

Southend –on-Sea Borough Council

Agenda
Item

Report of the Corporate Director of
Enterprise, Tourism & the Environment
To
Development Control Committee
On
8th September 2010

Report(s) on Planning Applications

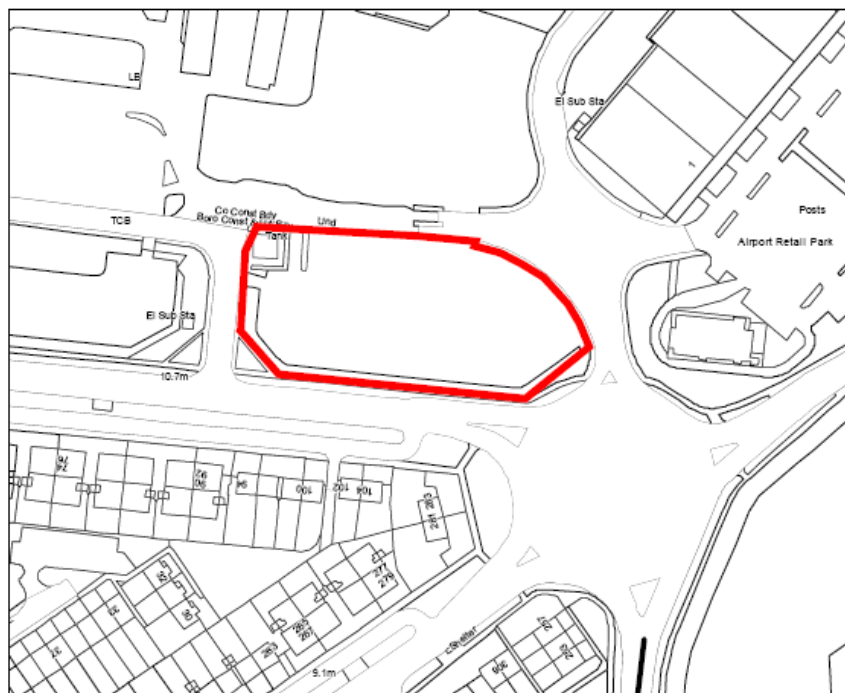
A Part 1 Agenda Item

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Reference:	SOS/10/01155/FULM
Ward:	St Laurence
Proposal:	Erect 5 storey building comprising 129 bedroom hotel with restaurants and bars to ground and fifth floor and ancillary offices and meeting rooms to ground and fourth floor and lay out cycle store and car parking spaces
Address:	Car Park 2, Southend Airport, Eastwoodbury Crescent, Southend-On-Sea, Essex, SS2 6ZH
Applicant:	London Southend Airport Company Ltd
Agent:	Vantage Planning Ltd
Consultation Expiry:	21 st July 2010
Expiry Date:	24 th September 2010
Case Officer:	Janine Argent
Plan Nos:	L (90)01A; L (00)90; L (00) 77C; 200502-P-01a; L (00) 78B; L (00) 79A; 6808/ L (00) 82A; L (00) 75A; L (00) 84; L (00) 85; Curved Glazing Details
Recommendation:	Grant Planning Permission



1 The Proposal

- 1.1 Planning permission is sought to erect 5 storey building comprising 129 bedroom hotel with restaurants and bars to ground and fifth floor and ancillary offices and meeting rooms to ground and fourth floor and lay out cycle store and car parking spaces.
- 1.2 The proposed building measures 87m wide x 16m deep x 19m high (it should be noted that the fourth floor height is 16.8m and the maximum height of 19m is only the eastern section of the building).
- 1.3 The accompanying planning statement states that the proposal is an innovative concept with the building incorporating 2 separate hotels. A three star hotel comprising of 117 bedrooms and a five star hotel with 12 bedrooms is proposed. The hotel also includes a restaurant, bar areas and conference/meeting facilities.
- 1.4 It should be noted that, on the 10th October 2007 , Development Control Committee resolved to grant outline planning permission to erect 4 storey building comprising 131 bedroom hotel with restaurant and bar to ground floor and ancillary offices and meeting rooms to first floor and lay out and 75 car parking spaces.

2 Site and Surroundings

- 2.1 The site is located on the western side of the Harp House roundabout, at its entrance into the adjacent retail park, with the McDonalds restaurant. The site is within the airport complex, on its south eastern corner.
- 2.2 To the northeast is the airport retail park, to the northwest and west is the rest of the airport complex, most of which is within Rochford District Council's boundary, and to the south are residential properties.
- 2.3 The highway network consists of Manners Way to the east, Rochford Road to the south, Southend Road to the north, and Eastwoodbury Crescent to the south and west, with the Harp House roundabout acting as the link to these roads and the airport service road.

3 Planning Considerations

- 3.1 The main considerations in relation to 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 and sustainable construction.

4 Appraisal

Principle of Development

Planning Policy Statement 1; DPD1 (Core Strategy) policies KP1, KP2, KP3, CP1, CP4; BLP policies C11, L1, L6, T17, H5 and the Design and Townscape Guide SPD1 (2009)

- 4.1 Strategic Objective SO11 identifies the need to secure regeneration of London Southend Airport to enable it to reach its potential to function as a local regional airport providing for significant new employment opportunities and improved surface access subject to environmental safeguards.
- 4.2 Policy KP1 of the Core Strategy identifies the airport as a Priority Urban Area where regeneration and growth will be focussed. Policy KP3 identifies the need to help deliver the London Southend Airport (Joint Area Action Plan). Policy CP1 of the Core Strategy, advocates the need to support the future potential of London Southend Airport.
- 4.3 Policy L1 of the Borough Local Plan states that proposals to provide new visitor attractions or improve existing tourist facilities will be encouraged where they enhance the resort's ability to attract and cater for visitors, increase local employment opportunities and provide for environmental improvements.
- 4.4 The Southend on Sea Futures Hotel Report March 2010 also identifies the demand for new hotel development together with the Southend Airport and Environs Joint Area Action Plan (2009).
- 4.5 The principle of redeveloping the site for a leisure use has been established by a previous outline planning permission granted SOS/07/00954/OUTM on the 15th November 2007. Outline consent was granted to erect a 4 storey building comprising 131 bedroom hotel with restaurant and bar to ground floor and ancillary offices and meeting rooms to first floor and lay out car parking spaces. 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, and Design and Townscape Guide SPD1 (2009)

Scale

- 4.6 The principle of a four storey building was accepted at outline stage whereby the overall scale was indicated to be up to 16.8m high. The design and access statement accompanying this planning application states the layout has informed the overall scale; the car park provides separation distance from the nearest residential properties along Eastwoodbury Crescent and the overall scale of the building reflects the scale of the industrial units
- 4.7 The proposed building will have 5 floors with a maximum height of 19m high however the fifth floor only spans half of the building. The remainder of the building has a height of 16.8m. This is considered acceptable in principle.

Layout

- 4.8 Good design in all its aspects is of fundamental importance in development control and is essential to the protection and enhancement of the environment.
- 4.9 The Design and Access Statement accompanying the application states that layout

of the development has been determined by transportation and access requirements and the hotel has been located on site in order to respond to scale and massing requirements by locating the hotel away from the back of footpath of Eastwoodbury Crescent.

- 4.10 Achieving an efficient and effective building layout is key to a successful development. The hotel has been located away from Eastwoodbury Crescent to prevent the hotel resulting in a dominant feature. Car parking will be located to the front of the site therefore providing a setting for the building and will include soft and hard landscaping.
- 4.11 The layout provides for a hard landscaped public space at the eastern end which relates particularly well to the proposed 5 star entrance to the building and the roundabout. The Design and Townscape Guide advocates the need for the focus of any new building must be pedestrian and not the car and the pedestrian entrance is clearly defined and visible from the public highway. The proposed 5 star entrance layout will provide soft landscaping and quality surfacing creating an attractive frontage and pedestrian friendly environment.
- 4.12 The proposed location of the 3 star entrance is not afforded the same level of detail and the entrance appears narrow with less opportunity for landscaping and space for pedestrians. It should be noted that revised plans have been provided by the applicant, that have improved the layout including the relocation of the crossing, the trees and the widened pavement are considered an improvement. The applicant contends that following the realignment of the pedestrian crossing the proposed signage above the 3 star entrance will add emphasis and prominence to this entrance. All details including finishes to the car park and associated landscaping including public realm and pedestrian areas will be dealt with by condition if this scheme is deemed acceptable.
- 4.13 The ground floor internal layout will include the majority of public service facilities of the hotel with two separate entrances and reception areas to the hotel's two components (i.e. 3 star hotel and 5 star hotel), bar/restaurant and meeting rooms and service and support facilities to the ground floor. Floors 1-3 will principally provide 3 star bedroom accommodation including family suites. Floor 4 provides the executive reception area, 12 executive bedroom suites and meeting rooms. The 5th floor provides a further restaurant and catering facilities and meeting rooms for both guests and public uses.

Appearance

- 4.14 The appearance of the development should take a positive approach, relating to context, reinforcing local distinctiveness and seeking to enhance the character of an area.

- 4.15 This is a significant site and represents the opportunity to produce a new landmark for this part of Southend and mark the entrance to the airport which at present is lacking. The modular design has resulted in a regular shaped footprint on all floors. The architect has chosen to make features at the ends of the building and in particular the eastern end adjacent to the roundabout which is raised with a floating roof and deep overhang reminiscent of an airport control tower. This has added interest to the design and will provide a focal point for the building which, although at the rear of the site will still be prominent in the streetscene. This element also helps to make the building distinctive and relates it to the wider airport. The glazed curved corners are another distinctive feature of the building and should allow activity to be seen from the street especially at night which is welcomed. The quality of design, detailing and materials will determine the overall success of the proposed development.
- 4.16 In terms of ground level glazing the effect of 70% glazing interspersed with 30% cladding panels on semi random pattern. The proposed curved glazing will be constructed from a product called Reglit consisting of narrow glass channels formed together to form a smooth curve. Solid panels will be introduced to the 4th floor suites.
- 4.17 The design of the building also takes advantage of its position by locating the high end restaurant and conference facility on the top floor, which will have extensive views over the airport and will be a unique selling point.
- 4.18 In light of the above, it is considered that the proposed development is a comprehensive, high quality design which meets with policy CP4 of the Core Strategy and C11 of the Borough Local Plan.

Landscaping

- 4.19 Policy C14 of the Borough Local Plan states the Council will seek to preserve those trees and planting areas which contribute to the townscape of an area and will require additional planting in appropriate locations. Any new building will require to provide replacement planting and respect existing trees.
- 4.20 The Design and Access Statement accompanying this planning application states that the final choice of species has not been made, the design intention of the car park is to create a high quality outdoor space using quality surfacing materials and providing a relatively large number of trees for a green buffer between the hotel and local residents.
- 4.21 The majority of trees to the front of the site are to be retained along Eastwoodbury Crescent. Original plans submitted illustrated that the proposed pedestrian crossing conflicted with a tree and appears to impede this. However this has been amended and following the realignment of the crossing no impediment will be caused. The applicant has committed to planting trees of significant size to soften the overall impact of the proposed development. Additional planting will be provided to the boundary abutting Eastwoodbury Crescent to create a buffer zone of soft landscaping between the car park and Eastwoodbury Crescent.

- 4.22 The proposed planting shown on the plans is limited and therefore a full schedule of works will be required given that additional planting is required to the northwest boundary and within the car park itself. The proposed layout only details 9 trees to be provided along the island within the car park, which is considered insufficient to mitigate against the overall scale of the building. It is also noted that eastern corner of the site adjacent to the Harp roundabout will provide the opportunity for soft landscaping.
- 4.23 Details have been provided with respect to the boundary treatment of the site including a timber post and fence, together with a low regular hedge along most of the southern boundary. The applicant contends the fence will maintain vehicle security, define the site boundary and comply with Secured by Design Parking Standards.
- 4.24 In relation to hardstanding surfaces, the paving design will encourage priority to be given to pedestrians through quality non slip materials. The proposed surface material is tarmac; however permeable surfaces are encouraged to increase surface runoff in accordance with the provisions of Policy KP2. Conditions will ensure samples and details are provided.
- 4.25 In light of the above, full conditions associated with landscaping will be imposed to ensure the overall appearance of the proposed development is acceptable.

Refuse Storage

- 4.26 The design and access statement accompanying this planning application states prior to construction commencing a construction waste management plan will be prepared.

Sustainable Design

- 4.27 The applicant contends that in accordance with Building Research Establishment Environmental Assessment (BREEAM) standards the fabric of the building will be suitable for recycling in the future. The hotel has also been designed to be easily demountable and recycled once the life of the building comes to an end. The design and access statement accompanying this planning application states that an operational waste management plan will be followed by the appropriate hotel operator. A waste management plan can be required by condition.
- 4.28 In light of the above, it is considered that the proposed development accords with policies KP2 and CP4 of the Core Strategy, policies 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.

- 4.29 The central vehicular access point on Eastwoodbury Crescent currently provides access to the main airport terminal. Additional access points are located to the east where Southend (Airport Retail Access) Road joins the existing perimeter road at a mini-roundabout and to the west via Aviation Way. To the east, Eastwoodbury Crescent meets the Southend (Airport Retail Access) Road at the 5-arm Harp House Roundabout.
- 4.30 The Rochford Road (North)/ Southend Road links Rochford town centre to the airport. The A1159 Manners Way meets Rochford Road (South) at Harp House Roundabout and connects the airport with Southend-on-Sea and the A127 Southend Arterial Road. The signposted route to the airport is via the A1159 Manners Way but other routes are evident e.g. via the B1013 Nestuda Way and Eastwoodbury Lane.
- 4.31 The A127 links with the M25 approximately 30km to the west of the airport at Junction 29 and provides links to the A13 and routes into central London.
- 4.32 The site is in a sustainable location. It is connected to existing pedestrian, cycle and public transport networks including 3 local bus services passing next to the site along Eastwoodbury Crescent. It is also considered to be well located to the new airport railway station due for completion in August 2010 and also other railway links including Southend Central and Southend Victoria.
- 4.33 The proposed vehicle access for both guests and visitors will be to the western side of the site. Separate guest drop off areas are proposed and car parking for the two hotel products. Servicing of the hotels will be located within a service bay on the airport perimeter road on the north elevation of the hotel. It should be noted that the previous outline consent granted in 2007 proposed a servicing entrance to the western side of the site and public access from the airport perimeter road and no objections had been raised from the Highways Officer.
- 4.34 In terms of impact on the local road network, a transport statement has been submitted assessing the performance and capacity of the Harp House Roundabout taking into account the potential traffic growth generally and that associated with other approved development such as the airport's wider development plans other applications including the Southend United Football relocation. The assessment of any potential impact has been carried out in accordance with the highway officer's pre-application advice, whereby it was agreed that the assessment should focus on the impact on Harp House Roundabout and that the junction assessments from previous work were also accepted given the previously approved outline consent in 2007, for a 131 bedroom hotel. It is not considered that there has been a material change in highway circumstances since the outline permission in 2007 and therefore no objection is raised.

- 4.35 The planning statement accompanying this application suggests that the capacity of Harp House roundabout will decrease slightly with the addition of the airport hotel related traffic. The contribution of the hotel to congestion at the Harp House roundabout in 2021 is predicted to be less than 4% at the airport entrance and less than 2% on all other approaches. The airport company has confirmed they are willing to work with the Council to improve safe vehicle access to the site by creating a protected right hand turn for traffic travelling westbound along Eastwoodbury Crescent (from Harp House Roundabout) and to access the site via the airport access at its western boundary. This will also facilitate safer pedestrian movement across Eastwoodbury Crescent. The applicant together with the Council's highways officers have agreed that proposed works will be required before the development opens for public use including the replacement of two bus shelters on the westbound and eastbound carriageway of Eastwoodbury Crescent.
- 4.36 EPOA Vehicle Parking Standards (2001) suggest that 1 space per bedroom (guest or staff) is required. Outline consent was granted by Development Control Committee on the 10th October 2007 for a 131 bedroom hotel with 75 parking spaces. It was noted that there was a shortfall in car parking spaces however, it was considered that given that a significant number of visitors would arrive by plane, or will be people using the airport and thus its car park, the shortfall was not objectionable.
- 4.37 This proposal is for a 129 bedroom hotel including 3 star hotel with 117 bedrooms and 5 star hotel with 12 bedrooms together with restaurant, bar areas and conference meeting facilities. 66 parking spaces are proposed including 6 disabled spaces for guests. Although there is a shortfall in the number of parking spaces the accompanying planning statement suggests that a car park management strategy is proposed covering both on site requirements for the hotel guests and visitors and wider car parking needs arising from hotel staff and air passengers who stay at the airport but require longer term parking at the airport. The Transport Statement accompanying this application states that approximately 40 staff will be employed on site split between the two hotel chains and all staff parking will be provided off site on a centralised airport staff parking site (condition seeking details is recommended). This is currently on the existing car park to the north west of the site, south of the existing terminal building. The applicant contends there is a wider provision of passenger car parking for guests who require longer stay parking. It should also be noted that the previously approved 131 bedroom also had a shortfall of parking spaces but given the interchange and other sustainable transport modes encouraged no objection was raised.
- 4.38 EPOA Vehicle Parking Standards (2001) state that 1 cycle space per 4 staff members are required, 1 cycle space per 10 beds and 1 space per 25m² of restaurant/entertainment area. Thirty cycle spaces are proposed on site and are considered to accord with the EPOA standards. Full details will be required by condition.
- 4.39 In light of the above it is considered that the proposed development will not have a detrimental impact on highway safety or create additional demand for on street parking.

Impact on residential amenity

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

- 4.40 The proposed building's overall height is 19m high. The hotel has been located to the north of the site and there is some 30m from the proposed building to Eastwoodbury Crescent boundary and a further 20m-27m to the nearest residential dwelling. The separation distance (50m-57m) is considered to mitigate against the overall impact the proposed development will have on nearby residential amenity.
- 4.41 A shadow study accompanying this planning application illustrates that there is no adverse shading created by the hotel for any nearby residential or existing commercial buildings within the vicinity of the site.
- 4.42 With respect to any concerns about noise and disturbance from the number of guests attending the site and the number of potential vehicles, the vehicle entrance and exit to the site is approximately 23m away from Eastwoodbury Crescent and a further 27m away from the nearest residential property. Any service vehicles will load and unload to the north of the proposed hotel building. Any potential noise and disturbance can be mitigated against including the hours of delivery. It is not considered that the proposed use will have an adverse impact on nearby residential amenities.
- 4.43 The applicant suggests that the scheme will include low level lighting within the car park and a feature lighting of the hotel through internal lighting of the prominent east corner facades and up lighting onto the hotel building. Lighting of the car park, pedestrian routes and of the building will be important and should be conditioned given that the amenities of nearby residents will need to be safeguarded.
- 4.44 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.

- 4.45 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.

- 4.46 The planning support statement accompanying this application states that hotel has been designed to be energy efficient both for heating in the winter and cooling in the summer and is hoping to meet a BREEAM rating of 'very good'. The hotel is to be well insulated to minimise heat loss and the proportion of glazing to solid for most guestrooms has been kept small. The larger areas of glazing and clear glass have been introduced in order to minimise both heat loss in winter and heat gain in summer. The applicant contends the hotel has been designed on an east west axis to present its long elevations to the north and south to minimise heat gain in summer and hence the cooling requirement.
- 4.47 The planning statement states that the hotel will incorporate a minimum of 10% of energy usage from on site in accordance with Policy KP2 of the Core Strategy. The applicant contends that combined heat and power facility will meet the policy required but other options such as photovoltaics and solar panels have not been discounted.
- 4.48 Additional information on energy efficiency has been submitted stating consideration has been given to thermal modelling, low energy design, energy efficient of building service engineering systems, services plant accommodation and distribution strategy. The applicant's inclusion of combined air source heat pump can meet the Council's requirements for 10% of energy needs to be generated on site renewable or low carbon sources. This will also be required to be conditioned if the scheme is deemed acceptable.

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), Planning Policy Statement 22 (Renewable Energy), Planning Policy Statement 23 (Planning and Pollution Control), Planning Policy Statement 25 (Flood Risk and Development, Planning Policy Guidance Note 24 (Planning and Noise)
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resource), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), Strategic objective SO11
- 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), E1 (Employment Generation), E5 (Non residential uses located close to housing), L1 (Facilities for Tourism), L6 (Hotels and Guest Houses), U1 (Infrastructure Provision), T12 (Servicing Facilities), T13 (Cycling and Walking), T17 (Southend Airport)
- 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 This is a modular design which has resulted in a regular shaped footprint on all floors and it will therefore be the quality of design, detailing and materials that will determine its overall success. The architect has chosen to make features of the ends of the buildings, and in particular the eastern end closest to the roundabout which is raised with a floating roof and deep overhang reminiscent of an airport control tower. This has added interest to the design and will provide a focal point for the building which, although at the rear of the site will still be prominent in the streetscene. This element also helps to make the building distinctive and relates it back to the wider airport. The glazed curved corners are another distinctive feature of the building and should allow activity to be seen from the street especially at night which is welcomed.
- 6.2 Overall the design will create a new landmark for this part of Southend and mark the entrance to the airport which at present is lacking. It should also be noted that there is an intention to include a significant piece of public art in this area which will also act as a marker for the hotel and the airport which is welcomed.
- 6.3 The decision to locate the car parking to the front of the site will make it very visible. It will effectively provide the setting for the building so good landscaping and good materials will be essential. The layout provides for a hard landscaped public space at the eastern end which will relate particularly well to the 5 star entrance to the building and to the roundabout. Exact details of this will be agreed by condition but it is pleasing to see that this entrance will have an attractive and pedestrian friendly environment that includes quality surfacing and soft landscaping. Unfortunately the 3 star entrance is not afforded this same level of detailing and there is concern that this may lead to confusion for customers. The amended plan for this area has improved the situation somewhat and the relocation of the crossing, the trees and the widened pavement are considered an improvement.
- 6.4 A number of trees will be retained and this will soften the impact of the building in the streetscene however, it is vital that additional high quality landscaping is included in the layout of the car park to mitigate the impact of the 66 spaces. The plan shows 9 trees arranged in an island along the centre of the area. This layout needs to be amended to allow for the inclusion of good sized trees not ornamental trees which can successfully compete with the scale of the hotel. Consideration should also be given to including a greater amount of shrub planting which can also help to mitigate the impact of a large area of hardstanding. Full details of boundary treatment will be required by condition **[Officer Comment: Condition 9 below requires that full landscaping details will be required]**.
- 6.5 Lighting of the car park, pedestrian routes and of the building will be important and should be conditioned.

6.6 Signage

The location of signage directly above the two entrances will help to identify them and distinguish between them but the detailing of how this is achieved needs to be carefully considered to ensure that they are not over dominant on the building, and that there is some correlation in approach taken even if the branding is different.

Traffic and Highways Network

6.7 Independent consultants have appraised the transport statement submitted with this planning application. No objections have been raised by Highways Officers in principle. The main issues are:

1. Lack of Evidence/Source of information on (a) Committed developments; (b) Previous work.
2. Suggestion that the surrounding residential roads could be used for parking **[Officer Comment: 66 spaces are available on site for guests only and members of staff will be directed to other car parks designated specifically for staff only. Long stay passengers will also be directed to other car parks on site. Condition 7 below indicates that a car parking management strategy will be required prior to occupation of the development – see para 4.34].**
3. Junction assessments, which are based on higher than actual theoretical thresholds (TS used an RFC value of 0.9 instead of the theoretical value of 0.85) **[Officer Comment: The applicant contends the junction assessment was reported in full in the Southend Airport Runway extension Transport Assessment and the traffic demand included for a hotel which has already been accepted by the council following the approval of SOS/09/01960/FULM for the runway extension at the airport].**
4. Network capacity assessed using out of date DfT guidelines **[Officer Comment: The applicant states that the traffic demand with such a development has already been deemed acceptable by the Council Highways Team following the approval of outline planning permission SOS/07/00954/OUTM whereby no objections were raised on highway grounds – Further comment to be provided via a supplemental report].**

Environmental Health

6.8 To be reported.

Parks and Trees

6.9 Planting and soft landscaping should be maximised within the development and a landscape and plan and the maintenance schedule for the landscaping will be required **[Officer Comment: All soft and hard landscaping will be conditioned as detailed under condition 9 below].**

Parks and Open Space

6.10 To be reported.

Strategic Planning

- 6.11 To be reported.

Property and Regeneration

- 6.12 To be reported.

The Airport Director

- 6.13 Given the position and height of the proposed development the proposed development will have no effect upon operations. Therefore no safeguarding objections are raised.

Environment Agency

- 6.14 Contaminated Land

We refer to the "Site Investigation & Risk Assessment Report", Ref: J9882, dated 14 July 2009 and prepared by Southern Testing for the above site. Based on the information provided, and given the geological and hydrogeological conditions associated with the site, we consider its redevelopment would appear unlikely to pose a significant risk to controlled waters with respect to the levels of contaminants detected during the investigation. However, if, during the development works, previously undetected contamination is found to be present that may pose a significant risk to controlled waters we would wish to be consulted further on this issue. A condition should be imposed in relation to contamination [**Officer Comment: Condition 14 below addresses this issue**].

- 6.15 Sustainable Development

All developments should ensure that the sustainable development principles are incorporated into any new design and a condition in relation to implementation of water and resource efficiency should be submitted to and agreed in writing with the Local Planning Authority.

Rochford District Council

- 6.16 The proposed development would be visible from Rochford District, particularly from a north-easterly direction. Given the sites prominence, the Council request that particular attention be paid to the design, form, detailing and materials to be used to ensure that the building is delivered to a high quality of appearance and finish. The external setting must also be carefully considered with close attention being paid to ensure that hard and soft landscaping is integrated cohesively with the building. Finally, the arrangements for traffic circulation on the adjacent roundabout need to be considered in light of the access to the airport and to the adjacent retail park.

Anglian Water

- 6.17 Under the Water Industry Act 1991 it is necessary to provide water and wastewater infrastructure for new employment developments. An application to discharge trade effluent must be made have been obtained before any discharge of trade effluent can be made to the public sewer.

Civil Aviation Authority

- 6.18 The Civil Aviation Authority (CAA) has no comments other than to confirm, that under licence conditions, changes in the physical characteristics of the aerodrome including the erection of new buildings and alterations to existing buildings or to visual aids shall be made without prior approval of the CAA. This will be a matter for discussions between the licence holder and the CAA.

Police Architectural Liaison Officer

- 6.19 Essex police support the application in principle. The design and access statement accompanying this planning application referring to secure design and safer parking should be supported by the local authority as planning conditions in order that issues of security are not excluded at a later date.

Fire Brigade (Southend)

- 6.20 To be reported.

Essex County Council Fire Brigade

- 6.21 To be reported.

Essex and Suffolk Water

- 6.22 To be reported.

Renaissance Southend

- 6.23 To be reported.

RSPB

- 6.24 To be reported.

Public Consultation

- 6.25 99 neighbours notified of the proposal and site notices displayed on the 30th June 2010. Two letters of representation have been received stating:
- The proposed development will result in a wonderful modern building on the Airport, bringing jobs to the area as well as another quality hotel.
 - Consideration should be given to the proposed access to and from the hotel from the roundabout at the junction of Eastwoodbury Crescent and Rochford Road. At peak times there is already congestion. If an access is proposed to the hotel from the roundabout then additional yellow box junctions and keep clear areas would be required.

7 Relevant Planning History

- 7.1 SOS/09/01960/FULM- Extend runway, divert Eastwoodbury Lane with new cycleway and footpath, re-position play area and re-provide recreation space and associated parking to South East, Alter access, parking area and boundary to St Laurence and All Saints church and various ancillary works in connection with runway extension, including the demolition of 6 dwellings- Granted 30th April 2010
- 7.2 SOS/09/01738/AD- Application for approval of details pursuant to Conditions 1 (appearance and scale), 3 (materials), 6 (landscaping) and 9 (contamination) of planning permission SOS/07/00954/OUTM- 17th December 2009
- 7.3 SOS/07/00954/OUTM- Erect 4 storey building comprising 131 bedroom hotel with restaurant and bar to ground floor and ancillary offices and meeting rooms to first floor and lay out car parking spaces (Outline)- Granted outline consent 16th November 2007
- 7.4 SOS/03/00298/FUL- Erect 13 X 6 metre high lighting columns, resurface car park and use car park as 'park and ride' facility for Southend Hospital- Granted 14th August 2003

8 Recommendation

Members are recommended to:

8.1 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 Condition:

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 character and amenities of the area, in accordance with Policy C11 of the Southend-on-Sea Borough Local Plan.

- 03 Condition:**
No development approved by this permission shall be commenced until the Local Planning Authority has approved in writing a full scheme of highway works (including detailed designs and contract details) and the relevant highways approvals are in place, in relation to the following:

Replacement of the two bus shelters on the westbound and eastbound carriageway of Eastwoodbury Crescent adjacent to the site.

