). The site is located close to the A127 London to Southend Arterial Road, on the south western corner of the junction between Somerton Avenue and Exford Avenue, Westcliff-On-Sea. Exford Avenue is a residential access road, running parallel to Prince Avenue and the A127.
- 3.3 The site adjoins residential properties in Exford Avenue, Dulverton Close and Somerton Avenue, Westcliff-On-Sea. There is a loading bay on the eastern side of the site and one to the rear, for the loading and unloading of soiled laundry and clean laundry for distribution throughout the United Kingdom. The site area is approximately 1,925 square metres. The western wall of the building has no windows or other openings and forms the boundary with no.8 Dulverton Close and the rear of no.256 Exford Avenue. On the south side of the site, a conifer hedgerow marks the boundary with no.9 Dulverton Close and a wooden fence above a concrete base marks the boundary with no.23 Somerton Avenue.
- 3.4 To ensure the protection of residential amenity, six conditions were attached to planning permission SOS/94/0306 granted on 1st June 1994 to use the premises for general industrial purposes (Use Class B2). Condition 1 of this permission requires the installation of plant, machinery or other equipment to cause a maximum noise emission from the building of 65 dBA. Condition 2 of this permission requires air conditioning, extraction or ventilation equipment to be installed following the approval of the Council. Condition 3 of this permission limits the noise levels emitted from all operations. Condition 4 limits the hours of activity on this site. Condition 5 governs the construction of additional on site parking spaces and vehicular access from the adjoining highway. Condition 6 required the boundary treatment between the site and 9 Dulverton Close to be installed following the approval of the Council. These conditions have been carried through to the draft decision letter set out below.

4 Planning Considerations

- 4.1 The main considerations are the principle of extending the hours of working, loading and unloading on this site, the impact of the change in hours on residential amenity, parking and highway safety.

- 4.2 Prior to addressing the main considerations of the case, the matter of the East of England Plan revocation is to be addressed. On 6th July 2010 all Regional Spatial Strategies (RSS) were revoked and therefore the East of England Plan 2008 is no longer a material planning consideration. When the application was considered by committee on 17th June 2009 the following East of England Plan policies were considered relevant to the application:- SS1 (Achieving Sustainable Development), E1 (, E2 (, ETG4 (, T4 (Urban Transport), T9 (Walking, Cycling & Other Transport), T13 (Public Transport Accessibility), T14 (Parking) & ENV7 (Quality in the Built Environment). As the Southend-on-Sea Core Strategy 2007 was drafted and adopted at the same time as the East of England Plan was emerging many of the policies in each of these documents are comparable in their objectives and content. There are no policies within the East of England Plan that were used as a basis for the previous officer recommendation to committee, and the subsequent resolution, that are not mirrored in the Core Strategy and therefore the recommendation and resolution remain unaffected by the revocation of the East of England Plan.
- 4.3 Slight amendments have been carried out to the suggested planning conditions to take into consideration the fact that the 1994 conditions remain applicable but require updating. Conditions 4 and 5 have been updated to relate only to permanent retention of parking facilities and a boundary fence as opposed to submission of details as the original application was approved 16 years ago.

5 Appraisal

Principle of development

National Policy Guidance: PPS23, PPS24 & PPG13; BLP Policies: U2, E1, E4, E5, T8, T11 & T12; Core Strategy DPD Policies: KP2, CP1, CP3 & CP4; Supplementary Planning Document: Design & Townscape Guide.

- 5.1 In determining this application, regard must be had as to whether the principle of extending the hours of working, loading and unloading on this site would have an acceptable impact on neighbouring residential amenity, parking and highway safety.
- 5.2 BeSafe currently employ fourteen full and part time staff on this site, in addition to eight full time and two relief drivers. The proposed change in hours, according to the applicant, would create an additional seven jobs. The building on this site has been in use as a commercial laundry for PHS BeSafe since 1992. Planning permission for the current use of this site was granted on 1 June 1994, with conditions to ensure the protection of neighbouring residential amenity. The Environmental Health Officer has raised no objection to the approval of the extension of hours requested, subject to conditions. Likewise, the Highways and Traffic Engineer has raised no objection to the proposed change in hours.

Residential Amenity

National Policy Guidance: PPS23 & PPS24; BLP Policies: U2 & E5, T8; Core Strategy DPD Policies: KP2 & CP4

- 5.3 The site is intensively used, with bays for loading and unloading to the eastern side and rear of the site. Large washers, dryers and areas for folding and packing are located within the building on this site. Boilers heat the water based in the western section of the building. Recent investment has brought in new quieter machines, located in the central area of the building, away from the outer walls. The premises adjoin residential properties, as do other commercial units along the A127.
- 5.4 Environmental Health officers have raised no objection on the basis of any noise nuisance generated on this site, subject to the noise rating level from any plant machinery being 10dB(A) below the prevailing background noise at the boundary with the closest residential property. Environmental Health officers have also raised no objection to the extended hours of loading or unloading of goods and operation requested with this application.

Traffic and Transport issues

National Policy Guidance: PPG13; BLP Policies: T8, T11, T13 & U2; Core Strategy DPD Policies: KP2, KP3 & CP3; Supplementary Planning Document: Design & Townscape Guide.

- 5.5 There are parking bays to the front of the site, which can accommodate 15 to 20 cars. There are no plans with this application to increase parking provision on this site. In principle, Traffic and Highways officers have raised no objection to the extended hours of loading or unloading of goods and operation requested with this application. The 1994 application showed 18 car parking spaces plus 15 service vehicle spaces and it is recommended that a condition be imposed on any permission granted requiring the retention of these spaces.
- 5.6 Highways have noted that heavy lorries entering the site has caused some damage to the footway on Somerton Avenue in the past and it is anticipated that there could be an increase in risk of damage if this application is approved due to the increased number of service vehicles. It is therefore recommended that the applicant is required to fully fund the strengthening of the footway in Somerton Avenue in order to prevent further damage and the sum of £2,500 is sought to make the development acceptable in highways terms.

Community Infrastructure Levy Regulations

- 5.7 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

The conclusion is that the planning obligation outlined in this report meets all the tests and so constitutes a reason for granting planning permission in respect of application 09/00468/FUL.

6 Conclusion

- 6.1 Subject to completion of the S106 agreement as detailed, it is considered that taking into account the history of the application and the fact that members have previously resolved to grant planning permission, the application is acceptable and therefore planning permission should be granted. However, given the length of time that has elapsed since the application was first considered, it is considered that a clear time limit of six months should be set for completion of the S106 agreement.

7 Planning Policy Summary

- 7.1 National Policies – Planning Policy Statement 23 (Planning and Pollution Control), Planning Policy Statement 24 (Planning and Noise) and Planning Policy Guidance Note 13 (Transportation).
- 7.2 DPD1 (Core Strategy) Policies – KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport & Accessibility) & CP4 (The Environment and Urban Renaissance).
- 7.3 Borough Local Plan Policies – U2 (Pollution Control), E1 (Employment Promotion), E4 (Industry & Warehousing), E5 (Non-Residential Uses Located Close to Housing), C11 (New Buildings, Extension and Alterations), U2 (Pollution Control), T8 (Traffic Maintenance and Highway Safety), T11 (Parking Standards), T13 (Cycling and Walking) and T14 (Public Transport).
- 7.4 Supplementary Planning Document 1: Design & Townscape Guide (2009).

8 Representation Summary

8.1 Traffic & Highways – Heavy lorries entering the site to deliver materials cause problems in Somerton Avenue and the A127 Prince Avenue (old section). With the increase in business it can be expected that there will be greater numbers of delivery lorries. The Highway Authority has had to spend money maintaining damaged footways in the area as a result of this business in the past and it is anticipated that there could be an increase in risk of damage if this application is approved. It is therefore recommended that the applicant is required to fully fund the strengthening of the footway in Somerton Avenue in order to prevent further damage and the sum of £2,500 is sought. Any unspent monies will be returned to the developer.

8.2 Parks & Open Spaces – no response received.

8.3 Environmental Health – no objection raised subject to conditions relating to:-

- The limit of noise nuisance generated on site;
- The limit in hours for loading and unloading of goods;
- The limit in hours of operation requested with this application.

8.4 Adjoining Owners/Occupiers – neighbouring properties were notified, a site notice posted, with 15 responses received objecting to the application on the following grounds:-

- Unlikely compliance with any further planning permission;
- Damage to surrounding footpaths, verges, street signs, litter and bollards;
- Drivers of large delivery vehicles blocking the street and hurling abuse;
- Increased noise and disturbance in a residential area;
- Increased parking stress in the local area;
- Change of use needed for the premises to return to (B1) Light Industrial/Office Use;
- Risk of 24/7 working;
- Exceeding of existing permitted hours;
- Steam pouring into neighbouring gardens.

9.0 Relevant Planning History

9.1 June 1994, planning permission granted for use of premises for “General Industrial” (B2).

9.2 September 2002, planning permission refused increased parking provision and access on to Somerton Road.

10 Recommendation

Members are recommended to:

a) DELEGATE AUTHORITY TO THE CORPORATE DIRECTOR OF ETE, HEAD OF PLANNING & TRANSPORT or GROUP MANAGER OF DEVELOPMENT CONTROL & BUILDING CONTROL to GRANT PLANNING PERMISSION subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following obligations:

- Financial contribution of £2,500 to be used to strengthen the footway in Somerton Avenue

and subject to the conditions set out below.

b) If the above agreement has not been completed within 6 months of the date of committee such that planning permission would have been granted, then the Group Manager of Development Control & Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete a S106 agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the obligations which would have been secured; if so, the Group Manager of Development Control & Building Control is authorised to determine the application and agree appropriate reasons for refusal under delegated authority.

11 Appendices

- 1) Extract from Development Control Committee Supplementary report dated 17th June 2009
- 2) Minutes of 17th June 2009 committee

12 Conditions, Reasons & Informatives

01 Before any plant, machinery or other equipment is installed: a) within the building, where that plant, machinery and equipment has a maximum noise emission level of more than 65 dBA (measured 1 metre from the point of highest noise output), or b) externally of the building and roof structures; the details of its design, siting and acoustic performance shall be submitted to and approved by the Borough Council.

Reason: To safeguard the amenities of nearby residential properties, in particular from noise attributable to the operations carried on at the premises and the associated plant and machinery, in accordance with Policies U2 & E5 of the Southend on Sea Borough Local Plan.

02 Before any new or replacement air conditioning, extraction or ventilation equipment is installed full details of its design, siting, discharge points and predicted acoustic performance shall be submitted to and approved by the Borough Council.

Reason: To safeguard the amenities of adjoining residential properties, in accordance with Policies U2 & E5 of the Southend on Sea Borough Local Plan.

03 The noise level attributable to all operations within the premises shall not exceed an LA90 (1 hour) of 49dB measured at a point 6 metres from the boundary of the premises within the garden of the immediately adjacent to residential premises at 9 Dulverton Close.

Reason: To safeguard the amenities of nearby residential properties, in particular from noise attributable to the operations carried on at the premises and the associated plant and machinery, in accordance with Policies U2 & E5 of the Southend on Sea Borough Local Plan.

04 A total of 18 car parking spaces plus 5 service vehicle spaces must be permanently provided on hardstandings within the curtilage of the site. This provision is to be permanently retained and reserved for the parking of vehicles of occupiers and callers to the premises and not used for any other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjoining residential property, in accordance with Policies U2 & E5 of the Southend on Sea Borough Local Plan.

05 A screen wall or fence, backed with planting, must be permanently provided along the boundary of the site with 23 Somerton Avenue and 9 Dulverton Close unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjoining residential properties, in accordance with Policies U2 & E5 of the Southend on Sea Borough Local Plan.

06 The noise rating level emanating from plant machinery, shall be at least 10dB(A) below the prevailing background at the boundary of the nearest residential property. There shall be no tonal characteristics. .

Reason: To minimise noise nuisance and safeguard the amenities of nearby residential properties, in accordance with Policies U2 & E5 of the Southend on Sea Borough Local Plan and PPS24.

07 The loading and unloading of goods to the premises, shall not take place at all on Sundays and Bank Holidays and not before 08:00 hours on any Monday to Friday, 08:00 hours on any Saturday nor after 18:00 hours on any Monday to Friday, nor after 14:00 hours on any Saturday.

Reason: To minimise noise nuisance and safeguard the amenities of nearby residential properties, in accordance with Policies U2 & E5 of the Southend on Sea Borough Local Plan.

08 The premises shall not be open for use at all on Sundays and Bank Holidays and not before 07:00 hours on any Monday to Friday, 08:00 hours on any Saturday nor after 22:00 hours on any Monday to Friday, nor after 14:00 hours on any Saturday.

Reason: To minimise noise nuisance and safeguard the amenities of nearby residential properties, in accordance with Policies U2 & E5 of the Southend on Sea Borough Local Plan.

Informatives:

01 The applicant is reminded that this permission is separate to the need to comply with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990. For more information, applicants should contact the Council's Environmental Health Officer for more advice on 01702 215812 or at Business Regulation, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ZG.

02 This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a contribution towards strengthening the footway in Somerton Avenue.

Reason for approval:

This permission has been granted having regard to DPD1 (Core Strategy) 2007 Policies KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP3 (Transport & Accessibility) and CP4 (The Environment and Urban Renaissance); Borough Local Plan 1994 Policies: U2 (Pollution Control), E1 (Employment Promotion), E4 (Industry & Warehousing), E5 (Non-Residential Uses Located Close to Housing), C11 (New Buildings, Extension and Alterations), U2 (Pollution Control), T8 (Traffic Maintenance and Highway Safety), T11 (Parking Standards), T13 (Cycling and Walking) and T14 (Public Transport); and SPD1 (Design and Townscape Guide) 2009 and to all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.

Appendix 1: Extract from Development Control Committee Supplementary Report

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SOS/09/00468/FUL

BeSafe Ltd, Prince Avenue, Westcliff-On-Sea.