The works shall thereafter be undertaken in accordance with the approved details and completed prior to occupation of the hotel hereby approved unless otherwise agreed in writing by the local planning authority.

Reason:

In the interests of highways management and safety in accordance with (Core Strategy) DPD1 policy KP2 and CP3; and policy T8 of the Southend on Sea Borough Local Plan.

- 04 Condition:**
The area shown for 66 parking spaces, loading and unloading on the approved plans, together with a properly constructed vehicular access to the adjoining highway shall be provided prior to first occupation or use of the development.

Reason:

To make adequate provision for parking in the interests of highway safety, in accordance with policy CP3 of the Core Strategy and policies T11 and T8 of the Southend on Sea Borough Local Plan.

- 05 Condition:**
The area shown for 66 parking spaces, loading and unloading on the approved plans shall permanently be retained and reserved for the parking turning and loading of vehicles of guests and callers to the premises and not used for any other purpose, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area or land or in such a position as to preclude its use.

Reason:

To retain provision for parking and loading/unloading off the highway, in accordance with Policies T11 and T12 of the Southend on Sea Borough Local Plan.

- 06 Condition:**
Means of vehicular access to the site shall be from western side of the site as indicated on the approved plan No.L (00) 90.

Reason:

In the interests of highway efficiency and safety in accordance with DPD1 (Core Strategy) 2007 policy KP2 and Borough Local Plan 1994 policy T8.

07 Condition:

Prior to the commencement of development on the site, details of the location and type of a suitable cycle storage facility for 30 cycle spaces shall be submitted to, and approved in writing by the Southend-on-Sea Borough Council, and shall be constructed prior to the first occupation of the site and permanently retained for such use thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

08 Condition:

Prior to first occupation a Car Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority, detailing monitoring and review arrangements for the allocation of car and cycle spaces within the development and a plan defining users associated with different parking areas within the development. The strategy shall also include details of staff parking and staff parking management in relation to the hotel. Thereafter the car parking for the site shall only take place in accordance with the agreed strategy. Any change to the user defined parking areas must be first agreed in writing by the Local Planning Authority.

Reason:

To ensure that the balance of parking allocation meets the needs of users, in the interests of highway safety and efficiency in accordance with policies KP2 and CP3 of the Core Strategy DPD1 and policies 11 and T8 of the Southend on Sea Borough Local Plan

09 Condition:

The building shall not be occupied nor the use commenced until a travel plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be used in accordance with the approved travel plans.

Reason:

To minimise the impact of the proposal on the highway network, in accordance with Policy T8 of the Borough Local Plan.

- 10 Condition:**
No development shall take place until there has been submitted to and approved by the local planning authority a full scheme of landscaping. This shall include details of all the existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development; details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site, e.g. the un-compacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established; and details of the treatment of all hard and soft surfaces (including any earthworks to be carried out).

Reason:

To ensure adequate landscaping is provided in the interests of the character and amenity of the area and in accordance with Policy C14 of the Southend on Sea Borough Local Plan.

- 11 Condition:**
All planting in the approved landscaping scheme shall be carried out within 12 months of the practical completion of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority.

Reason:

To protect the level of amenity in accordance with Policy C11 of the Borough Local Plan.

- 12 Condition:**
No demolition, site clearance or building operations shall commence, nor shall any equipment, machinery or materials be brought onto the site for the purposes of development, until paling fences of not less than 1m high have been erected round each tree or group of trees on the site (other than those which it has been agreed in writing may be removed) at a distance from the trunk(s) equivalent to not less than the spread of the crown(s). This fencing shall remain in position during the course of development and no materials shall be stored, rubbish dumped, fires lit, vehicles parked or manoeuvred, buildings erected, land excavated or soil piled within the fencing.

Reason:

To ensure the retention of trees which are of amenity value to the area, pursuant to Policy C14 of the Southend on Sea Borough Local Plan.

- 13 Condition:**
Any tree removed from the site shall be replaced with two trees, the size, species and location of which shall first have been agreed in writing with the local planning authority.

Reason:

To ensure a satisfactory standard of landscaping, pursuant to Policy C14 of the Southend on Sea Borough Local Plan.

14 Condition:

No works to trees shall be carried out during the bird nesting season (March - June).

Reason:

To minimise disturbance to the bird population.

15 Condition:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason:

To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.

16 Condition:

No dust or fume extraction or filtration equipment or air conditioning, ventilation, or refrigeration equipment shall be installed until details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the Local Planning Authority. The equipment shall be installed in accordance with the approved details and shall be maintained in good working order thereafter.

Reason:

To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential occupiers of the development in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and policy C11 of the Southend on Sea Borough Local Plan.

17 Condition:

No development hereby permitted shall commence until details of a scheme for lighting has been submitted to and agreed in writing by the Local Planning Authority. Details to be submitted for approval shall include design, siting, direction and screening of the light source. All lighting will be installed in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential occupiers of the development in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and policy C11 of the Southend on Sea Borough Local Plan.

18 Condition:

Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Parts 24 and 25 to those Orders unless previously agreed in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity in accordance with policy CP4 of the Core Strategy DPD1 and policy C11 of the Borough Local Plan.

19 Condition:

Prior to the commencement of development a renewable energy assessment shall be submitted to and agreed in writing with the Council to demonstrate how at least 10% of the energy needs of the development will come from 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 unless otherwise agreed in writing with the Local Planning Authority.

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.

20 Condition:

No development hereby permitted shall commence until details of surface water attenuation for the site, based on SUDS principles, have been submitted to and approved by the Local Planning Authority. The works agreed shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure satisfactory drainage of the site in accordance with policy KP2 of the Core Strategy DPD1.

- 21 Condition:**
The use of offices and any staff accommodation within the hotel shall not commence until acoustic insulation against external noise has been installed in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority. The noise prevention measures as installed shall be retained at all times thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the occupiers of the building from aircraft and traffic noise in accordance with Policy U2 of the Southend on Sea Borough Local Plan.

- 22 Condition:**
Prior to the first occupation of the development, opening hours of the bar and restaurant to the non residents of the hotel shall be submitted to and agreed with the Local Planning Authority. The bar and restaurant shall only be open to non residents during the agreed opening times.

Reason:
In order to protect the character and amenities of the surrounding area in accordance with Policy E5 of the Southend on Sea Borough Local Plan.

- 23 Condition:**
Prior to first occupation of the hotel a Servicing Strategy shall be submitted to and agreed in writing by the Local Planning Authority, detailing monitoring and review arrangements for the servicing of the commercial uses within development and servicing shall take place in accordance with the strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason:
To ensure that the development does not have a detrimental impact on the surrounding highway network, in accordance with Policy KP2 of the Core Strategy DPD1 and policy T8 of the Southend on Sea Borough Local Plan.

- 24 Condition:**
Prior to the first occupation of the development a Waste Management Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail how the development will provide for the collection of general refuse and re-useable and recyclable waste and what strategies will be in place to reduce the amount of general refuse over time. Waste management at 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.

25 Condition:

No development shall take place until details of foul and surface water drainage for the site have been submitted to and approved in writing by the local planning authority. The drainage works shall be constructed in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure satisfactory drainage of the site.

26 Condition:

Prior to the commencement of development, a scheme for the provision and implementation of water and resource efficiency shall be submitted to, and agreed in writing with, the Local Planning Authority. The works shall be constructed and completed in accordance with the approved scheme before occupancy of any part of the proposed development unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure the sustainability of the potable water supply to the development and wider area through efficient use of water resources and to enhance the sustainability of the development through better use of energy and materials.

27 Condition:

No deliveries shall take place at the site outside of the hours of 0730-1800 Monday to Saturday and 0800-1700 hours Sunday unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the character and general amenities of the area in accordance with Policy KP2 of the Southend-on-Sea Borough Core Strategy.

28 Condition:

During construction/demolition loading or unloading of goods or materials shall take place on the land between 0730-1800 Monday to Friday and 0800-1300 Saturday, and not at all on Sundays or Public Holidays.

Reason:

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

- 29 Condition:**
Construction and demolition shall only take place between 7.30 and 18.00 Monday to Friday, 8.00 and 13.00 Saturday and not at all on Sundays or Public Holidays.

Reason:

In the interests of the character and amenity of the area in accordance with Policy C11 and H5 of the Southend-on-Sea Borough Local Plan 1994.

- 30 Condition:**
Prior to the commencement of works on site, a plan/programme to facilitate the minimisation of construction traffic shall be submitted to and agreed in writing by the Local Planning Authority. The document shall include specific and detailed measures to limit construction traffic, and the development shall only be carried out in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interest of highway safety and residential amenity, in accordance with Policy T8 of the Southend-on-Sea Borough Local Plan 1994.

Informatives

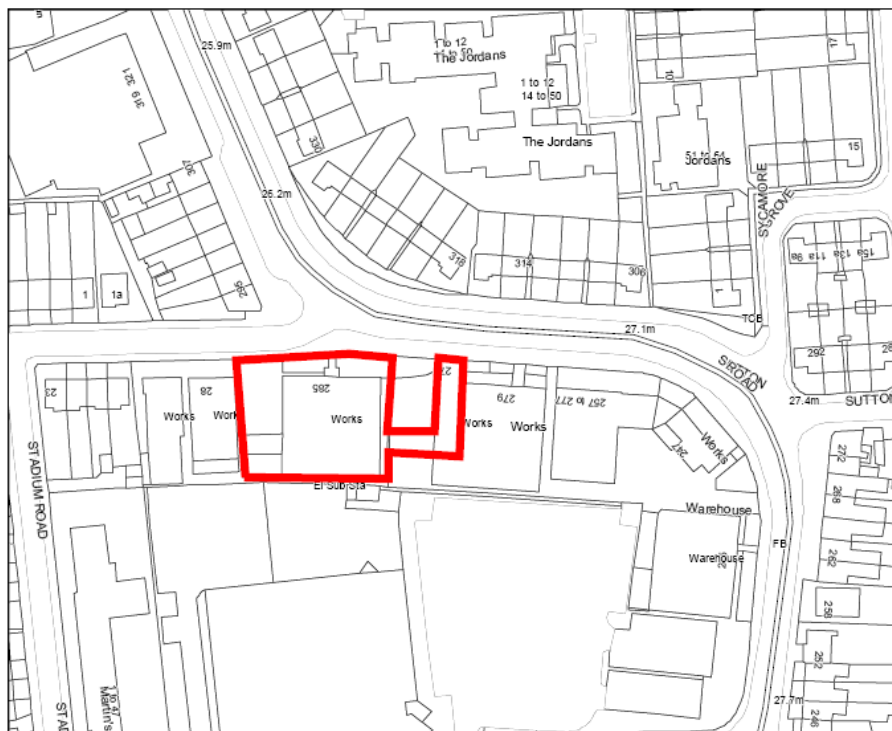
- 1** The rating level of noise from the ventilation, refrigeration and air conditioning equipment determined by the procedures in BS:4142:1997, should be at least 5dB(A) below the background noise LA90 determined according to the guidance in BS:4142 at 3.5 from ground floor facades and 1m from all facades above ground floor level to residential premises.
- 2** The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environment Protection Act 1990 (as amended). Contact 01702 215811 or 215812 for more information. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215812 or at Environmental Health Service, P.O. Box 5558, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZG.
- 3** Should noise, vibration, light or odour give rise to a statutory nuisance, the Council is required to secure the abatement of nuisance under the provisions of the Environmental Protection Act 1990.
- 4** The applicant is advised to contact the Essex County Fire and Rescue Service Headquarters (Water Supplies Department), Rayleigh Close, Hutton, Brentwood, CM13 1AL to discuss the proposals.

- 5 The applicant is also advised to contact Anglian Water directly to discuss their drainage proposals before submitting them to the local planning authority. The address is: Developer Services, Anglian Water Services Ltd, PO Box 495, Huntingdon, PE29 6YY.
- 6 In relation to Condition 3, you are advised to contact Highways Engineer – Martin Warren (Tel: 01702 534328) to discuss the requisite Highways Licence and approved contractors. You are advised that a Highways Licence needs to be in place before any works are carried out to the public highway and you will need to employ a Council approved contractor to carry out any works to the public transport infrastructure, namely bus stops in this instance.

Reason for Approval

This permission has been granted having regards to Planning Policy Statements PPS1, PPS4, PPS 22, PPS 23, PPS 25; and Planning Policy Guidance Notes PPG 13 and PPG 24; Core Strategy DPD1 policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure); Borough Local Plan policies C11 (New Buildings, Extensions and Alterations), C14 (Trees, Planted Areas and Landscaping), Policy E5 (Non-Residential Uses Located Close To Housing), Policy L1 (Facilities For Tourism), Policy L6 (Hotels And Guest Houses); U1 (Infrastructure Provision), T1 (Priorities), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T12 (Servicing Facilities), T13 (Cycling and Walking); Design and Townscape Guide SPD1; EPOA Vehicle Parking Standards 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:	10/01190/FULM
Ward:	Victoria
Proposal:	Demolish existing building and erect part 3/ part 4 and basement storey block of 32 self contained flats, communal amenity space, including roof terraces, refuse store and landscaping, lay out car parking, cycle storage and motor cycle storage at lower ground level, and form vehicular access onto Sutton Road (amended proposal)
Address:	285 Sutton Road, Southend-On-Sea
Applicant:	Maywald Properties Ltd
Agent:	Christopher Wickham Associates
Consultation Expiry:	19 th August 2010
Expiry Date:	5 th October 2010
Case Officer:	Charlotte Galforg
Plan Nos:	010 rev g, 011rev j, 012 rev h
Recommendation:	REFUSE PERMISSION



1 The Proposal

1.1

Site Area	0.172 hectares
Height	Max 4 storeys, 12.8m
No of Units	32 units – 17 x one bed flats and 15 x 2 bed flats
Parking	32 spaces, including disabled parking bays and plus two service bays
Cycle Parking	44 spaces
Motor Cycle Parking	8 spaces
Amenity Space	548m ² of communal amenity space plus balconies and terraces; approx 17 sqm of communal space per unit
Density	Approx 186 dph

1.2 Submission of this application follows withdrawal of application 09/02318/FULM, which officers had recommended for refusal.

1.3 The proposal is to demolish existing workshops and industrial buildings and erect a block of 32, part 3, and part 4 storey flats. 6 Affordable Housing units are proposed. Car parking would be provided in a basement, which would be accessed through the adjacent development site.

1.4 The proposed design is of a contemporary nature which contrasts with the surrounding residential development mainly from the 1920's and 1930's. The design reflects that of the extant permission on the site to the east. The principle elements of the scheme along the main road frontage will comprise three storeys at the extremes of the site, with the central elements increasing in height to 4 storeys. The building steps back from the front of the site as it increases in height in an attempt to reduce the resulting mass. The highest elements of the buildings are set to the rear of the site where it backs onto the Greyhound Retail Estate.

1.5 The proposed materials comprise of Red terracotta tiles, sand terracotta tiles, metal cladding rain screen, and light blue panels. The scheme replicates that approved on the adjacent site and continues the layered design approach. Each block is clad in different materials.

1.6 There are two areas of communal amenity space to the rear of the building, these face south and the easternmost area will be linked with the amenity space on the adjoining site. A terrace area is proposed at third floor level. Some units have private balconies. There is also a small landscaped area to the front of the site.

- 1.7 Access to the site is proposed via a vehicular ramp within the development on the adjoining site. On the adjacent site part of the proposed access includes a right turn lane into the site from the south bound lane of Sutton Road. Off street parking is proposed at a ratio of one space per dwelling and will be provided within the basement. This is accessed by means of a ramp, due to the natural slope of the land, away from Sutton Road. A lay-by for servicing is also proposed on the southern side of Sutton Road as part of the adjacent development. The Transport Statement accompanying the application also shows the installation of a loading area on the highway within Redstock Road.
- 1.8 A Planning Statement, Design and Access Statement, Energy Report, Noise Assessment, Sustainability Statement and Transport Statement have been submitted as supporting information.

2 Site and Surroundings

- 2.1 The site is located on the southern side of Sutton Road on the 'S' bend between Sycamore Grove and Redstock Road and has a frontage of 43m. There are presently a number of buildings occupying the site, a frontage building of two storeys (although it appears to be single storey when viewed from outside the site) and single storey workshops and warehouses to the rear. Several of the workshops remain in use, however the majority of the buildings are vacant.
- 2.2 The frontage of the site is level with Sutton Road however the land then falls away steeply from Sutton Road to the rear of the site which abuts the Greyhound Retail Park. The site is readily visible across the retail park.
- 2.3 Immediately to the north of the site are two storey houses and the beginning of a commercial parade of shops running in a southerly direction along Sutton Road while behind this are more residential premises. To the south is the Greyhound Retail Park and to the east is an operational industrial use, with further commercial premises along Sutton Road and residential development beyond these.
- 2.4 To the east of the site lies a vacant industrial site, this has an extant permission for a part 4, part 5, part 6 storey residential development of 66 flats.

3 Planning Considerations

- 3.1 Submission of this application follows withdrawal of application 09/02318/FULM, which officers had recommended for refusal and was to be considered at Committee. The application was recommended for refusal for reasons relating to: the impact of the adjacent industrial use on future occupiers, lack of satisfactory amenity space, inadequacy of servicing, lack of a suitable highways contribution and lack of a completed S106 Agreement.
- 3.2 The main issues to be considered are therefore considered to be: the principle of residential use on this site, the impact on the character and appearance of the area, traffic generation, parking and servicing, impact on surrounding development and the standard of accommodation and the impact on future occupiers.

4 Appraisal

Principle and loss of employment land

Planning Policy Statements: PPS1, PPS 3; DPD1 (Core Strategy) policies: KP1, KP2, KP3; CP1, CP3, CP4, CP8; Borough Local Plan Policy E4.

- 4.1 With regard to the principle of a residential development and particularly the loss of a designated industrial site, the site should be considered as being “previously developed land”. Section 4.28 of the Borough Local Plan identifies a number of existing industrial sites which were suitable for industrial purposes but which the Council no longer wishes to remain subject to the consideration of Policy E4. The industrial premises at 285 Sutton Road are included in these sites. Also of relevance to this issue is that other sites identified in this section of the Local Plan; Barham Timber in Fairfax Drive, 257-283 and 27-28 Redstock Road have all been approved for residential redevelopment. It is therefore considered that an objection cannot be raised on policy grounds in terms of the loss of an employment site.

Design and Impact on the Character of the Area

Planning Policy Statement(s): PPS1, PPS 3; DPD1 (Core Strategy) policies KP1, KP2, KP3, CP4, CP7; BLP policies; C11, C14, C15, H5, H7, Design and Townscape Guide

Density

- 4.2 The scheme proposes 32 flats which equates to a density of approx 186 dwellings per hectare. PPS 3 (Housing) encourages local authorities to think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment. The Council’s Design and Townscape Guide recognises development sites in town centres and along public transport corridors generally lend themselves to higher densities, however high density schemes with large footprints can easily become overbearing and dominant in the street scene. The proposed building is up to 4 storeys high and therefore the scale, height and massing are key considerations in assessing its context with the surrounding development.

Design and Public Realm Impact

- 4.3 The section of Sutton Road between East Street and Guildford Road is characterised by two storey buildings and although the uses are mixed, the heights of buildings along this section are remarkably consistent. Indeed the most visually prominent building in this section of Sutton Road is the 3 storey building on the adjacent site (this is partially demolished). The land to the south of the site is set lower than the application site. This includes the Greyhound Retail Park, Grainger Road Industrial Estate and surrounding residential streets. Again the majority of development in this area is a maximum two storeys in height with a fine grain of residential terraced development as well as the larger retail warehouses and industrial estates which create a coarser grain, albeit with a low rise built form. To the north and east the land is at a similar level to the application site and the majority of development is two storey residential housing again with a fine grain.

Planning permission was granted in 2008 for the erection of part 3, part 4, part 5 storey block of 66 flats on the adjoining site to the east. The proposed scheme would reflect the design of that approved development.

- 4.4 The proposed scheme is a contemporary design in an area which is recognised as currently lacking buildings of any distinct architectural quality. It has a slightly reduced scale compared to the development which is approved on the adjacent site to the east, whilst further reducing in scale where it abuts 27 – 28 Redstock Road. The building is layered both vertically and horizontally in an attempt to reduce its visual scale. While it is recognised that the building will have a strong visual presence it is considered that, together with the adjacent approved development, it will create a suitable visual “stop” to this part of Sutton Road when viewed from the north and that the strong contemporary design is generally acceptable.
- 4.5 The rear elevation of the building will have a strong public presence when viewed across the adjacent retail estate. Officers are satisfied that the rear of the building will have a satisfactory visual impact, as the mass of the building has been broken up visually and there is sufficient fenestration and detailing to ensure that, notwithstanding the size of the building, it will not appear unduly dominant.
- 4.6 With regard to detailed design issues, there is concern that the amendments that have been made to this application have reduced the quality of its design, as follows:
- 4.7 Loss of balconies; it is considered that the balconies are an intrinsic part of the design and add interest and articulation to the elevations.
- 4.8 Loss of height to centre section; The height of the tallest section has been reduced from 5 to 4 storeys and there is now little differentiation between this and the neighbouring elements other than the materials. Variations in height are a key part of the design in the neighbouring scheme and this proposal is therefore weakened by this reduction in height.
- 4.9 Materials; The materials have changed from terracotta tiles and ventilated façade systems to coloured render systems and grey / black brick which is a significant reduction in the quality of the building and means that it will no longer match with Phase 1 of the development on the adjoining site. This is therefore unacceptable.
- 4.10 The applicant has been requested to amend the submitted plans in accordance with the above comments. If these design details are reinstated the proposal would form a comprehensive development with the adjacent site and together these buildings will define the edge of the town centre and transform the streetscene which is much needed in this area. If however the applicant fails make the requested amendments, then a reason for refusal on design grounds may be considered appropriate.

Traffic and Transport Issues

Planning Policy Statements: PPS1, PPG 13: Transport; DPD1 (Core Strategy) policies: SO9, SO13, SO14, SO15, SO17, KP2, KP3, CP3; BLP Policies; T1, T8, T10, T11, T12, T13.

Traffic Generation

- 4.11 A traffic assessment has been submitted with the application. This indicates that the car trip generation for the site (together with that which would be generated by the approved development on the adjoining site) can be readily accommodated on to the existing highway network. The site will no longer generate heavy goods vehicle trips, (apart from servicing requirements such as refuse collection). No objections have been raised by the Highways department in relation to the detail of the transport assessment.

Access

- 4.12 It is proposed that vehicles would enter the application site via the access which would serve the approved development on the adjoining site. The basement car parks for both developments would be linked. The proposed access includes provision of a right hand turn lane within the existing carriageway for vehicles accessing the site from the north. The works to the highway are controlled by means of a Grampian Condition attached to application SOS/07/00602/FUL. If permitted the current proposal would need to be temporally linked with that approved under SOS/07/00602/FUL in order to ensure the current development could not be carried out independently.

Parking

- 4.13 Car parking to serve the development is proposed at a level of 100%. The site is reasonably accessible by public transport during the day and early evening, the level of parking is considered acceptable to meet the needs of residents, provided that adequate public transport provision is in place and that occupiers are encouraged to walk and cycle to the site. There are two spaces shown within the car park which would be available either for visitors or for service vehicles. There are also areas of the basement area which appear to be underused; during consideration of the previous application the applicants were asked to comment on this and stated :

“The Architects do believe that there is potential to accommodate additional spaces but this is subject to a full structural design which would not be feasible to complete at this stage.”

- 4.14 It is considered that the 100% parking will be sufficient to serve the development, however the opportunity to provide additional spaces for visitors would be welcomed. The car park layout is considered acceptable.

Cycle parking

- 4.15 44 cycle parking spaces are proposed within secure covered cycle storage areas. This is considered adequate to serve the development.

Servicing

- 4.16 Two parking spaces for service vehicles are included within the basement area. However the basement car park would not be accessible by larger service vehicles. The applicants previously proposed to use the service bay which is being installed as part of the development on the adjacent site, to serve this development. However officers consider that this service bay is too distant (some 50m) from the refuse store to provide satisfactory accommodation for refuse vehicles. It is therefore, proposed to undertake refuse collection from Redstock Road. This will make use of the existing drop kerb and given the low level of traffic within Redstock Road should mean that refuse collection from this point should not have undue impact on other highway users. The Transport Statement which accompanies the application shows a loading bay to be marked out within the highway at Redstock Road, however this is not considered to be necessary or advantageous to the development. .
- 4.17 The development is to be constructed at the junction of Sutton Road (a distributor road) and Redstock Road. All deliveries by vehicles larger than a car will be unable to gain access to the site due to headroom and manoeuvring issues and will have to park on-street. With 35 dwellings being proposed there are likely to be a significant number of removals and delivery lorries. Delivery vans such as are used by on-line grocery supermarkets will also be unable to gain access to the underground car park. On a junction such as this there are concerns that kerb-side parking (on the double yellow lines) would be a possibility which could create new hazards for other road users. Drivers may choose to park on the wide footway instead of at the kerb-side and would also create visibility and safety issues. On street parking is permitted on the north side of Redstock Road near the junction with Stock Road, but it is frequently full up. There is also limited parking outside the shops to the north of Redstock Road but, again, it is frequently fully committed.
- 4.18 The concerns in relation to servicing are seen as being significant likely to impact upon both highway safety and the free flow of traffic. Officers have undertaken discussions with the applicants in order to try and address this issue. It is clear that there is no opportunity to create a safe off street loading bay within the close vicinity of the site without the loss of a number of off street parking spaces, which is unacceptable in this location. Therefore the only option for this development is to ensure as far as possible that deliveries take place from the proposed loading bay in Sutton Road. This can be achieved by imposing a loading ban on the highway within Sutton Road and Redstock Road that if used for loading would be detrimental to highway safety. This could be achieved by virtue of a S106 Agreement.
- 4.19 For these reasons, subject to a suitable S106 agreement relating to imposition of a loading ban, the application proposals are considered acceptable in relation to servicing and would be in accordance with Policies CP3 and T8 and T12 and to the detriment of highway safety.

Impact on Residential Amenity

Planning Policy Statements: PPS1- Delivering Sustainable Development; PPS 3 - Housing; PPS 23 Planning and Pollution Control; PPG 24: Planning and Noise; DPD1 (Core Strategy) policies; CP4; CP6, CP7; CP8; BLP policies C11, C14, C15, H5, H7, E5, T8

Outlook and Sunlight and Daylight

- 4.20 In relation to the application site the closest residential property is a flat which is located above 295 Sutton Road; this has a secondary window on the northern side elevation which faces the site. The westernmost end of the proposed development would face this window. Other nearby residential properties are located on the northern and western sides of Sutton Road and on the northern and southern sides of Redstock Road.
- 4.21 Consideration should be given to the visual impact of the building and whether it is intrusive and overbearing or would result in the loss of daylight or overlooking. It is recognised that there is an increase in the height and bulk of the buildings on the site which will have a greater visual impact on the dwellings opposite. The westernmost part of the development is essentially three storeys in height. An area of external amenity space is proposed on the flat roof area above. Given the separation between the proposed development and the adjacent flat, at 295 Sutton Road and given that the window that is most affected is a first floor secondary window, it is not considered that the building will be visually intrusive or overbearing or would result in an unacceptable loss of daylight.
- 4.22 Permission has also been granted subject to completion of a S106 agreement, for residential development at 27-28 Redstock Road, the adjacent site to the west. This would be a three storey development, with vehicular access alongside the proposed development at 285 Sutton Road. The Redstock Road development would have kitchen windows along the side elevation of the building. These would undoubtedly be affected by the application property, and would experience a loss of outlook and some loss of light. However, these are side windows and are secondary in nature. Such windows would not normally be expected to benefit from the same open outlook and level of light as would main windows to the front or rear of a dwelling. It should also be noted that the residential proposal at 27-28 Redstock Road has not yet actually gained planning permission as the S106 agreement remains outstanding, and the applicant does not appear to be actively pursuing completion of the agreement. No objection is therefore raised in relation to the impact of the development on the outlook of occupiers of the future development at 27–28 Redstock Road, or to potential loss of light thereto.

Overlooking

- 4.23 In relation to the potential for loss of privacy through overlooking, the main of the proposed development is on the premises immediately opposite the site in Redstock Road. The separation between the building line of the existing houses opposite and the proposed building is approximately 14m metres at the closest point. There will be a number of openings within this elevation which include balconies that are directly orientated towards this dwelling. However, as noted above the affected window is a secondary side window, which currently faces onto the highway. The main habitable room windows to the property will not be overlooked. On balance, it is considered there is sufficient separation between these properties so as not to warrant refusal on the grounds of loss of privacy through overlooking.
- 4.24 With regard to the proposed flats at 27-28 Redstock Road, there would be overlooking of the side kitchen windows from the proposed amenity terrace at fourth floor level. This could be overcome by the erection of a glazed screen along the side boundary. Such a screen could be designed so as not to appear out of keeping with the development as a whole, or unduly prominent. There are a number of small windows in the side of the proposed development, which serve hallways and would look towards 27-28 Redstock Road. Any overlooking that would result from these windows could be mitigated by the use of condition to require obscure glazing.