6 Representation Summary:

Traffic & Highways

Revised representations received: Please insert the following comments in place of "no objection"

Heavy Lorries entering the site to deliver materials cause problems in Somerton Avenue and the A127 Prince Avenue (old section). With the increase in business it can be expected that there will be greater numbers of delivery Lorries. The Highway Authority has had to spend money maintaining damaged footways in the area as a result of this business in the past and it is anticipated that there could be an increase in risk of damage if this application is approved. It is therefore recommended that the applicant is required to fully fund the strengthening of the footway in Somerton Avenue in order to prevent further damage and the sum of £2,500 is sought. Any unspent monies will be returned to the developer. **(Officer's Comment:- The applicant has accepted the principle of making a contribution of £2,500 to the strengthening of the footway in Somerton Avenue, in order to prevent further damage. It is recommended that the applicant is asked to enter into a Section 106 Agreement to secure the contribution of £2,500 and provision is made in that Agreement for any unspent monies to be returned to the applicant).**

8 RECOMMENDATION

Amended as follows:

- 8.1 Members are recommended to GRANT PLANNING PERMISSION subject to completion of a S106 Agreement and the following amended conditions:-

Section 106 Agreement

Financial contribution of £2,500 to be used to strengthen the footway in Somerton Avenue.

Conditions

- 01 The noise rating level emanating from plant machinery, shall be at least 10dB(A) below the prevailing background at the boundary of the nearest residential property. There shall be no tonal characteristics in order to protect amenity.

Reason:

To minimise noise nuisance and safeguard the amenities of nearby residential properties, in accordance with Policies U2 & E5 of the Southend on Sea Borough Local Plan and PPS24.

- 02 The loading and unloading of goods to the premises, shall not take place at all on Sundays and Bank Holidays and not before 08:00 hours on any Monday to Friday, 08:00 hours on any Saturday nor after 18:00 hours on any Monday to Friday, nor after 14:00 hours on any Saturday.

Reason:

To minimise noise nuisance and safeguard the amenities of nearby residential properties, in accordance with Policies U2 & E5 of the Southend on Sea Borough Local Plan.

- 03 The premises shall not be open for use at all on Sundays and Bank Holidays and not before 07:00 hours on any Monday to Friday, 08:00 hours on any Saturday nor after 22:00 hours on any Monday to Friday, nor after 14:00 hours on any Saturday.

Reason:

To minimise noise nuisance and safeguard the amenities of nearby residential properties, in accordance with Policies U2 & E5 of the Southend on Sea Borough Local Plan.

INFORMATIVES

The applicant is reminded that this permission is separate to the need to comply with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990. For more information, applicants should contact the Council's Environmental Health Officer for more advice on 01702 215812 or at Business Regulation, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ZG.

REASON: FOR APPROVAL

This permission has been granted having regard to East of England Plan Policies: SS1 (Achieving Sustainable Development), T4 (Urban Transport), T9 (Walking, Cycling & Other Transport), T13 (Public Transport Accessibility), T14 (Parking) & ENV7 (Quality in the Built Environment); BLP Policies: U2 (Pollution Control), E1 (Employment Promotion), E4 (Industry & Warehousing), E5 (Non-Residential Uses Located Close to Housing), C11 [New Buildings, Extension and Alterations], U2 [Pollution Control], T8 [Traffic Maintenance and Highway Safety], T11 [Parking Standards], T13 [Cycling and Walking] and T14 [Public Transport]; and the Southend on Sea, Design & Townscape Guide 2006 and to all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.

Appendix 2: Minutes of 17 June 2009 Committee

(f) Prittlewell Ward
SOS/09/00468/FUL

An amended application to extend hours of working to 07:00 hrs to 22:00 hrs Monday to Friday and 08:00 hrs to 14:00 hrs on Saturdays, with loading and unloading being restricted to 08:00 hrs to 18:00 hrs Monday to Friday and to 08:00 hrs to 14:00 hrs on a Saturday (Variation of condition 4 on planning permission SOS/94/0306, 1st June 1994 which restricted hours of activity on this site).
BeSafe Ltd, Prince Avenue, Westcliff-on-Sea.

PHS BeSafe
The John Bishop Partnership

Planning Permission GRANTED subject to completion of a S106 Agreement and the following amended conditions:-

Section 106 Agreement

Financial contribution of £2,500 to be used to strengthen the footway in Somerton Avenue.

Conditions

01 The noise rating level emanating from plant machinery, shall be at least 10dB(A) below the prevailing background at the boundary of the nearest residential property. There shall be no tonal characteristics in order to protect amenity.

Reason:

To minimise noise nuisance and safeguard the amenities of nearby residential properties, in accordance with Policies U2 & E5 of the Southend on Sea Borough Local Plan and PPS24.

02 The loading and unloading of goods to the premises, shall not take place at all on Sundays and Bank Holidays and not before 08:00 hours on any Monday to Friday, 08:00 hours on any Saturday nor after 18:00 hours on any Monday to Friday, nor after 14:00 hours on any Saturday.

Reason:

To minimise noise nuisance and safeguard the amenities of nearby residential properties, in accordance with Policies U2 & E5 of the Southend-on-Sea Borough Local Plan.

03 The premises shall not be open for use at all on Sundays and Bank Holidays and not before 07:00 hours on any Monday to Friday, 08:00 hours on any Saturday nor after 22:00 hours on any Monday to Friday, nor after 14:00 hours on any Saturday.

Reason:

To minimise noise nuisance and safeguard the amenities of nearby residential properties, in accordance with Policies U2 & E5 of the Southend-on-Sea Borough Local Plan.

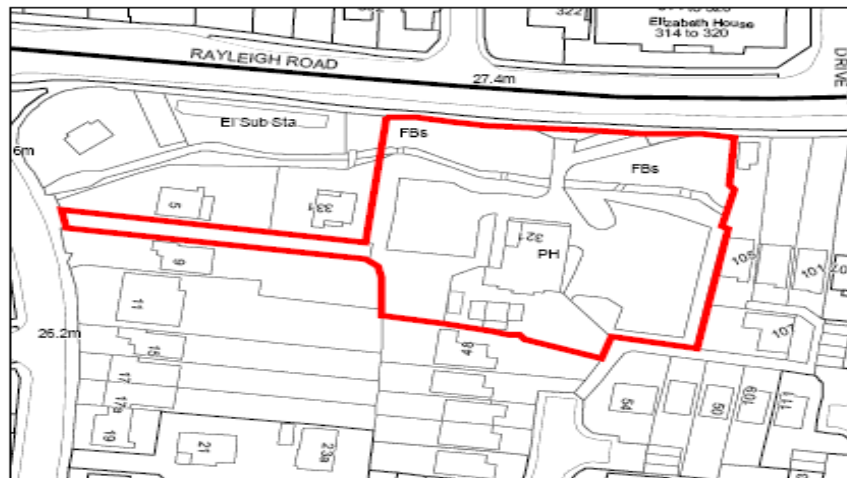
INFORMATIVES

The applicant is reminded that this permission is separate to the need to comply with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990. For more information, applicants should contact the Council's Environmental Health Officer for more advice on 01702 215812 or at Business Regulation, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea SS2 6ZG.

REASON: FOR APPROVAL

This permission has been granted having regard to East of England Plan Policies: SS1 (Achieving Sustainable Development), T4 (Urban Transport), T9 (Walking, Cycling & Other Transport), T13 (Public Transport Accessibility), T14 (Parking) & ENV7 (Quality in the Built Environment); BLP Policies: U2 (Pollution Control), E1 (Employment Promotion), E4 (Industry & Warehousing), E5 (Non-Residential Uses Located Close to Housing), C11 [New Buildings, Extension and Alterations], U2 [Pollution Control], T8 [Traffic Maintenance and Highway Safety], T11 [Parking Standards], T13 [Cycling and Walking] and T14 [Public Transport; and the Southend-on-Sea, Design & Townscape Guide 2006 and to all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.

Reference:	SOS/10/00640/FUL; SOS/10/00641/LBC
Ward:	Eastwood Park
Proposal:	<ol style="list-style-type: none"> 1. Erect Replacement Fence to North Boundary and Existing Brook, Lay Out Seating Area, Install Replacement Windows and Doors to West Elevation (<i>Application "C"</i>). 2. Install Replacement Windows and Doors to West Elevation and Internal Alterations (<i>Application "D"</i>) Listed Building Consent.
Address:	Bellhouse Public House, 321 Rayleigh Road, Eastwood, Leigh on Sea, Essex
Applicant:	East Anglia Pub Company
Agent:	Stone Me Limited
Consultation Expiry:	26/05/2010 (Applications "C & D")
Expiry Date:	17/06/2010 (Applications "C & D")
Case Officer:	Claire Taylor
Plan Nos:	A1-01, 1257-16A, 1257-18, 1257-19A, 1257-20D, 1257-21E
Recommendation:	<p>Application C: Granted Planning Permission</p> <p>Application D: Grant Listed Building Consent</p> <p>The Application was Deferred from the 16th June 2010 Development Control Committee in order to address concerns raised by Members</p>



1 The Proposal

- 1.1 Members will recall these planning applications were deferred at the Development Control Committee at its meeting on 16th June 2010. Members raised concerns regarding the proposal to replace the windows in the existing conservatory with five pairs of French doors on the west elevation of the building. The Committee was of the view the proposed alterations would increase noise levels to neighbouring residents. Subsequently, the proposal has been amended to reduce the number of French doors proposed to three. It should be noted that the recommendations and conditions remain unchanged.

SOS/10/00640/FUL – Application “C”

- 1.2 The application seeks permission to erect replacement fencing to north boundary and existing brook, lay out seating area to the north of the site, including the formation of steps in the north east corner, refurbish the existing footbridges and install replacement windows and doors to the west elevation and installation of a new external door to the cellar of the Bellhouse Public House.

SOS/10/00641/LBC – Application “D”

- 1.3 Listed building consent is sought to install replacement windows and doors to the west elevation and installation of a new external door to the cellar of the Bellhouse Public House, which is a Grade II Listed Building. Consent is also sought for internal alterations comprising a new door into a bar area, blocking up a door into the lavatories, and demolition of a small partition wall in the lavatory area.
- 1.4 It is proposed to install a set of three French doors to the existing conservatory using softwood white painted timber and to install a new rear door to the existing store on the west elevation, which will match the style of the existing entrance door on the front elevation of the property. It is also proposed to use the same materials.

2 Site and Surroundings

- 2.1 The application property relates to the Bellhouse Public House, a Grade II Listed Building, formerly a detached residential property which has been converted into a public house and restaurant. The building is two storeys in height with two small dormer attic windows to the front. The first floor is jettied on the northern elevation which is supported on curved brackets and there are two sets of casement windows with leaded lights.
- 2.2 The garage is located on the southern side of the property. Although the garage itself is not listed, it is nevertheless located within the curtilage of the listed Public House. The garage door faces north onto the rear elevation of the property. The building can no longer be accessed by a car and is now used as a store to serve the public house and restaurant. To the southern end is a toilet block which is no longer in use. To the east is the staff car park and to the west is a small fenced yard currently used for waste storage.

2.3 The application site is located on the southern side of Rayleigh Road and is surrounded by residential properties on all sides. Access to the site is currently from Rayleigh Road to the north over the existing bridge leading to the site's car parking area. There are several trees which are subject to Tree Preservation Orders (TPO's) located around the property providing significant amenity value to the application site. To the rear of the public house is a garage (built in the 1930's). To the front of the site are two amenity areas on either side of the driveway with Eastwood Brook running through the middle.

3 Planning Considerations

3.1 The main considerations in the determination of this application are the impact on the character and setting of the Listed Building, impact on trees, impact on residential amenity, traffic and transportation issues and flood risk.

4 Appraisal

SOS/10/00640/FUL – Application "C"

Impact on the Character and Appearance of the Listed Building

Planning Policy Statement 1, Planning Policy Statement 5; East of England Plan Policy ENV7; DPD1 (Core Strategy) Policies KP2, CP4; Borough Local Plan Policies C2, C11, C14 and E5; and the Design and Townscape Guide SPD1 (2009).

4.1 Consent is sought to install a set of three French doors to the existing conservatory in place of the windows on the west elevation. A new external door to serve the store is also proposed, which will match the design and style of the existing entrance door on the west elevation. The materials used for the French doors and external door are softwood timber to be painted white to give a more traditional appearance. The windows to be replaced by French doors belong to a lean-to conservatory that is considered to be of no special architectural merit or historic interest and therefore there is no objection to their replacement. This view is supported by Essex County Council who state: "the doors are simplified and give a more traditional appearance, with individual panes and horizontal glazing bars; and they are now acceptable".

4.2 Part of the proposed development is to provide additional seating areas to the north of the application site. This will comprise of 19 seats located in the north west corner adjacent to the brook and a further 5 seats, including the formation of steps, located in the north east corner of the site adjacent to the existing main entrance bridge. The seating areas will be accessed using the existing footbridges located on either side of the existing entrance bridge. The seating areas are not considered to impact on the character and appearance of the listed building.

- 4.3 The location of the proposed fencing will be along the northern and southern boundaries of the brook, and on the north east boundary of the of the application site adjacent to Rayleigh Road. The purposes of the boundary fencing are for health and safety reasons, in particular for families and children using the seating area and play areas. An objection has been raised by Essex County Council with regard to the appearance of the proposed fencing. It is considered too heavy in appearance for the site and inappropriate for the setting of a listed building. Therefore, it is considered necessary to impose a condition requiring further details of the proposed fencing to be submitted to the Local Planning Authority prior to commencement of development to ensure there would be no detrimental impact on the character and appearance of the listed building.

Impact on Trees

East of England Plan Policy ENV6; Borough Local Plan Policy C14; and the Design and Townscape Guide SPD1 (2009).

- 4.4 There are several trees covered by TPO'S located within the application site, which provide significant amenity value. It is not proposed to remove any of the existing trees as shown on the existing site plan as part of this application. However, with regard to the location of the proposed fencing, any fence posts located within the root protection areas of the trees as identified in the arboricultural report should be carried out by hand and root severance avoided to ensure there is no material harm to the amenity of existing trees. This can be secured by condition.

Impact on Residential Amenity

Planning Policy Statement 1, Planning Policy Guidance Note 24; East of England Plan Policy ENV7; DPD1 (Core Strategy) Policies KP2, CP4; Borough Local Plan Policies C11 and E5; and the Design and Townscape Guide SPD1 (2009).

- 4.5 It is proposed to replace two of the windows in the existing conservatory with a set of three French doors, which will open onto the existing seating area adjacent to the west elevation of the public house. An objection was raised (to the original applications) by a neighbouring resident with regard to the fitting of doors along the elevation of the conservatory in that it will increase noise levels to neighbouring properties in the summer months. It is considered that given the location of the existing seating and patio area, adjacent to the conservatory, that the proposal it not likely to exacerbate existing noise levels to a degree that would materially harm the residential amenity of neighbouring residents.
- 4.6 The proposal incorporates the formation of a new play area to the north east of the application site. Environmental Health officers have advised that the outdoor play area should not be used after 20.00 hours and be secured after this time. However, given that there is an existing seating area to the north west of the application site, it is not considered reasonable, particularly in the summer months, to impose such a condition.

Flood Risk

Planning Policy Statement 1, Planning Policy Statement 25; East of England Plan Policy WT4; and DPD1 (Core Strategy) Policy CP4.

- 4.7 The site lies within Flood Zone 3, which comprises land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea(>0.5%) in any year. Eastwood Brook runs directly through the site to the north and is located approximately 10m from the Listed Building. The Environment Agency has stated “this application as having a low environmental risk” and therefore it is considered the development satisfies the policies and principles contained within PPS25 and WT4 of the East of England Policies.

Traffic and Transportation

Planning Policy Statement 1, Planning Policy Guidance Note 13; East of England Plan Policies SS1, ENV7; DPD1 (Core Strategy) Policies KP2, CP4; Borough Local Plan Policies T8 and T11; and the Design and Townscape Guide SPD1 (2009).

- 4.8 The seating areas to the front of the application site will be accessed by customers via the existing footbridges over the brook, whilst the existing entrance bridge will be used for cars entering and exiting the site. Therefore, there is unlikely to be any conflict between pedestrians and cars.
- 4.9 To accommodate the seating area in the north east corner of the site, it is proposed to remove the existing slip road off Rayleigh Road. An objection has been raised by a neighbouring resident with regard to the closure of the slip road. However, the slip road is poorly aligned with the main vehicular crossing from Rayleigh Road and consequently is considered unsuitable for the use of vehicles.

SOS/10/00641/LBC – Application “D”

Impact on the Character and Appearance of the Listed Building

Planning Policy Statement 1, Planning Policy Statement 5; East of England Plan Policy ENV7; DPD1 (Core Strategy) Policies KP2, CP4; Borough Local Plan Policies C2, C11, C14 and E5; and the Design and Townscape Guide SPD1 (2009).

- 4.10 The proposed works are for the installation of a set of three French doors to replace the existing windows in the conservatory and a new external door in part of the building to serve the store area on the west elevation of the property. It is also proposed to carry out internal alterations comprising of: a new door into the bar area; block up a door into the lavatories; and, demolish a small partition wall in the lavatory area.

- 4.11 The building is of significant architectural merit and historic interest. The detailed design of the doors has been revised following advice from Essex Country Council so that they have a more traditional appearance with individual panes and horizontal glazing bars which are considered to be more appropriate to the character and appearance of the building. The door proposed on the west elevation of the building is positioned in the mid-twentieth century part of the building and is not considered to affect any historic fabric. There is therefore, no objection to the door subject to agreement to the design details and finishes which can be dealt with by condition.
- 4.12 Essex County Council has raised no objections to the internal alterations given “the exploratory works to open up the areas to be demolished have only revealed modern fabric, and there is therefore no objection to these alterations”. It is not considered the proposed works would be detrimental to the character and setting of the grade II listed building, The Bellhouse Public House.

5 Planning Policy Summary

- 5.1 Planning Policy Statement 1 (Delivery Sustainable Development), Planning Policy Statement 5 (Planning for the Historic Environment), Planning Policy Guidance Note 13 (Transport), Planning Policy Guidance Note 24 (Planning and Noise) and Planning Policy Statement 25 (Development and Flood Risk).
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 5.3 Borough Local Plan Policies C2 (Historic Buildings), C11 (New Buildings, Extensions and Alterations), C14 (Trees, Planted Areas and Landscaping), E5 Non Residential Uses Located Close to Housing) and T8 (Traffic Management and Highway Safety).
- 5.4 Design & Townscape Guide, 2009 (SPD1).

6 Representation Summary

SOS/10/00640/FUL – Application “C” and SOS/10/00641/LBC – Application “D”

English Heritage

- 6.1 This application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

The Environment Agency

- 6.2 The Environment Agency has assessed this application as having a low environmental risk.

Essex County Council

- 6.3 These two applications relate to a variety of proposed alterations affecting the above Grade II listed building.
- 6.4 **Replacement Windows**
The windows in question belong to an unattractive lean-to conservatory to the west side of the pub. There is no objection to the proposal. The doors, as shown in the revised drawing, are simplified and given a more traditional appearance, with individual panes and horizontal glazing bars; and they are now acceptable.
- 6.5 **New External Door**
This door is proposed in the part of the building understood to be a mid twentieth-century part of the building and the door will not affect any historic fabric. There is no objection to the door subject to agreement to design details and finishes.
- 6.6 **Internal Alterations**
These comprise as follows: New door into bar area, block up a door into the lavatories, demolish a small partition wall in the lavatory area. Exploratory works to open up the areas to be demolished have only revealed modern fabric, and there is therefore no objection to these alterations.
- 6.7 At the site meeting a drawing was used that also showed a new window behind the bar. Whilst there is no objection to this, and the wall is unlikely to be of interest, it is not contained within the application.
- 6.8 **Fence and Seating Area**
At a previous site meeting concerns were raised with the appearance of the proposed fence, which is considered too heavy in appearance for the wooded site and inappropriate for the setting of the building. At the time it was suggested that a temporary permission should be sought and a native hedge should be grown instead. It is suggested that either this part of the application should be refused, or alternatively that a condition should be imposed only allowing the fence for three years, giving a fair time for a new hedge to grow and provide an effective barrier. The seating area is not of concern because of its more temporary nature.
- 6.9 There is therefore no objection to any of the works apart from the fence, which should be refused on the grounds that its appearance would be detrimental to the setting of the listed building.
- 6.10 No comments received at the time of writing this report to the revised proposal. However, members will be updated in the supplementary report.

Natural England

- 6.11 Natural England advises the proposals as presented may have the potential to affect species protected under European or UK legislation.

Essex Badger Group

- 6.12 Evidence of badgers on the site has been found and therefore in view of the findings, a further survey should be undertaken before work commences.

Traffic and Highways

- 6.13 The area proposed for the seating areas should only be used via the existing footbridges to ensure that pedestrian customers do not conflict with cars using the existing entrance bridge.
- 6.14 There is a note on the drawing which seems to refer to the public highway being altered. (The note says "Existing tarmac surface and grass verge to be replaced with natural limestone paving and shrubbery to borders"). Details of any proposed highway alterations should not be taken to imply that work on the highway is approved [**Officer comment: The proposed works relate to the closure of the slip road to incorporate the seating area in the north east corner of the application site and do not form part of the public highway**].
- 6.15 There is a slip road off the Rayleigh Road which the application seeks to remove. The slip road is poorly aligned with the vehicle crossing from Rayleigh Road and the private bridge over the brook and consequently appears unattractive to use.
- 6.16 Should permission be granted, the existing vehicle crossing should be removed and the verge and kerb reinstated at the applicant's expense.

Design and Regeneration

- 6.17 This is a listed building. Please see consultation from Essex County Council Historic Buildings Advisor.

Environmental Health

- 6.18 Recommended Conditions:

1. During any Construction and Demolition. No work on site outside the hours of 07:30 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday. No work Sundays and Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties, in accordance with Policy C11 of the Southend on Sea Borough Local Plan

2. During any construction and demolition. No loading or unloading of goods or materials shall take place outside the hours of 07:30 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday. No work Sundays and Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties, in accordance with Policy C11 of the Southend on Sea Borough Local Plan

3. During any Construction and Demolition. Given the site's location to other residential properties no burning of waste material on the site.

Reason: To safeguard the amenities of nearby residential properties, in accordance with Policy C11 of the Southend on Sea Borough Local Plan

4. The play area should not be used after 20.00 and be secured after this time.

Reason: To safeguard the amenities of nearby residential properties, in accordance with Policy C11 of the Southend on Sea Borough Local Plan

[Officer comment: See paragraph 4.6 of the report].

Parks and Open Spaces

- 6.19 The planning application will not have a significant effect on any of the trees on the site. Where the fence posts are within the root protection areas of the trees as identified in the arboricultural survey the work should be carried out by hand and root severance avoided.

7 Public Consultation

SOS/10/00640/FUL – Application “C” and SOS/10/00641/FUL – Application “D”

- 7.1 Neighbours have been re-notified of the proposal and the expiry date for consultation responses is 3 August 2010. The objections referred to in section 7.2 below, relate to the original planning applications. Further neighbouring responses will be reported to members in the supplementary report.

- 7.2 Two site notices have been displayed on 5 May 2010 and fifty nine neighbours notified. Two press notices have also been displayed. One response has been received objecting to the following:

- Concerns over removal of trees and details contained within the arboricultural report.
- There are several fox and badger dens in the area, either on the pub site or in adjacent properties. **[Officer comment: Essex Badger Wildlife Trust has been consulted and evidence of badgers on the site has been found. A condition has been imposed requiring a badger survey to be undertaken prior to commencement of works. Natural England has been consulted and they advise the proposals may have the potential to affect protected species. However, foxes are not a protected species and therefore, it is not considered reasonable to impose a condition requiring a further survey to be carried out].**
- Raises concerns regarding the security of existing fencing within the site.

- The site accommodates a slip road off Rayleigh Road into the pub at busy times, or in the event that the main entrance/exit is obstructed, which is proposed to be converted into one of the seating areas. Removal of the slip road will make vehicular access to and egress from, the pub more problematic and will lead to tailbacks on Rayleigh Road at busy times and therefore should not be removed. **[Officer comment: See paragraph 4.9 of the report].**
- The idea of fitting doors along the elevation of the conservatory will increase noise levels to neighbouring properties in the summer months.

7.3 The applications have been called to Development Control Committee by Councillor Walker.

8 Relevant Planning History

- 8.1 SOS/10/00414/LBC – Demolish garage and lay out parking spaces – pending consideration.
- 8.2 04/01066/FUL – Install entrance ramp to west elevation – approved on 24/09/2004.
- 8.3 04/00987/LBC – Internal alterations to install internal toilet, install entrance ramp to west elevation (listed building consent) – approved 23/09/2004.
- 8.4 87/0895 – Lay out 7 additional car parking spaces – approved 09/09/1987.
- 8.5 D/423/69 – Alterations and additions to form public house and restaurant – approved October 1969.

9 Recommendation

SOS/10/00640/FUL – Application “C”

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

01. Condition:

The development hereby permitted shall be begun no 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. Condition:

No external works shall take place until a full badger survey has been carried out. In the event that badgers are found on or have recourse to the site a report shall be prepared prior to any external works which provides details of the measures to protect the badgers. This report shall be submitted to the Local Planning Authority for approval before any external works can take place. No external works shall take place until such measures have been approved.

Reason:

To ensure satisfactory protection of badgers, in accordance with Policy KP2 of the Core Strategy (DPD1).

03. Condition:

The development hereby permitted shall not be brought into use until the redundant vehicular crossover (onto Rayleigh Road) has been closed unless otherwise agreed in writing with the local planning authority.

Reason:

In the interests of highway safety in accordance with Policy T8 of the Southend on Sea Borough Local Plan.

04. Condition:

Notwithstanding the approved plans, details of the fencing shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and the development shall be carried out in accordance with the approved details and permanently retained unless otherwise agreed in writing.

Reason:

To safeguard the amenities of adjoining residential properties, in accordance with Policy C11 of the Southend on Sea Borough Local Plan.

SOS/10/00641/LBC – Application “D”

Members are recommended to GRANT LISTED BUILDING CONSENT subject to the following conditions:

01. Condition:

The development hereby permitted shall be begun no later than 3 years beginning with the date of this permission.

Reason:

Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02. Condition:

No development shall take place until samples of the materials and finishes to be used on the new doors have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity, in particular having regard to the setting of the Listed Building, in the interests of Policy C2 of the Southend on Sea Borough Local Plan.

10 Reason for Approval

This permission has been granted having regard to Planning Policy Statement 1 (Delivering Sustainable Development) Planning Policy Guidance Note 13 (Transport), Planning Policy Guidance Note 24 (Planning and Noise, Planning Policy Statement 5 (Planning for the Historic Environment); Policies KP2 (Development Principles), CP4 (The Environment and Urban Renaissance) of the Core Strategy DPD; Policies C2 (Historic Buildings), C11 (New Buildings, Extensions and Alterations), C14 (Trees, Planted Areas and Landscaping), E5 Non Residential Uses Located Close to Housing) and T8 (Traffic Management and Highway Safety) of the Borough Local Plan; the Design and Townscape Guide 2009 (SPD1) and all other material considerations.

The carrying out of the development permitted, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.

Reference:	SOS/10/00973/OUT
Ward:	Thorpe
Proposal:	Erect Bungalow & Relocate Existing Garage at Rear & Form Additional Vehicular Access onto Fermoy Road
Address:	115 Parkanaur Avenue, Thorpe Bay, Southend-on-Sea, Essex, SS1 3JD
Applicant:	Keith Oldfield
Agent:	Rylands Associates Limited (David Rylands)
Consultation Expiry:	11 August 2010
Expiry Date:	7 September 2010
Case Officer:	David Colwill
Plan Nos:	Location Plan; Proposed Site Plan TR/D/199/02
Recommendation:	Refuse Planning Permission



1 The Proposal

- 1.1 The proposal seeks outline permission to subdivide the plot and erect a new bungalow in the rear garden of 115 Parkanaur Avenue. The application seeks outline permission only leaving matters of design, internal layout, use of renewable energy sources and other matters reserved. No floor plans or proposed elevations have been submitted. The development would involve the demolition of an existing garage and construction of a new garage adjacent to the revised rear boundary, to serve No. 115. The proposed bungalow is to benefit from a crossover onto Fermoy Road, and front hardstanding parking area, whilst the bungalow would measure 6.0 metres (m) deep by 7.6 m long. It is stated that the bungalow would comprise two bedrooms.