Noise and Disturbance to existing residents

- 4.25 The site has, in the past, been used for industrial purposes. There is a limited element of industrial use which continues on site today. These uses have the potential to cause some disturbance to adjoining residential sites and would also generate activity and traffic movement. There is very limited parking within the site boundary to serve the existing development, and therefore if more fully occupied the industrial use of the site would be likely to result in on street car parking. Therefore, although there will be activity associated with the proposed residential use of the site, this is not considered to be so significant to result in material harm to surrounding occupiers.
- 4.26 The impact of the development on existing residents is therefore considered to be acceptable and in accordance with Policy H5 of the Borough Local Plan.

Impact on future occupiers of the development

Planning Policy Statements: PPS1- Delivering Sustainable Development; PPS 3 - Housing; PPS 23 Planning and Pollution Control; PPG 24: Planning and Noise; DPD1 (Core Strategy) policies; CP4, CP6, CP7, CP8; BLP policies C11, C14, C15, H5, H7, E5, T8.

Size of units and amenity space provision

- 4.27 Turning to the details of the flats, the applicant has been requested to confirm the floorspace of the units; however these appear comparable to those of the previously submitted scheme, where the unit sizes, although not generous, were considered to be in line with other new build schemes. The one bedroom units had a floor area of between approximately 46.4 and 48 sqm and the two bedroom units between 62.6 and 82.4sqm. No guidelines are currently provided within the Local Plan for room sizes for new build schemes; however the minimum sizes for Affordable Housing units are 45-50sqm for 1 bed flats and 67-75sqm for 2 bed units. Provided that the applicant confirms the unit sizes are within the guidelines as set out above, it is considered that the proposed size of units can meet the minimum Affordable Housing requirement and that the size of the flats is acceptable.
- 4.28 With respect to amenity space, the Design and Townscape Guide does not set out minimum standards for amenity space, rather it focuses on usability. Previously the nature of the amenity space and its lack of usability were considered to be unacceptable.
- 4.29 The current scheme proposes a mix of communal space and private balconies. The communal space is broken into 3 sections, two being positioned towards the rear of the site and one third floor roof terrace, the rear of the building faces south so these areas will allow for maximum solar gain. There is also a landscaped area to the front of the development, but this area is not private, is located on the northern side of the building, so will benefit from very limited sunlight, is shallow and contains a number of vents and therefore it is not considered that this space can be properly considered as amenity space, and is in fact, simply part of the landscape setting of the development. The total area of communal amenity space is therefore considered to be, 548sqm which equates to approximately 17sqm per flat. In addition to communal space, a number of the flats will have a private balcony. The nearest public open space is the Victory Sports Ground to the north of the site which is an approx 800m walk.
- 4.30 It should be noted that the balconies to the front of the development will suffer noise from the adjacent highway at levels in excess of World Health Organisation guideline values for a reasonable noise climate. Although it will be up to the residents whether or not to use their balconies, as was the case in the determination of the adjoining site, they have limited values as amenity areas.
- 4.31 The applicants have revised the proposals so that the smaller area of amenity space to the rear will be linked to that of the adjoining site. This means that the space is generally more attractive to users and less isolated than previously. Also the area has been enlarged by virtue of removal of a stair tower, again making it more usable. The smaller area of amenity space will still be less attractive for users of the majority of the development as it is accessed directly by one flat only. However, given the improvements that have been made to the layout, together with the reduction in the number of units resulting in a greater amount of provision per unit, the amenity space provision is now, on balance, considered acceptable.

4.32 Thus, the nature and amount of the amenity space provision considered to be acceptable and in that respect the development would be in accordance with Policies H5 and H7 of the BLP and Policy CP4 of the Core Strategy DPD1.

Noise and nuisance

4.33 PPG24 (Planning and Noise) gives guidance on residential development in relation to road noise, and sets out four categories of noise exposure ranging from “A” to “D” (A being moderate and D being unacceptable). A noise assessment has been submitted which examines the impact of noise on the site. The noise assessment concludes that the site is subject to significant road noise, and states that the proposed dwellings would fall within category “C”, according to PPG24. PPG24 advises permission should not normally be given in such circumstances however, where it is considered permission should be given, conditions must be imposed to protect against noise impact.

4.34 Given that this is an urban location and is on previously developed land adjacent to a similar residential site it is considered in this case, subject to the use of particular glazing methods (which could be secured by condition) there would be no adverse noise impacts on the occupiers inside the development. This will however, require that windows within the front elevation be kept closed and mechanical ventilation installed. The external balconies on the front elevation of the building would be subject to unacceptable noise levels (see para 4.33 above) and although their use would be at the discretion of residents, they have limited value as discussed above.

4.35 One of the reasons that the previous application (SOS/09/02138/FULM) was recommended for refusal related to the relationship of the proposed development and the industrial use at 27-28 Redstock Road.

4.36 27-28 Redstock Road is currently in use for industrial purposes. There is concern regarding the risk of nuisance occurring to the occupiers of the proposed flats due to the emission of smoke and fumes from the chimney to the incinerator, in the rear yard of 27-28 Redstock Road. The chimney is located in the south east corner of the adjoining premises and was located there to maximise the distance between the chimney and the 2 storey residential properties in Redstock Road. The chimney was relocated in response to complaints from residents in Redstock Road and the chimney height was raised to reduce the potential for complaints to occur. The height of the new flats will reach above the discharge height of the chimney.

4.37 It is considered that there will be detriment to the amenity of the occupiers of the flats due to emissions from the chimney, affecting the rear amenity area, roof terrace and the new flat themselves, with no practical means of solving the problem whilst the use of the incinerator continues. Although there has been a resolution to grant planning permission for residential development on 27-28 Redstock Road, subject to a S106 agreement which remains unsigned, planning permission has not been granted and there is no guarantee that the development will ever go ahead.

4.38 Officers have suggested to the applicants that they seek to address this issue through discussion with the owner/occupier of 27 – 28 Redstock Road in order to seek a mutually acceptable resolution to the problem. However the applicants do not appear to have done so.

4.39 The applicants have suggested in their supporting statement that:

“With regard to the impact of the incinerator chimney at 27-28 Redstock Road, the applicant understands that this adjoining site is used for the manufacture of kitchens, and that the incinerator is used on an irregular basis for the burning of waste. The use would not appear to require an incinerator as a pre-requisite for successful operation. Presumably, waste material could/should be recycled or disposed of in an environmentally more sensitive way. The immediate area includes many residential properties in Redstock Road, Sutton Road and Stadium Road in close proximity to the incinerator chimney, and clearly this is an inappropriate location for the dispersal of smoke/fumes into the atmosphere. It would seem that the existing commercial use would not be undermined by the removal of the incinerator and chimney in the event that future occupiers of the application site have reason to complain.

If such complaints are considered likely to arise, they are not substantially less likely to arise from occupiers of the approved scheme at 257-283 Sutton Road which will lie a short distance to the east of the site”

4.40 *“the authority should use its powers under environmental protection legislation to require the cessation of use of the incinerator and its replacement with a more environmentally sustainable form of waste disposal. The planning benefits of providing new housing clearly outweigh any minor impact on the industrial operation at 27-28 Redstock Road, in particular given the existing environmental harm arising from the incinerator”.*

4.41 The PPS 23 (Planning and Pollution Control) states in para 9 that “in considering proposals for development, LPA’s should take account of the risks of and from pollution and land contamination, and how these can be managed or reduced”.

4.42 Para 10 states:

“The planning system controls the development and use of land in the public interest. It plays an important role in determining the location of development which may give rise to pollution, either directly or from traffic generated, and in ensuring that other developments are, as far as possible, not affected by major existing, or potential sources of pollution”.

4.43 Paragraph 11 goes on to state *“Where, for example, new housing is proposed close to a source of potential pollution, the risk of pollution from the normal operation of the process or the potential impacts and the extent to which the proposals address such risks will influence whether or not development should proceed”*

4.44 Case law suggests that in a situation such as being assessed it is necessary to

consider whether conditions for new residents would be so bad as to create continuing conflicts/complaints, and consequent problems for public authorities, or whether the view should be taken that prospective occupiers should be able to exercise choice as to whether live in an adverse environment or not.

- 4.45 It is clear from the situation that has previously arisen in relation to the chimney, before its relocation, that the impact on neighbouring occupiers is one that would be very likely to give rise to cause harm to future occupiers and give rise to complaint. There is no evidence to suggest that the impact of the chimney will necessarily diminish in the future.
- 4.46 Possible methods of mitigating against the impact of the chimney have been considered, but because of the nature impact this is not considered possible or practical (as for example double glazing would be at mitigating impact from noise.)
- 4.47 Whilst the application site is one which it is considered generally beneficial to redevelop, as demonstrated by its allocation within the Borough Local Plan, the SHLAA has demonstrated that there are sufficient sites within the Borough suitable for residential development to serve the housing needs of the Borough, without recourse to development that is for other reasons unacceptable. It is therefore considered unreasonable for the authority to seek to require cessation of use of the chimney, and in effect to penalise the existing occupier of 27-28 Redstock Road, in order that residential development of the adjacent site can proceed.
- 4.48 Thus it is concluded that this application would be contrary to the provisions of PPS23 and Core Strategy Policy CP4 and should be refused due to the impact of the fumes from the adjoining property on future occupiers of the development.

Sustainable construction

- 4.49 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.
 - All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide, 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...”

- 4.50 The applicants have stated that 10% of the site’s total energy demand will be met via

renewable technologies and have submitted and sustainability report to demonstrate this. They state that energy saving measures will be incorporated throughout the development to reduce the energy demand of the site from a Building Regulations baseline. These measures will include improved insulation standards, as well as 75% low energy lighting for all internal fittings, and air source heat pumps. These proposed energy efficiency measures and air source heat pumps are welcomed and will meet the requirements of policy KP2. The applicants have provided details regarding the location of the pumps, to show how they will be integrated to the building and what impact will they have on the elevations and that sufficient plant space is available for the technology.

Planning Obligations

Planning Policy Statements: PPS1, PPS 3, PPS 6, PPS 22; PPS 23, Planning Policy Guidance Notes PPG 13, DPD1 (Core Strategy) policies KP3, BLP policies: U1.

4.51 The Core Strategy Police 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.

Affordable Housing

4.52 Affordable housing should be provided at a level of 20% for this size of development. It should also reflect the broad mix of accommodation in accordance with the Thames Gateway SHMA, August 2008. These would be 2 x 1 bed, 2 x 2 bed, 2 x 3 bed, and 1 x 4 bed units. The development includes only 1 and 2 bedroom flats. The units should meet HCA minimum standard required for Affordable Housing in regard to size for private and open spaces, and all affordable housing should meet Level 3 or 4 code for sustainable homes and Building for Life standards.

4.53 The applicant has confirmed that 20% of the proposed units (a mixture of 1 and 2 bedroom units) will be affordable. Officers await confirmation that the proposed units will meet HCA standards for unit sizes, (HCA standards require 1 bedroom (2 person) units to be 45-50 square metres, and 2 bedroom (3 person) units to be 57-67 square metres) The applicant has confirmed that the units will comply with Level 3 of the Code for Sustainable Homes, and will meet Lifetime Homes Standards.

4.54 However, they have stated that “the site is not considered suited to the provision of family accommodation given its location adjacent to a busy road with commercial uses to the rear. The topography of the site also lends itself to flats above a lower ground car park. This matter was discussed at length with officers in the context of the subsequently approved scheme for the adjoining site at 257-283 Sutton Road where identical conditions apply, and where a mix of 1 and 2 bedroom units was approved.”

4.55 Housing officers have confirmed that the provision of one and two bed units only

would be acceptable.

Education

- 4.56 This application falls within the catchments of Bournemouth Park Primary and Cecil Jones High Schools. As pupil numbers are increasing contributions to all education categories are required. The total contribution required equates £24,218.18. Confirmation is awaited from the applicants that they are willing to make this contribution. It should be noted that this contribution requirement has increased over that sought for the previous withdrawn scheme as a result in an increase in the number of 2 bed units in the current proposal.

Public Art

- 4.57 The applicants have been requested to make a contribution for Public Art on or around the site. Such a contribution is considered justified given the location and details of the scheme. A contribution equivalent to 1% of development costs has been requested. Negotiations are ongoing and position will be updated within the supplementary agenda.

Highways works

- 4.58 Alterations to the highway are required in order that suitable access can be provided for to this development. Such alterations are required as part of the conditions associated with the permission for the adjacent site at 257-283 Sutton Road, but should also be reflected in any permission for this site.
- 4.59 Policy KP2 of the Core Strategy requires that “new development should ensure good accessibility to local services and the transport network ... facilitate the use of travel modes other than the private car....secure improvements to transport networks, infrastructure and facilities and promote improved and sustainable modes of travel”.
- 4.60 It is considered that the level of parking provided will meet the needs of residents, only provided that occupiers/visitors make use of public transport, cycling and walking provide and these are good alternatives to car use.
- 4.61 Previously concerns were raised regarding the availability of evening bus services, and the consequent need to find additional buses. However the applicant has presented evidence to demonstrate that given the type of development that is proposed, the demand for evening bus services will be limited to such an extent that officers are satisfied that it would not be reasonable to require a contribution in this respect.

Community Infrastructure Levy Regulations

- 4.62 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 10/01190/FULM.

5 Conclusion

- 5.1 Whilst there is no objection in principle to the loss of the employment use of this site, the proposed residential development is considered to be unacceptable because of its relationship with the adjacent industrial site and the impact of smoke, fumes etc from a wood burner on the occupiers of the proposed development. Some servicing of the site is likely to take place from the highway, however this can be directed away from sensitive areas by virtue of imposition of a loading ban. No S106 Agreement has so far been completed in respect of the application. For these reasons the application is considered unacceptable and is recommended for refusal.

6 Planning Policy Summary

- 6.1 National Policies - Planning Policy Statements: PPS1- Delivering Sustainable Development; PPS 3 - Housing; PPS 22- Renewable energy; PPS 23 - Planning and Pollution Control; PPS 25: Planning and Flood Risk; Planning Policy Guidance Note PPG 13: Transport; PPG 24: Planning and Noise
- 6.2 Core Strategy Development Plan Document DPD1: KP1 Spatial Strategy; KP2 Development Principles, KP3 Implementation and Resources; CP1 Employment Generating Development, CP3 Transport and Accessibility, CP4 The Environment and Urban Renaissance, CP6 Community Infrastructure; CP7 Sport Recreation and Green Space, CP8 Dwelling Provision. Supplementary Planning Document 1 (Design and Townscape Guide 2009); Supplementary Planning Guidance 2 (Planning Obligations – a guide to S106 and Developer Contributions 2009).
- 6.3 BLP Policies; C11 New Buildings, Extensions and Alterations, C14 Trees Planted Areas and Landscaping, E4 Industry and Warehousing, H5 Residential Design and Layout Considerations, H7 The Formation of Self Contained Flats, T8 Traffic Management and Highway Safety, T11 Parking Standards, T12 Servicing Facilities, T13 Cycling and Walking, U2 Pollution Control

7 Representation Summary

- 7.1 **Essex County Fire and Rescue Service** - Access for Fire Service purposes is considered satisfactory; The water supply for fire fighting purposes is considered satisfactory; there is no undue site exposure envisaged.
- 7.2 **Renaissance Southend** - to be reported

- 7.3 **Anglian Water** - Raise no objections and suggests informatives relating to: Assets Affected, water resource zone and water supply network, foul sewerage system, surface water system and wastewater treatment.
- 7.4 **Police Architectural Liaison Officer** – to be reported
- 7.5 **EDF Energy**- to be reported
- 7.6 **Highways** - Provision for servicing was an issue that was considered to be a significant problem with the previous application. At a meeting held with the applicant a suggestion was made to construct a lay-by at the eastern end of Redstock Road that could overcome the previous reason for objecting to the proposal. The new application includes a suggestion to change the traffic regulation in Redstock Road to replace the existing double yellow line with a loading bay. This is not what was suggested at the meeting and is not necessary. Lorries can load and unload from double yellow lines providing it is safe to do so and therefore a loading bay is not necessary. The idea behind the suggested lay-by was that an area of the footway adjacent to the junction would be removed to permit lorries to load and unload without interfering with traffic flows and road safety. Applicants also need to find a way of preventing vehicles parking on the pavement on Sutton Road.
- 7.7 **Environmental Health** - recommend that this application is refused due to the problem of emission of smoke from the chimney to the wood burning incinerator at 27-28 Redstock Road. It is inevitable that smoke and the odour of smoke will discharge to the rear seating area and on to the rear façade of the flats.

There is concern regarding the very high risk of nuisance occurring to the occupiers of the proposed flats due to the emission of smoke from the chimney to the incinerator, in the rear yard of 27-28 Redstock Road. The chimney is located in the south east corner of the adjoining premises and was located there to maximise the distance between the chimney and the 2 storey residential properties in Redstock Road. This was relocated in response to complaints from residents in Redstock Road and the chimney height was raised to reduce the potential for complaints to occur. Prior to the works being carried out a notice was served under the Environmental Protection Act 1990 requiring the abatement of nuisance from smoke emission. The new flats will reach above the discharge height of the chimney.

It is considered that there will be detriment to the amenity of the flats and the potential for statutory nuisance due to emissions from the chimney, affecting the large rear external seating area and new flats, with no practical means of solving the problem whilst the use of the incinerator continues. There is no alternative but for Environmental Protection to recommend refusal of the application unless a solution can be found to this problem.

Subject to resolution of the above matter there would be no adverse observations, subject to the following conditions.

The air source heat pumps on the roof shall not be installed before a noise assessment has been submitted to the LPA and approved in writing by the local planning authority. The assessment shall show that the noise levels will not exceed a BS 4142 rating level of at least 5 decibels below the background noise and

demonstrate that there will be no significant noise transmission through the structure into habitable rooms.

Should permission be granted recommend conditions relating to decontamination and noise insulation.

7.8 Parks and Open Spaces – to be reported

7.9 Housing – Adult and Community Services welcome the provision of Affordable Housing within this application, we would ask for affordable housing to meet the housing needs inline with the Borough's, Core Strategy DPD, we would require Affordable Housing to reflect a broader mix of accommodation in accordance with the Thames Gateway SHMA, August 2008.

Proposed number of units:- 32 units,
Core Strategy DPD Requirement:- 6 Units (20% Affordable Housing)
Intermediate Housing Proposed:- 4 x 1bed units 2 x 2bed Units

Require split for Affordable Housing:- 70/30 (70% rented, Intermediate Rented and 30% shared ownership)

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 in regard to size for private and open spaces, especially for larger family units. All Affordable Housing should meet Level 3 or 4 code for sustainable homes.

7.10 Design and Regeneration - The neighbouring site 257-279 Sutton Road has planning permission for a larger flatted block (07/00602/fulm) and it seems that the applicant's intension is to build phase 2 of the development on this site. The basement parking areas share a single access on the neighbouring site and the design is similar. There is no objection to this in principle, but the recent amendments that have been made to this scheme from the previously withdrawn scheme (09/02318/fulm) have seriously diluted the quality of the development when compared to the approved scheme next door and this is unacceptable.

7.11 Of particular concern is: Loss of balconies – the balconies are an intrinsic part of the design and add interest and articulation to the elevations. This can be seen on the elevations to the withdrawn scheme where the detail of the neighbouring development is shown. These should be reinstated and the detailing of them will need to be conditioned to ensure quality. These also provide the only private amenity space for the residents and would therefore be valued (the other amenity space is communal).

7.12 Loss of height to centre section - The height of the tallest section has been reduced from 5 to 4 storeys and there is now little differentiation between this and the neighbouring elements other than the materials. Variations in height are a key part of the design in the neighbouring scheme and this proposal is therefore weakened by this reduction.

- 7.13 Materials -The materials have changed from terracotta tiles and ventilated façade systems to coloured render systems and grey / black brick which is a significant reduction in the quality of the building and means that it will no longer match with phase 1 of the development. This is therefore unacceptable.
- 7.14 If these design details are reinstated the proposal would form a comprehensive development with the adjacent site and together these buildings will define the edge of the town centre and transform the streetscene which is much needed in this area.
- 7.15 Areas for further clarification: Landscaping; The pedestrian ramp on the frontage is of a significant size and will need to be carefully detailed so that it does not detract from the quality of the building; Ventilation planters; how they will work; Boundaries, details to be required; Amenity areas, including terrace, how will these areas will be landscaped and planted. Internal Space – The unit sizes will not offer much flexibility within the unit.
- 7.16 Public Art – this proposal is a significant scale and on the axis of a main route into the town centre and there is therefore a good opportunity to include an element of public art as part of the scheme.
Sustainability - The proposed energy efficiency measures and air source heat pumps are welcomed and should meet the requirements of policy KP2. Under floor heating should also be considered as this is much more efficient for this type of technology.
- 7.17 **Education-** This application falls within the catchments of Bournemouth Park Primary and Cecil Jones High Schools. As pupil numbers are increasing we will need contributions to all education categories. Total contribution requested £24,218.18.

Public Consultation

The application has been called in by Cllr David Norman

Press notice, site notice and neighbour notification undertaken. 24 neighbours have been notified. One letter of objection has been received objecting for the following reasons:

- 7.18 • The development will result in overcrowding in an already overcrowded area
- 7.19 • Implications for noise and disturbance

8 Relevant Planning History

- 8.1 2010 – 285 Sutton Road application to Demolish existing building and erect part 3/ part 4/ part 5 and basement storey block of 35 flats with associated private balconies, communal amenity space, including roof terraces, refuse store and landscaping, lay out car parking, cycle storage and motor cycle storage at lower ground level, and form vehicular access onto Sutton Road. Application recommended for refusal for reasons relating to: the impact of the adjacent industrial use on future occupiers, lack of satisfactory amenity space, inadequacy of servicing, lack of a suitable highways contribution and lack of a completed S106 Agreement. Application withdrawn prior to consideration by Committee. 09/02138/FULM

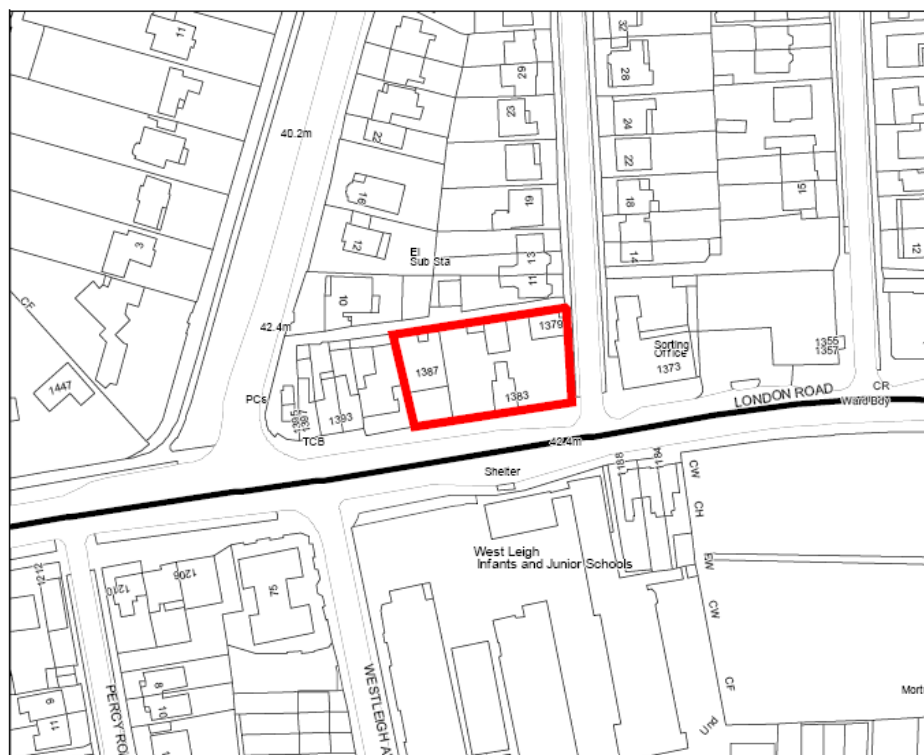
- 8.2 2008 - 257-283 *Sutton Road*, planning permission granted to demolish existing buildings and erect part 3/ part 4/ part 5 storey block of 66 flats with associated private balconies, communal amenity space (including roof terraces), refuse store and landscaping, layout car parking, cycle storage and motor cycle storage at lower ground level and form lay - by within Sutton Road SOS/07/00602/FUL
- 8.3 2008 – 27-28 *Redstock Road* planning permission granted to demolish existing buildings and erect 3 storey block comprising 15 flats and basement parking, lay out amenity area and form vehicular access onto Redstock Road. 08/01391/OUTM. It should be noted this application is subject to completion of a S106 Agreement which remains outstanding.

9 Recommendation

Members are recommended to REFUSE PLANNING PERMISSION for the following reasons:

- 9.1 **01 The proposed development would be located adjacent to an industrial site the operation of which, by virtue of the use of an incinerator and associated chimney, would result in generation of fumes and smoke which would adversely affect the amenities of future occupiers to the detriment of their amenities and contrary to the provisions of policy CP4 of the Core Strategy DPD1**
- 9.2 **02 In the absence of a signed legal agreement, the proposed development fails to:- i) provide for Affordable Housing ii) provide for a satisfactory provision of public art iii) provide a suitable contribution towards education provision, iv) prevent unacceptable off street servicing and v) provide a suitable contribution towards S106 monitoring, as such, the proposal would not make a satisfactory contribution towards the affordable housing provision within the Borough, or the quality of the built environment within the vicinity of the site and is likely to place increased pressure on public services and infrastructure to the detriment of the general amenities of the area, and would be detrimental to highway safety, contrary to Policies KP2, KP3, CP3 CP4, CP6 and CP8 of the Core Strategy, Policies H5, T8, T12 and C11, of the Borough Local Plan, and the Design and Townscape Guide (2009).**

Reference:	SOS/10/01330/FULM
Ward:	Belfairs
Proposal:	Demolish existing building, erect part 2, part 3 storey building with roof terrace incorporating two commercial units (100 sqm and 97sqm) with one flat on ground floor and 13 flats on upper floors, layout parking spaces to rear with access onto Belfairs Drive (Amended Proposal)
Address:	1379-1387 London Road, Leigh-on-Sea, SS9 2SA
Applicant:	Mr M Mason
Agent:	Tim Knight Architects
Consultation Expiry:	12 August 2010
Expiry Date:	5 October 2010
Case Officer:	Matthew Leigh
Plan Nos:	010 Rev N, 011 Rev J, 012 Rev K and 014 Rev A
Recommendation:	Grant conditional permission



1 The Proposal

1.1 Permission is sought to redevelop an existing car sales site; with two commercial units and 14 flats.

1.2 Site Area Gross (Net)	0.11ha
Height	11m (3 Storeys)
No. of units	14 flats, No.10 one bed, No. 3 two bed and No. 1 three bed
Parking	14 Car Parking spaces 100% Residential (guideline 100-150%).
Cycle parking	Storage in car park, approximately 30
Refuse storage	Storage building in car park
Amenity space	None at ground floor level, but roof terraces proposed, flats have balconies
Density Gross (Net)	127dpha

1.3 The proposed development involves the construction of a part two storey and part three storey building which would provide two commercial units and a flat at ground floor and thirteen flats above.

1.4 The proposed building would measure 40m wide, a maximum depth of 13.6m and a maximum height of 11m. 14 car parking spaces are proposed to the rear of the site and will be accessed off of Belfairs Drive.

2 Site and Surroundings

2.1 The site is located on the corner of London Road and Belfairs Drive, opposite West Leigh School. It is currently used for car sales. There is a residential property to the immediate west on London Road, and residential properties to the north on Eastwood Road and Belfairs Drive. To the east across Belfairs Drive is the Royal Mail Delivery Office.

2.2 The streetscene is made up of properties of a variety of styles and designs. The area is of a mixed character with a variety of uses located in close proximity.

3 Planning Considerations

3.1 The main considerations of this application are principle of the development, design and impact on the character of the area, traffic and transportation issues, impact on residential amenity, sustainable construction and developer contributions. Although this is a new application the most recent previous application, dismissed on appeal, is also a material consideration and carries significant weight.

4 Appraisal

Background to the application

- 4.1 An application to erect a part two storey, part three storey and part four storey building comprising of two commercial units and 15 flats was refused planning permission on the 8th February 2008. This application was appealed and the appeal was dismissed.
- 4.2 The applicant entered into discussions with the LPA and a subsequent application to erect a part two storey and part three storey building comprising of two commercial units and 14 flats was refused planning permission on the 8th June 2009. This application was appealed and the appeal was dismissed solely in relation to planning contributions.