2 Site and Surroundings

- 2.1 The site relates to a two storey detached house located at the junction of Parkanaur Avenue and Fermoy Road. The existing dwelling is a white rendered building with hipped roof sections whilst nearby dwellings to the north on Parkanaur Avenue are chalet style gable fronted semi detached dwellings. There is little streetscene in Fermoy Road, which the proposed bungalow would front on to, as the site relates to the existing rear garden of No. 115 whilst opposite the rear garden of 107 Parkanaur Avenue is also walled.
- 2.2 The existing rear garden of No. 115 is some 33 m deep, which is characteristic of the area where dwellings typically have generous sized rear gardens. The development would see the depth of the garden for No. 115 reduced to 19 m, whilst the width of the site to serve the proposed property would be 14 m. Properties on both sides of Parkanaur Avenue typically benefit from large gardens, as do properties within the residential part of The Broadway, which is located to the south of the junction with Fermoy Road.

3 Main Issues

- 3.1 As the application is outline only, matters such as design, impacts on residential amenities and use of renewable energy sources cannot be considered. The main considerations therefore are the principle of the development, and highway/parking implications.

4 Appraisal

Principle of the Development

Planning Policy Statement 1 (PPS1), Planning Policy Statement 3 (PPS3), DPD1 (Core Strategy) Policies KP2, CP4 and CP8; Borough Local Plan (BLP) Policies C11, H5, H10 and T11, and the Design and Townscape Guide SPD1.

- 4.1 PPS1 and PPS3 are aimed at guiding local authorities in the delivery of sustainable development and housing. PPS1 states that good design is indivisible from good planning. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted. PPS1 continues by stating that development should seek to promote or reinforce local distinctiveness, particularly where this is supported by clear plan policies or supplementary planning documents on design.
- 4.2 PPS3 was most recently revised on June 9th 2010, when the definition of previously developed land was amended. Minimum net housing density targets have also been deleted.
- 4.3 With respect to the issue of residential gardens reclassification, in his announcement of the changes, Decentralisation Minister Greg Clark outlined the proposals as, *“a simple step that will dramatically transform councils’ ability to prevent unwanted development on gardens where local people object and protect the character of their neighbourhoods”*.
- 4.4 Annex B to PPS3 provided a definition of previously-developed land as: - *‘land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure’*.
- 4.5 The revised PPS, whilst maintaining this definition, has added residential gardens to a list of exclusions, the definition now stating: - *‘The definition includes defense buildings, but excludes.... Land in built-up areas such as residential gardens, parks, recreation, grounds and allotments....’* Whilst in settlements, gardens will still be urban or within built up areas, the presumption that arose from their grouping as previously developed land no longer exists.
- 4.6 Additionally, the SPD1 in Chapter 5 states that gardens by their nature are open spaces and their preservation is as important as preserving open space between and around dwellings, as they provide amenity space for the dwelling, rainwater soak up areas and wildlife habitat. There is a general presumption against the redevelopment of existing private gardens where they are a significant part of local character. The Burges Estate is mentioned in particular as an area where front and side gardens are key to its open and leafy character. Piecemeal development of gardens in areas of strong and uniform character would disrupt the grain of development and will be considered unacceptable.
- 4.7 It is clear from recent Central Government guidance that the development of existing gardens will only be considered acceptable in certain circumstances and this is reiterated within the SPD1, which makes special mention of the Burges Estate and its character for open and spacious gardens. It is evident that the character of the area relies on large and open rear gardens, which provide significant amenity not only for residents but also the character of the locality. The proposed bungalow would be on a plot of only approximately one third the size of a typical plot in the area, and would therefore be out of character and against the grain of development in the area.

Additionally, the lack of space within both the front and rear curtilage areas would also be out of character and likely to result in a contrived and cramped layout which would unlikely provide an acceptable quality of internal or external living space. As such, an objection in principle is raised to the proposed development.

Highways and Parking Implications

PPS1, PPG13; DPD1 Policies KP2, CP4, CP3; BLP Policy T11; EPOA Parking Standards and the Design and Townscape Guide SPD1.

- 4.8 The EPOA Vehicle Parking Standards (2001) and PPG13 advise that an average of 1.5 off street parking spaces per dwelling should be provided as a maximum, particularly in urban locations. As 1-2 new parking spaces are proposed, this would meet the standard. Thorpe Bay Station is located some 250 m distant with The roadway shopping parade immediately adjacent. As such, the site is considered to be a sustainable location.
- 4.9 Council's Highways Officer has no objection to the development and as the parking proposed appears to be adequate for its location, no objection is raised to this aspect of the application.

5 Planning Policy Summary

- 5.1 Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Statement 3 (Housing), and Planning Policy Guidance Note 13 (Transport).
- 5.2 Core Strategy Development Plan Document 1 Policies CP3 (Transport & Accessibility), CP4 (Environment & Urban Renaissance), CP8 (Dwelling Provision), and KP2 (Development Principles).
- 5.3 Supplementary Planning Document 1: Design & Townscape Guide (2009).
- 5.4 Southend-on-Sea Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), H10 (Backland Development) and T11 (Parking Standards).
- 5.5 Essex Planning Officers Association (EPOA) Adopted Vehicle Parking Standards (2001).

6 Representation Summary

Adjacent Owners/Occupiers

- 6.1 The consultation period was still running at the time of writing. Any responses received will be reported via a supplementary report.
- 6.2 Councillors Kelly and Woodley called the application in for consideration.

Design & Regeneration

- 6.3 The character of the area is for large open rear gardens. In this section of the streetscene there are no properties facing onto Fermoy Road with its character dominated by brick garden walls, landscaping and some small, detached garages.
- 6.4 The principle of developing this garden is of concern. Developing the garden in this manner would disrupt the character of the area and is therefore discouraged. In addition, the building line is set forward of No. 115 Parkanaur Avenue and the extension of the crossover would be unattractive. Amenity space for the dwelling appears limited.

Traffic and Highways

- 6.5 No objection in principle.

Parks and Open Spaces

- 6.6 No response at the time of writing. To be reported via a supplementary report.

Burges Estate Residents Association

- 6.7 No response at the time of writing. To be reported via a supplementary report.

7 Relevant History

- 7.1 18th November 2003 – Planning permission sought to demolish garage and erect single storey garage and games room to rear (SOS/03/01353/FUL) – Approved.

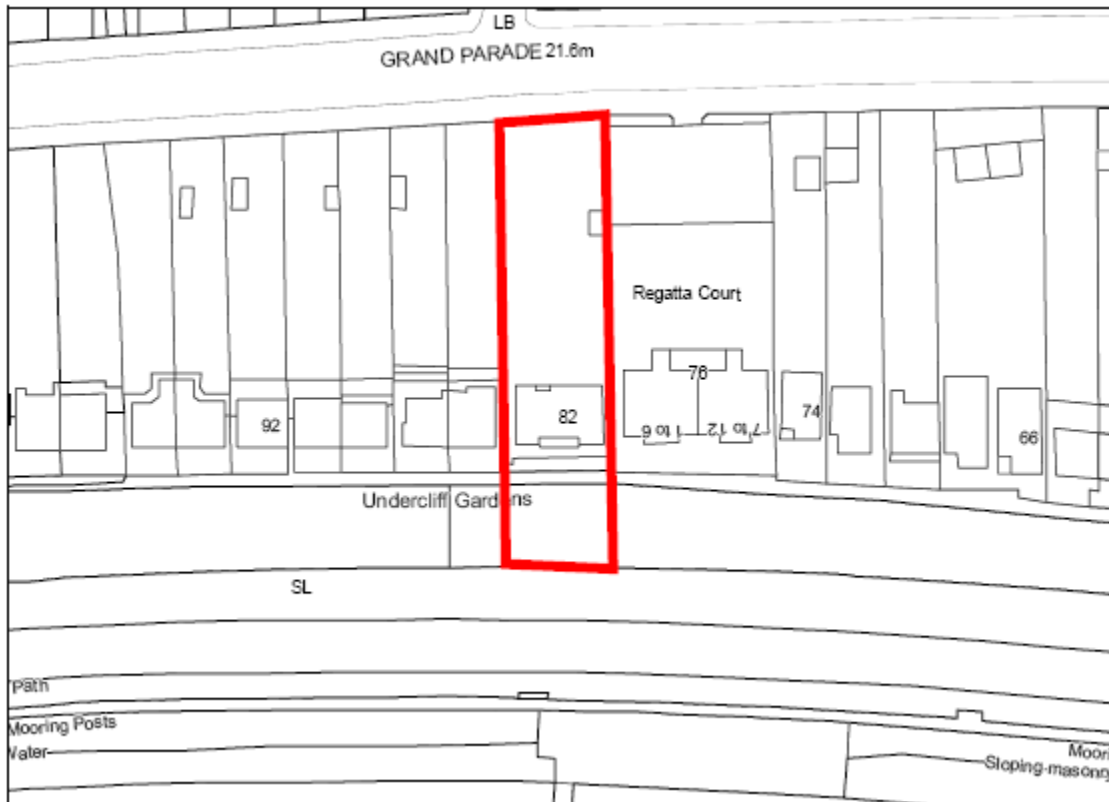
8 Recommendation

Members are recommended to REFUSE PLANNING PERMISSION

Reason for Refusal

The proposed development would be in conflict with the grain of development in the locality and in particular the plot and garden size would be against the general pattern of development. It would result in a development with a cramped appearance, detrimental to the character of the area and contrary to Policies C11, H5 and H10 of the Borough Local Plan, Policies KP2 and CP4 of the Core Strategy, advice contained within the adopted Design and Townscape Guide (SPD1), and Governmental Guidance contained with Planning Policy Statement 1: Delivering Sustainable Development (PPS1) and Planning Policy Statement 3: Housing (PPS3).

Reference:	SOS/10/01023/FUL
Ward:	Leigh
Proposal:	Erect outbuilding with canopy
Address:	82 Undercliff Gardens, Leigh-on-Sea, Essex, SS9 1ED
Applicant:	Mr Day
Agent:	Smith and Metson Architects
Consultation Expiry:	22 June 2010
Expiry Date:	15 July 2010
Case Officer:	Matthew Leigh
Plan Nos:	TP-207 and 3/OS
Recommendation:	Grant conditional permission



1 The Proposal

- 1.1 The application seeks permission to construct a single storey flat roofed out building (garden room) with canopy.
- 1.2 The outbuilding has a maximum width, including the canopy, of 10.1m, a maximum depth of 14.3m and a maximum height of 3.9m.

2 Site and Surroundings

- 2.1 The site is located on the northern side of Undercliff Gardens. The rear of the site abuts the southern side of Grand Parade. It is a regular shaped site having a frontage of some 18m and a maximum depth of some 76m.
- 2.2 A detached house previously occupied the site, the dwelling has since been demolished and a new dwelling is being constructed. Vehicular access is available from Grand Parade. The site slopes steeply up from the front of the site to the rear.

3 Planning Considerations

- 3.1 The key considerations are the design and impact on the character of the area, impact on residential amenity, impact on future occupiers and traffic and parking.

4 Appraisal

Background to the application

- 4.1 A previous application to erect a summerhouse to the northeast boundary of the site (reference SOS/07/00782/FUL) was approved on the 6th July 2007.

Design and Impact on the Character of the Area:

Planning Policy Statement 1, Planning Policy Statement 3; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C7 C11, and C12.

- 4.2 It should be noted that good design is fundamentally important and this is reflected in PPS1 and PPS3 as well as Policy ENV7 of the East of England Plan, policies KP2 and CP4 of the Core Strategy, Policies C11 and H5 of the Local Plan and the Design and Townscape Guide.
- 4.3 The proposal involves the construction a single storey flat roofed garden room. The development would also involve the provision of a balcony and canopy.

- 4.4 The Undercliff Gardens area provides a unique location within the Borough, combining quiet almost traffic free environment with exceptional estuary views. In order to conserve the quality of this area and the generally open undeveloped frontage to Grand Parade with associated estuary views the Council will require all development to:
- Preserve existing estuary views from Grande Parade and adjoining streets
 - Preserve the generally open and undeveloped frontage to Grand Parade
 - Preserve Undercliff Gardens south of the building line as an area free from vehicular traffic and parking
 - Preserve existing gardens areas providing views across the estuary
 - Harmonise new building, extensions and other works within the surroundings
- 4.5 The proposed outbuilding is larger in floor space and area than the previously approved garden room and would include an area previously occupied by a detached garage. The proposed canopy will be attached to retaining walls providing a covered area that is also enclosed on three elevations.
- 4.6 The proposed garden room is modern in design and of a similar style, whilst not being identical to the previously approved garden room. The main dwelling, currently under construction, is modern in design and it is not considered that an objection can be raised in relation to the principle of an outbuilding of a modern design.
- 4.7 At the time of the previous approval a garage was located on site which was adjacent to the proposed outbuilding. The garage has since been removed from the site. It should also be noted that the height of the proposed development is comparable to the previous approval and it is not considered that an objection can be raised as such.
- 4.8 The development is located around 3m below the footpath along Grand Parade and around 10m from the boundary of the site and Grand Parade. Whilst it is noted that the development would increase the amount of area of development within the site it is considered that the development would not have a detrimental impact upon the estuary views from the public vantage point of Grand Parade.
- 4.9 The canopy will be attached to a retaining wall that has already been approved previously. It is not considered that the development, including the proposed canopy, would not have a detrimental impact upon the open undeveloped frontage to Grand Parade, the traffic free environment of Undercliff Gardens or to the gardens to the south of the buildings and therefore is considered to be in accordance with Policy C12 of the Borough Local Plan.

Traffic and Transportation Issues:

Planning Policy Statement 1, Planning Policy Guidance Note 13; DPD1 (Core Strategy) policies KP2, CP4; BLP policies T8 and T11.

- 4.10 The development is not considered to create an increased need for on site car parking provision or be to the detriment of highway safety and therefore no objections are raised to the development in relation to car parking or highway safety.

Impact on Residential Amenity:

PPS1, PPS3; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5 and the Design and Townscape Guide.

- 4.11 The height and location are similar in nature to the extant consent for a summerhouse and it is not considered that the development would lead to an undue impact upon the adjoining residents in relation to overshadowing or dominance.
- 4.12 Whilst it is accepted that the proposed development would reduce the rear garden amenity space provision it is considered that the proposed development would still provide a rear garden amenity space capable of meeting the outdoor requirements of the future occupiers of the site and therefore no objection is proposed in relation to amenity space.

5 Conclusion

- 5.1 The proposed development is similar in nature to a previously approved outbuilding and there are no material changes in planning circumstances since the previous decision. It is considered to be of an acceptable design and in accordance with the Council's Development Plan and Government guidance.

6 Planning Policy Summary

- 6.1 Planning Policy Statement 1, Planning Policy Statement 3 and Planning Policy Guidance Note 13.
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 6.3 Supplementary Planning Document 1: Design & Townscape Guide (2009).
- 6.4 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), C12 (Undercliff Gardens), H5 (Residential Design and Layout Considerations), T8 (Traffic Management and Highway Safety) and T11 (Parking Standards).

7 Representation Summary

Network Rail

7.1 No objection.

Leigh Town Council

7.2 Object – The proposed canopy is an extension of the flat roof of the garden room, with the addition of the new wall and taken as a whole is contrary to saved Policy C12 of the BLP. **[Officers Comment: It is considered that the development is considered to be in accordance with Policy C12. See paragraphs 4.6 and 4.7 above.]**

Structural Engineer

7.3 To be reported.

Society For The Protection Of Undercliff Gardens

7.4 Objection raised – The development is for a pergola to the side elevation of a proposed garden room located to the rear of flats now under construction. The development is not a pergola. Block views from Grand Parade; the applicant has failed to convince us that there would not be any impact upon foreshore vistas. The previously approved plans (SOS/07/00782/FUL) included the reuse of an existing garage, to which the new garden room was to be attached. As the existing garage has now been demolished a planning application for a new garage building is presumably necessary. On 28 June 2007 this Society wrote to Leigh Town Council and Southend Borough Council to object to the construction of the Garden Room which raised matters of principle. i.e. that an application for a garden room in this position should not be approved because it overturns previous policy and precedents that no permanent structures, other than garages, should be constructed on the Grand Parade frontage. By approving the proposed “pergola”, we greatly fear that this developer or his successors will subsequently apply for change of use from garden room and “pergola” to a dwelling, thus creating a precedent on the Grand parade frontage which is contrary to Council Policy. **[Officers Comment: Whilst the continued objections to the development from SPUG are noted the extant consent is a material consideration. The use of the garden room as a separate residential unit would require planning permission, any such application would be belt with on its own planning merits.]**

Public Consultation

7.5 Three letters have been received, which raise the following comments and observations:

- Intrude into the acknowledged southerly aspect from Grand parade
- Public Access was down for a period
- Development to rear of stated address
- Development allowed on site already excessive.
- Views into adjoining gardens
- Additional dwelling
- Development is not a pergola
- Others do not access steps through a room
- Other development overshadows

7.6 The application was called into Committee by Councillor Crystal.

8 Relevant Planning History

8.1 2004 - An application to demolish dwellinghouse, erect three storey detached dwellinghouse with lower ground floor accommodation (Amended Proposal) was approved (SOS/04/01070/FUL)

8.2 2004 - An application to demolish dwellinghouse, erect three storey detached dwellinghouse with lower ground floor accommodation (Amended Proposal) was approved (SOS/04/01578/FUL).

8.3 2005 - An application was to demolish dwellinghouse and erect part 3/part 4 storey block of 3 flats was refused (SOS/05/00602/FUL). This application was allowed at appeal.

8.4 2007 - An application to erect summerhouse to north east boundary was approved (SOS/07/00782/FUL).

8.5 2007 - An application to demolish dwellinghouse and erect part 3/part 4 storey block of 3 flats (amended proposal) was approved (SOS/07/01028/FUL).

8.6 2007 - An application to erect a bin store was refused (SOS/07/01395/FUL).

8.7 2008 - An application to erect a bin store (amended proposal) was approved (SOS/07/01758/FUL).

8.8 2009 – An application to demolish dwellinghouse and erect 4 storey block of 3 self-contained flats was approved (SOS/09/01676/FUL).

9 Recommendation

Members are recommended to:

9.1 Approval, 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.

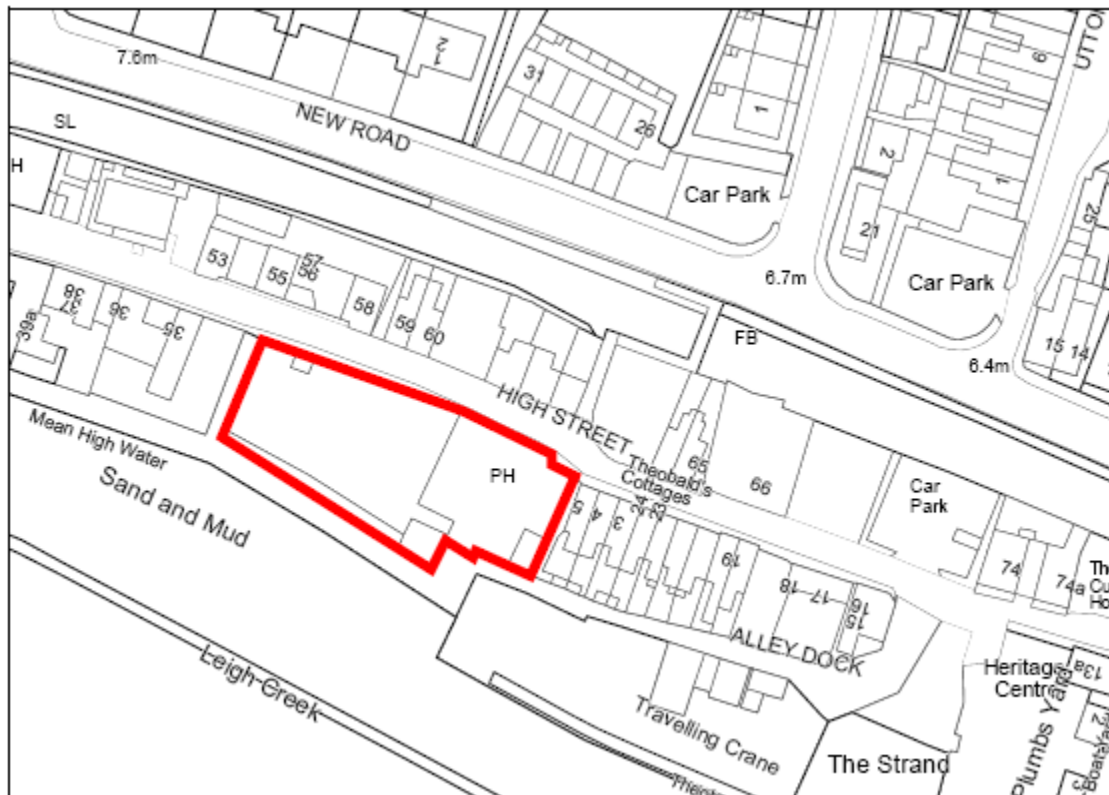
- 02 No development shall take place until samples of the materials to be used on the external elevations, hard surfacing and boundary treatment have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.**

REASON: To safeguard the visual amenities of the area, in accordance with Policy CP4 of the Core Strategy and Policies C11 and H5 of the Southend on Sea Borough Local Plan.

This permission has been granted having regard to the Core Strategy KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance); Policies C11 (New Buildings, Extensions and Alterations), C12 (Undercliff Gardens), H5 (Residential Design and Layout Considerations), T8 (Highway Safety) and T11 (Parking Standards) together with, the Design and Townscape Guide SPD, Government guidance and to all other material considerations.

The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.

Reference:	SOS/10/01060/FUL
Ward:	Leigh
Proposal:	Demolish Existing Cockle Shed & Erect Shellfish Stall & Café (Class A3).
Address:	The Peter Boat Inn, 27 High Street, Leigh-on-Sea, Essex, SS9 2EN
Applicant:	East Anglian Pub Company
Agent:	Stone Me Limited (Colin Stone)
Consultation Expiry:	21 July 2010
Expiry Date:	19 August 2010
Case Officer:	David Colwill
Plan Nos:	Location Plan; Proposed Site Plan 1266-17A; Proposed Elevations, Floor Plan and Site Plan 1266-08 Revision M
Recommendation:	Grant Planning Permission



1 The Proposal

- 1.1 The proposal seeks permission to demolish the existing shellfish stall to the western boundary of the car park and erect a single storey building to be used as both a café and a replacement shellfish stall. The demolition of the shellfish stall does not require conservation area consent due to its low volume. The new structure is to measure 15.6 metres long by 6.5 m wide, and 4.8 m to the top of the dual pitched roof with the ends being gabled. The design incorporates an uneven roof which makes the eaves heights vary. To the east the eaves will be 2.5 m whilst to the west this is lowered to 1.85 m. The front, facing the High Street, will have timber shutters for the door and main shellfish servery hatch, whilst fenestration will be limited to one five pane window in the western elevation. The rear will be mostly glazed with doors opening onto a small patio area whilst the eastern elevation will have two sets of five pane windows and an additional servery hatch. The building is proposed to be constructed with feather edged wooden weatherboard (black) with timber windows and doors and a corrugated metal roof.
- 1.2 Internally, the building will comprise a shellfish stall (to face the High Street) with associated storage, with the main café behind comprising a servery and food display area, a WC, office/storeroom, and tables and chairs to seat up to 16 people. The only public entrance to the building will be from the south.
- 1.3 Two full time and two part time employees will be required. The opening hours are proposed to be Monday to Sunday 9:00 am – 9:30 pm.
- 1.4 The existing car parking layout will not be altered as the building will occupy an area currently utilised by the existing shellfish stall and outdoor tables and chairs. The existing 14 off street car parking setup will be unaltered, however an additional crossover is proposed in order to more conveniently access three of the spaces. An existing defunct crossover in front of the current shellfish stall will be reinstated as kerb. The parking spaces are typically only used in winter months, with the space utilised for additional outdoor seating during warmer seasons.

2 Site and Surroundings

- 2.1 The site relates to the Peter Boat Public House at 27 High Street, Leigh-on-Sea. The Thames Estuary lies to the South and the public High Street to the north. The curtilage to the west of the main public house is currently used as a car park, outdoor seating and for the sale of shellfish through the shellfish stall (summer only).

3 Main Issues

- 3.1 The main considerations are impacts on residential amenity, design/impacts on the character of the Conservation Area, parking implications and flood risk.

4 Appraisal

Impact on Residential Amenity

Planning Policy Statement 1 (PPS1), Planning Policy Statement 3 (PPS3), Planning Policy Guidance 24 (PPG24); DPD1 (Core Strategy) Policies KP2 and CP4; Borough Local Plan (BLP) Policies C11, C16, E5 and H5, and the Design and Townscape Guide SPD1.

- 4.1 The main impact to consider is any potential impact on nearby residences, in particular those opposite the site.
- 4.2 An objection was received on the grounds that the building will obstruct views of the foreshore. It is not considered that this will be the case. The existing shellfish stall presents a barrier between the High Street and residences on the northern side of the High Street. The additional depth of the proposed building will have minimal additional impact with respect to views, therefore it is not considered that foreshore views would be materially affected.
- 4.3 The single storey nature of the structure and its placement adjacent to the car park of the Peter Boat Public House is located well away from any residences, and will not therefore result in any overlooking or loss of light. With respect to noise, the opening hours of the café and stall are to be restricted, and noise emitted from within the structure is considered to be far less than that generated through the use of the adjacent car park as a sitting out area. Conditions will be imposed restricting the timing of works, onsite burning of waste materials, and loading hours which will help ensure noise generated residential disturbance during construction is minimal. A further condition will require details of any ventilation/extraction or refrigeration equipment to be agreed in writing prior to installation to ensure odours do not become a nuisance. As such, it is not considered that the development would have any material adverse impact on residential amenities and no objection is raised.

Design & Impacts on the Character of the Conservation Area

PPS1, PPS6, DPD1 Policies KP2 and CP4; BLP Policies C4, C11 and C16, and the Design and Townscape Guide SPD1.

- 4.4 The application has been lodged following pre-application meetings with the Essex County Council (ECC) Historic Buildings Advisor regarding the detailed design of the structure. The building will utilise features typical of the Conservation Area (CA) such as a corrugated metal roof, timber shutters and an asymmetric design. It is recognised that there are objections from local residents, the Leigh Society and Leigh Town Council with respect to the loss of the existing shellfish stall and the size of the building, however, the design incorporates a new shellfish stall to the front and the overall size is not considered excessive.

As such, it is not considered that the demolition of the existing shellfish stall, (which could be undertaken in any case without Conservation Area Consent), would be detrimental to the appearance of the CA whilst the design of the proposed structure has taken care to help ensure that it will contribute in a positive manner to the CA. As such, the application is considered consistent with the above policies, will serve to enhance the CA and no objection is raised.

Parking Implications

PPS1, PPG13; DPD1 Policies KP2, CP4, CP3; BLP Policies T8 and T11; EPOA Parking Standards and the Design and Townscape Guide SPD1.

- 4.5 The EPOA Vehicle Parking Standards (2001) suggests that for an A3 use, restaurants require a maximum of 1 parking space per 5 m². Whilst a figure has not been given for cafes, it is considered that the café would be similar to a restaurant given the similar A3 use. Given the floor space of the café of some 70 m², this would suggest a maximum requirement of approximately 12 parking spaces.
- 4.6 The applicant does not propose any new parking spaces, and the existing 14 on site spaces are intended to cater for both the main Peter Boat Public House as well as the proposed new café. Additionally, these spaces will not be available during warmer months as the area is utilised for outdoor seating. Whilst 14 spaces are in excess of what the café alone would require, the new use must be assessed in conjunction with the existing public house. The EPOA would suggest that 1 parking space is required for each 5 m² for pubs and clubs. With an area of some 340 m², this would suggest that the Peter Boat would require 68 parking spaces for the public house alone.
- 4.7 The EPOA Vehicle Parking Standards are intended as a guide and a literal calculation of spaces required is not applicable in some instances. Whilst only 14 spaces are available on site, there is a substantial pay and display public carpark at the end of the High Street, and a number of restaurants and bars are located within close proximity which offer little or no off street parking. On the balance of probabilities, other uses are considered likely to collectively contribute far more significantly to parking demand than the application site. As such, it is recognised that there is existing parking stress which is a result of the nature of the area, and its popularity as a tourist destination and general dining locality.
- 4.8 The Leigh-on-Sea Rail Station is situated approximately 750 metres to the west, which is a short walk from the site. Given also that the Peter Boat is fully licensed, it is considered that particularly during the evening, a high proportion of customers would arrive by taxi, rail or foot. The Highways Officer had concluded that given the unique nature of the Old Town and the extremely high pressure on existing parking spaces, the addition of a small café is unlikely to materially affect existing demand. As such, it is not considered that the shortfall in parking warrants refusal and the application is considered consistent with BLP Policy T11.