Principle of the Development:

Planning Policy Statement 3 (Housing); DPD1 (Core Strategy) policies KP1, KP2, CP4 and CP8; BLP policies C11, H5 and H7.

- 4.3 It should also be noted that Government housing policy (PPS3) seeks to make effective and efficient use of land, including re-use of previously developed land, where appropriate. The proposed development would be constructed on a site which is currently used for car sales and so is considered to be previously developed land.
- 4.4 PPS 3 states that when determining land supply through the SHLAA, allowances for windfalls should not be included in the first 10 years of land supply unless Local Planning Authorities can provide robust evidence of genuine local circumstances that prevent specific sites being identified. In these circumstances, an allowance should be included but should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends. The Council's rolling 5 year supply of housing land, identified in the Strategic Housing Land Availability Assessment (May2010) does not rely on any windfall sites and therefore demonstrates that the housing targets within the Core Strategy can be achieved through identified sites. However this does not mean that housing development, through windfall sites, is not acceptable in principle provided it meets other Development Plan policies. The principle of the site being redeveloped for a mixture of commercial and housing purposes has been accepted by virtue of the most recent appeal decision.
- 4.5 The proposed development would be located along London Road which provides easy access to local facilities and public transport and is therefore considered to be a good location for this type of residential development.
- 4.6 The frontage of the existing site onto London Road is currently used for car sales. The proposed development would provide two commercial units at ground floor along London Road. Within this area, London Road has a relatively strong retail character and no objection was previously raised with regard to a retail unit of this size in this location. There has been no change in Government guidance or adoption of new Council policy since the previous application, there is therefore no objection to the provision of new retail units on site.

Design and Impact on the Character of the Area:

Planning Policy Statement 1, Planning Policy Statement 3; DPD1 (Core Strategy) policies KP2 and CP4 and CP8; BLP policies C4, C11, H5 and H7

- 4.7 The importance of good design is reflected in PPS1 and PPS3 as well as Policies C11 and H5 of the Local Plan, Policies KP2 and CP4 of the Core Strategy and the Design and Townscape Guide states that the Council is committed to good design and will seek to create attractive, high-quality living environments.
- 4.8 London Road is characterised by properties of a variety of design and styles with varying heights and massing. The proposed building is modern and of an identical style and design to the previously refused scheme. However, it should be noted that the Inspector stated in relation to the character and appearance of the area at the recent appeal that *“the proposed building could be satisfactory accommodated within the street scene and would not detract from the character and appearance of the area. Indeed there is little local distinctiveness and the proposal would represent a good design that would enhance the area. The proposal would not conflict with the requirement of the development plan...”*
- 4.9 There has been no new policy or relevant Government guidance since the previous appeal decision and with this in mind it is considered that the development is appropriate to the character of the area and that a refusal could not be sustained upon appeal.

Traffic and Transportation Issues:

Planning Policy Statement 1, Planning Policy Guidance 13; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies H7, T8 and T11.

- 4.10 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officer Association (EPOA) set out the requirements for each use.
- 4.11 The Parking Standards are expressed as maximum standards and public transport is available in the locality. The authority also takes into account Government guidance contained within Planning Policy Guidance Note 13: Transport (PPG13) which encourages the reduction in the reliability on the car and promote methods of sustainable transport.
- 4.12 The proposed development provides provision for 14 car parking spaces for 14 flats. This meets the requirements of Policy T11 and therefore no objection is raised.
- 4.13 The proposed development would provide no on site car parking provision for the proposed commercial units. However, the site is in a sustainable location, which currently provides no on site car parking provision for visitors to the site. There are also on street parking restrictions in place. Given Government guidance in relation to sustainable transport it is not considered that an objection could be sustained upon appeal in relation to car parking provision.

- 4.14 The proposed car parking provision and access are identical in nature to the previously refused scheme and it should also be noted that the Inspector, when deciding the appeal, considered that *“the site is an area well served by public transport and although the provision of car parking spaces would be less than requested by the Council, it would be acceptable and accord more closely with the need to reduce reliance on the private car in new developments. In any event, given the parking restrictions in the area, I have no reason to believe that any off site parking would lead to concerns with highway safety or the free flow of traffic.”*

Impact on Residential Amenity:

PPS1, PPS3; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, E5, H5, H7 and H10 and the Design and Townscape Guide.

- 4.15 The orientation of the proposed building and its distance from neighbouring buildings and gardens would not result in serious loss of light or be overbearing. It should also be noted that an objection was not raised to the proposal previously in relation to this issue in any of the previously refused schemes.
- 4.16 The windows in the east and south elevation would overlook the highway which is considered acceptable. The proposed windows in the northern elevation would be in relatively close proximity to the adjoining residential properties to the north. The proposed windows would serve a corridor and it is considered reasonable to impose a condition in relation to obscure glazing in respect of these windows.
- 4.17 The previous application was refused in respect of the provision of a roof terrace. It should be noted that the Inspector considered this at the recent appeal and stated *“I am content that the provision of trees on the southern and western boundaries, as shown on the plans, together with discreet screening arrangement would protect the privacy of nearby residents. The screening could be set back from the edge of the building and need not be conspicuous or detract from the appearance of the building and details of this arrangement and boundary treatments could be secured by the imposition of suitable conditions”*. With this in mind, subject to appropriate conditions it is not considered that a refusal could be sustained upon appeal.
- 4.18 In respect of the impact on the school The Inspector stated that the school *“would not be subject to overlooking”*.
- 4.19 The site is currently used for car sales and it is not considered that the provision of two relatively small commercial units would cause an increase in noise and disturbance above that of the existing use to the detriment of the amenity of the adjoining residence.

Sustainable Construction:

PPS1, PPS3; DPD1 (Core Strategy) policies CP4 and CP8; BLP policies C11, H5, H7 and H10 and the Design and Townscape Guide.

4.20 Whilst comments raised in relation to renewable energy are noted the previous applications were not refused in respect of this and no concerns were noted. It was not a matter raised by the Inspector in considering the 2008 or 2009 appeal and there has not been any change in other circumstances since the previous refusals and therefore it is not considered reasonable to raise an objection to the proposal in relation to this at this stage.

Other Matters:

DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5 and H7, and Waste Management Guide.

4.21 The applicant has supplied a location for the proposed refuse store and cycle store, but has not provided details of its height and appearance. However, further details can be controlled by way of a condition and therefore no objection is raised in principle to the provision of the stores, subject to the appropriate conditions.

Developer Contributions:

PPS1, PPS3; DPD1 (Core Strategy) policies CP4, CP6 and CP8; BLP policies C11, H5, H7 and H10 and the Design and Townscape Guide.

4.22 It should be noted that Policy CP8 of the Core Strategy states that:

“all residential proposals of 10-49 dwellings or 0.3hectares up to 1.99 hectares makes an affordable housing or key worker provision of not less than 20% of the total number of units on site”

4.23 PPS3 (Housing) states:

“Developers should bring forward proposals for market housing which reflects demand and the profile of households requiring market housing, in order to sustain mixed communities. Proposals for affordable housing should reflect the size and type of affordable housing required.”

4.24 Housing have requested the provision of three affordable units. The breakdown of the accommodation requested would be 2 No. one bed flat and 1 No. three bed flat.

4.25 The development falls within Blenheim Primary School and Belfairs High School and a contribution for education is required. A sum of £5,048.88 towards primary, £6,467.84 towards secondary and £3,816.72 towards Post-16. A total contribution of £15,334.44 is requested.

4.26 Highways have requested a contribution cycle stands and bus publicity, totalling a contribution of £2,600.

4.27 The applicant has submitted a Unilateral Undertaking which would provide the above contributions. With this in mind it is not considered that an objection can be raised to the development in respect of Developer Contributions.

5 Conclusion

- 5.1 The proposed development is considered to be in accordance with the Development Plan policies and to provide the required level of developer contributions. It is not considered the development would have a detrimental impact on the area.

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), KP3 (Implementation and Resources), CP4 (The Environment and Urban Renaissance) and CP8 (Dwelling Provision).
- 6.3 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.4 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), H7 (The Formation of Self-Contained Flats), T8 (Traffic Management and Highway Safety) and T11 (Parking Standards).

7 Representation Summary

Highway Authority

- 7.1 A contribution cycle stands and bus publicity, totalling a contribution of £2,600.

Environmental Health

- 7.2 Conditions requested in relation to hours of construction, burning of waste on site, contaminated land, noise attenuation measures, use class limitations, delivery vehicles and ventilation.

Design and Regeneration

- 7.3 This design is the same as was submitted in 2009 and it is noted that the Inspector did not object to any part of the design and that the scheme was only dismissed on contributions.

It was considered at the time and remains the case that this is a broadly well designed and interesting scheme that, subject to good quality materials, should make a positive contribution to the London Road. Information on sustainability of the building should be sought at this stage.

Leigh Town Council

- 7.4 The Town Council continues to oppose this application. The proposal provides inadequate parking, particularly for commercial units in an area of parking stress and would have a material adverse impact on highway safety and movement, being close to a primary and infant school and the Post Office Sorting office. Belfairs Drive is a narrow residential road linking the A13 and Eastwood Road, and is used as a 'rat run', particularly during peak hours. It is further restricted by the new access onto Belfairs Drive together with increased commercial use.

The proposal does not create a satisfactory relationship with its surroundings in terms of scale, form and elevational design, contrary to BLP Policy C11. The proposal does not respect the character of the locality, contrary to BLP Policy H5, failing to draw reference from the surrounding built form; it would be a discordant feature in the neighbourhood.

The balconies overlook West Leigh Infant and Junior Schools' playground and this is considered inappropriate. Roof terrace overlooks playgrounds, in addition to the balconies.

Parks and Open Space

- 7.5 To be reported.

Children and Learning

- 7.6 The development falls within Blenheim Primary School and Belfairs High School and a contribution for education is required. A sum of £5,048.88 towards primary, £6,467.84 towards secondary and £3,816.72 towards Post-16. A total contribution of £15,334.44 is requested.

Housing

- 7.7 Three affordable units. The breakdown of the accommodation requested would be 2 No. one bed flat and 1 No. three bed flat.

Airport

- 7.8 No objection.

Anglian Water

- 7.9 No objection.

Public Consultation

7.10 Eleven letters have been received which raise the following comments and observations:

- Same as previous application.
- Same as previously dismissed appeal.
- The application should make financial contribution.
- The application should provide three affordable housing units.
- The application should make a financial contribution towards cycle stands and publicity.
- Car parking concerns.
- Loss of privacy.
- Impact upon the value of property.
- Impact upon the residents of Belfairs Drive.
- Impact on light.
- Too high.
- Mass too big for the site.
- Concerns in relation to highway safety.
- Concern that objects could fall from the balconies.
- Concern in relation to the future occupiers.
- Overlooking the school.
- Consultation period through the summer holidays.
- Government guidance for public to have a say in community affairs.
- Very few cars move off site at present time.
- Increase in pollution and noise levels.
- Too much amenity space.

8 Relevant Planning History

- 8.1 2006 – An application to demolish the existing building, erect four storey building incorporating two commercial units and one flat on ground floor and 20 flats on upper floor, layout parking spaces to rear with access onto Belfairs Drive was refused (SOS/06/00928/FUL). This application was appealed and the Inspector dismissed the appeal.
- 8.2 2008 - An application to demolish the existing building and erect a part two storey, part three storey and part four storey building incorporating two commercial units and one flat on ground floor and 15 flats on upper floor, layout parking spaces to rear with access onto Belfairs Drive (amended proposal) was refused; and subsequently dismissed on appeal (SOS/07/01535/FULM).
- 8.3 2009 - An application to demolish the existing building to erect a part two storey and part three storey building with roof terrace incorporating two commercial units with one flat on ground floor and 13 flats on upper floors (Amended Proposal) was refused (SOS/09/00338/FULM). This application was appealed and the Inspector dismissed the appeal solely in respect of developer's contributions.

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 with the Local Planning Authority.

REASON: To safeguard the visual amenities of the area, in accordance with Policy H5 of the Southend on Sea Borough Local Plan.

- 03 The commercial units, hereby permitted, shall be used for the purposes falling with Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order, or any order revoking and re-enacting that Order with or without modification, and for no other purpose.

REASON: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties and the employment provision within the borough, in accordance with Policy CP1 of the Core Strategy and Policies E5 and H5 of the Southend on Sea Borough Local Plan.

- 04 No dwellings shall be occupied until car parking provision has been provided, together with a properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. Such car parking as provided shall be retained in perpetuity unless otherwise agreed in writing.

REASON: To make provision for parking off the highway, in accordance with Policy T11 of the Southend on Sea Borough Local Plan.

- 05 No dwellings hereby approved shall be occupied until a sustainable urban drainage scheme including porous hard surface materials has been submitted to and agreed with 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 accordance with Policy KP2 of the Southend on Sea Borough Core Strategy.

- 06 Windows in the north elevation shall only be glazed with obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut and unopenable apart from any top hung light which shall be a minimum of 1.7m above internal floor level. In the case of double or multiple glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass.**

REASON: To safeguard the private amenities of the adjoining residence, in accordance with Policy C11 of the Southend on Sea Borough Local Plan.

- 07 No development shall take place until there has been submitted to and approved by the local planning authority a scheme of screening for the terrace areas, including materials. The development shall only be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. The development shall not be occupied until the screening to the terrace area has been constructed and will be retained in perpetuity.**

REASON: To safeguard the private amenities of the adjoining residence, in accordance with Policy C11 of the Southend on Sea Borough Local Plan.

- 08 No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping. This shall include details of all the existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development; details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established; and details of the treatment of all hard and soft surfaces (including any earthworks to be carried out).**

Reason: To ensure a satisfactory standard of landscaping, pursuant to Policy C14 of the Southend on Sea Borough Local Plan.

- 09 All planting in the approved landscaping scheme shall be carried out within 12 calendar months of the completion of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the local planning authority.**

Reason: To ensure a satisfactory standard of landscaping, pursuant to Policy C14 of the Southend on Sea Borough Local Plan.

- 10 No development shall take place until there has been submitted to and approved by the local planning authority details, including materials, of the refuse stores proposed. The development shall only be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. The development shall not be occupied until the agreed refuse stores have been constructed and such stores will be retained in perpetuity.**

REASON: In accordance with policy H7 of the Southend-on-Sea Borough Local Plan and the Waste Management Guide.

- 11 No development shall take place until there has been submitted to and approved by the local planning authority details, including materials, of the cycle storage proposed. The development shall only be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. The development shall not be occupied until the agreed cycle storage has been constructed and such storage will be retained in perpetuity.**

REASON: In accordance with policy H7 of the Southend-on-Sea Borough Local Plan and PPG13.

- 12 No development shall be commenced until:**

a. a site investigation has been undertaken to determine the nature and extent of any contamination, and

b. 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):

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

d. 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 safeguard the amenities of nearby residential properties, in accordance with Policy E5 of the Southend on Sea Borough Local Plan.

- 13 Hours of opening for the commercial units shall be submitted to and agreed in writing by the Local Planning Authority prior to first occupation of the retail units. The development shall only operate in accordance with these opening times unless otherwise agreed in writing with the Local Planning Authority.**

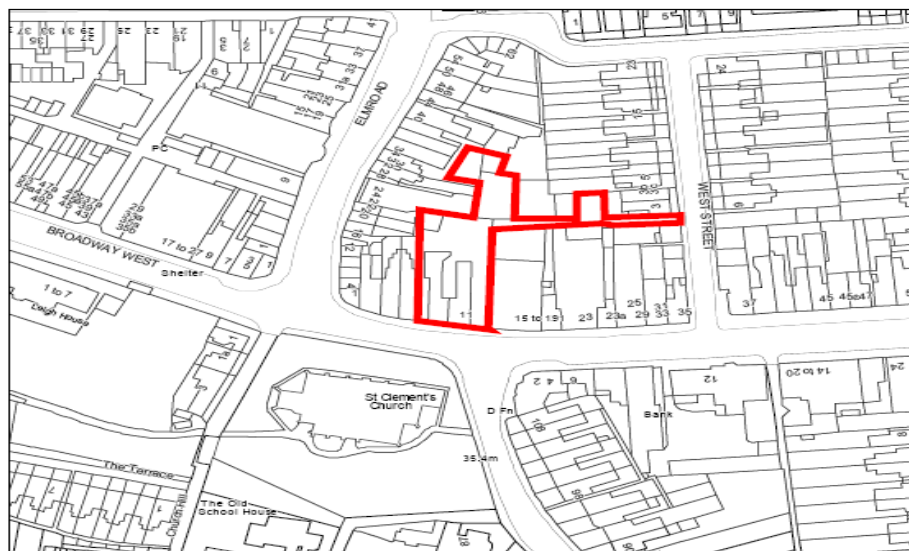
Reason: To safeguard the amenities of nearby residential properties, in accordance with Policy E5 of the Southend on Sea Borough Local Plan.

- 14 Hours of loading or unloading of goods or materials on the land for the commercial units to be submitted to and agreed in writing prior to first occupation of the retail units.**

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

This permission has been granted having regard to Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance) and CP8 (Dwelling Provision) of the Core Strategy and together with Policies C7 (Shop and Commercial Frontages and Fascias), C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-contained Flats), E5 (Non-Residential Uses Located Close to Housing), S5 (Non-Retail Uses), S7 (Car Sales and Showrooms), T8 (Highway Safety) and T11 (Parking Standards), 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/10/00960/FUL
Ward:	Leigh
Proposal:	Demolish building retaining south and part west elevation (retrospectively), reconstruct three storey building incorporating basement containing nine retail units (class A1) at ground floor, eight self contained dwellings (class C3) at second and third floors, lay out roof terrace with balustrade to first floor, erect refuse store, lay out parking for six cars, two loading bays and cycle parking with vehicular access onto West Street.
Address:	9 - 11 Clements Arcade, Broadway, Leigh-On-Sea, Essex SS9 1PA
Applicant:	Intex Properties Limited
Agent:	Welton Bremner Partnership
Consultation Expiry:	01 September 2010
Expiry Date:	28 September 2010
Case Officer:	Yonas Fentie
Plan Nos:	4467 A 54 Revision E, 4467 A 55 Revision D, 4467 A 86 Revision D, 4467 A 93 Revision C, 4467 A 94 Revision B, 4467 A 95 Revision B, 4467 A 96 Revision B, 4467 B 97 Revision E, 4467 B 100
Recommendation:	Grant Planning Permission



1 The Proposal

- 1.1 Planning permission is sought to demolish part of 9-11 Broadway (known as Clements Arcade) and an existing garage to the rear, erect a three storey rear and side extension comprising 9 ground floor units with 9 basement storage spaces, 8 self contained flats at first and second floor level. The proposal would also include the formation of a roof terrace with balustrade at first floor, refuse storage to the rear and a total of 24 cycle parking spaces to the rear and side.
- 1.2 Car parking and servicing for the entire development is accessed from West Street between Nos. 1 and 3. A total of six parking spaces and two loading/unloading bays would be provided. The loading/unloading bays are located in front of 3a West Street.
- 1.3 This revised application follows a recent refusal for a similar type of development involving 9-11 Broadway and 3a West Street which was allowed on appeal (Appeal ref: APP/D1590/A/08/2082792). This application excludes 3a West Street. Internally 1 additional shop unit is proposed and the office floor space at first and second floor levels is substituted with 4 self contained flats. Externally, this scheme involves the installation of new dormers at second floor level and new windows at first floor level within the west elevation. The building would extend further to the rear than the previously approved scheme, the extent of these additions vary across the rear elevation with a maximum of 5.5m at the eastern flank and 3.5m at the western flank. Five vehicle and 6 cycle parking spaces would be retained for the existing flats at 3a West Street.
- 1.4 The 8 self contained flats would comprise 4 no. one bedroom flats and 4 no. two bedroom flats. Flats 3 and 4 would benefit from a private amenity area of 28m² and 51m² respectively while the remainder 131m² amenity area at first floor would be shared by the remaining 6 flats (21m² per flat). The 9 ground floor retail units would create 383m² of floor space and basement storage space of 296m². 8 solar panels and 5Kw air-source heat pumps would be provided on the roof.

2 Site and Surroundings

- 2.1 The application site relates to 9-11 Clements Arcade, a three storey Edwardian building located on the northern side of Broadway in a mixed commercial area. The building had an arcade of 15 small commercial units at ground floor and three residential flats and office space on the upper floors. With the exception of the front façade along the Broadway, the majority of the building is demolished and works are currently in progress.
- 2.2 The site forms part of the Primary Shopping Frontage as defined on the proposals map and lies at the northern fringe of the Leigh Conservation Area.

- 2.3 The area is mixed in character, typified by traditional shops with Victorian and Edwardian shopfronts and slate roofs, late 19th Century housing of a domestic scale, set around the Grade II Listed St Clements Church. The service road on the eastern side would be in-filled by the proposed side extension.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of development, design, impact on character and appearance of the conservation area, parking and access issues, impact on residential amenity and whether the redevelopment complies with sustainability principles. The previously approved development on appeal (Appeal ref: APP/D1590/A/08/2082792) is also a material consideration.

4 Appraisal

Principle of Development

Planning Policy Statement 1, Planning Policy Statement 3; Core Strategy policies KP1, CP2, CP8; BLP policies H7, S1, S5 and S8.

- 4.1 Policy CP2 of the Core Strategy outlines the need to consolidate and improve existing retail floor space to provide and maintain a range of shopping services and facilities for the neighbouring communities. This is echoed in Policy S8 of the Local Plan which encourages opportunities aimed at improving the quality of shopping environment and the retail offer of commercial premises within defined primary frontages. PPS4, local policies S1 and S5 advise that developments in such locations should contribute to the vitality and viability of town centres.
- 4.2 The proposal would involve redeveloping the previous 15 retail units to form 9 retail units with associated basement storages. These retail units would have enlarged retail and storage areas and a central walkway of the 3.2m facilitating easy access for customers. This is considered to improve the retail function of these units as viable commercial premises. The principle of redeveloping the site complies with the above national and local policies and is therefore considered acceptable.
- 4.3 There were 3 residential units at upper floor levels and the principle of further residential development has been established by the previous appeal. There has been no change in policy that would warrant reconsideration of this matter in principle. Provided that other considerations are met, the principle of residential development is also considered acceptable. The site is identified in the Strategic Housing Land Availability Assessment (SHLAA) as capable of delivering housing within the next five years.
- 4.4 It is noted that, this scheme will result in the loss of the office space. The applicant states that there is no demand for office space in this location and argues that their replacement with residential flats would make the scheme economically viable. The site is not within an area designated for office development and upper floor office accommodation is less desirable to the market. In the absence of a specific policy objection to the loss of office space, refusing this application on these grounds would be unreasonable.

Design, impact on the character of the area and conservation area matters

Planning Policy Statement 1, Planning Policy Statement 5; DPD1 (Core Strategy) policies KP2, CP4; Borough Local Plan policies C4, C11, H5, and Design and Townscape Guide SPD1 (2009)

- 4.5 Policy C4 of the BLP relates to developments in conservation areas and states that developments should preserve or enhance the architectural or historic character and appearance of the conservation area. Planning Policy Statement 5 gives broad policy guidance in conservation areas and advises that local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal.
- 4.6 In terms of design and impact on conservation area, this scheme is not significantly different to that approved on appeal (APP/D1590/A/08/2082792). The front façade of the building along the Broadway elevation is to be retained while some changes are introduced at the western, northern elevations and roof level.
- 4.7 With regards to the side extension, the Inspector allowing the appeal commented that, 9-11 Broadway is an imposing building with a classical façade of Edwardian red-brick and ornate carved stonework. He goes on to state that for such an infill, a convincing match of building materials and methodology is essential, and would be challenging. The Inspector then concluded that, subject to conditions requiring detailed constructional method statement and approval of details, the architectural benefits of securing a more complete and better balanced façade and continuous frontage outweigh the risks inherent in keying in the new work with the old. The proposed frontage of the side extension is identical to that allowed on appeal (APP/D1590/A/08/2082792).
- 4.8 The changes on the western elevation involve the installation of new side dormers at second floor level and new windows at first floor level. The building would extend further to the rear than the previously approved scheme, the extent of these additions vary across the rear elevation with a maximum of 5.5m at the eastern flank and 3.5m at the western flank. These alterations are not considered to significantly alter the scheme allowed on appeal, furthermore, given that these alterations are not visible from public vantage points, their visual impact is minimal.
- 4.9 A covered staircase leading to the roof top, 8 solar panels and 5KW air-source heat pumps are to be installed on the roof. These structures are well set back from the front building line and as such have a very limited visual impact.
- 4.10 In summary, with the exception of the additions to the roof, minor alterations to the western flank elevation and additions to the rear, the remainder of the scheme is similar in character and appearance to the scheme allowed on appeal. Subject to conditions relating materials and a construction method statement the proposal is acceptable in design terms.

Traffic, access and parking issues

Planning Policy Statement 1, Planning Policy Guidance Note 13; Core Strategy policies KP2, CP3; BLP policies T8, T11; EPOA Parking Standards.

- 4.11 It should be noted that the Inspector has not raised objections to the previous scheme on the grounds of parking and access. The parking provision for the new scheme includes 6 vehicle parking spaces and 14 cycle storage spaces for the 8 flats and 10 cycle parking spaces and 2 loading and unloading bays for the retail spaces.
- 4.12 The EPOA Vehicle Standards (2001) requires a maximum of 1 vehicle parking space; a cycle parking of 1 space for 1 bed unit, 2 for two bed units and 1 visitor parking for 8 units. The 4no. 2 bedroom and 4no. one bedroom flats require a total of 13 cycle parking spaces. The 14 cycle storage spaces provided are in excess of the 13 spaces required and therefore acceptable.
- 4.13 With regard to vehicle parking for the flats, given the site's location with good access to local facilities, convenience shopping and public transport provision, the 6 spaces provided are considered sufficient.
- 4.14 The EPOA Vehicle Standards requires a total of 9 cycle spaces for the 383m² of retail space created the 10 cycle storage spaces provided are therefore acceptable.
- 4.15 In order to secure the successful development of the site and enhance the usability of the cycle parking spaces, these cycle parking spaces would be required to have some sort of shelter/cover. This would be secured by virtue of an appropriate condition.
- 4.16 In terms of access and servicing, this scheme is identical to the scheme allowed on appeal. The Inspector, allowing the appeal scheme argued that the retail units are likely to serve the specialist goods and personal services end of the market in which bulky goods delivery by large vehicles are unlikely to be a regular feature. The Inspector goes on to comment that, the narrow 2.4m wide access limits the size of commercial vehicles that could use it and the removal of the existing access east of the main building would reduce the potential for vehicular and pedestrian conflicts.
- 4.17 Subject to a condition reserving the two bays for loading and unloading purposes, the access, parking and servicing arrangements are considered acceptable.

Impact on residential amenity

Planning Policy Statement 1; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5, H7 and the Design and Townscape Guide SPD1.

- 4.18 The changes on the western elevation involve the installation of new side dormers at second floor level and new windows at first floor level. The principle of a first floor amenity area (roof terrace) has already been established by the previous appeal decision, furthermore, this amenity area would be screened by 1.7m high brick wall and as such would not raise adverse impact the amenities of neighbouring residential occupiers by way of overlooking or loss of privacy.

- 4.19 The property to the west has existing residential accommodation at first floor level that has existing windows on the eastern (side) and northern elevations (rear). The new building would not be closer to these windows than the previous building; however, the new scheme would be some 0.5m higher and would project a further 3.5m to the rear than that allowed on appeal. These changes are not considered to result in significant impact on the amenities of the occupiers of the first floor flat by way of sense of enclosure, loss of privacy, loss of light or overbearing.
- 4.20 The new windows at first floor level would be facing onto a section of the blank wall of the adjoining property to the east. The new dormers at second floor level would not directly overlook the existing first floor windows. These suggest that the proposal is not considered to raise undue impact on the amenities of neighbouring residential occupiers.

Sustainability matters

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

- 4.21 National guidance and relevant planning policy statements together with KP2 of the Core Strategy advocate the need to ensure design maximises the use of sustainable renewable resources during 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 8 solar panels and 5KW air-source heat pumps proposed to be installed at the roof top and states that these technologies would provide an energy saving of 68%. This is in excess of the 10% required by the above policy and as such considered acceptable.

Standards of accommodation including private amenity area and refuse storage

Planning Policy Statement: Planning Policy Statement 3; Core Strategy policies CP8, BLP policies C11, H5 and the Design and Townscape Guide SPD1

- 4.23 Section 4.5.1 of the Design and Townscape Guide advises that residential units should be self contained with their own kitchen, bathroom and WC behind their own secure private entrance. All habitable rooms must have natural ventilation and daylight and be of an adequate size for their function.
- 4.24 The proposed flats offer accommodation in the form of combined lounge/kitchen, toilet and bedrooms. These rooms are of sufficient sizes designed to benefit from natural light and therefore acceptable.

- 4.25 Flats 3 and 4 would benefit from a private amenity area of 28m² and 51m² respectively while the remainder 131m² amenity area at first floor would be shared by the remaining 6 flats (21m² per flat). The amenity area provision at 21m² per flat is not significantly different from the previous scheme allowed on appeal, which provided an amenity area of 22m² per flat. Furthermore, the site is located within walking distances of a public park located south of the site. Subject to conditions relating details of the amenity area, the proposal is acceptable in terms of amenity area provision.
- 4.26 The submitted plans show two refuse storage areas to the rear and on the western side. There are no details on as to how these would be shared among the retail and residential units. To secure the successful redevelopment of the site and provide adequate waste storage facilities, details of the proposed refuse storage areas would be required by condition.

5 Planning Policy Summary

- 5.1 Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy 3 (Housing), Planning Policy Statement 4 (Planning for Sustainable Economic Growth), Planning Policy Statement 5 (Planning for the Historic Environment), 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), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility) and (CP8 (Dwelling Provision).
- 5.3 Borough Local Plan Policies C4 (Conservation Areas), C11 (New Buildings, Extensions and Alterations), H7 (The Formation of Self-Contained Flats), T8 (Traffic Management and Highway Safety), T11 (Parking Standards) and T13 (Cycling and Walking).
- 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 No objections subject to conditions relating landscaping of the deck and the parking area, paving in arcade, external shutters and the 10% renewables.

Conservation Officer

- 6.2 The principle of this scheme was found to be acceptable at the appeal and this application is not greatly different. It is suggested that if this application is approved the majority of the conditions suggested by the inspector should be imposed again, apart from conditions two and six listed in the Appeal Decision.

The impact on the character and the appearance of the Conservation Area is not materially different to the approved application and there is therefore no objection to this application. However there are details that need to be shown in greater detail to ensure that the development as built will be of equal quality to the original building. For example, in order to present a coherent front elevation, with all floors visually related to one another, the shop-fronts should be of traditional detailing and proportions, with narrow fascia boards, glazing bars, substantial stall risers and similar details. A condition should be imposed accordingly to control this.

In summary, no objections, subject to the following conditions:

- Works shall not be commenced until details of the new shopfronts, including any signage have been submitted and agreed in writing by the local planning authority. Detailed drawings should be by section and elevation, at scales between 1:20 and 1:1 as appropriate.
- Works shall not be commenced until additional drawings that show details of proposed new windows, external doors, eaves, verges and cills to be used, at scales between 1:20 and 1:1 as appropriate have been submitted to and agreed in writing by the local planning authority.
- No visible trickle vents shall be permitted on any windows, but shall instead be concealed from view in a manner to be agreed in writing by the local planning authority.
- Works shall not be commenced until a sample panel of 1 square metre minimum have been erected on site to show areas of new exterior walling, and have been approved in writing by the local planning authority. These panels shall indicate:
 - Brick bond, mortar mix, colour and pointing profile
 - Render mix, finish and colour
- The works shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- Development shall not be commenced until samples of materials to be used on the external finishes have been viewed on site, submitted to and agreed in writing by the Local Planning Authority.
- All flats shall be equipped with a communal TV and radio aerial, and satellite dish in positions to be submitted to and agreed in writing by the local planning authority. Satellite dishes shall not be fixed to the street elevation of the building.
- Works shall not be commenced until details of all meter cupboards to be positioned on the dwellings have been submitted to and approved in writing by the local planning authority.

Highways

- 6.3 In terms of highway access, it would be difficult to suggest that the flats would generate any more traffic than the office. The cycle parking for the residents needs to show secure/covered parking if not within the building. **[Officer comment – conditions relating to details of a covered cycle storage is recommended].**

Environmental Health

6.4 No comments received

Structural Engineer

- 6.5
- Full design calculations are required for the proposed building, including site investigation and design calculations for the basement. The Contractors are responsible for the design and construction of temporary supports for the façade to be retained. **[Officer Comment – These are building control matters].**

Leigh Town Council

- 6.6 Raised objections on the grounds of loss of office space, insufficient amenity area, inadequate access and parking provision and overlooking from the roof terrace.

Fire Brigade

- 6.7 Access for fire service purposes is considered satisfactory. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulations stage.

Parks and Open Spaces

- 6.8 No comments received.

Public Consultation

- 6.9 Two site notices posted, application advertised in the press and neighbouring occupiers notified. Four written representations and a petition signed by 14 residents has been received. The following is a summary of the concerns raised by these representations:
- ◆ Inadequate access
 - ◆ Inadequate parking, traffic movement, congestion and disturbance,
 - ◆ Impact on the character of the area,
 - ◆ Overdevelopment and congestion,
 - ◆ Impact on right of way and safety **[Office comment – The issue of right of way is not a planning matter, but a civil issue between the two parties].**
 - ◆ Loss of light, loss of view, overbearing and overlooking.

7 Relevant Planning History

- 7.1 There is extensive planning history on this site, the most relevant and recent ones being:
- 7.2 21/11/03 – 03/01335/FUL – Permission refused to raise pitched roof by 1m and extend with a gable and dormer window, convert altered storage and workshop building to 5 self contained flats (Class C3) and layout five parking spaces, refuse storage and amenity area. Allowed on appeal.

- 7.3 16/05/07 - 07/00445/FUL – Permission refused to erect three storey extension to side and rear, redevelop ground floor arcade as 8 retail units, alter shopfront, convert first and second floors into 4 self- contained flats and 295m² of office space, and alter elevations. Raise roof of building at rear, convert into 3 self-contained flats, lay out parking court with roof terrace over and alter elevations.
- 7.4 17/5/07 - 07/00447/CAC – Conservation area consent granted to partially demolish roof of building at rear and demolish garage at rear in connection with redevelopment application SOS/07/00445/FUL.
- 7.5 19/12/07 - 07/01896/FUL – Permission refused to erect three storey extension to side and rear, redevelop ground floor arcade as eight retail units, alter shop front, convert first and second floors into four self contained flats and 313m² of office space and alter elevations. Raise roof of building at rear, convert into five self contained flats, lay out parking court with roof terrace over and alter elevations (Amended Proposal). Allowed on appeal.
- 7.6 20/08/09 - 09/01093/FUL – Permission granted to demolish garage at rear, create basement for storage ancillary to ground floor retail use, form access stairwell with 1.1 metre high balustrade and lay out six cycle parking spaces in rear service yard.

8 Recommendation

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

- 01 Prior to the commencing the construction of the façade of the side infill extension, a method statement including an assessment of the character and identification of the existing external materials of 9-11 Broadway and how matching materials and appearance would be achieved, shall be submitted to and agreed in writing by the local planning authority, together with details of all the new materials to be used for the side infill façade. The development shall be carried out in accordance with the agreed details unless otherwise agreed in writing by the local planning authority.**

Reason:

To achieve a satisfactory infill extension and safeguard the character and appearance of the premises, particularly having regard to the location of the building within the Leigh Conservation Area and in accordance with Policy C4 and C11 of the Southend on Sea Borough Local Plan.

- 02 Prior to the commencement of the laying out of the ground floor shop units, details of the shopfront and signage arrangement showing sections and elevations drawn at a scale of 1:20 or larger shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the agreed details unless otherwise agreed in writing by the local planning authority.**

Reason:

To achieve the satisfactory development of the site and safeguard the character and appearance of the shop units, particularly having regard to the location of the building within the Leigh Conservation Area and in accordance with Policies C4 and C11 of the Southend on Sea Borough Local Plan.

- 03** Prior to the first occupation of the flats and shop units hereby approved, details of covered cycle and refuse stores shall be submitted to and approved by the local planning authority. The refuse stores as approved shall then be permanently retained for the use of the flats and shops.

Reason:

To secure the successful development of the site and make provision for refuse storage, in accordance with Policies H5, H7 and T13 of the Southend-on-Sea Borough Local Plan.

- 04** Prior to the first occupation of the flats and shop units hereby approved, the vehicle parking spaces and two loading and unloading bays shall be provided in accordance with the details shown on the plan numbered 4467 B 97 Revision E. These parking and loading/unloading bays shall be permanently retained for the use of the flats and shops hereby approved.

Reason:

To secure the successful development of the site and make provision for parking and loading/unloading, in accordance with Policy CP3 of the Core Strategy and Policy T11 of the Southend-on-Sea Borough Local Plan.

- 05** Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows shall be formed other than those shown on the approved plans.

Reason:

To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with Policy H5 of the Southend on Sea Borough Local Plan.

- 06** Prior to the first occupation of the flats and shop units hereby approved, details of the layout of the amenity area including soft and hard landscaping, fencing and surface materials shall be submitted to and approved by the local planning authority. The amenity area as approved shall then be permanently retained for the use of the flats.

Reason:

In the interests of providing outdoor amenity area for the flats hereby approved in accordance with Policy CP4 of the Core Strategy and Policies H5 and H7 of the Southend-on-Sea Borough Local Plan.

Reason for Approval

This permission has been granted having regard to Core Strategy DPD Policies KP1, KP2, CP2, CP3, CP4 and CP8; Policies C4, C11, H5, H7, T8, T11 and T13 of the Southend-on-Sea Borough Local Plan, the Design & Townscape Guide (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.

Reference:	SOS/10/01034/FULH
Ward:	Southchurch
Proposal:	Erect single storey rear and first floor side extension (retrospective)
Address:	72 Barnstaple Road, Thorpe Bay, Southend-On-Sea, Essex SS1 3PA
Applicant:	Mr S England
Agent:	New World Designers
Consultation Expiry:	20 August 2010
Expiry Date:	23 September 2010
Case Officer:	Yonas Fentie
Plan Nos:	2233/5/31 B Sheet 1 of 5, 2233/5/31 B Sheet 2 of 5, 2233/5/31 B Sheet 3 of 5, 2233/5/31 B Sheet 4 of 5, 2233/5/31 B Sheet 5 of 5.
Recommendation:	Refuse Planning Permission



1 The Proposal

- 1.1 Retrospective planning permission is sought to retain a single storey rear and first floor side extension at the above residential building. The first floor side extension projects a further 1m to the rear.
- 1.2 The flat roofed single storey extension measures some 10.0m deep, 11m at its widest point and is 3m high. It is finished in render with upvc windows and doors to match the existing building. This has created a large games room at ground floor level.
- 1.3 The first floor side extension measuring 3.5m wide has a maximum depth of 7.31m. It is set back from the line of the front elevation of the original dwelling and has a double step back to its southern end. This extension has a tiled roof with gable ends to the rear (east) and side (south). A French door is installed within the rear gable, this door leads to the flat roof of the single storey rear extension. The rear element of the side extension has a tiled roof, render walls and Upvc windows to match that of the existing dwelling. The first floor extension has created an additional three bedrooms at first floor level.

2 Site and Surroundings

- 2.1 This application relates to a two storey detached dwellinghouse occupying a large triangular plot located to the south east end of a cul-de-sac which forms part of Barnstaple Road.
- 2.2 The property has been extended in the past by way of a single storey extension to the side and has a small landscaped rear garden enclosed by a combination of high hedges and close boarded timber fencing on the eastern, southern and northern boundaries. There is a small hardsurfaced area enclosed by 1m high concrete fence, a vehicular crossover and an integral garage to the front. The hardsurfaced area and integral garage are capable of providing parking for three vehicles.
- 2.3 To the west is a terrace of 6, three-storey town houses forming 60 – 70 Barnstaple Road. To the north is detached two storey residential properties located on the southern side of Barnstaple Road. The property backs into the rear gardens of 84 and 86 Barnstaple Road.

3 Planning Considerations

- 3.1 The main considerations are design, impact on the character of the area and street scene and impact on residential amenity.

4 Appraisal

Design, Impact on the Character of the Area and Street scene:

Planning Policy Statement 1 (PPS1); DPD1 (Core Strategy) policies KP2 and CP4; BLP Policies C11 and H5 of the Design and Townscape Guide SPD1.

- 4.1 Policy C11 of the BLP states that new buildings and extensions or alterations to existing buildings should be designed to create a satisfactory relationship with their surroundings in respect of form, scale, massing, height, elevational design and materials.
- 4.2 Section 10 of the Design and Townscape Guide SPD states the scale of the extension must respect the scale of the present building, additions that are too large will be over dominant. The guide goes on to state that extensions that appear subservient to the existing building tend to fit more comfortably and integrate better with the existing building.
- 4.3 The property as originally built has a footprint of some 144m²; it has since been extended to the side and recently to the rear in the form of single storey extensions. The recently completed rear extension coupled with the previous side extension amounts to some 149m² of additional floor space occupying a significantly large area within the curtilage of this dwellinghouse.
- 4.4 With regards to the first floor side extension, it is noted that the newly formed extension increases the width of the property from 9m to 17m. At its closest point, the southern corner of the first floor side extension is within 2.0m of the three storey property at No. 70 Barnstaple Road. This is considered to result in a dominant structure harmful to the amenities of the neighbouring property at No. 70 Barnstaple Road.
- 4.5 Whilst the first floor side extensions is set back from the front building line, the 8m wide side extension has resulted in a large and continuous expanse of front façade which relates poorly with the existing building resulting in a form of development which is detrimental to the character and appearance of the existing building and visual amenities.
- 4.6 In summary, the development by way of its scale, bulk, design and siting in relation to No. 70 Barnstaple Road is considered to be an over scaled and dominant form of development which is not subservient to the existing building to the detriment of the character and appearance of the existing building and street scene. The development is therefore contrary to policies C11 of the BLP and advice contained within the Design and Townscape Guide.

Impact on Residential Amenity

DPD1 (Core Strategy) policies KP2, CP4; BLP policy, H5, and Design and Townscape Guide SPD1.

- 4.7 Section 10 of the Design and Townscape Design Guide (SPD) advises that extensions to existing buildings should respect the amenity of neighbouring properties and not adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.
- 4.8 The single storey extension, by way of its height, distance maintained from neighbouring properties and availability of boundary screens including dense vegetation cover and close boarded timber fence is not considered to result in adverse impact on the amenities of neighbouring residential occupiers.

- 4.9 The rear element of the first floor side extension has a French door leading to the flat roof of the single storey rear extension. The plans indicate that the French doors would be fitted with a Juliet balcony to restrict, access to the roof. It is therefore considered that the issue of overlooking and loss of privacy likely to arise from the unrestricted use of the flat roof could be addressed by an appropriate condition requiring the installation and retention of this Juliet balcony.
- 4.10 There are two windows in the front elevation of the first floor side extension. One is to an en-suite bathroom and is obscure glazed and unopenable apart from a fan-light. The other serves a bedroom and provides an angled view along the terrace of 6 three storey town houses of which number 70 Barnstaple Road is the closest. As such there is no direct view into any window other than the one at first floor level in the three storey side extension to No. 70 Barnstaple Road. However, this window is fitted with obscure glass and as such would not be affected by any windows on the front elevation. Should this application be recommended for approval, such matters could have been dealt with by conditions.

Other Matters

- 4.11 The extensions would increase the number of bedrooms from three to six. However, the remaining landscaped amenity area is considered sufficient for a dwelling of this size.
- 4.12 In terms of parking, The Essex Planning Officers Association Parking Standards (EPOA) requires a maximum of 1.5 parking spaces per dwelling in out of town centre locations such as this one . The front hardsurfaced area and integral garage can accommodate three vehicles, this exceeds the recommendation contained within the EPOA and as such is considered acceptable.

Conclusion

- 4.13 Whilst issues of overlooking and loss of privacy from the likely use of the flat roof of the rear extension could be addressed by way of appropriate conditions; the development by way of its excessive scale, bulk and proximity to No. 70 Barnstaple Road is considered to represent an over scaled and dominant form of development which is not subservient to the existing building to the detriment of the character and appearance of the existing building and street scene. The development is therefore, contrary to policies KP2 and CP4 of the Core Strategy, policies C11 and H5 of the BLP and the Design and Townscape Guide.

5 Planning Policy Summary

- 5.1 National Policies: Planning Policy Statement 1 (Delivering Sustainable Development).
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance).
- 5.3 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), T11 (Parking Standards).

5.4 Supplementary Planning Document SPD1 Design & Townscape Guide 2009.

5.5 Essex Planning Officers Association Parking Standards (2001)

6 Representation Summary

Public Consultation

6.1 11 neighbouring properties notified of the application; 8 representations received raising objections on the grounds of:

- Loss of privacy and overlooking from the roof terrace
- Juliet balcony not adequate to prevent access to roof terrace
- French doors should be removed and replaced with fixed windows
- Excessive and amounts to overdevelopment
- Development is already completed without consultation and the applicant has no regard to planning regulations
- Not in keeping with the surrounding area
- The games room is not consistent with the residential use of the building and may lead to a commercial use in the future. **[Officer Comment: Any possible commercial use would constitute a change in the use of the building and as such would need to be subject of a separate planning application]**
- If the existing hedges along the party boundary were to be removed, the view from the rear garden would be to a brick wall which would be unsightly.
- If allowed, this may set a precedent
- The extension has not enough foundations and as such may not be safe. **[Officer comment – The issue of inadequacy of the foundations and safety are building control matters and not planning considerations]**

7 Relevant Planning History

7.1 February 2010 – Complaints received from several local residents concerning single storey rear extension and first floor side and rear extensions under construction at the site.

7.2 25th May 2010 – The Development Control Committee authorised Enforcement Action to secure the removal of the first floor side and rear extensions and the ground floor rear extension on the grounds that this unauthorised development is detrimental to the residential amenities of the area by reason of overdevelopment resulting in an intrusive and overbearing feature and would create an unacceptable sense of enclosure to the adjoining terrace to the south west and would result in an unacceptable degree of overlooking contrary to Borough Local Plan Policies C11 and H5, Policies KP2 and CP4 of the Core Strategy DPD1 and advice contained within the adopted Design and Townscape Guide (SPD1).

29.07.10 – Planning application received for a single storey front extension – included in this agenda.

8 Recommendation

Members are recommended to refuse PLANNING PERMISSION for the following reasons:

- 1 The development by way of its excessive scale, design and bulk is considered to be an over scaled and dominant form of extension which is not subservient to the existing building to the detriment of the character and appearance of the existing building and street scene contrary to Policies KP2 and CP4 of the Core Strategy DPD1, Policies C11 and H5 of the Borough Local Plan and the Design and Townscape Guide (SPD1).**
- 2 The combined effect of the height and width of the first floor side extension coupled with its proximity to the residential property at No. 70 Barnstaple Road is considered to result in an intrusive and overbearing feature creating an unacceptable sense of enclosure on the amenities of residential occupiers contrary to Policies KP2 and CP4 of the Core Strategy DPD1, Policies C11 and H5 of the Borough Local Plan and the Design and Townscape Guide (SPD1).**

Reference:	SOS/10/01357/FULH
Ward:	Southchurch
Proposal:	Erect single storey front extension
Address:	72 Barnstaple Road, Thorpe Bay, Southend-On-Sea, Essex SS1 3PA
Applicant:	Mr S England
Agent:	New World Designers
Consultation Expiry:	20 August 2010
Expiry Date:	23 September 2010
Case Officer:	Yonas Fentie
Plan Nos:	2233/5/31 D Sheet 1 of 3, 2233/5/31X Sheet 4 of 4, 2233/5/31 D Sheet 3 of 3.
Recommendation:	Grant Planning Permission



1 The Proposal

- 1.1 This application seeks permission to erect a single story extension to the front elevation. The front extension is intended to infill the existing garage and porch which are setback from the main front and provide a uniform front elevation. The extension would measure 900mm deep by 4.7m wide and 3m high with a flat roof over.
- 1.2 The front extension is proposed to be finished in brick and fitted with garage and entrance doors to match existing.

2 Site and Surroundings

- 2.1 This application relates to a two storey detached dwellinghouse occupying a large triangular plot located to the south east end of a cul-de-sac which forms part of Barnstaple Road.
- 2.2 The property has been extended in the past by way of a single storey extension to the side and rear and has a small landscaped rear garden enclosed by a combination of high hedges and close boarded timber fencing on the eastern, southern and northern boundaries. There is a small hardsurfaced area enclosed by 1m high concrete fence, a vehicular crossover and an integral garage to the front. It has a front bay window at ground floor level, the garage and entrance porch are set back from the front building line by some 0.9m.
- 2.3 To the west is a terrace of 6, three-storey town houses forming 60 – 70 Barnstaple Road. To the north is detached two storey residential properties located on the southern side of Barnstaple Road. There is a detached property opposite which has a similar type of front elevation arrangement as the application property.

3 Planning Considerations

- 3.1 The main considerations are design, impact on the character of the area and street scene and impact on residential amenity.

4 Appraisal

Design, Impact on the Character of the Area and Street scene:

Planning Policy Statement 1 (PPS1); DPD1 (Core Strategy) policies KP2 and CP4; BLP Policies C11 and H5 of the Design and Townscape Guide SPD1.

- 4.1 Policy C11 of the BLP states that new buildings and extensions or alterations to existing buildings should be designed to create a satisfactory relationship with their surroundings in respect of form, scale, massing, height, elevational design and materials.

- 4.2 Section 10.2.6 of the Design and Townscape Guide SPD states extensions to the front of existing properties are generally discouraged as they alter the relationship of property within the street and may be detrimental to the wider townscape. Where front extensions are considered not to harm the local townscape care must be taken to ensure that they are of an appropriate size and scale, that they show consideration for the established street frontage.
- 4.3 The application relates to a detached house located in small cul-de-sac accesses off the main part of Barnstaple Road. The existing garage and porch are setback from the remainder of the front building line as originally constructed. The proposed single storey front extension would bring the garage and the porch inline with the front building line. This extension would have matching materials and external finishes as the existing building.
- 4.4 By reason of its limited scale and use of matching external materials, the extension is not considered to result in adverse impact on the appearance of the existing building, street scene and visual amenities.

Impact on Residential Amenity

DPD1 (Core Strategy) policies KP2, CP4; BLP policy H4, H5, and Design and Townscape Guide SPD1.

- 4.5 The single storey front extension, by way of its limited scale and siting in relation to neighbouring residential properties is not considered to adversely affect light, outlook or privacy of the habitable rooms.

Other Matters

- 4.6 The front extension would take some part of the front hardstanding parking area. However, the garage and remaining area to the front are capable of accommodating three vehicles, which is considered acceptable.

Conclusion

- 4.7 By virtue of its limited scale, siting and use of materials, the single storey front extension is not considered to raise adverse impact on the appearance of the existing building, character of the area and visual amenities.

5 Planning Policy Summary

- 5.1 National Policies: Planning Policy Statement 1 (Delivering Sustainable Development).
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance).

5.3 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations) and H5 (Residential Design and Layout Considerations).

5.4 Supplementary Planning Document SPD1 Design & Townscape Guide 2009.

6 Representation Summary

Public Consultation

6.1 11 neighbouring properties notified of the application; one response received raising objection on the grounds of overdevelopment.

7 Relevant Planning History

7.1 February 2010 – Complaints received from several local residents concerning single storey rear extension and first floor side and rear extensions under construction at the site.

7.2 25th May 2010 – The Development Control Committee authorised Enforcement Action to secure the removal of the first floor side and rear extensions and the ground floor rear extension on the grounds that this unauthorised development is detrimental to the residential amenities of the area by reason of overdevelopment resulting in an intrusive and overbearing feature and would create an unacceptable sense of enclosure to the adjoining terrace to the south west and would result in an unacceptable degree of overlooking contrary to Borough Local Plan Policies C11 and H5, Policies KP2 and CP4 of the Core Strategy DPD1 and advice contained within the adopted Design and Townscape Guide (SPD1).

7.3 29.07.10 – 10/01034/FULH – Retrospective planning application received for a single storey rear and first floor side extension (retrospective) – Included in this agenda.

8 Recommendation

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

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

Reason:

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

- 02 The colour and texture of any materials used on the external elevations of the building shall match those of the existing building.**

Reason:

To safeguard the visual amenities of the area, in accordance with Policy C11 of the Southend on Sea Borough Local Plan.

Reason for Approval

This permission has been granted having regard to Policy KP2 and Policy CP4 of the Core Strategy DPD, Policy C11 and H5 of the Borough Local Plan, the Design and Townscape Guide (SPD) 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.

Reference:	SOS/10/01221/FULH
Ward:	West Leigh
Proposal:	Erect single storey side extension incorporating conservatory (amended proposal)
Address:	8 Marine Close, Leigh-on-Sea, SS9 2RD
Applicant:	Mr & Mrs R. Swinscoe
Agent:	Mr A. Robinson
Consultation Expiry:	02.08.10
Expiry Date:	31.08.10
Case Officer:	Louise Tweedie
Plan Nos:	01, 02 Rev G, 03 Rev C.
Recommendation:	Grant Planning Permission



1 The Proposal

- 1.1 Planning permission is sought to erect a single storey side extension incorporating a conservatory. Whilst the extension is a side extension, it will extend beyond the rear wall of the existing dwellinghouse by 5.3m. The existing property benefits from a flat roofed single storey side extension forming a garage and lobby, however this extension will be remodelled to make way for the proposal.
- 1.2 The application follows a previously refused application for a similar scheme. Full details of this can be found in paragraph 6.1 below. The application has been reduced in bulk, scale and depth from the previously refused scheme.

2 Site and Surroundings

- 2.1 The property is a two storey detached property located on the southern side of Marine Close at the head of the cul-de-sac.
- 2.2 The site is broadly triangular in shape which at its widest point is 24.8m along the rear of the garden. This distance reduces to 5.4m to the front of the site. The site slopes away towards the rear of the property into the rear garden.

3 Planning Considerations

- 3.1 The main planning considerations for this application are design, visual impact in the street scene and potential impact on neighbouring properties.

4 Appraisal

Design and Impact on the Street Scene

- 4.1 The proposed extension will have a limited impact on the street scene given the distance that the extension is set back from the front of the property and taken together with the angle of the boundary which increases in width towards the rear of the property.
- 4.2 Although the extension is rather high, it is not considered that its design would detract from the character and appearance of the property or be overly prominent within the street scene. The highest point of the extension is set back 9m from the front of the property.

Impact on Neighbouring Properties

- 4.3 The proposed application has been reduced in bulk and scale since the previously refused application. The depth of the extension that was located on the site boundary has been removed and the extension is now sited a minimum distance of one metre from the site boundary which increases to 2.7m at the rear (due to the splayed boundary line).

- 4.4 Whilst the overall maximum height of the proposal remains the same as the previously refused application, the design of the roof has been altered which has reduced the bulk and dominance in relation to the neighbouring occupier at no. 7.
- 4.5 It is considered that the revised plans will not be overbearing upon or overly dominant to the neighbouring occupier given the angle of the proposed extension, the distance from the site boundary and the reductions made to the bulk, scale and depth of the proposal.
- 4.6 Whilst it is acknowledged that there may be a slight loss of afternoon sunlight to the rear of the neighbouring occupier at no. 7 Marine Close, it is not considered that this would be significant or detrimental to the enjoyment of this dwellinghouse.
- 4.7 In light of the above, it is considered that the proposal satisfies Policies C11 and H5 of the Borough Local Plan.

Planning Policy Summary

- 4.8 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 4.9 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations) and H5 (Residential Design and Layout Considerations).
- 4.10 Design & Townscape Guide, 2009 (SPD1).

5 Representation Summary

Leigh Town Council

- 5.1 Oppose: While the applicant has made an attempt to address some of the issues, the committee still feel that the proposal is an over-development of the site by reason of its width, height and proximity to the boundary. The bulk and height of the building would be detrimental to the amenities of 7 Marine Close by reason of dominance, sense of enclosure, loss of light to main habitable rooms, overshadowing and loss of afternoon sun. The proposal would also have a detrimental impact on the street scene due to the loss of view between 7 and 8 Marine Close. The committee also support Southend Borough Council's parameters for refusal on the previous application SOS/10/00533/FULH and believe these still to be relevant.

Public Consultation

- 5.2 Neighbours notified – One letter of representation received, objecting on the following grounds:
- The proposed extension will make the neighbouring property and its garden feel more enclosed and will appear overly dominant.
 - Loss of light to the neighbouring property.
 - Overbearing on the neighbouring property.
 - Use of a pitched roof will be out of keeping with surrounding properties which all have flat roof side extensions.

6 Relevant Planning History

- 6.1 SOS/10/00533/FULH: Erect single storey side extension incorporating conservatory – Refused on the following grounds - The proposed extension, by reason of its height, depth, scale, and design, taken together with the difference in land levels between the application site and the neighbouring property, would result in an overbearing and overly dominant extension which would be detrimental to the amenities of the neighbouring occupier at no. 7 Marine Close, contrary to Policy ENV7 of the East of England Plan, Policies KP2 and CP4 of the Core Strategy (DPD1), Policy C11 of the Borough Local Plan and the Design and Townscape Guide 2009 (SPD1).