The application was amended so the entrance door to the shellfish stall opens inwards and subject to conditions requiring the reinstatement of the disused crossover to the front of the proposed shellfish stall (to improve pedestrian safety), the application is considered acceptable with respect to highways matters.

Flood Risk

PPS1, PPS25, DPD1 Policies KP2, CP4, and the Design and Townscape Guide SPD1.

- 4.9 The Environment Agency has no objection providing that conditions are imposed relating to flood proofing measures, floor levels and surface water drainage. As these suggested conditions are reasonable and achievable, there is no objection to the application on the grounds of unacceptable flood risk.

5 Planning Policy Summary

- 5.1 Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Statement 3 (Housing), Planning Policy Statement 6 (Planning, Archaeology and Built Heritage), Planning Policy Guidance Note 13 (Transport), Planning Policy Guidance Note 24 (Planning & Noise) and Planning Policy Statement 25 (Development & Flood Risk).
- 5.2 Core Strategy Development Plan Document 1 Policies CP1 (Employment Generating Development); CP3 (Transport & Accessibility), CP4 (Environment & Urban Renaissance), CP6 (Community Infrastructure), and KP2 (Development Principles).
- 5.3 Supplementary Planning Document 1: Design & Townscape Guide (2009).
- 5.4 Southend-on-Sea Borough Local Plan Policies C4 (Conservation Areas), C11 (New Buildings, Extensions and Alterations), C16 (Foreshore Views), E5 (Non Residential Uses Close to Housing), and T11 (Parking Standards).
- 5.5 Essex Planning Officers Association (EPOA) Adopted Vehicle Parking Standards (2001).

6 Representation Summary

Essex County Council

- 6.1 The design of the new building has been negotiated to achieve an acceptable design in this sensitive location. The existing shellfish stall makes a positive contribution to the Conservation Area therefore any application to demolish it should only be considered if a considerable benefit can be achieved by its replacement and the new building would make a positive visual contribution.

6.2 The existing structure is considered positive because of its contribution towards the mix of uses in the Old Town and its use of traditional materials. There would be a benefit from the new building because the additional café facility would constitute an addition to the mix of uses, which is an important characteristic of the Old Town. Subsequently, there is no objection to the demolition of the stall because of the high quality design of the new building, which has been carefully considered to ensure its appearance is in keeping with the character and appearance of the area.

6.3 In particular, the following design aspects are welcomed:

- The asymmetric design gives the structure an appropriately informal feel along with the non-domestic fenestration to the east and west elevations.
- The shutters over the majority of openings on the north and western elevations will help to ensure the building retains an industrial appearance when the stall to the front is closed.
- The southern elevation allows a small degree of contemporary design without having an impact on views across the Conservation Area.
- The black weatherboard and corrugated metal roof are materials which are entirely appropriate for the location.

6.4 The following conditions should be imposed:

- Good practice requires that the old building should not be demolished until contracts have been finalised and agreed for the new building to avoid the risk of an unintended void.
- The application form describes the roof as slate. This would not be acceptable and a condition should be imposed requiring the roof to be corrugated metal with details to be agreed prior to construction.
- Details of windows, doors, eaves, verges and sills at scales between 1:20 and 1:1 must be submitted to and agreed prior to construction.
- Samples of all external materials and finishes to be approved.
- No visible trickle vents to be inserted into windows or doors.

Design & Regeneration

6.5 The design is a significant improvement, no objections.

The Environment Agency

6.6 Whilst a Flood Risk Assessment (FRA) has been submitted, it does not provide any details of depth of flooding on site during a 1:200 year event plus climate change. There is unlikely to be safe, dry refuge within this single storey building. The safety of the development therefore relies upon flood warning and early evacuation, making it essential to have a robust Flood Response and Evacuation Plan (FREP). The FREP submitted advises leaving the premises upon receipt of a flood warning from the Environment Agency and an evacuation route.

- 6.7 The Environment Agency's involvement with this development during an emergency would be limited to delivering flood warnings. In all circumstances where warning and evacuation are significant measures in contributing to managing flood risk, the Agency expects LPAs to formally consider the emergency planning and rescue implications of new development in making their decisions.
- 6.8 The proposed development will only be acceptable if the following measures as detailed in the FRA submitted with the application are implemented and secured by way of condition.
- 6.9 Flood proofing measures as detailed in Section 5.0 of the FRA should be incorporated into the proposed development. Reason: To reduce the impact of flooding on the proposed development and future occupants.
- 6.10 Finished floor levels should be raised at least 300 millimetres above ground levels. Reason: To reduce the impact of flooding on the proposed development and future occupants.
- 6.11 Prior to the commencement of development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall be constructed and completed before occupancy of any part of the proposed development. Reason: To ensure a satisfactory method of surface water drainage.

6.12 **Traffic & Highways Network**

The changes to the vehicular crossings will necessitate the reinstatement of the redundant crossover and the repair of the some of the footway if necessary. All this should be at the applicant's expense and secured by condition. The entrance door to the proposed shed appears to open out onto the highway which is not acceptable. It may be acceptable for the window shutters to open outwards providing they fold flat against the building and do not obstruct the highway once open.

- 6.13 The parking arrangements appear to be workable although the site is very congested with a number of conflicting uses including combining the car park with an outside drinking area. This sort of conflict has existed on this site for some years and it appears to work, therefore there are no objections. It may be preferable to discourage vehicles entering the Old Town altogether in the summer months. Whilst this would theoretically result in increased parking stress, as parking demand outweighs supply by such a high margin in peak periods the theoretical demand from this site only is largely immaterial. No parking provision should be acceptable in high season.

6.14 **Environmental Health**

No objection subject to the imposition of the following conditions.

- During any construction and demolition no work on site outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday. No work on Sundays and Bank Holidays.
- Loading or unloading of goods or materials shall not take place on the land before 07:30 hours on weekdays and 08:00 hours on Saturdays, nor after 18:00 hours on weekdays and 13:00 hours on Saturdays, nor at any time on Sundays, or Bank or Public Holidays.
- No burning of waste material on site during construction and demolition.
- Details of any ventilation/extraction or refrigeration equipment to be agreed in writing with the LPA before installation.

6.15 **Leigh-on-Sea Town Council**

The proposed building seriously obscures public views across the estuary. It neither enhances nor preserves the Conservation Area and it results in the loss of a popular and traditional cockle stall. The size of the building destroys the open character of the area and also is against the Council's policy of preserving the character of a marine village. The committee further felt that the potential loss of an iconic building within the Old Town would be detrimental to this historic location. The committee resolved that this application should be called in.

6.16 **The Leigh Society**

Strongly object to the proposal. The existing shellfish stall is a long established feature of the Old Town and by its nature fits in with the Council's policies of maintaining the Old Town as a maritime village. There have been many incursions of this policy to the detriment of its aims and this proposal would be yet another. We have not objected to the refurbishment of the stall which has already taken place as it retains this feature in the conservation area.

6.17 The proposal is for an unattractive building which is not in keeping. The coverage now proposed of this site stretching back from the road is excessive and over development affecting views to the estuary and creating a blank and overpowering façade to the way running to the west and to the scouts' facility beyond.

6.18 This is a strategic site within the Old Town and is poorly landscaped at present. Throughout the year, but especially in summer and during the several festivals, it is a well used area for large numbers of people and this will be considerably curtailed for the sake of a few restaurant covers. We feel that the extensive café/pub uses on either side of a car park area is inappropriate and will create conflict between pedestrians and cars within the car park.

6.19 There is no need for further café facilities in the Old Town, it is already awash with eating and drinking establishments and this addition would exacerbate and continue the change to the character of the conservation area which organizations in the Old Town are trying to preserve as part of Leigh's heritage. Such proposals are destroying what made Leigh the attraction in the first place.

6.20 **Adjacent Owners/Occupiers**

Eight neighbouring properties consulted, the application was advertised in the Southend Standard on the 9th July, and a site notice posted with four objections received. These were on the following grounds:

- The proposal would represent overdevelopment.
- Parking stress would be exacerbated.
- The building would detract from the character of the Conservation Area.
- Loss of sea views.
- An additional café is unnecessary.
- Additional users of the Peter Boat and/or café would create public nuisance.
- Concerns over littering.

6.21 Ward Councillor Crystal called the application in to Development Control Committee.

7 Relevant History

7.1 15th October 2003 – Planning permission refused to retain extract duct to rear elevation (SOS/03/01185/FUL).

7.2 31st March 2004 – Planning permission granted to install extract duct & acoustic screens to rear (SOS/04/00042/FUL).

7.3 3rd March 2006 – Application withdrawn to erect 2 canopy umbrellas to west elevation (SOS/06/00113/FUL).

7.4 8th September 2009 – Planning permission granted to retain windows and doors to south and west elevations, layout patio, bollards and rope boundary treatments (Retrospective) (SOS/09/01246/FUL).

7.5 23rd November 2009 – Application withdrawn to re-align existing car park, erect post and boundary rope, relay patio and form vehicular access and re-position lamp post (SOS/09/01820/FUL).

7.6 16th March 2010 – Application withdrawn to demolish existing cockle shed and erect single storey building to be used as café (Class A3) (SOS/10/00294/FUL).

7.7 6th July 2010 – Application refused to install external roller shutters, retractable canopy and alterations to east & north elevations of cockle shed & extraction unit on roof (Retrospective) (SOS/10/00926/FUL).

8 Recommendation

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

- 01 Condition: 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 opening hours shall only be between 09:00 to 21:30, Monday to Sunday.**

Reason: To safeguard the amenities of nearby residential properties, in accordance with Policies H5 and E5 of the Southend on Sea Borough Local Plan.

- 03 The roof shall be constructed from corrugated metal the colour and profile of which shall be confirmed in writing with the Local Planning Authority prior to works commencing.**

Reason: To safeguard the visual amenities of the area, in accordance with Policies C4 and C11 of the Southend on Sea Borough Local Plan.

- 04 Prior to works commencing, details of windows, doors, eaves, verges and sills at scales between 1:20 and 1:1 shall be submitted to and agreed in writing by the Local planning Authority. Development shall then be carried out in accordance with the approved details.**

Reason: To safeguard the visual amenities of the area, in accordance with Policies C4 and C11 of the Southend on Sea Borough Local Plan.

- 05 No works shall commence until samples of all materials to be used on the external elevations have been submitted to and approved in writing by the Local Planning Authority.**

Reason: To safeguard the visual amenities of the area, in accordance with Policies C4 and C11 of the Southend on Sea Borough Local Plan.

- 06 No visible trickle vents shall be inserted into windows or doors unless first agreed in writing with the Local Planning Authority.**

Reason: To safeguard the visual amenities of the area, in accordance with Policies C4 and C11 of the Southend on Sea Borough Local Plan.

- 07 Flood proofing measures as detailed in Section 5.0 of the Flood Risk Assessment shall be incorporated into the proposed development.**

Reason: To reduce the impact of flooding on the proposed development and future occupants in accordance with PPS25.

- 08 Finished floor levels shall be set at least 300 millimetres above ground levels.**

Reason: To reduce the impact of flooding on the proposed development and future occupants in accordance with PPS25.

- 09 Prior to the commencement of development, a scheme for the provision and implementation of surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be constructed and completed prior to occupancy of any part of the development.**

Reason: To ensure a satisfactory method of surface water drainage in accordance with PPS25 and DPD1 Policy KP2.

- 10 During construction and demolition, no work on site shall be carried out outside the hours of 07:30 to 18:00 Monday to Friday, and 08:00 to 13:00 Saturday. No work shall occur on Sundays and Bank Holidays.**

Reason: To safeguard the amenities of nearby residential properties, in accordance with Policies H5 and E5 of the Southend on Sea Borough Local Plan.

- 11 Loading or unloading of goods or materials shall not take place on the land before 07:30 hours on weekdays and 08:00 hours on Saturdays, nor after 18:00 hours on weekdays and 13:00 hours on Saturdays, nor at any time on Sundays, or Bank or Public Holidays.**

Reason: To safeguard the amenities of nearby residential properties, in accordance with Policies H5 and E5 of the Southend on Sea Borough Local Plan.

- 12 During construction and demolition, no burning of waste materials shall occur on site.**

Reason: To safeguard the amenities of nearby residential properties, in accordance with Policies H5 and E5 of the Southend on Sea Borough Local Plan.

- 13 Details of any ventilation/extraction or refrigeration equipment to be installed are to be agreed in writing with the Local Planning Authority prior to any installation.**

Reason: To safeguard the amenities of nearby residential properties, in accordance with Policies H5 and E5 of the Southend on Sea Borough Local Plan.

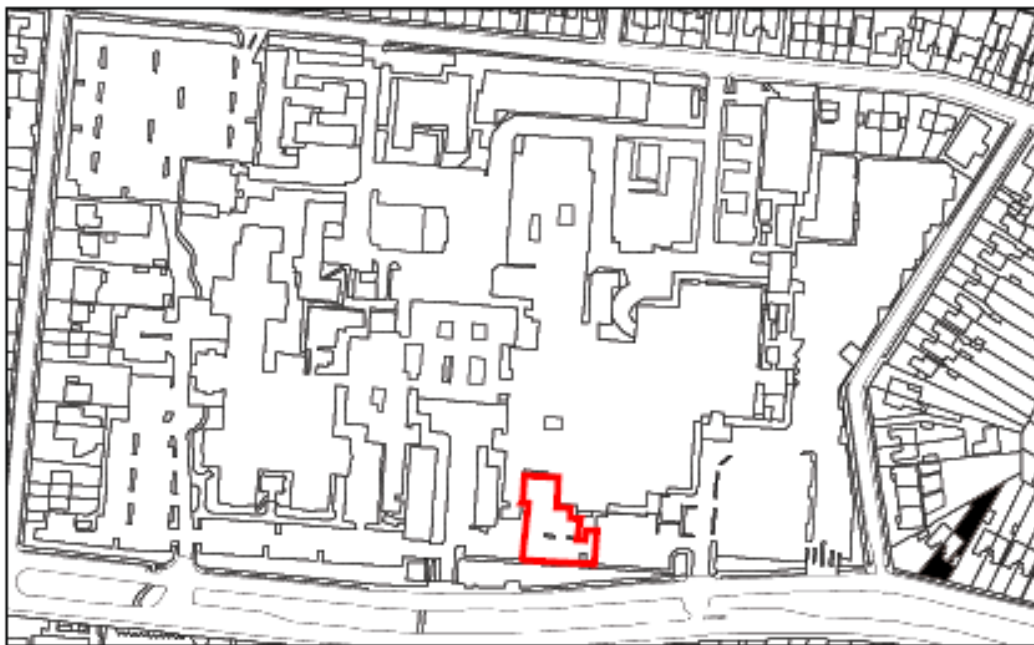
- 14 The redundant vehicular crossover to the front of the proposed building shall be reinstated to kerb at the applicant's expense, prior to first the building first opening for business.**

Reason: In the interests of highway safety and to ensure that satisfactory pedestrian facilities are maintained, in accordance with BLP Policy T8.