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. 02. The colour, type and texture of any materials used on the external elevations of the building shall match those of the existing building, unless otherwise first agreed in writing by the local planning authority. Such agreed details shall be permanently retained.

Reason: To safeguard the visual amenities of the area, in accordance with Policy C11 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 and H5 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.

Reference:	SOS/10/01311/FUL
Ward:	Milton
Proposal:	Erect 7 three storey dwellinghouses incorporating garages and 1 two storey building incorporating four garages to front and 1 self-contained flat to first floor, layout 1 car parking space, refuse and cycle store.
Address:	Rear of 22 and 34 Milton Road, Westcliff-on-Sea, Essex, SS0 7JX
Applicant:	Mr D Lawrenson
Agent:	Third Dimension Architectural & Interior Design Ltd.
Consultation Expiry:	24 August 2010
Expiry Date:	21 September 2010
Case Officer:	Matthew Leigh
Plan Nos:	5955se-01, 5955se-02, 5955se-03, 200A, 201A, 202A, 203 and 204.
Recommendation:	Grant conditional permission



1 The Proposal

1.1 The application seeks to redevelop existing industrial units with a 2 no. buildings consisting of four and three terraced houses and a two storey building accommodating four garages at ground floor and one self-contained flat to the first floor.

1.2 The details are as follows:

Site Area Gross (Net)	0.1566ha
Height	Maximum 9m
No. of units	Block A 1 x 2 bed flat Block B 4 X 3 bed houses Block C 3 x 3 bed houses
Parking	12 Residential car parking spaces
Cycle parking	Storage building at ground floor
Refuse storage	Storage building at ground floor
Amenity space	Between 50 m ² and 68m ² for the houses. 105m ² for the flat.
Density	Gross (Net) 51dph

2 Site and Surroundings

2.1 The site is located on the eastern side of Milton Road and is accessed from a private drive. The site is currently occupied by a mixture of single storey and two storey industrial units.

The character of Milton Road is predominately made up of two storey properties. Milton Conservation area is located to the east of the site.

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

Principle of the Development:

Planning Policy Statement 3 (Housing); DPD1 (Core Strategy) policies KP1, KP2, CP4 and CP8; BLP policies E4, C11, H5, H7 and H10.

- 4.1 The proposal involves the comprehensive redevelopment of the existing site, through the demolition of the existing buildings and the construction of seven houses and one flat consisting of three separate blocks of accommodation. One building comprises of four dwellings, the second building comprises of three dwellings, whilst the third building would comprise of four garages at ground floor and a flat at first floor.
- 4.2 The Borough Local Plan and Core Strategy policies generally seek to protect existing retail and employment generating uses. Whilst Policy EC1 states that permission will not be granted for proposals involving the loss of business uses unless this would bring clear benefits. These benefits could include the creation of jobs, the extinguishment of a use which is incompatible with the surrounding area or when the premises are no longer suitable for industrial or warehouse use. It should also be noted that PPS1 outlines the commitment of the Government to the promotion of a strong stable and productive economy.
- 4.3 The site is in close proximity to residential accommodation and the use of the site as an industrial use would be likely to have a detrimental impact upon the amenity of these properties in respect of noise, odour and disturbance. Government guidance currently encourages the efficient use of land and the site has been vacant for a number of years. In this context it is considered that a refusal of the application could not be justified on the principle loss of an employment site, provided the development meets all other planning policy requirements and is in line with all relevant Government guidance.
- 4.4 Whilst it is noted that the site is backland development the development of suitable plots of land situated to the rear of existing properties can provide a useful contribution to dwelling provision as well a making optimum use of limited land resources. The site currently is occupied by industrial units and it is considered that in this instance the development of the backland site would be in accordance with Policy H10 of the Local Plan. However, this is subject to the intensity of the proposed development in its context.

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, H5 and H7; Design and Townscape Guide (SPD1).

- 4.5 It should be noted that good design is fundamentally important and this is reflected in PPS1 and PPS3 as well as Policies C11 and H5 of the Local Plan and policies KP2 and CP4 of the Core Strategy and the Design and Townscape Guide.
- 4.6 Whilst it is noted the proposed buildings would be of a greater height than the predominant character of the area it is considered that due to the location of the site to the rear of the existing buildings along Milton Road and Avenue Road that the proposal would be heavily screened and would not be to the detriment of the character of the area.

- 4.7 The proposal involves the demolition of the existing buildings and the construction of three separate buildings. The streetscene in this part of Milton Road is eclectic in nature. The existing industrial units, on site, are considered to be of no real architectural merit and visually unappealing. It is not considered that an objection can be raised to the loss of the existing buildings on site.
- 4.8 Due to the location of the site to the rear of properties facing onto Milton Road the mews style development would have limited views available from the public highway. Whilst it is noted that the majority of the properties in this part of Milton Road and Avenue Road are two storey the existing building on site is of a greater height than the proposed dwellings. It should also be noted that due to the location of the site the impact on the streetscene is reduced by virtue of the siting of the building in this backland location.
- 4.9 The design of the proposed residential blocks has partially referenced the adjoining character of the area. In particular reference is drawn from nearby properties in Avenue Road, although the design detail is a mix of contemporary and traditional features. In particular the design includes detailing such as the brackets, feature window surrounds and chimneys, which seek to replicate some properties in Avenue Road. Whilst some concerns are raised in relation to the recessed nature of the entrance within the front elevation it is considered that the ground floor of the proposed terraced blocks would have a limited impact upon the streetscene and thus on balance is acceptable.
- 4.10 The garage block is of a style that references the main residential blocks. The design is relatively rudimentary; but is considered appropriate due to the nature of the use. The building would not be visible from the highway and on balance, is acceptable in this location.
- 4.11 Whilst the design could be improved in a number of areas, given its backland location and regeneration benefits it is considered, on balance, that the proposed development is in accordance with policy and would not detract from the character of the area or the adjoining conservation area.

Traffic and Transportation Issues:

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

- 4.12 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officers Association (EPOA) set out the requirements for each use. The authority also takes into account Governmental guidance contained within Planning Policy Guidance Note 13: Transport (PPG13) which encourages the reduction in the reliance of the car and promote methods of sustainable transport.
- 4.13 The site is considered to be in a sustainable location within walking distance to the town centre and public transport links; and it is considered that the provision of one car parking space per dwelling would be acceptable in this location. The proposed development would provide twelve car parking spaces which are considered to be acceptable as this is in excess of one parking space per dwelling.

- 4.14 The proposed dwellings will be accessed by a private drive that would be 4.8m in width and would be a shared surface; also providing pedestrian access to the development. It is considered that due to the relatively low number of residential properties serviced by the access, the proposed access way is wide enough to accommodate vehicular movements in both directions as well as pedestrian access.

Cycle parking

- 4.15 The applicant has supplied a location for the proposed cycle store, but has not provided details of its height and appearance. However, further details can be controlled by way of a condition and therefore no objection is raised in principle to the provision of the store, subject to an appropriate condition.

Impact on Residential Amenity:

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

- 4.16 The site is currently occupied by a large industrial building, which historically has been used in association with the retail unit at 24 Milton Road. The building is currently vacant. It is considered that the use of the site for an industrial purpose would have a potentially detrimental impact upon the adjoining residents in relation to noise, odour and disturbance. The use of the site for residential purposes would have a lesser impact upon the amenity of the neighbouring residential properties through noise and disturbance than the existing situation.
- 4.17 The existing industrial unit on site extends almost the entire length of the adjoining properties rear amenity space. Whilst it is accepted the proposed development would provide a residential block in close proximity to the adjoining properties amenity space, it is considered that this would have less of an impact upon the adjoining resident and no objection is raised in relation to overshadowing or dominance in relation to the adjoining properties.
- 4.18 The proposed first floor windows in the rear of 'Block A' provide secondary light to a living room whilst also providing light to an en-suite and hall. Whilst it is noted that the development would be located along the boundary of the site it is considered reasonable to impose a condition in respect of obscure glazing to mitigate against overlooking to the properties to the west. The windows in the rear elevation of 'Block B' are approximately 10m from the rear boundary of the site which is considered a reasonable separation distance to mitigate against overlooking to the properties to the east. The windows in 'Block C' overlook a church car park which is considered acceptable.
- 4.19 The proposed development would provide rear garden amenity space between 50m² and 68m² for the three bedroom houses. Whilst gardens of this size are small for three bedroom properties it is considered capable of meeting the outdoor requirements of the future occupiers of the dwelling.
- 4.20 The proposed flat has an open area to the north in excess of 100m², which is considered capable of meeting the outdoor needs of the future occupiers of the flat.

Sustainable Construction:

PPS1, PPS3; DPD1 (Core Strategy) policies CP4 and CP8; BLP policies C11, H5, H7 and H10 and the Design and Townscape Guide (2009).

- 4.21 It should be noted that PPS3 (Housing) states that developments should: *“Facilitate the efficient use of resources, during construction and in use, and seeks to adapt to and reduce the impact of, and on, climate change.”* Whilst policy KP2 of the Core Strategy states; *“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources”*.
- 4.22 The proposal involves the redevelopment of the entire site and it is considered reasonable to impose a condition requiring details of renewable options (and/or decentralised renewable or low carbon energy source) to meet 10% of the developments energy needs in accordance with Policy KP2 and Government guidance. The Design and Townscape Guide also requires new residential development to be constructed to a minimum Level 3 of the Code for Sustainable Homes. The applicant has indicated that it is proposed to build to a minimum of Level 3 and this will also be secured by condition.

Other Matters:

DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C11, H5 and H7, and Waste Management Guide.

- 4.23 The applicant has supplied a location for the proposed refuse store, but has not provided details of its height and appearance. However, further details can be controlled by way of a condition and therefore no objection is raised in principle to the provision of the store, subject to an appropriate condition. It should also be noted that the proposed access and turning head are capable of accommodating a refuse collection vehicle.
- 4.24 The applicant has indicated that the development will be constructed to a minimum of Level 3 of Code for Sustainable Homes. The provision of residential development which meet this level is an ambition of the Council and has been a material consideration in the consideration of the application and it is considered reasonable to impose a condition in respect of this.

5 Conclusion

- 5.1 The development would extinguish an inappropriate use and on balance the proposed development is considered to be acceptable.

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), CP1 (Employment Generating Development), and CP4 (The Environment and Urban Renaissance).

- 6.3 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.4 Borough Local Plan Policies E4 (Industrial and Warehousing), C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-contained Flats) and T8 (Traffic Management and Highway Safety) and T11 (Parking Standards).

7 Representation Summary

Highway Authority

- 7.1 To be reported.

Environmental Health

- 7.2 To be reported.

Design and Regeneration

- 7.3 To be reported.

Parks and Open Space

- 7.4 Need to have a detailed landscape proposal and maintenance scheme.

Essex County Council

- 7.5 To be reported.

The Milton Conservation Society

- 7.6 Block B directly overlooks properties in Avenue Road to the detriment of existing residents. The development should respect the existing building type and does not satisfy the guidelines within the Design and Townscape Guide.

Waste Management

- 7.7 To be reported.

EDF Energy

- 7.8 To be reported.

Public Consultation

- 7.9 Three letters were received, which raised the following comments and observations:
- Loss of light.
 - Wind trap.
 - Loss of privacy.
 - Difficulty with access.
 - Speed restrictions will hazard any easy access for emergency vehicles or refuse vehicles.
 - Properties at risk of fire due to close proximity.
 - Inappropriate scale to the surrounding dwellings.
 - Design and materials do not respect the character of the conservation area.
 - Inadequate off-street parking.
- 7.10 The application has been called into Committee by Councillor Garston.

8 Relevant Planning History

- 8.1 No relevant planning history.

9 Recommendation

Members are recommended to:

- 9.1 Approve, 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.**

REASON: To safeguard the visual amenities of the area, in accordance with Policy H5 of the Southend on Sea Borough Local Plan.

- 03 No dwellings shall be occupied until car parking provision through hardstanding and garages has been provided, in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority. The car parking shall be retained in perpetuity unless otherwise agreed in writing by the local planning authority.**

REASON: To make provision for parking off the highway, in accordance with Policy T11 of the Southend on Sea Borough Local Plan.

- 04 No dwellings hereby approved shall be occupied until a sustainable urban drainage scheme including porous hard surface materials has been submitted to and agreed with 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 accordance with Policy KP2 of the Southend on Sea Borough Core Strategy.

- 05 Windows in the west elevation of 'Block A' shall only be glazed with obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut and unopenable apart from any top hung light which shall be a minimum of 1.7m above internal floor level. In the case of double or multiple glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass.**

REASON: To safeguard the private amenities of the adjoining residence, in accordance with Policy C11 of the Southend on Sea Borough Local Plan.

- 06 No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping. This shall include details of all the existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development; details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established; and details of the treatment of all hard and soft surfaces (including any earthworks to be carried out).**

Reason: To ensure a satisfactory standard of landscaping, pursuant to Policy C14 of the Southend on Sea Borough Local Plan.

- 07 All planting in the approved landscaping scheme shall be carried out within 12 calendar months of the completion of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the local planning authority.**

Reason: To ensure a satisfactory standard of landscaping, pursuant to Policy C14 of the Southend on Sea Borough Local Plan.

- 08 No development shall take place until there has been submitted to and approved by the local planning authority details, including materials, of the refuse store proposed. The development shall only be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. The development shall not be occupied until the agreed refuse store have been constructed and will be retained in perpetuity.**

REASON: In accordance with policy H7 of the Southend-on-Sea Borough Local Plan and the Waste Management Guide.

- 09 No development shall take place until there has been submitted to and approved by the local planning authority details, including materials, of the cycle storage proposed. The development shall only be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. The development shall not be occupied until the agreed cycle storage has been constructed and will be retained in perpetuity.**

REASON: In accordance with policy H7 of the Southend-on-Sea Borough Local Plan and PPG13.

- 10 No development shall be commenced until:**

a. a site investigation has been undertaken to determine the nature and extent of any contamination, and

b. 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):

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

d. 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 safeguard the amenities of nearby residential properties, in accordance with Policy E5 of the Southend on Sea Borough Local Plan.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Class A to E Part 1, Schedule 2 to those Orders.**

REASON: To safeguard the amenities of the adjoining residential properties.

- 12** Unless otherwise agreed in writing by the Local Planning Authority:
- a) the development hereby permitted shall be built to a minimum of Level 3 of the Code for Sustainable Homes (or its successor);
 - b) no development shall take place until a Design Stage assessment (under the Code for Sustainable Homes or its successor) has been carried out and a copy of the summary score sheet and Interim Code Certificate have been submitted to and approved in writing by the Local Planning Authority;
 - c) prior to the first occupation of the dwelling, a copy of the summary score sheet and Post Construction Review Certificate (under the Code for Sustainable Homes or its successor) shall be submitted to the Local Planning Authority verifying that the agreed standards have been met.

REASON: In accordance with Policy CP4 of the Core Strategy and the Design and Townscape Guide.

- 13** Prior to the commencement of the development hereby approved, details of energy efficiency and other sustainability measures, including the provision of at least 10% of the development hereby approved energy needs being provided from renewable options (and/or decentralised renewable or low carbon energy source), shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the agreed details.

Reason: In accordance with Policy KP2 of the Southend on Sea Borough Core Strategy.

This permission has been granted having regard to Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance) and CP8 (Dwelling Provision) of the Core Strategy and together with Policies C7 (Shop and Commercial Frontages and Fascias), C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), H7 (Formation of Self-contained Flats), E5 (Non-Residential Uses Located Close to Housing), S5 (Non-Retail Uses), S7 (Car Sales and Showrooms), T8 (Highway Safety) and T11 (Parking Standards), 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/10/01322/FUL
Ward:	Victoria
Proposal:	Use former office building (Class B1) as 84 bedroom hotel (Class C1) from basement to 6 floor, erect two additional floors containing four self contained dwellings (Class C3) incorporating terraces to front and rear, lay out 44 car parking spaces, 6 motor cycle spaces and 20 cycle spaces with canopy over, install plant units and erect bin stores at rear (Amended Proposal)
Address:	47 Victoria Avenue, Southend on Sea
Applicant:	Mr G Sanders, Runwood Homes Plc
Agent:	Wincer Kievenaar LLP
Consultation Expiry:	19th August 2010
Expiry Date:	20th September 2010
Case Officer:	Charlotte Galforg
Plan Nos:	4332 SK01; 4332 SK02; 4332 SK03; 4332 SK04; 4332 SK05; 4332 SK06
Recommendation:	GRANT PLANNING PERMISSION subject to completion of a S.106 Agreement



1 The Proposal

1.1 The details are summarised as follows:

Site Area	0.23 hectares
Height	9 storeys plus basement
No. of units	4 x 3 bed self contained flats
Hotel	84 rooms 3,874m ²
Car parking	41 car parking spaces
Cycle parking	20 cycle parking spaces

1.2 This application proposes the refurbishment and change of use of an existing vacant office building. It has been submitted subsequently to applications SOS/09/01052/FULM, SOS/09/01919/FULM, and SOS/10/00409/FULM which were refused in August 2009, January 2010 and May 2010. The building would be used as follows: a kitchen, boiler room, food store, store and staff room to serve the hotel at basement level; the entrance and reception area to the hotel at ground floor together with an associated restaurant, bar, office and conference facility; hotel bedrooms 1st – 6th floor level and then 2 floors of residential flats, four flats in total. The flats would be accommodated within a 2 storey extension on the roof of the building. The existing vehicular access would remain and would serve a car park and service area to the rear. Amenity space for the flats would be provided in the form of roof terraces.

1.3 The application includes draft Heads of Terms, which propose the following:

- Public art contribution (unspecified) to provide public art visible from the public realm, close to, or on the site.
- Public realm contribution (unspecified) to provide physical environmental enhancement of Victoria Avenue.
- Highways contribution (unspecified) in respect of improvements to the bus stop on the western side of Victoria Avenue immediately to the north of the application site.
- Highways contribution (unspecified) towards improvements to the subway adjacent to the application site.
- Highways contribution of £2,000 to enable the Council to check, approve and monitor a Travel Plan for the development.

1.4 The applicants have submitted a design and access statement, transport assessment, ventilation strategy, energy strategy proposal, and a planning and economic statement, in support of the application.

1.5 The main differences between this and the previously refused application are as follows:

- The application now proposes a change of use of the existing building to a hotel rather than a care home. The proposal consists of a mix of Hotel and residential uses only.
- The car park layout has been revised to reflect the changes in use of the development
- Extensions which were previously proposed to the rear of the building have been deleted from the scheme, although extensions to the roof are still proposed which would accommodate the flats

1.6 The reasons for refusal in relation to application SOS/10/00409/FULM were as follows:

01. The proposal compromises the Borough council's strategic objectives for this location and the town centre by failing to make the best use of the building contrary to policy KP2 of the adopted Core Strategy DPD1.

02. The proposed loss of the existing B1 office use and change of use to a mixed use of which the majority of floorspace would be occupied by a Care Home, would result in the loss of an employment use and premises and fail to meet the objective of employment generation and to make best use of the building in line with the provisions of the adopted Core Strategy and is therefore considered to be contrary to policies KP2, CP1 and of the Core Strategy DPD1 and saved policy E4 of the BLP.

03. The proposed development by reason of the busy town centre location, the impact of traffic noise, the layout of the development and the mix of residential uses would be detrimental to the amenities of future residents of the care home and contrary to the provisions of PPG24, Policy CP4 of the adopted Core Strategy DPD1 and saved policy H8 of the BLP

04. In the absence of a signed legal agreement, the proposed development fails to:
- i) provide for improvements to the public highway and the public realm within the vicinity of the site; ii) provide an effective means of enforcing/delivering a Travel Plan; iii) provide for a satisfactory provision of public art and iv) provide for a satisfactory method of servicing the development. As such, the proposal would not make a satisfactory contribution towards the quality of the built environment within the vicinity of the site, would result in service vehicles blocking the highway to the detriment of highway safety and is likely to place increased pressure on public services and infrastructure to the detriment of the general amenities of the area, contrary to Policies SS1, SS6, ENV7, T2, T4 and T9 of the East of England Plan, Policies KP2, KP3, CP3, CP4 and CP6 of the Core Strategy, Policies C11, C14, U1, T8 and T13 of the Borough Local Plan, and the Design and Townscape Guide (2009).

2 Site and Surroundings

- 2.1 The site is located on the western side of Victoria Avenue opposite the Civic Centre. The existing development is a rectangular 7 storey building with basement; it is a 1960's built office building which is currently vacant. The building has a concrete frame and inset cladding panels. The area to the rear of the building is laid with tarmac to facilitate car parking. The applicant states that the building is in poor condition. Access to the rear car park is gained from Victoria Avenue and there are currently 53 car parking spaces provided to the rear.
- 2.2 To the side and rear of the building are commercial properties, to the north is the "Pinnacle" office block and to the south is Skyline Plaza, a mixed office and residential development. The building is one of a number of commercial properties of a similar age and scale that flank this section of Victoria Avenue. The site falls within the Town Centre.

3 Planning Considerations

- 3.1 The main issues when considering this application are: the loss of the existing office use and the principal of hotel use and the residential use on this site; design and the impact on the character of the area, traffic and transport issues, impact on the amenities of existing and future occupiers, impact of the development on the future use/development of the surrounding sites, developer contributions, and whether the proposal overcomes the previous reasons for refusal.

4. Appraisal

Principle of development

Planning Policy Statements: PPS1, PPS 3, PPS 4; DPD1 (Core Strategy) Policies, KP1; KP2; CP1, CP2, CP6, CP8, Strategic Objectives - Policies SO1, SO3, SO4, SO5, SO6, SO7, SO8, SO9, SO13, SO14, SO15, SO19. BLP Policies; H8, U10

- 4.1 The applicants state in their submissions that the building has been empty for more than two years and that all attempts to secure office occupiers have failed. The applicant has produced evidence to support this claim. It states that the building makes no contribution to Southend either in terms of townscape or employment generation and that there is no reasonable prospect of the premises being used for B1 purposes. Their report also states that there is a need for additional hotel accommodation within Southend.
- 4.2 The proposed change of use of the existing office building will result in the significant loss of B1 (office) employment floorspace. In its broadest terms this goes against the aims of the Core Strategy Policy KP1, which seeks to retain and promote employment within the Borough and in particular within the Town Centre. However the Core Strategy also recognises that development proposals involving employment must contribute to the creation and retention of a wide range of jobs, educational and re-skilling opportunities.

Policy CP1 states that “permission will not normally be granted for development proposals that involve the loss of existing employment premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways.....and that... to promote economic regeneration, development will be expected to enhance the town’s role as a cultural and intellectual hub, a higher education centre of excellence visitor destination and cultural centre.”

- 4.3 According to evidence submitted by the applicant, the proposed hotel would generate 15 full time jobs and 20 part time jobs.
- 4.4 Based on floorspace, it is calculated that the existing B1 use of the building could, if fully utilised generate approx 218 full time jobs. Thus the employment potential of the proposed development remains considerably less than that of the existing building.
- 4.5 In addition, in line with Policy EC1.4 of PPS4, the Council has commissioned an Employment Land Review for the Borough. The preliminary findings of this report indicate that while there is sufficient employment land identified within the Borough to provide for 6500 jobs, there does not appear to be a large oversupply. Therefore applications which propose the loss of employment land to other uses will need to be assessed carefully to ensure that the current supply is adequately protected.
- 4.6 In accordance with Policy CP1 notwithstanding the loss of employment land, it is necessary to examine whether the development will contribute to the objective of regeneration of the local economy in other ways and whether the proposed uses will promote economic regeneration and enhance the town’s role as a cultural and intellectual hub, a higher education centre of excellence visitor destination and cultural centre as set out within the policy. The proposed development also remains to be considered under policy KP2 which states that all new development must make the best use of previously developed land, ensuring that sites and buildings are put to best use. This policy is elaborated on further in CP1, CP2 and CP4.
- 4.7 It is recognised that the building has remained empty for several years and is one of several unutilised office buildings within Victoria Avenue. It is also recognised that the building is somewhat run down and therefore, in principle, refurbishment and appropriate reuse is welcomed. The applicant has also submitted evidence to support their case that the current office use is not viable.
- 4.8 PPS1 states that: *‘local planning authorities should ensure that development plans promote outcomes in which environmental, economic and social objectives are achieved together over time.’* The Council’s policies, as well as those within the Masterplan, do promote outcomes in which environmental, economic and social objectives are achieved together over time. The current proposal, will result in the refurbishment and occupation of a vacant building within the town centre, it is therefore necessary to examine whether the use would help secure the *‘sustainable economic growth’* which PPS1 envisages.

- 4.9 The Core Strategy explicitly states that *“town centre development must be appropriate to the function, size and character of the area in which it is located”* (CP2 – Town Centre and Retail Development). It also makes reference to *“maximising the use of previously developed land”* (CP4 – The Environment and Urban Renaissance).
- 4.10 These policies are supported by the Masterplan which proposes the transformation of Victoria Avenue into a new green quarter where the emphasis should be on redevelopment to deliver a greater mix of uses with significantly improved public realm. Furthermore, the Design and Townscape Guide provides additional support by recognising that *“sustainable development relates to the built and natural environment but also has social and economic dimensions”*.
- 4.11 It also states that the reuse of existing buildings should be considered where the existing building makes a positive contribution to local character or where it can form the basic building block of a new development and that while mixed use development will be encouraged in Southend town, the *“mix of uses will depend on local character, need and location”*.
- 4.12 Taking all of these policies into account, it is clear that mixed use developments should be judged individually on their merits, whilst having regard to each of the aforementioned considerations. If a development is deemed not to be appropriate to the function, size and/or character of where it is located and does not maximise the use of the site; then it will not be supported.
- 4.13 The Masterplan provides a vision for the future of Victoria Avenue. It recognises that Victoria Avenue is currently under-utilised yet has the potential to become again a vibrant and lively part of the town once again, enhancing its potential as a place to live, work and visit. A vital part of this vision is ensuring that suitable development is encouraged to locate there.
- The vast majority of the proposed development will be a hotel. This use is one of those that is considered to be “Economic Development” within PPS4. and is also one of the uses that is promoted within Policy CP1, and the Central Area Masterplan (CAM) as being appropriate to encourage town centre economic regeneration. PPS4 states in policy EC10 that Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic development. There is therefore no objection in principle to the hotel use within the building.

4.14 PPS 4 also states that each application for Economic Development should be assessed against various impact considerations as follows:

- whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change¹⁴
- the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured¹⁵
- whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions
- the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives
- the impact on local employment

These issues are discussed in more detail in the following paragraphs

4.15 The proposal includes an ancillary restaurant and bar at ground floor level, together with conference facilities, 4 flats would be provided at the upper levels. It is considered that these uses serve, in policy terms, to enhance the previous proposals, by offering what is essentially a mixed development, and providing a uses at ground floor which would create a lively ground floor frontage.

4.16 The Southend on Sea Hotel Futures Final Report March 2010 states that there is a need for additional hotels within the area.

4.17 Thus the uses that are now proposed are considered to be acceptable in principle.

Design and Impact on the Character of the Area

Planning Policy Statements: PPS1, PPS 3; DPD1 (Core Strategy) policies SO1, SO4, SO14, SO17, KP1, KP2, KP3, CP4, CP7; BLP policies; C11, C14, C15, H5, H7.

4.18 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. PPS4 requires an assessment of the impact of economic development on the regeneration of an area.

The principle of increased height

4.19 The site is located at the edge of the Town Centre as defined within the BLP, Core Strategy Documents and CAM. To the north, south and east of the site are substantial and tall buildings, such as the Civic Centre and other development within Victoria Avenue.

- 4.20 The application proposes an additional two storeys by virtue of an extension on the roof of the building, extending it up to some 28m (8 storeys) in height. The Design and Townscape Guide (DTG) specifically refers to tall buildings and states that “High quality tall buildings in the right place can act as landmarks...however they are not always appropriate and therefore it is important to establish whether the principle of a high building is acceptable before considering the detail”. The DTG goes on to state that “Clusters of tall buildings may be acceptable in the town centre...”
- 4.21 The CAM examines the development potential of “The Victorias” area which includes the application site. The site is shown as being in residential use and has an indicative storey height of between 6 and 12 floors. The Councils Design and Conservation Officer previously raised no objection to the principle of an addition to the height of the building, and the additional height would not appear out of context within the street scene. Southend Airport has been consulted and raised no objection to the extensions. Thus there is no objection in principle to the proposed roof extension.

Detailed design

- 4.22 The existing building appears rather dated and run down and in principle its refurbishment is welcomed, provided it is acceptable in policy terms.
- 4.23 Whilst the overall design of this development is acceptable there are a number of concerns in respect of the detailed design as follows:
- 4.24 The cladding materials chosen will make a significant difference to the overall quality of the remodelling and must be robust and appropriate for the location. The proposed use of yellow cladding / blockwork would however be out of character with the area which is made up of red brickwork and stone facing. This needs to be re-examined, but if the development were to be considered acceptable this issue could be dealt with by use of an appropriate condition.
- 4.25 The application includes some details of the treatment of the ground floor frontage onto Victoria Avenue. It is considered particularly important that this frontage is kept open, active and attractive in order to enhance the appearance of the area and increase its vitality. The proposed restaurant and conference area to the ground floor should provide some street vitality, but the lack of a separate street entrance, is a deficiency in the design. Such an entrance would encourage patrons other than hotel guests to use the restaurant, regrettable. A greater number of openings in the ground floor would also add interest to this part of the elevation. The applicant has been requested to address this issue. In addition a condition to prevent the application of opaque materials to ground floor glazing is also considered necessary and reasonable.
- 4.26 The design of the penthouse apartments has been altered since the previous application – the balconies have been moved from the sides to the centre of the building with the bedroom wings now on the ends. Whilst there is no objection in principle to this, these changes have resulted in the loss of the setback from the existing building which provided a better relationship between the existing and the proposed extension, and reduced the visual scale of the extended development. The applicant has been requested to achieve a greater setback.

- 4.27 To the rear there appears to be a section of the building without any windows (at ground level and upper levels) and this is undesirable. The rear access to the hotel would benefit from greater prominence. The applicant has been asked to address this issue.
- 4.28 Overall signage will need to be carefully considered to ensure that it complements the remodelling of the building. Signage would be the subject of a separate application for advisement consent. A condition is also proposed to control advertising.
- 4.29 Some landscaping has been introduced in the car park and this is an improvement but there is still scope for further landscaping. There is also opportunity to add to the biodiversity of the area by providing robust landscaping. The applicants have been made aware of this concern and it is considered that this matter could be covered by a suitable landscaping condition.
- 4.30 The commercial bin store will form the principle view into the site and this is of concern. This element will need to be carefully designed to ensure that it is not unsightly. The condenser array is also very prominent and likely to be within a fenced enclosure. This needs to be relocated or screened to make it less dominant. The design of the bin store can be addressed by condition and the applicant has been requested to address the issue of the condenser array.
- 4.31 To conclude, there are no objections to the increase in height of the building and the general design. Discussions with the applicant are ongoing with regard to a number of other design issues and others may be controlled by the imposition of conditions. The outcome of these discussions will be reported.

Planning Policy Statements: PPS1, PPG 13: Transport; DPD1 (Core Strategy) policies: SO9, SO13, SO14, SO15, SO17, KP2, KP3, CP3; BLP Policies; T1, T8, T10, T11, T12, T13.

- 4.32 The site is considered to be very accessible. It is located within walking distance of three stations which connect with both London Liverpool Street and Fenchurch Street and is close to cycle routes and bus routes. The site is within ready walking distance of the town centre and its associated amenities and is also located close to the A13 and A127, Southend to London arterial roads. The applicants have submitted evidence to suggest that the current planning use of building would actually have the potential to generate more traffic than that which is proposed and therefore no objections are raised in terms of the impact of the development on the surrounding highways network.

- 4.33 Car parking to serve the site is currently located to the rear of the building, and a reduced car parking provision to serve the development would remain. 41 parking spaces are proposed to serve the development. In accordance with EPOA parking standards a *maximum* 84 spaces would be required; 1 per bedroom. However the EPOA standards recognise that a lower provision may be appropriate in town centre locations where there is good access to alternative forms of transport and existing car parking facilities. As stated it is considered that the application site is extremely accessible and it is considered a parking provision of just under 50% is acceptable in this location provided it is back up with a robust Travel Plan. The applicants have agreed that provision of a robust Travel Plan should be part of the S.106 Agreement.
- 4.34 The applicants have shown cycle parking to be provided to the rear of the site for 20 spaces in secured covered accommodation. Whilst this is slightly below the EPOA standards for cycle parking, there is space within the rear parking area to provide additional cycle should this prove necessary once the development in place.
- 4.35 Taking these factors into account proposed development is considered to meet with policies T8 of the BLP and CP3 of the Core Strategy with regard to traffic generation and parking.

Developer Contributions for Highways works

- 4.36 Policy KP2 of the Core Strategy requires that “new development should ensure good accessibility to local services and the transport network ... facilitate the use of travel modes other than the private car...secure improvements to transport networks, infrastructure and facilities and promote improved and sustainable modes of travel”.
- 4.37 It is considered that this proposal will place additional burden on existing public transport and cycleways and also increase the number of people walking within the vicinity of the site. As such it is considered reasonable and necessary that the developer makes financial contributions to allow the improvement of this infrastructure.
- 4.38 The applicants have been requested to make a contribution of £27,300. Officers are satisfied that this amount is sufficient to facilitate improvements to bus stops within Victoria Avenue and the existing pedestrian underpass. These improvements will help encourage staff and occupiers of the development to make use of non car modes of transport. The outcome of ongoing discussions regarding the S106 Agreement will be reported.
- 4.39 The Travel Plan has not been agreed and needs additional work before it would be considered acceptable. However officers are satisfied that it could be progressed and agreed prior to occupation. A contribution of approx £2,000 is required to check, approve and monitor the travel plan (this is a standard requirement) and can be secured by a S106 Agreement.

Servicing

- 4.40 One of the reasons for refusal of the previous planning applications related to servicing. It was considered that because of the limited room for access to the rear of the site and the detail of the rear car park layout, that the site could not be properly accessed to allow for adequate servicing and that therefore the development would be likely to result in service vehicles parking on street to the detriment of the through flow of traffic and highway safety or to excessive amounts of refuse being stored to the front of the site, to the detriment of visual amenity and resulting in possible obstruction of the footpath. The revised application now shows waste storage to the rear of the site, separate from the main building. It should be noted that the store will be open to general view.
- 4.41 The submitted Transport Assessment describes how refuse collection will be carried out. There will be separate collection for the hotel and residential uses. The applicants state that collection for the hotel would take place by private operator to the rear of the site. The revised parking layout arrangements now allow for suitable vehicles to turn within the site. Refuse collection for the flats would take place from the front of the site. It would be possible to reorganise on-street parking to the front of the site; two of the on-street parking spaces would need to be removed from the front of the site and reinstated further to the north, just to the north of the adjacent office development (The Pinnacle). This work would need to be controlled but could be carried out by the Council at the developer's expense (the cost is expected to equate to approximately £300). This matter would need to form part of a S106 Agreement.
- 4.42 Therefore subject to completion of a S106 Agreement to cover the issues that are set out above, no objections are raised to the development on traffic or transport grounds.

Impact on amenity of adjacent occupiers

Planning Policy Statements: PPS1- Delivering Sustainable Development; PPS 3 - Housing; PPG 24: Planning and Noise: DPD1 (Core Strategy) policies; CP4; CP6, CP7; CP8: BLP policies C11, C14, C15, H5, H7, E5, T8.

- 4.43 Policies H5 of the BLP and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. The adjacent buildings are currently mainly either vacant or in commercial use. However Skyline Plaza to the north is in residential use at upper levels.

Activity

- 4.44 In terms of the activity associated with the proposed development, generally this would not be greater than existing authorised use, although the hotel may result in greater night time activity as a result of proposed 24 hours opening. Given that there are no restrictions on hours of operation of the existing use of the building, it is not considered reasonable to object to the limited change that might occur as a result of this development

Outlook, sunlight and daylight and overlooking.

- 4.45 It is no longer proposed to extend the building except for the additional two storeys on the roof; it is considered that the extended built form of the building would not have any material impact on neighbours.

Impact on future occupiers

- 4.46 It is also necessary to consider whether the development will result in an acceptable environment for future occupiers of the hotel and flats. The previous applications were refused due to the unsatisfactory environment that would be created for future occupiers, so it is necessary to consider whether this reason for refusal has been overcome.

Noise

- 4.47 The application site is in a busy, noisy location. The applicants have previously submitted a noise assessment with the application which examines the impact of road traffic noise on the future occupiers. This concludes that measured noise levels place the front facade of the building would meet the “good” standard of BS8223 for night time noise and “reasonable” standard during day time provided adequate insulation and glazing is installed. The difference between the proposed hotel use and the previously proposed care home, is considered to be that occupiers of the hotel would choose to sleep in a room subject to high noise levels and could choose whether to open windows or use mechanical ventilation. Their residence would be for a short period of time only. Thus the impact on users of a hotel is not considered to be so severe as to warrant refusal, subject to conditions with regard to insulation.

Amenity space

- 4.48 Amenity space to serve the flats is of adequate size taken in its entirety, but is shallow and this limits its usability. The front facing amenity areas are also likely to suffer from disturbance from road traffic noise. However on balance, given the overall amount of space provided to serve each unit both to front and rear, no objections are raised to the amenity space to serve the flats.

Sustainable Construction

Planning Policy Statements: PPS1, PPS 3, PPS 22, PPG 24: DPD1 (Core Strategy) policies: Key Policies: KP2, KP3, CP4, CP8, SO15, SO17; BLP Policy C11

4.49 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.

All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide, 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...”

4.50 The applicants have submitted an Energy Strategy in support of their application. This sets out how the energy needs of the development might be met and looks at all the possible options.

4.51 They state that the proposed scheme is to utilise air source heat pump unit to provide hot water generation to the hotel, and that this system will provide a minimum of 10% of the annual energy usage. It is proposed that the external units will be located at ground level behind the store to the north of the site away from the residential neighbours. It is considered that there are alternative options, including a biomass boiler and photovoltaics, which could prove more feasible and more effective, notwithstanding the submitted information. The applicants have been requested to comment on this matter and consider alternative options. Nevertheless officers are satisfied that the proposed scheme can provide a minimum of 10% of the annual energy usage via renewable sources. The details of the solution can be agreed by the use of suitable conditions.

4.52 The application does not detail 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, PPS 6, PPS 22; PPS 23, Planning Policy Guidance Note 13, DPD1 (Core Strategy) policies KP3, BLP policies: U1.

4.53 The Core Strategy Police 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.

This includes provisions such as; a. roads , sewers, servicing facilities and car parking; b. improvements to cycling, walking and passenger transport facilities and services; c. off-site flood protection or mitigation measures, including sustainable drainage systems (SUDS); d. affordable housing; e. educational facilities; f. open space, ‘green grid’, recreational, sport or other community development and environmental enhancements, including the provision of public art where appropriate; g. any other works, measures or actions required as a consequence of the proposed development; and h. appropriate on-going maintenance requirements.”

Public Art

4.54 The applicants have agreed to make a contribution for Public Art on or around the site, if the application is approved. £10,000 has been requested and was previously agreed by the applicants for the previous scheme. Such a contribution is considered justified given the scale, location and details of the scheme.

Public Realm Improvements

4.55 Given the scale, location and details of the proposals, it is considered that, if approved, the application should include as part of the S106 Agreement a sum for the enhancement of Victoria Avenue as envisioned in the CAM. A public realm contribution of £25,000 to provide physical environmental enhancement of Victoria Avenue has previously been considered appropriate and has been previously agreed by the applicants for the previous scheme. This figure has been calculated taking into account the frontage of the site and costs of improvements and is considered reasonable and acceptable.

4.56 However during the course of various applications on this site the Victoria Avenue Development Brief has been brought forward and developed. Whilst it is recognised that the Brief is in an early stage there are objectives within it that would be consistent with the objectives of the brief.

4.57 The transformation of the Victoria Avenue neighbourhood envisaged within the Brief will recommend that two new access routes in specific locations are introduced as development opportunities arise. One of these new connections is intended to link the Civic Square (itself to be remodelled to encourage a greater intensity of use) to the west side of the neighbourhood passing through sites to Baxter Avenue. As Victoria House (No 47) is not to be demolished within this planning application the space available for the new connection is fairly limited but it is considered that creation of a through route across the application site could work. The link through to Baxter Avenue could be fully achieved at a later stage of development within the area. Given the importance of linkages through the Victorias, if the applicants are willing to provide a suitable link through their site as part of their development, it is considered reasonable that this would amount to their public realm contribution and that the financial contribution outlined above in para 4.56 would no longer be required.

Highways improvements

- 4.58 The detail of proposed contributions in relation to highways improvements is set out in para 1.3 above.

Monitoring fee

- 4.59 The applicant has been requested to make a contribution to cover the costs of monitoring the S106 agreement
- 4.60 The contributions proposed are considered to meet the tests set out in the CIL Regulations 2010. If the S106 Agreement is not completed prior to the Committee expiry date of the application it will be necessary to refuse the application due to the lack of provision.

Other Considerations

DPD1 (Core Strategy) policies KP1, KP2, KP3, CP4, CP6; BLP policies; C11, H5, H7; Central Area Masterplan

- 4.61 Impact on future development of the surrounding area - The application site lies within the "Victorias" area within the Central Area Masterplan. This document has been adopted by the Council as Corporate Policy and therefore is a material consideration. The CAM seeks to regenerate the "Victorias" quarter and envisages a new mix of uses. In addition since the last application on the site was considered the Victoria Avenue development Brief has progressed to preconsultation stage of drafting.
- 4.62 The development Brief will suggest that each site delivers a mix of uses and that there will be a presumption that most sites will include an active frontage ground floor frontage to Victoria Avenue. The bars and restaurant in the application proposals would satisfy this recommendation. The provision of higher quality residential accommodation in the area helps in a small way to expand the variety of the residential offer and the demographics of the future mixed community.
- 4.63 The Brief will suggests that surface level car parking on every site should be replaced by a small number of multi level car parks that are shared between development sites. However it would be unreasonable to reject this planning application as premature in this instance ahead of adoption of the Development Brief. Nevertheless, other objectives within the brief are attainable the applicant has been requested to consider these and amend the application accordingly. These specific matters are referred to in the consultation response from Renaissance Southend and addressed above.
- 4.64 It has previously been accepted when considering the previous applications on the site that the development of this site would not prejudice the aims of the Central Area Masterplan which includes this site.

Conclusion

- 4.65 There are no objections in principle to the loss of the existing B1 office use of the site and its replacement with a true mixed use development. The Hotel use is considered appropriate in this town centre location and in accordance the objectives of PPS4, KP2 and CP1 and CP2 of the Core Strategy. It should be noted that it is not considered that if permission is granted for a hotel development, this would weaken the Councils position in the future, should the applicant reapply for Care Home use at this site.
- 4.66 It is considered that the location of the development, the form of accommodation provision and the mix of hotel and residential use would create a satisfactory environment for future occupiers and customers.
- 4.67 There is no objection to the level of traffic generation, or the proposed level of parking, subject to completion of a suitable S106 Agreement requiring relocation of existing parking spaces, and provision of a service area, officers are satisfied that the scheme can be satisfactorily serviced.
- 4.68 There is no objection in principle to a taller building in this location. The design of the development is on the whole considered acceptable, subject to some revision.
- 4.69 The development will not result in an adverse impact on surrounding development in terms of loss of outlook, overlooking, or noise or activity generation.
- 4.70 The development would not have a detrimental impact on the ability to redevelop the adjacent sites in the manner envisaged within the CAM and preconsultation draft Victoria Avenue Development Brief.
- 4.71 The proposal is therefore considered acceptable.

5 Planning Policy Summary

- 5.1 National Policies – Planning Policy Statements: PPS1- Delivering Sustainable Development; PPS 3 – Housing; PPS 6 Planning for Town Centres; PPS 22- Renewable energy; PPS 23 – Planning and Pollution Control; Planning Policy Guidance Notes PPG 13: Transport; PPG 24: Planning and Noise.
- 5.2 DPD1 (Core Strategy) Policies- Key Policies, KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development); CP2 (Town Centre and Retail Development); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Dwelling Provision). Strategic Objectives – Policies SO1, SO3, SO4, SO5, SO6, SO7, SO8, SO9, SO13, SO14, SO15, S019.

- 5.3 BLP Policies; C7 (Shop and Commercial Frontages); C8 (Advertisements) C11 (New Buildings, Extensions and Alterations), C14 (Trees, Planted Areas and Landscaping), H5 (Residential Design and Layout Considerations), H7 (The Formation of Self-Contained Flats); H8(Sheltered Housing and Residential Character), E5 (Non-Residential Uses Located Close to Housing), U1 (Infrastructure Provision), U10 (Provision of Other Community Facilities), T1 (Priorities), T8 (Traffic Management and Highway Safety), T10 (Town Centre Parking (On-Street)), T11 (Parking Standards), T12 (Servicing Facilities), T13 (Cycling and Walking). The site falls within the Town Centre within the BLP and within an area of Special Control for Advertisements.
- 5.4 Supplementary Planning Document 1: Design & Townscape Guide (2009).
- 5.5 EPOA adopted Vehicle Parking Standards.
- 5.6 Southend Central Area Masterplan (2008).
- 5.7 Southend on Sea Hotel Futures Final Report March 2010

6 Representation Summary

- 6.1 **Anglian Water** – raises no objections, but submits informative statements relating to: Assets affected; water resource zone; water supply network, Foul sewerage system; surface water system; wastewater treatment; trade effluent.
- 6.2 **London Southend Airport** – no safeguarding objection
- 6.3 **Essex County Fire and Rescue** – access for fire service vehicles is considered satisfactory. Additional water supplies for fire fighting may be required.
- 6.4 **Renaissance Southend (RSL)** -You will recall that RSL raised no objections to the last planning application on this site for a Care Home with residential, subject to a few amendments to the proposals. At that time the Victoria avenue development Brief was at a very early stage of production. Much more progress has now been made and therefore our response to this current planning application is based upon the content of the brief albeit at a preconsultation stage of drafting.
- 6.5 We support the uses proposed for the site. The development Brief will suggest that each site delivers a mix of uses and that there will be a presumption that most sites will include an active frontage ground floor frontage to Victoria Avenue. The bars and restaurant in the application proposals would satisfy this recommendation. The four, proposed residential units achieve two things. Firstly the additional floors and skyline edge help transformation of what is at present a rather lacklustre building. Secondly the provision of higher quality residential accommodation in the area helps in a small way to expand the variety of the residential offer and the demographics of the future mixed community.

- 6.6 The Brief will suggest that surface level car parking on every site should be replaced by a small number of multi level car parks that are shared between development sites. In most cases this will require co ordination and co operation between site owners. The strategy enables every site to deliver a high quality environment around every building where private courtyard spaces are laid out for natural and architectural landscaping, bio diversity sustainable drainage with open water, and recreation. The more intensive use of smaller areas of land for car parking will free up a considerable amount of space for the functions and will enable a raft of other policy and design objectives to be attained.
- 6.7 However we think it would be unreasonable to reject this planning application as premature in this instance ahead of adoption of the Development Brief as there has been no opportunity to discuss with the applicant the potential for being part of a communal car parking arrangement. Nevertheless, other objectives within the brief are attainable and I therefore recommend the following design amendments to align the proposals more closely with the pre consultation draft:
- 6.8 The transformation of the Victoria Avenue neighbourhood will include demolition of the majority of the tall office blocks and their replacement with a mixture of residential and commercial development. Enabling occupiers to move around the area and to access parking sties, services , cycle routes and the town centre will involve the over layering of additional footway and cycle way connections between Baxter Avenue and Victoria Avenue is a major problem and the Brief will recommend that two new routes in specific locations are introduced as development opportunities arise. One of these new connections is intended to link the civic Square (itself to be remodelled to encourage a greater intensity of use) to the west side of the neighbourhood passing through sites to Baxter Avenue.
- 6.9 As Victoria House is not to be demolished within this planning application the space available for the new connection is fairly limited but the enclosed sketch shows an alignment that seems to work. It necessitates the relocation of the bin and cycle stores. The route should be designed to be attractive and safe and the project Architects need to pay particular attention to the paving landscaping and lighting. The sketch indicates where this route will be extended to in later delivery phases.
- 6.10 This is a tight site, but more landscaping needs to be incorporated to meet the objective of the brief for a natural landscape that encourages the diversification of flora and fauna. Our sketch shows the car parking incorporating a single deck that release space for landscaping and footway connection through the site. This structure could incorporate green walls to provide both nesting sites and food and also to soften the view from neighbouring buildings.
- 6.11 Additionally buildings and sites within the neighbourhood need to provide pathways or corridors for the movement of flora and fauna. In some case buildings can act as “stepping Stones” along these corridors and in this case we recommend that the roof be designed as a “living roof”. Minimal redesign would be required and the arrangement will contribute to the thermal performance of the building whilst also reducing rainwater runoff. More could be done to include sustainable drainage within the project and this could be achieved in association with the new landscaping areas.

- 6.12 We disagree with the conclusions of the Energy Strategy. The nature of the energy load of the proposed uses make biomass ideal, but this option is dismissed for rather spurious reasons. The building contains a large basement which is ideal for wood pellet storage. Delivery vehicles can pump the pellets in to the basement from either the service road or the rear of the building and therefore we do not accept that there are any constructions to any aspect of the delivery or storage issues.
- 6.13 In regard to emissions, whilst it is true that CO₂ and other emissions occur with the burning of the fuel these are largely off-set by the absorption during the growth of the trees, unlike the production and consumption of electricity and gas but the renewable heat incentive (from April 2011 onwards) and low interest renewable energy business loans more than compensate for this. Supplies are now very local to Southend, the nearest major supply is in Thetford.
- 6.14 We therefore recommend that, should the Council be minded to approve this planning application, further discussions on the energy strategy take place prior to the release of the decision notice by the Council. We would be please to assist you in these negotiations
- 6.15 Notwithstanding paragraph 3 above the roof above the new residential units seems perfectly suited for the installation of solar technologies. I estimate that 8 rows of photovoltaic panels could be accommodated generating enough electricity to heat and light the apartments in their entirety. Again the occupants would have the added benefit of the enjoying the income from the feed tariff. Should the applicant not wish to install a green roof we recommend that solar electric (photovoltaic) panels are installed.
- 6.16 The development brief will recommend that every development contribute to the following off site infrastructure: a new primary school to be building on the east side of Victoria Avenue.; a cycle hire centre; public realm improvements to Vitoria Avenue, Baxter Avenue and civic Square, the establishment of a Victoria Avenue neighbourhood Management. We recommend that a sufficient contribution is obtained should planning permission be granted, to help fund these projects.
- 6.17 **EDF energy** – to be reported
- 6.18 **Police Architectural Liaison Officer** – to be reported
- 6.19 **Design and Regeneration** - Principle of Use - This amended application proposes a mixed use scheme comprising of 7 floors hotel use and 2 floors residential. This is considered to be more appropriate to the character of the area than the previous application for a care home and residential uses.
- 6.20 Scale - The proposal involves adding two new floors to the roof. The existing building is one of the lower buildings along Victoria Avenue and therefore there is no objection, in principle, to this part of the proposal.

- 6.21 Detailed Design- The design of the elevations is not objected to but the cladding materials chosen will make a significant difference to the overall quality of the remodelling and must be robust and appropriate for the location. The proposed use of yellow cladding / brickwork would however be out of character with the area which is made up of red brickwork and stone facing. This needs to be relooked at as yellow would not be considered acceptable. All materials will need to be carefully considered.
- 6.22 The proposed restaurant and conference area to the ground floor should provide some street vitality which is welcomed but the lack of a separate street entrance to the restaurant, which would encourage non guest to use the restaurant, is a shame. A greater number of openings in the ground floor would also add interest to this part of the elevation.
- 6.23 The design of the penthouse apartments has been altered since the previous application – the balconies have been moved from the sides to the centre of the building with the bedroom wings now on the ends. Whilst there is no objection in principle to this it seems that the setback from the existing building has been lost which is a shame as it provided a better relationship between the existing and the proposed extension. It would therefore be preferred if a greater set back was achieved.

This also impacts on the roof overhang which is now very slight. The alteration of the fenestration to include corner windows in this element has added interest to the elevation and is welcomed.

- 6.24 To the rear there appears to be a section of the building without any windows (at ground level and upper levels) and this is undesirable. The rear access to the hotel would benefit from greater prominence.
- 6.25 Overall signage will need to be carefully considered to ensure that it complements the remodelling of the building. There seems to be space for restaurant signage but it is unclear where the hotel signage will be located. This should be considered as part of the design even if it is just an indicative location.
- 6.26 Some landscaping has been introduced in the car park and this is an improvement but there is still scope for further landscaping. The commercial bin store will form the principle view into the site and this of concern. This element will need to be carefully designed to ensure that it is not unsightly. The condenser array is also very prominent and likely to be within a fenced enclosure. This needs to be relocated or screened in some way to make it less dominant.
- 6.27 There is some concern that the family sized apartments above the hotel will have no garden only balconies which are not ideally suited to play.
- 6.28 This proposal should make a contribution to the enhancement of the local environment which should also include an element of public art or public art contribution.

- 6.29 Sustainability - The Energy Statement concludes that the proposed Air Source Heat Pumps will be able to supply at least 10% of the buildings energy needs and this will satisfy Policy KP2. It is assumed that this has factored in the fact that the ASHPs will not be operational in the winter months (this may need to be clarified.) It also states that air heating and cooling will be provided separately via additional external condensers which will be located in the car park. There is no mention of the location of the ASHPs but it is assumed that they will all be together in one large array. There are concerns that in the location chosen the visual impact of this will be significant and it would therefore be helpful to see a detailed drawing of this area which specified the number of both types of unit required and the design of the area.
- 6.30 Victoria Avenue Development Brief - A development brief is currently being prepared for the whole of Victoria Avenue and Queensway adjacent to Sainsburys. It is recognised that the southern section of Victoria Avenue is suffering from significant vacancy and contains a large amount of 'out of date' office buildings and there is an opportunity for major urban remodelling in this area. The Brief will advocate that a holistic and joined up approach be taken to the redevelopment of this area. It is unfortunate in a way that this application has been received before the Brief has been adopted as it may conflict with the overall vision of this document which is likely to include: promotion as an eco quarter, creation of a new character , finer grain and layout of buildings and spaces, improved linkages, shared facilities such as parking and public spaces, greater landscaping
- 6.31 **Highways** – Travel Plan (TP): Crucially for a Travel Plan the document does not set out the measures in enough detail. There are some suggestions as to how they will be aiming to increase sustainable travel modes, but these need to be backed up with more information, timeframes, who will be responsible etc. The submitted Action Plan they states they will write cycling, walking, car sharing, public transport strategies etc - these will then make up a Travel Plan when put together with this Traffic Assessment . Alterations to the TP suggested in relation to the following issues: references to MoveEasy instead of Travelwise; detail of questionnaires and surveys; clarification of timetables for information; automatic submission of data gathered to MoveEasy
Public Transport /Cycling /Walking Strategy should be put together as part of original TP; timing of monitoring; confirmation of how targets will be met; also a number of amendments to the factual detail of the report area required. .
- 6.32 **Parks** – seek a tree survey and a condition that requires trees are protected during development. Soft landscaping should be maximized within the car park.
- 6.33 **Environmental Health** – to be reported
- 6.34 **Economic Regeneration** – to be reported

7 Public Consultation

- 7.1 Site notice posted and 66 neighbours notified – no responses received.

8 Relevant Planning History

- 8.1 1958 - Planning Permission granted for the existing building
- 8.2 2009 – Planning permission refused to Use former office building (class B1) as retail unit (class A1) and Café (class A3) to ground floor, 85 no. bed residential care home (class C2) to 1st through to 5th floor incorporating 1st floor balcony garden, office units (class B1) to 6th floor, erect two additional floors containing four self contained dwellings (class C3) to 7th and 8th floor incorporating terraces to front and rear, erect two, five storey extensions at rear, lay out 6 motor cycle spaces, 24 cycles spaces and 6 retail servicing spaces with canopies over, layout 43 car parking spaces, install entrance and exit barriers, bollard lighting and associated landscaping (SOS/09/01052/FULM)
- 8.3 January 2010 – Planning permission refused to Use former office building (class B1) as retail unit (class A1) and Café (class A3) to ground floor, 60 no. bed residential care home (class C2) to 1st through to 4th floor incorporating 1st and 4th floor balcony gardens, office units (class B1) to 5th and 6th floor, erect two additional floors (7th and 8th Floor) containing four self contained dwellings (class C3), and incorporating terraces to front and rear, erect two, five storey extensions at rear, lay out 6 motor cycle spaces, 24 cycles spaces and 6 retail servicing spaces with canopies over, layout 43 car parking spaces, install entrance and exit barriers, bollard lighting and associated landscaping. (SOS/09/01919/FULM).
- 8.4 May 2010 – Planning permission refused to Use former office building (class B1) as 61 no. bed residential care home (class C2) from basement to 6th floor, erect one 8 storey extension incorporating basement, one 7 storey extension and one 2 storey extension at rear incorporating terraces to 2nd through to 6th floor and erect two additional floors containing four self contained dwellings (class C3) incorporating terraces to front and rear, lay out 6 motor cycle spaces, 20 cycles spaces with canopy over, layout 20 car parking spaces and associated landscaping (Amended Proposal) SOS/10/00409/FULM for reasons as set out in para 1.6 above.
- 8.5 It should be noted that the applicant has submitted appeals against the refusals of both SOS/09/01919/FULM and SOS/10/00409/FULM. These remain under consideration and any decision will be reported.