Reason for Approval

This permission has been granted having regard to Policies KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance) and CP6 (Community Infrastructure) of the Core Strategy DPD1, Policies C4 (Conservation Areas), C11 (New Buildings, Extensions and Alterations), C16 (Foreshore Views), E5 (Non-Residential Uses Close to Housing), H5 (Residential Design and Layout Considerations), T8 (Traffic Management & Highway Safety) and T11 (Parking Standards) of the Southend on Sea Borough Local Plan, the Design and Townscape Guide (SPD1), Planning Policy PPS1, PPS3, PPS6, PPG13, PPG24, and PPS25, and all other material considerations. The carrying out of the development permitted, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.

Reference:	SOS/10/01098/FUL
Ward:	Prittlewell
Proposal:	Erect single storey building with link to west entrance of A and E for use as an Urgent Care Centre and erect single storey extension incorporating canopy to south entrance of A and E
Address:	Southend Hospital, NHS Trust, Prittlewell Chase, Westcliff-on-Sea, Essex, SS0 0RY
Applicant:	Southend University Hospital NHS Foundation Trust
Agent:	LSI Architects LLP
Consultation Expiry:	22 nd July 2010
Expiry Date:	16 th August 2010
Case Officer:	Janine Argent
Plan Nos:	2812/102, 2812/103, 2812/106, 2812/104, 2812/106, 2812/107
Recommendation:	Refuse Planning Permission



1 The Proposal

- 1.1 Permission is sought to erect a permanent single storey building with link to west entrance of Accident and Emergency Department for use as an Urgent Care Centre (UCC) and erect single storey extension incorporating canopy to south entrance of A and E.
- 1.2 A design and access statement accompanying this application states that the proposed Urgent Care Centre offers treatment for less serious illnesses and injuries which, require immediate care, but do not require the full service of an Accident and Emergency department (A & E). The facility will provide access to healthcare without an appointment at all times, removing from A & E all those patients whose clinical needs can be met by Primary Care. The building is a single storey modular building with plant equipment to be stored on the roof.
- 1.3 It is anticipated that 68,000 patients coming into A & E will be immediately transferred and of those some 31,000 patients will be treated by the UCC. On an hourly basis 16 patients per hour will be triaged by the UCC and at least 7,600 patients will be supportively discharged with advice to have their needs met elsewhere.

2 Site and Surroundings

- 2.1 The main access point to Southend University Hospital is located on Prittlewell Chase to the south, Cardigan Avenue to the west, Carlingford Drive to the north and Hillborough Road to the east. There are six main vehicular access points to the site, four off Prittlewell Chase and two off Carlingford Drive. The A & E access is off Prittlewell Chase and the hospital is easily accessed by public transport being in close proximity to bus stops and railway stations.
- 2.2 The frontage of Prittlewell Chase is dominated by soft landscaping and buildings relate to each other by reason of design and materials.

3 Planning Considerations

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

4 Appraisal

Principle of the development

Planning Policy Statement 1; DPD1 (Core Strategy) policies KP2, CP4, CP6; BLP policies C11, U4, T11 and the Design and townscape Guide SPD1

- 4.1 Policy U4 of the Borough Local Plan states that the Borough Council will support the improvement, expansion or consolidation of patient services within the Southend Hospital site provided that this secures improved traffic and parking arrangements to overcome existing deficiencies and meet additional requirements in accordance with Policy T11 of the Borough Local Plan.
- 4.2 Policy CP6 states that development proposals must mitigate their impact on community infrastructure by contributing appropriately to services and facilities that would be adversely affected. Providing health and social care facilities in particular supporting the strategic services development plan of the Primary Care Trust, and the improvement and expansion plans of Southend Hospital could be argued to mitigate the impacts in accordance with Policy CP6 of the Core Strategy.
- 4.3 The applicant contends that the scope of the service will involve GP triage/assessment of all patients who currently attend A & E department, who will then be treated in the UCC, directed to the A & E department (complex minors or majors), or supported discharge of those patients who do not need to be treated within an urgent environment can be supported elsewhere for example visiting their GP or chemist or dentists.
- 4.4 In light of the above, the principle of development for improvement and consolidation of services at Southend Hospital is acceptable however; the proposed development will result in additional pressures on car parking and given the insufficient information provided it is not considered the proposed development can overcome existing deficiencies on site contrary to policy.

Design and impact on the character of the area:

Planning Policy Statement 1; DPD1 (Core Strategy) policies KP2, CP4: BLP policies C11 and Design and Townscape Guide SPD1.

- 4.5 The proposed development includes the erection of a building to the west of the existing Accident and Emergency Department building measuring 9.7m x 21m deep x 4.8m high. The proposed entrance to the A and E will also have an extension incorporating a canopy to the south measuring 7.9m wide x 9.1m deep x 4m high.
- 4.6 The alterations to the existing entrance for A & E will include the removal of an existing entrance and canopy and the erection of a new enlarged entrance with facing brickwork walls to match the existing and colour coated frame glass automatic sliding entrance doors, glass canopy and grey waterproof membrane to flat roof together with new entrance steps and a ramp. It is considered that the proposed extension to the existing entrance will enhance the overall appearance of the building and given that materials proposed are to match existing, the proposed development accords with Policy C11 of the Borough Local Plan.
- 4.7 The proposed building for the urgent care centre is a single storey modular building with colour coated timber/aluminium panels colour coated aluminium weatherlap boarding elevations and grey waterproof membrane.

- 4.8 Although there is planting to the front of the hospital site the proposal would still be visible within the street scene. The proposed building lacks any fenestration on the elevations and the visual impact is a key concern as the building will be inward looking and will not benefit from natural daylight. The cladding materials proposed are not found elsewhere at the hospital and will appear out of character. No attempt has been made to soften the appearance of the building or integrate it with the rest of the site or wider area and the proposed roof plan will appear visually dominant.
- 4.9 In light of the above it is considered that the proposed building would result in an incongruous form of development out of character with the adjacent hospital buildings by reason of form and materials contrary to policy KP2, CP4 of the Core Strategy and Policy C11 of the Borough Local Plan together with guidance provided within the Design and Townscape Guide.

Traffic and Transportation Issues:

Planning Policy Statement 1, Planning Policy Guidance Note 13; East of England Plan policy ENV7; DPD1 (Core Strategy) policies KP2, CP4, CP3; BLP policies C11, T8, T11, U4; EPOA Parking Standards and the Design and Townscape Guide SPD1.

- 4.10 The proposed development including the new entrance and building for the urgent care centre will result in the permanent loss of 20 existing public parking spaces at the front of the hospital site.
- 4.11 The staff numbers relating to the urgent care centre include 12 full time employees. Out of hours staff Monday-Friday would include 5 members of staff and Saturday, Sunday and bank holidays would include 4 members of staff and up to 2 GP registrars varying from week to week. EPOA Vehicle Parking Standards as guidance state a maximum 1 space per full time staff plus 2 spaces per consulting room. Ten consulting rooms together with additional storage rooms will be provided and therefore at least 20 spaces will have to be provided elsewhere within the hospital site for members of the public visiting the facility.
- 4.12 The urgent care centre will run a 24 hours a day service 365 days a year and the out of hours general practice will be provided 1830-0800 weekdays and all day at weekends and bank holidays.
- 4.13 The development will result in the loss of 20 public parking spaces and existing disabled parking spaces will be affected by the proposed development but will be reprovided by converting existing parking spaces to the front of the A & E department. The design and access statement accompanying this application states that the multi-storey car park to the rear of the site along Carlingford Drive increased parking capacity on the hospital site from 1034 to 1634 following completion of the site redevelopment period. The site redevelopment project completes once the new ward block has been built, however no such date has been provided for when the new ward block will be completed.

4.14 A table of the existing and proposed situation and October 2011 has been provided within the applicants design and access statement:

	Staff	Visitors	Construction Works	Total
Current	885	587	128	1600
Impact UCC	885	567	148 (20 permanently lost)	1600
October 2011	885	683	32	1600

4.15 The applicant further contends that following the completion of the construction of the new sub station and education centre a new car park for 116 additional visitors will be provided however, once works commence for the new ward block (the date for the commencement of this development is unknown) spaces will be lost but has been accounted for within the overall hospital Masterplan. The design and access statement accompanying this planning application suggests a transport assessment is being undertaken to support this application but no further information has been submitted by the agent at this time.

4.16 The information provided within the design and access statement assesses the proposed unit and calculates the number of potential visitors based on current numbers of people with minor ailments who attend to A & E. Further information has been provided from the applicant in relation to the numbers of current staffing and attendances at A&E equating to 68,000, future projections for the first year thereafter will see a minimum reduction of 7,500 attendances and in year 2 a reduction of 15,000 attendances. Nationally other urgent care centres have reported a reduction in the second year of 20% and this is the target which the PCT/Southend hospital will be working towards. In addition, the applicant has confirmed to further support this inappropriate attendances to A&E from October 2010 the PCT will be starting a choose well marketing campaign to educate the public on the use of health resources including A&E and what is available in the community as alternatives to going to hospital.

4.17 Although additional information has been provided from the applicant in relation to the future projected attendees for the urgent care centre, it is still considered that the proposed development will result in creating additional parking demand contrary to the provisions of is insufficient to determine whether adequate parking capacity will remain on site and is therefore contrary to policy U4 of the Borough Local Plan.

Impact on residential amenity

Planning Policy Statement 1; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5 and the Design and Townscape Guide SPD1.

- 4.18 The proposed development is located to the front of the hospital site along Prittlewell Chase at least 25m away from the site boundary.
- 4.19 It is not considered that the proposed development will have a detrimental impact on residential amenity given the siting of development and separation distance between the proposed hospital building and the nearest residential properties.
- 4.20 However, given the level of information submitted associated with parking the proposed development could have an adverse impact on the highway network surrounding the site to the detriment of nearby residential occupiers.

Sustainable Construction

Planning Policy Statement 1, Planning Policy Statement 22, Planning Policy Statement 25; Core Strategy policies: KP2, CP4, SO15, SO17; Borough Local Plan and the Design and Townscape Guide SPD1.

- 4.21 National guidance and relevant planning policy statements together Policy KP2 of the Core Strategy and the Borough Local Plan advocate the need to ensure design maximises the use of sustainable renewable resources in the construction of development. It also states that all development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources and at least 10% of the energy needs of new development should come from on-site renewable options.
- 4.22 A Hospital Energy Statement accompanies this planning application stating that Southend Hospital University NHS Foundation Trust (SHUFT) has considered its energy usage and investment in the hospitals heating and domestic hot water supplies, taking into consideration the national sustainability agenda and central government policies which require the public sector to reduce carbon dioxide emissions. The statement states:
- The NHS is required to reduce the existing levels of primary energy, consumption by 15% based on its 1999-2000 baselines. The Trust's current primary energy consumption is 182,367GJ, 27% higher than its 1999/2000 baseline.
- 4.23 The hospital site is unlike other development within the borough as all parts of the hospital are interlinked and energy supply is dependant on other parts of the site. As such the policy requirement for sustainable development needs to be looked at in respect of the whole of the site.
- 4.24 It is evident from the energy statement provided that there is a programme of works underway to reduce the carbon emissions and improve energy efficiency of the hospital as a whole including mechanical infrastructure works and building fabric works.

- 4.25 Improving the infrastructure systems and energy efficient will enable the improvement of boiler efficiency from the current level of 54% to 86%. The reduction of carbon emissions and improve energy management further by insulating buildings, replacing new windows together with the support of an environmental management policy. The works have been carried out since 2008/2009 and will be completed 2013-2014 in line with the Carbon Trust Model to improve the patient's environment but also reduce carbon emissions.
- 4.26 In light of the above, it is considered acceptable to consider the renewable energy requirement in respect of the wider site and not only the proposed building is working towards reducing carbon emissions as a whole given that all the buildings are interlinked.

5 Planning Policy Summary

- 5.1 National Policy Guidance Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Guidance Note 13 (Transport), Planning Policy Guidance 24 (Noise), Planning Policy Statement 23 (Planning and Pollution Control), Planning Policy Statement 22 (Renewable Energy), Planning Policy Statement 10 (Planning and Waste Management)
- 5.2 Core Strategy DPD1 (2007) Policies KP2 (Development Principles), CP4 (Environment and Urban Renaissance), CP6 (Community Infrastructure)
- 5.3 Borough Local Plan policies C11 (New Buildings, Extensions and Alterations), C14 (Trees Planted Areas and Landscaping), E5 (Non-residential uses located close to housing), T8 (Traffic Maintenance and Highway Safety), T11 (Parking Standards), U2 (Pollution Control), U4 (Southend Hospital), U5 (Access and Safety in the Built Environment)
- 5.4 Design and Townscape Guide SPD1 (November 2009)

6 Representation Summary

Design and Regeneration

- 6.1 The proposal is to erect a modular building to serve as an Urgent Care Centre in connection with the existing A&E facility. The proposal will initially be piloted for two years with a view to becoming a permanent resource if it is considered an improvement to the operation of the A&E facility.
- 6.2 The extension is located immediately to the west of the existing A&E department in an area which is currently used for car parking. It is in a visually prominent location at the front of the site. The proposal is a modular box which is clad in grey marble chip panels and white aluminium weatherlap cladding with a blue fascia.

6.3 There are a number of concerns with the design of this proposal:

- The lack of any fenestration on the elevations with public impact is a key concern as the building will appear hostile and inward looking and will not benefit from natural daylight.
- The cladding materials proposed are not found elsewhere at the hospital and will appear out of character.
- No attempt has been made to soften the appearance of the building with landscaping.
- The proposed plan roof is visually dominant.

6.4 The hospital site overall is becoming increasingly cramped, the space between buildings has been eroded and overall this has affected its character, however, it is demonstrated that there is a need for this facility and that it must be located close to the existing A&E department. The location chosen would seem the only possible option and therefore the principle of this development is not objected to. It should however, be of a higher overall design quality in its own right and have a positive relationship with the existing hospital buildings. Opportunities to improve the surrounding environment e.g. with soft landscaping should also be considered.

Environmental Health

6.5 No objection, subject to conditions relating to construction and demolition including hours of work and control over burning of waste material on site.

Traffic and Highways

6.6 This proposal incorporates the direct loss of 20 parking spaces whilst it appears that an additional 12 staff will be employed creating additional parking demand. It is proposed that the Urgent Care Unit will be temporary, initially for a two year period, following which a permanent integrated solution will be found. In the current financial market there is no confidence that this proposal will be removed after only two years.

6.7 The Planning Design and Access Statement discusses the purpose of the proposed unit and calculates the number of potential visitors based on current numbers of people with minor ailments who attend A & E. The document does not speculate on the possible growth in numbers of people who might attend this unit rather than go through the present 'out of hours' services. It is possible that the numbers of attendees might increase significantly if this unit is successful with the result that there is greater parking generation than exists currently.

- 6.8 Car parking provision at the hospital is constantly in a state of flux as changes are made to the infrastructure; some proposals result in an increase in parking provision and others have reduced the parking capacity. The Planning Design and Access Statement discusses the recent changes to parking provision and shows that there will be an additional 96 spaces by October 2011 over the present situation. These additional spaces are generally to be found to the rear of the site and it is questionable as to the value of these to A & E visitors who may find it easier to park on-street.
- 6.9 Any loss of parking would be detrimental to the highway from the on-street parking point of view however we are keen to pursue the Hospital Area Parking Management Strategy (HAPMS) should the hospital be able to provide the requisite funding. Discussions continue but we have had no formal response at present.
- 6.10 Loss of parking will be mitigated should the Hospital Area Parking Management Strategy proceed.

Public Consultation

- 6.11 48 neighbours notified and a site notice displayed on the 30th June 2010 and no objections have been received.

Relevant Planning History

- 7.1 SOS/06/01525/OUT- Demolish various buildings, erect multi - storey car park (6 decks over 3 storeys), in north west corner of site, erect 3 buildings as extensions to north east corner of cardigan wing (5 storeys), to north of Carlingford wing (2 storeys) and south of Prittlewell wing, (3 storeys) and form circulation road within site- Granted Planning permission 10th April 2008

8 Recommendation

Members are recommended to REFUSE PLANNING PERMISSION

- 1 **The proposed single storey building by reason of its design, form and materials would be out of context with the surrounding development contrary to the provisions of policies KP2 and CP4 of the Core Strategy; policy C11 of the Borough Local plan and advice contained within the adopted Design and Townscape Guide (SPD1).**
- 2 **The proposed development is unacceptable as insufficient information has been provided to demonstrate sufficient parking capacity would remain at the site, and the loss of parking would not result in an increase in on-street parking to the detriment of highway safety and efficiency contrary to the provisions of Policy U4 and Policy T11 of the Borough Local Plan.**

Reference:	SOS/10/01270/FUL
Ward:	Leigh
Proposal:	Demolish dwelling and erect three storey detached dwellinghouse with part basement level and garage to front
Address:	41 Cliff Parade, Leigh-on-Sea, SS9 1BB
Applicant:	Keyser Partnership
Agent:	Smith & Metson Architects
Consultation Expiry:	29.07.10
Expiry Date:	25.08.10
Case Officer:	Louise Tweedie
Plan Nos:	TP-01, 02, 03, 04 & X-01, 02.
Recommendation:	Grant Planning Permission



1 The Proposal

- 1.1 Permission is sought to erect a replacement five bedroom detached dwellinghouse with terrace, basement level and garage to front.
- 1.2 The external materials to be used include render on the walls of the building, slate roof tiles and aluminium windows and doors.
- 1.3 The site has a history of applications, the most recent of which was granted consent in 2009. The proposed application is very similar to the previous permissions detailed in the history section of this report.

2 Site and Surroundings

- 2.1 The existing property is a two storey dwellinghouse located on the northern side of Cliff Parade where it meets Grand Parade. The existing property is significantly smaller than other dwellinghouses in the street. The front of the site is significantly wider than the rear. The existing property benefits from a detached garage at the rear of the site.
- 2.2 Cliff Parade is characterised by large detached and semi-detached dwellinghouses some of which have been converted into self-contained flats, which have relatively deep front gardens and smaller private rear gardens. The majority of properties have front balconies to take advantage of the views of the estuary that these sites provide.

3 Planning Considerations

- 3.1 The main considerations in the determination of this application are the principle of the development, design and impact on the character of the area, traffic and transportation issues, impact on residential amenity, impact on neighbouring occupiers and sustainable development.

4 Appraisal

Principle of the Development:

Planning Policy Statement 1, Planning Policy Statement 3; DPD1 (Core Strategy) policies KP2, CP4; BLP policies C11, H5, H6 and T11 and the Design and Townscape Guide SPD1 (2009).

- 4.1 The principle of development is considered to be acceptable given that this is a residential scheme proposed within a residential area and a replacement detached dwellinghouse.
- 4.2 It is considered that the proposed development accords with the above policies in terms of principle of development.

Design and Impact on the Character of the Area:

Planning Policy Statement 1, Planning Policy Statement 3; DPD1 (Core Strategy) policies KP2, CP4; BLP policies C11, H5, T11 and the Design and Townscape Guide SPD1 (2009).

- 4.3 The proposed dwellinghouse is contemporary in style however will satisfactorily integrate into the street scene. Its height and scale being comparable with other dwellings in the street scene.
- 4.4 A landscaped area is proposed to the front of the building which will help to break up the visual appearance of areas of hardstanding and the terrace area at the front of the property from the street scene.
- 4.5 The proposed dwellinghouse will be no higher than the neighbouring property at 40 Cliff Parade and only one metre higher than the neighbour at 123 Grand Parade. It is considered that the proposal will not be out of character with neighbouring properties.
- 4.6 Whilst the proposed side dormer window is rather large, it is set off the main roof ridge and set off the front of the house by a minimum distance of 3.5m. The dormer will also be largely screened from the street scene by the neighbouring property at number 40.
- 4.7 In light of the above, it is considered that the proposal satisfies the policies detailed above. The extant permission on the site is for a similarly sealed and designed dwelling. This was a recent decision and that is a material consideration.

Traffic and Transportation Issues:

Planning Policy Statement 1, Planning Policy Guidance 13; DPD1 (Core Strategy) policies KP2, CP4; BLP policies C11, T11; EPOA Parking Standards and the Design and Townscape Guide SPD1.

- 4.8 The proposed garage and front garden will continue to provide a satisfactory provision for off-street parking on site. The vehicular access remains unaltered and no objections have been raised by the Highways Officer. It is considered that the proposal satisfies the above policies.

Impact on Residential Amenity:

Planning Policy Statement 1, Planning Policy Guidance 24; East of England Plan policy, ENV7; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies H5, H6 and C11, and the Design and Townscape Guide SPD1 (2009).

- 4.9 The proposed dwellinghouse will provide a spacious living environment for future occupiers. It is considered that the internal room sizes are acceptable.

- 4.10 The proposal incorporates two terrace areas, one at the front and one at the rear of the building which will provide a total of 103.5sq.m of amenity space. Whilst the terrace area at the front of the property will not provide a private amenity space, it is considered that this will make the most of the estuary views and provide a high quality outdoor environment. A total of three balconies on the front elevations of the first and second floors are also proposed, each approximately 7sq.m in size.
- 4.11 It is considered that the proposed amenity space is considered to be acceptable for future occupiers who will be able to judge whether the level of amenity suits their needs before purchasing the property and therefore no objection is raised.

Impact on Neighbouring Occupiers:

Planning Policy Statement 1, Planning Policy Guidance 24; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies H5, H6 and C11, and the Design and Townscape Guide SPD1 (2009).

- 4.12 The proposed side windows on the main dwellinghouse at first and second floors will be obscure glazed and can be conditioned to be fixed shut where necessary in order to prevent overlooking and loss of privacy to neighbouring residential occupiers. The first floor rear window to the two storey rear element can also be conditioned in this way.
- 4.13 With regards to the balconies proposed, it is not considered that the balconies would give rise to overlooking or loss of privacy to neighbouring occupiers given their siting on the front of the property which is in public view. It is also not considered that the proposed windows would give rise to overlooking given the prevalence of windows in this position together with the distance from these windows to the rear boundary in excess of 25 metres.
- 4.14 It is not considered that the proposed dwellinghouse would be overbearing upon or detrimental to the amenities of neighbouring occupiers and therefore satisfies the above properties.

Sustainable Development:

Planning Policy Statement 1, Planning Policy Statement 3, Planning Policy Statement 22: DPD1 (Core Strategy) Policies KP2, CP4; Borough Local Plan Policy C11 and the Design and Townscape Guide SPD1 (2009).

- 4.15 National guidance and relevant planning policy statements together with Policy KP2 of the Core Strategy and the Borough Local Plan advocate the need to ensure design maximises the use of sustainable and renewable resources in the construction of development. It also states that all development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources and at least 10% of the energy needs of new development should come from on-site renewable options.

- 4.16 A condition can be imposed to ensure that the development meets the criteria of Policy KP2 of the Core Strategy. It is considered this requirement can be met and this condition is reasonable.
- 4.17 A condition is also recommended to ensure that all new hardstanding is pervious to avoid increased levels of surface water run-off from the site in accordance with paragraph 11 (b) of Policy KP2 of the Core Strategy which seeks to mitigate the increase in surface water run-off from new development.

Planning Policy Summary

- 4.18 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 4.19 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), T8 (Traffic Management and Highway Safety) and T11 (Parking Standards).
- 4.20 Design & Townscape Guide, 2009 (SPD1).

Representation Summary

Highways

- 4.21 No objections.

Design and Regeneration

- 4.22 The current proposal is a contemporary house on a similar scale to the previously approved scheme. The detailed design is broadly along the same lines as the earlier scheme. The most significant changes is the loss of the smaller gable to the front, which is actually an improvement as it removes any conflict with the main gable, and the increase in the size of the side dormer and the simpler fenestration style. None of these changes are seen as being a substantial change from the previously approved scheme and this proposal remains a well designed contemporary scheme that would integrate acceptably into the local street scene.
- 4.23 This would be an ideal opportunity to improve the sustainable credentials of the property and this would be welcomed. Options such as enhance insulation, sustainable materials and renewable technologies should be considered.
- 4.24 Materials to be used shall be agreed in writing.

5 Public Consultation

Neighbours notified and a site notice erected – Two letters of representation have been received which object to the application on the following grounds:

- The proposal will be forward sited and fail to respect existing building lines in the street scene.
- The proposed terrace, balconies and dormer window will give rise to loss of privacy to and overlooking of the neighbouring property.
- The proposed property will be higher than the existing, therefore resulting in loss of light to the neighbouring property.
- The front garden will be dominated by hardstanding and parking which will increase surface water run-off.
- The proposal is likely to be converted in flats.
- Overdevelopment of a small plot of land resulting in a cramped development.

6 Relevant Planning History

- 6.1 07/00758/FUL: Erect single storey infill extension, first floor side extension, erect new second floor, convert extended dwelling into two self contained flats, form terraces, alter elevations, lay out parking and widen vehicular access onto Cliff Parade – Approved.
- 6.2 09/01263/FULH: Erect single storey infill extension, first floor side extension, erect new second floor, form terraces, alter elevations, lay out parking and widen vehicular access onto Cliff Parade (Amended Proposal) – Approved.
- 6.3 09/01268/FULH: Erect detached double garage – Approved.

7 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. Prior to the commencement of development, details of including samples of the materials to be used on the external elevations of the building shall be submitted to and approved in writing with the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the visual amenities of the area, in accordance with Policy SS1, Policies KP2 and CP4 of DPD1 (Core Strategy) and Policies C11 and H6 of the Southend-on-Sea Borough Local Plan and the Design and Townscape Guide SPD1.

03. Prior to the commencement of development, a renewable energy assessment shall be submitted to and agreed in writing with the local planning authority, to demonstrate how renewable energy sources can be achieved on site. The assessment is to consider achieving 10% of the energy needs of the new development from on-site renewable options. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of providing sustainable development in accordance with Policies KP2 and CP4 of the Core Strategy (DPD1) and PPS1.

04. No development shall take place until details of surface water drainage, based on SUDS principles, have been submitted to and agreed in writing by the local planning authority.

Reason: In accordance with Policies KP2 and CP4 of the Core Strategy (DPD1) and PPS1.

05. 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 these works shall be carried out as approved. These details should include means of enclosure/boundary treatments.

Reason: In the interests of amenity in accordance with Policies KP2 and CP4 of DPD1 (Core Strategy), and Policy C11 of the Southend-on-Sea Borough Local Plan and the Design and Townscape Guide SPD1.

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

Reason: To safeguard the amenities of the adjacent residential properties and in the interest of safeguarding the design of the dwellinghouse, in accordance with Policies H5 and C11 of the Southend on Sea Borough Local Plan.

07. Prior to the occupation of the dwellinghouse, the garage and associated hardstanding shall be provided in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority.

Reason: To make provision for parking off the highway and in the interest of highway safety, in accordance with Policies T8 and T11 of the Southend on Sea Borough Local Plan.

08. The proposed windows on the first and second floor west elevations of the dwellinghouse and the proposed first floor window on the north elevation of the guest bedroom shall only be glazed with obscure glass (the glass to be obscure glazed to at least Level 4 on the Pilkington Levels of privacy, or such equivalents as may be agreed in writing with the local planning authority) and fixed shut and unopenable apart from any top hung lights which shall be a minimum of 1.7m above the internal floor area. In the case of multiple glazed units, at least one layer of glass in the relevant units shall be glazed in obscure glass.

Reason: To safeguard the amenities of the adjoining residential properties, in accordance with Policy H5 of the Southend on Sea Borough Local Plan.

Reason for approval:

This permission has been granted having regard to Core Strategy DPD1 Policies KP2 and CP4, Policies C11, H5, H6, T8 and T11 of the Southend-on-Sea Borough Local Plan, the principles contained within the Design & Townscape Guide 2009 (SPD1) and all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.