9 Recommendation

9.1 Members are recommended to:

a) DELEGATE to the Head of Planning and Transport or Group Manager of Development Control & Building Control to GRANT PLANNING PERMISSION subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to seek the following:

- Public art contribution of £10,000 to provide public art visible from the public realm, close to, or on the site.
- Public realm contribution of £25,000 to provide physical environmental enhancement of Victoria Avenue or works to provide public link through the site to its western boundary.
- Highways contribution of £27, 300 in respect of improvements to the bus stop on the western side of Victoria Avenue immediately to the north of the application site.
- Highways contribution towards improvements to the subway adjacent to the application site.
- Highways contribution of £2,000 to enable the Council to check, approve and monitor a Travel Plan for the development.
- **S106 Monitoring fee**

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

01 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 all the external elevations, on any screen/boundary walls and fences, and on any driveway, forecourt or parking area 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: To safeguard character and appearance of the area in accordance with Policies C11 of the BLP and KP2 and CP4 of the BLP

03 The building shall not be occupied until 41 parking spaces have been provided on hardstandings within the curtilage of the site, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers, staff and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies T11 of the BLP and CP3 of the Core Strategy DPD1.

04 Prior to first occupation a waste management plan and service plan for the development shall be submitted to and agreed by the Local Planning Authority, waste management and servicing of the development shall be carried out in accordance with the approved details.

Reason: to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies T8, T12, and C11 of the BLP and KP2 and CP3 of the Core Strategy DPD1.

05 Prior to first occupation of the development 24 cycle parking spaces shall be provided within secure covered parking stores, the details of which shall have previously been submitted to and agreed by the LPA. The agreed cycle parking spaces shall be permanently retained for the cycle parking of occupiers, staff and visitors to the property.

Reason: In order to ensure that sufficient and satisfactory cycle parking is available to meet the needs of occupiers and users of the development in accordance with Policy T13 of the BLP and KP2 and CP3 of the Core Strategy DPD1.

06 Prior to commencement of development details of the proposed ground floor front (eastern) elevation at a scale of at least 1:50 shall be submitted to and approved by the LPA, the development shall be carried out in accordance with the approved plans.

Reason: For the avoidance of doubt and to safeguard character and appearance of the area in accordance with Policies C11 of the BLP and KP2 and CP4 of the BLP.

07 Prior to commencement of development details of acoustic insulation to the residential units against road traffic noise, including both building elements and ventilation arrangements including purge ventilation to comply with the building regulations shall be submitted to and approved by the LPA. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the amenities of future occupiers from undue noise and disturbance, in accordance with Policies H5 and of the BLP and CP4 of the Core Strategy DPD1.

08 The development shall not commence not until extract ventilation, filtration and deodorising equipment and laundry extract ducts have been installed in accordance with a scheme including details of the predicted acoustic performance of the system, ducting runs and of discharge points, which shall have previously been submitted to and approved by the local planning authority. The equipment as installed shall be retained in good working order at all times thereafter.

Reason: In order to protect the amenities of surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies S5 and C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

09 No development shall be commenced until:

- a. a site investigation has been undertaken to determine the nature and extent of any contamination, and**
- b. 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):**
- c. the approved remediation scheme shall be fully implemented (either in relation to the development as a whole or the relevant phase, as appropriate),**
- d. 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 any contamination of the site and is adequately mitigated to protect the amenities of occupiers, in accordance with Policies

10 No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping. This shall include details of all the existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development; details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established; details of measures to enhance biodiversity within the site and details of the treatment of all hard and soft surfaces (including any earthworks to be carried out).

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy C14 of the Borough Local Plan and Policy CP4 of the Core Strategy DPD1

11 A Landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy C14 of the Borough Local Plan and Policy CP4 of the Core Strategy DPD1

12 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.

13 No obscure glazing installed shall be installed and no graphics or obscured film shall be applied to front (east elevation) at ground floor level and, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to retain the open character of the elevation in the interests of the character and visual amenity of the area in accordance with policies C11 of the BLP and Policies KP2 and CP4 of the Core Strategy DPD1.

14 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any order revoking and re-enacting that Order with or without modification, no advertisement shall be displayed on the building within Classes 4 or 5 to that order.

Reason: In the interest of the visual amenities of the area in accordance with policies C8 and Policies KP2 and CP4 of the Core Strategy DPD1.

15 Prior to commencement of development details of the proposed waste storage compound shall be submitted to and approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.

Reason: In the interest of the visual amenities and character of the area in accordance with policies C11 and Policies KP2 and CP4 of the Core Strategy DPD1.

16 Prior to first occupation of any part of the development details of any external lighting of the building, including hours of illumination shall be submitted to and approved by the LPA and the development shall be carried out in strict accordance with the approved lighting scheme. No additional external lighting shall be installed on the building without the prior approval of the LPA.

Reason: In the interest of the visual amenities and character of the area and to protect the amenities of surrounding occupiers in accordance with policies H5 and C11 and Policies KP2 and CP4 of the Core Strategy DPD1.

Informatives

01. The cladding materials chosen will make a significant difference to the overall quality of the remodelling and must be robust and appropriate for the location. The proposed use of yellow cladding / brickwork would however be out of character with the area which is made up of red brickwork and stone facing. Yellow would not be considered acceptable

02. Insufficient landscaping is shown within the car park area, additional planting will be required.

c) In the event that the planning obligation referred to in part (a) above has not been completed before the 20th September 2010, the Group Manager (Development Control & Building Control) or the Head of Planning and Transportation be authorised to refuse planning permission for the application on the grounds that :- i) provide for improvements to the public highway and the public realm within the vicinity of the site; ii) provide an effective means of enforcing/delivering a Travel Plan; iii) provide for a satisfactory provision of public art and iv) provide for a satisfactory method of servicing the development. As such, the proposal would not make a satisfactory contribution towards the quality of the built environment within the vicinity of the site, would result in service vehicles blocking the highway to the detriment of highway safety and is likely to place increased pressure on public services and infrastructure to the detriment of the general amenities of the area, contrary to Policies SS1, SS6, ENV7, T2, T4 and T9 of the East of England Plan, Policies KP2, KP3, CP3, CP4 and CP6 of the Core Strategy, Policies C11, C14, U1, T8 and T13 of the Borough Local Plan, and the Design and Townscape Guide (2009).

Reference:	SOS/10/01416/FULH
Ward:	Southchurch
Proposal:	Demolish existing garage and erect part single storey and part two storey side and rear extension incorporating dormer window to side elevation, form recessed balcony with French doors to roof at rear and install bay window to front elevation (amended proposal Retrospective)
Address:	16 Daines Way, Thorpe Bay
Applicant:	Mr Beesley
Consultation Expiry:	17 th August 2010
Expiry Date:	17 September 2010
Case Officer:	Matthew Leigh
Plan Nos:	01 and 02B
Recommendation:	Grant conditional permission



1 The Proposal

- 1.1 This is a retrospective application to demolish the existing garage and erect a part single storey and part two storey side and rear extension incorporating a dormer window to the side elevation, form recessed balcony with French doors to roof at rear and install a bay window to the front elevation.
- 1.2 The redevelopment of the dwelling would provide accommodation in the form of a lounge, living area, kitchen, dining room, utility room, toilet and garage at ground floor. Four bedrooms, a bathroom and two en-suites at first floor and a fifth bedroom within the roof space.

2 Site and Surroundings

- 2.1 The site is located on the eastern side of Daines Way 13m south of its junction with Daines Close. The site measures a maximum of 12m wide and 38m deep.

The streetscene in this part of Daines Way is predominately made up of large detached and semi-detached two storey dwellings.

3 Planning Considerations

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

4 Appraisal

Background to the application

- 4.1 An application to demolish the existing garage and erect a part single storey and part two storey side and rear extension incorporating a dormer window to the side elevation, form recessed balcony with French doors to roof at rear and install a bay window to the front elevation was approved on the 2nd October 2009.
- 4.2 A complaint was received that the development was not being constructed in accordance with the approved plans. This complaint was investigated and the application has been submitted as a result of that investigation.
- 4.3 The development involves a number of relatively small alterations to the previously approved scheme. These include the provision of a garage door in the northern elevation, the relocation of a utility room door to the east by 0.9m, the provision of four windows rather than five at first floor in the central bay to the front elevations and the provision of two glazing panels to the side of the main entrance.

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 C11 and H5.

- 4.4 Guidance on this type of application is provided in PPS1 and PPS3 as well as Policies C11 and H5 of the Local Plan and policies KP2 and CP4 of the Core Strategy and the Design and Townscape Guide.
- 4.5 The form and mass of the building on site is identical in this respect to the recently approved scheme.
- 4.6 The alterations to the front elevation including the provision of a two storey central bay which contains four windows rather than five windows as previously proposed. The width of the projecting bay remains the same as previously approved.
- 4.7 The alterations to the front elevation are acceptable from a design perspective and therefore no objections are raised.
- 4.8 There has been no new policy or relevant Government guidance since the previous decision and with this in mind it is considered that the development is appropriate to the character of the area and that a refusal in respect of design could not be sustained upon appeal.

Impact on Residential Amenity:

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

- 4.9 A development of the same form and mass was approved in 2009 (SOS/09/01550/FULH). In assessing impact of that application it was determined that on balance the impact on adjoining residential properties was such that it would not warrant refusing permission.
- 4.10 The development is located over 0.9m from the boundary to the north. The development involves the provision of a part single storey and part two storey extension to the rear of the dwelling. These aspects are similar in nature to the extant consent. There has been no new policy or relevant Government guidance since the previous decision and with this in mind it is considered that that a refusal could be sustained upon appeal.
- 4.11 An objection has been raised by the adjoining property in respect of loss of light to a kitchen/diner window in the southern elevation. This window is not the sole source of light to this room and it is not considered that the impact is so severe in respect of loss of light that a refusal could be sustained at appeal. This is consistent with the previous assessment, referred to above.
- 4.12 The development includes the provision of new windows above ground floor level in the north and south elevations as well as a balcony. These are identical in nature to the extant consent. It is considered subject to appropriate conditions the new windows and balconies will not have an undue impact upon the amenity of the adjoining residents in respect of over looking or loss of privacy.

- 4.13 An objection has been raised by a neighbour in relation to the first floor windows in the front elevation allowing views back into the adjoining property. The windows are separated by around 5.5m and it is not considered that this aspect of the proposal would lead to an undue impact upon the adjoining residents in relation to overlooking.
- 4.14 The current application has relocated a ground floor door servicing the utility room in closer proximity to the adjoining properties kitchen window. This door is a side entrance and not the main entrance to the dwelling, this would only attract occasional movement. Furthermore access could be gained to the side of the property without needing to use this door. Whilst the neighbours comments are noted in relation to loss of privacy the glazing in the door is obscure glazed and it is not considered that the development would lead to such an undue impact to the adjoining property as to warrant a reason for refusal. It should also be noted that a 2m fence could be erected without requiring formal planning permission.
- 4.15 The development will provide a door to access the garage from within the northern elevation of the dwelling. This is not considered to cause any undue impact upon the amenity of the adjoining residents.
- 4.16 Whilst it is accepted that the proposed development would reduce the rear garden it is considered that the proposed development would still provide a rear garden amenity space capable of meeting the out door requirements of the future occupiers of the site and therefore no objection is raised in relation to the diminution of the rear garden amenity space. This is consistent with the previous assessment.

5 Conclusion

- 5.1 The development is similar in design, massing and bulk to a recently approved scheme. The development, subject to appropriate conditions, is considered to be in accordance with the Development Plan.

6 Planning Policy Summary

- 6.1 Planning Policy Statement 1 and Planning Policy Statement 3
- 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) and H5 (Residential Design and Layout Considerations).

7 Representation Summary

Public Consultation

7.1 Two letters were received which raised the following comments and observations:

- Mass of the development
- Double height extension 0.9m from boundary of site and 2.1m from the south facing side wall of the dwelling causes loss of light and loss of amenity.
- Window in kitchen/diner look straight onto extension.
- Major impact upon amenity, light, outlook and privacy.
- Repositioned utility door faces onto kitchen/diner window. This causes a gross invasion of privacy and embarrassment.
- Upper side windows of the bay look across to the side window of my bedroom, resulting in loss of privacy.

7.2 The application was called into Development Control Committee by Councillor Kelly as there were concerns the development is large and concerns in relation to overlooking. Also windows in the south elevation appear to potentially prejudice the development of a vacant plot immediately to the south of the above property.

8 Relevant Planning History

8.1 2009 – An application to demolish existing garage and erect part single storey and part two storey side and rear extension incorporating dormer window to side elevation, form recessed balcony with French doors to roof at rear and install bay window to front elevation was approved (SOS/09/01550/FULH).

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 The colour and texture of any materials used on the external elevations of the building shall match those of the existing building to the approval of the Borough Council.**

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

- 03 The windows in the side elevations, hereby approved, above ground floor level shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut and unopenable apart from any top hung light which shall be a minimum of 1.7m above internal floor level. In the case of double or multiple glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass**

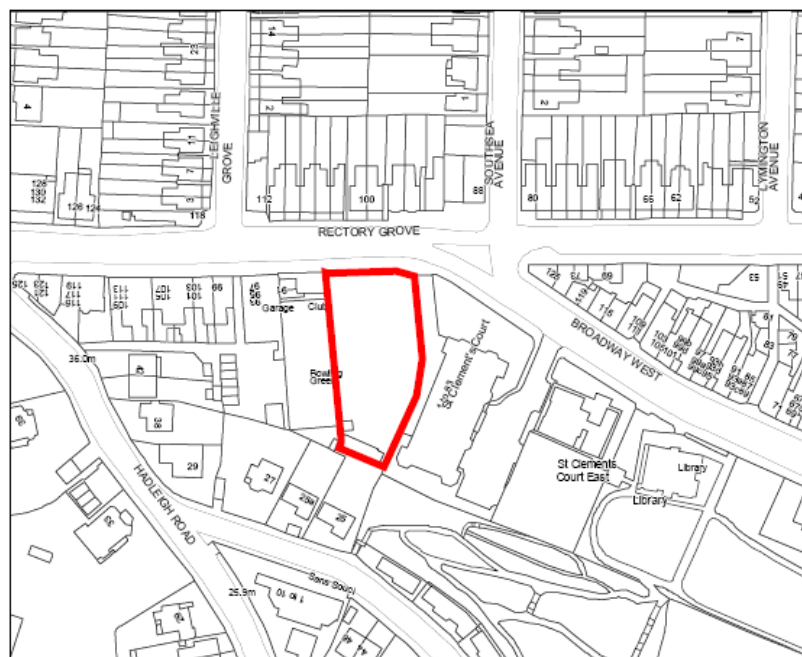
Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with Policy H5 of the Southend on Sea Borough Local Plan.

- 04 Prior to first use of the second floor rear balcony, 1.8 metre high obscure glazed screens shall be installed on each side of the balcony, and shall be retained in perpetuity.**

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with Policy H5 of the Southend on Sea Borough Local Plan.

This permission has been granted having regard to Core Strategy DPD1 Policies KP2 and CP4, Policies C11 and H5 of the Southend-on-Sea Borough Local Plan, the principles contained within the Design & Townscape Guide 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

Reference:	10/01426/EXTM
Ward:	Leigh
Proposal:	Application to extend the time limit for implementation following planning permission 07/01771/FULM allowed on appeal dated 08/09/2008) Erect part 3, part 4, part 5, part 6 and part 7 storey building comprising community hall to ground floor to 20 flats on upper floors, lay out car parking spaces, cycle storage and refuse storage at basement and lower basement levels, lay out landscaping and amenity terrace and widen vehicular access onto Rectory Grove
Address:	87 Rectory Grove
Applicant:	Lacey Enterprises
Agent:	Andrew Martin Associates
Consultation Expiry:	1 st September 2010
Expiry Date:	28 th October 2010
Case Officer:	Dean Hermitage
Plan Nos:	2.317
Recommendation:	Grant Extension of Time



1 The Proposal

- 1.1 This application seeks to extend the time limit for the implementation of an existing planning permission (reference SOS/07/01771/FULM), which was allowed on appeal on 8th September 2008. The application was originally discussed at Development Control Committee on 27th February 2008.
- 1.2 The existing permission is for the erection of a part 3, part 4, part 5, part 6 and part 7 storey building comprising community hall to ground floor, 20 flats on upper floors, car parking spaces, cycle storage and refuse storage at basement and lower basement levels, landscaping and an amenity terrace with vehicular access onto Rectory Grove.
- 1.3 The planning permission included the standard condition requiring works to commence within three years, in accordance with section 91 of the Town and Country Planning Act 1990 (as amended). That period expires on 8th September 2011. The applicant is now seeking an extension for 5 years, although states the intention is to commence the development in the next 2 to 3 years.

2 Site and Surroundings

- 2.1 The site is a cleared and vacant site, of approximately 25m wide by 57m deep. It is of an irregular shape, and was previously the site of St Clements Hall, a community/church hall and a small Scout Hut. The site is reasonably level, however, the land to the rear of the site (Leigh Park Road and Library Gardens) falls away sharply.
- 2.2 To the immediate east of the site is St Clements court, a 7 storey residential block of 63 flats, dating from the 1930s. St Clements Court is on a sloping site, which results in the building being approximately 2.5m lower than the east boundary of the application site (which sits behind a retaining wall). Beyond St Clements Court is St Clements Court East, a 12 storey residential block in a typical 1950s 'modern' style.
- 2.3 To the immediate west of the site lies a bowling green, with no substantial buildings included with it. Beyond this and to the north are a mix of shops and other uses in buildings of a more domestic scale; typically 2 (occasionally 3) storey buildings along Rectory Grove. The land to the rear (south) of the site drops down sharply to the dwellings and low-rise flats on Leigh Park Road.

3 Planning Considerations

- 3.1 The main considerations are the principle of the proposal, and whether there have been any changes in planning circumstances since permission was granted.

3.2 Circular 08/2005, *Guidance on Changes to the Development Control System*, provides some useful advice in assessing such applications. It advises that an application to renew an existing planning permission should be refused only where:

“a) there has been a material change in planning circumstances since the original permission was granted (e.g. a change in some relevant planning policy for the area, or in relevant highway considerations, or the publication by the Government of new planning policy guidance, material to the renewal application);

b) continued failure to commence the development would contribute unacceptably to uncertainty about the future pattern of development in the area;

c) the application is premature because the permission still has a reasonable time to run”.

4 Appraisal

Material Changes in Planning Policy

4.1 The principle of development has been clearly accepted previously as an extant permission exists. There have been two changes to the development plan since the permission was granted in 2008. The East of England Plan has since been revoked and the SPD1: The Design and Townscape Guide updated. There has been one relevant change to national policy guidance, that being the deletion of PPG15 and its replacement with PPS5: Planning for the Historic Environment.

4.2 The Inspector’s decision in 2008 (and the officer’s report to committee) did not rely on East of England Policies as a justification for granting planning permission. Indeed the appeal decision noted Southend has enough land to meet housing targets, however concluded the proposal would be a windfall in terms of housing policy.

4.3 The Design and Townscape guide was updated and strengthened in 2009, however the general principles remain the same. It is not considered the development would be in conflict with the 2009 guide.

4.4 The new PPS5 continues to support heritage assets such as conservation areas. The application site sits above (but not within) Leigh Conservation Area, and would be visible from within it, and from within Leigh Old Town. This issue was explored by the appeal Inspector who concluded the development would comply with Local Plan and Core Strategy policy in respect of conservation areas.

4.5 It is considered there has been no change in policy which would now warrant refusal of the application.

Material Changes in other Planning Circumstances

- 4.6 The site and immediate vicinity has experienced no material changes since the permission was granted (i.e. changes to the highway network, neighbouring buildings, uses etc), other than the confirmation of a Tree Preservation Order (TPO) on the adjacent site, No.91 Rectory Grove (Leigh on Sea Bowls Club).
- 4.7 One Ash and one Cedar are now protected under TPO 1/2008. The trees did not have this designation at the time the application was determined. The trees are not on the application site, but only approximately 3m from the boundary and approximately 5-6m from the nearest part of the building. This change in circumstances is considered material. The TPO was imposed in order to protect the tree during the course of development. It is considered reasonable to impose additional conditions with respect to protecting the tree in accordance with the British Standard during construction.

Other Issues

PPS1; PPS3; DPD1 policy CP4 (The Environment and Urban Renaissance), Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations) H5 (Residential Design Considerations) and SPD1.

- 4.8 It is not considered an extension of time would necessarily result in uncertainty about the future pattern of development in the area. There are no other major planned developments in the immediate vicinity.
- 4.9 The existing permission has just under 1 year left to be implemented. The applicant has stated the detailed construction design for the building (which includes basement excavation and piling) is complex, and is also linked to a number of planning conditions which require to be discharged. Officers do not contend this. Bearing in mind the state of the property market since 2008, few developers have made much headway in implementing extant permissions for major residential schemes. Whilst the state of the property market is not a material consideration in the determination of planning applications, the Government have put in place measures (such as provision for extensions to time limits for commencement) in response to concerns over the recession affecting the implementation of major schemes. If a number of permissions for large schemes are not implemented and lapse it was the concern of the Government that this would further delay economic recovery.
- 4.10 It is not considered the application is premature, and would enable the applicant sufficient time to work up the detailed structural designs and discharge conditions.
- 4.11 Section 91 and section 92 of the 1990 act, as amended by section 51 of the Planning and Compulsory Purchase Act 2004 sets time limits to provide that permissions automatically last three years from the date of permission, unless a different period is specifically substituted. The applicant is seeking a further 5 years. In 2006, the time limit for commencement was reduced from 5 to 3 years to streamline the system.

- 4.12 Local Planning Authorities can impose variations on the standard time limit of three years, although circular 11/95 states there must be reason to do so. In this case it is considered three years is adequate time to work the scheme up to fully detailed drawings and discharge conditions. The applicant has also stated the intention is to commence work within three years. There is not considered to be any valid reason why a period of longer than three years should be given. Should the applicant fail to commence within three years then a further application would be required, allowing the Local Planning Authority to assess the application against any future policy changes (the Council's Development Management DPD would be adopted by this point) and circumstances at that time.

Conclusion

- 4.13 There are not considered to be any material planning changes since the extant permission was granted that cannot be dealt with by condition. Officers recommend an extension of time of three years. Previous conditions and the S106 agreement must be carried forward as per the recommendation below.

5 Planning Policy Summary

- 5.1 National Policy Guidance PPS1 (Delivering Sustainable Development); PPS3 (Housing); PPS5: Planning for the Historic Environment PPG13 (Planning & Transport).
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance); CP3 (Transport).
- 5.3 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations); H5 (Residential design and layout), T8 (Highway Safety); T11 (Parking).
- 5.4 SPD1 Design & Townscape Guide 2009

6 Representation Summary

6.1 Traffic & Highways

No comments received at time of writing.

6.2 Leigh Town Council

Oppose: Inappropriate development.

6.3 Airport Director

No objections.

6.4 Public Consultation

Neighbours notified and a site notice posted. Two responses received at time of writing stating:

- no one wanted the building in the first place;
- concern with access onto Rectory Grove;
- concerns with access to refuse store,
- inappropriate design
- height of building excessive and would obstruct windows of neighbouring building.

6.5 The notification period had not expired at time of writing and any further representations received will be reported via a supplemental.

7 Relevant Planning History

- 7.1 07/01771/FULM - Erect part 3/part 4/part 5/part 6/part 7 storey building comprising community hall to ground floor to 20 flats on upper floors, lay out car parking spaces, cycle storage and refuse storage at basement and lower basement levels, lay out landscaping and amenity terrace and widen vehicular access onto Rectory Grove – Refused but Allowed on Appeal.
- 7.2 10/00077/NON - Alterations to basement parking, including removal of lower basement level (non material amendment to permission 07/01771/FULM) – Refused.
- 7.3 10/00817/FULM - Variation of condition 07 of planning permission 07/01771/FULM (Erect part 3/part 4/part 5/part 6/part 7 storey building comprising community hall to ground floor to 20 flats on upper floors, lay out car parking spaces, cycle storage and refuse storage at basement and lower basement levels, lay out landscaping and amenity terrace and widen vehicular access onto Rectory Grove) to allow for a revised basement parking layout over one level – Approved.

8 Recommendation

8.1 Members are recommended to:

a) DELEGATE to GRANT PLANNING PERMISSION to the Group Manager of Development Control & Building Control, or the Head of Planning & Transport pending completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to seek the following:

- Education contribution £33,418.09**
- Affordable Housing Contribution £140,000**
- Public Art contribution £48,568.83**

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

01 The permission hereby permitted shall commence within 3 years of 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 in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the visual amenities of the area, in accordance with Policies C11 of the Southend on Sea Borough Local Plan and KP2 and CP4 of the Southend on Sea Core Strategy 2007.

03 The community hall on the ground floor of the building hereby approved shall be first made available for community use and shall be used for no other purpose thereafter, unless and until prior permission is granted for an alternative use in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To determine the scope of this permission and retain the community facility on the site in accordance with Policy U10 of the Southend on Sea Borough Local Plan 1994 and Policy CP6 of the Southend on Sea Core Strategy 2007.

- 04 The community hall on the ground floor of the building hereby approved shall not be open for community use other than between the hours of 8.00 – 23.00 Monday to Saturday and 8.00 – 22.30 on Sundays and Public Holidays.**

Reason: To protect the residential amenities and character of the area, in accordance with Policy H5 of the Southend on Sea Borough Local Plan 1994 and Policy CP4 of the Southend on Sea Core Strategy 2007.

- 05 No air conditioning, ventilation, heating or fume extraction, plant or machinery shall be installed until details of design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the Local Planning Authority. The equipment shall then be installed and operated only in accordance with the agreed details.**

Reason: To minimise the impact of the proposals on the character and appearance of the street scene and amenities of adjacent occupiers in accordance with Policies H5 and C11 of the Southend on Sea Borough Local Plan 1994.

- 06 No construction work shall begin until a scheme for protecting the proposed dwellings from noise from the community hall has been submitted to and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before any part of the residential development is occupied.**

Reason: To protect the amenities of residents, in accordance with Policy H5 of the Southend on Sea Borough Local Plan 1994 and Policy CP4 of the Southend on Sea Core Strategy 2007.

- 07 The ground floor community hall shall not be brought into use until vehicle parking areas (including cycle parking) have been constructed and marked out in accordance with approved plan numbered TP301A (received 5/5/2010), together with vehicular access to the adjoining highway, and for vehicles to turn so that they may enter and leave the site in forward gear. The existing redundant vehicle crossover on the highway boundary shall be removed and the footway and verge shall be re-instated. The parking areas shall be retained permanently thereafter for use in connection with the residential and community use of the site.**

Reason: To ensure adequate parking provision is made off the highway in the interests of highway safety and efficiency and in accordance with Policy T8 and T11 of the Southend on Sea Borough Local Plan and CP3 of the Southend on Sea Core Strategy 2007.

- 08 No demolition, site clearance or building operations shall commence, nor shall any equipment, machinery or materials be brought onto the site for the purposes of development, until details for the protection of trees subject to preservation order 1/2008 adjacent the site, have been submitted to and approved in writing by the Local Planning Authority. The trees shall be protected in accordance with the agreed details for the entire duration of construction works on site.**

Reason: In the interests of visual amenity and to protect the tree(s), pursuant to Policy C14 of the Southend on Sea Borough Local Plan.

- 09 No development shall commence on site until details of a 1.8m high obscure screen, to be erected along the east boundary of the first floor terrace/ formal garden area, have been submitted to and approved in writing by the Local Planning Authority. The screen shall be erected in accordance with the approved details prior to occupation of any residential units and shall be permanently retained thereafter.**

Reason: To protect the privacy of adjoining residents, in accordance with Policy H5 of the Southend on Sea Borough Local Plan 1994 and Policy CP4 of the Southend on Sea Core Strategy 2007.

- 10 No development shall commence on site until details of fenestration installed on the west elevation of the community hall have been submitted to and approved in writing by the Local Planning Authority. The fenestration shall be installed in accordance with the approved details prior to the commencement of the use of the hall and shall be permanently retained thereafter.**

Reason: In the interests of local amenity, in accordance with Policy C11 of the Southend on Sea Borough Local Plan 1994 and Policy CP4 of the Southend on Sea Core Strategy 2007.

- 11 Living room windows in the east flank of the building serving apartment units 5, 10, 14, 17 and 19 shall have a minimum cill height of 1.6m from the internal floor height of the unit, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To protect the privacy of adjoining residents, in accordance with Policy H5 of the Southend on Sea Borough Local Plan 1994 and Policy CP4 of the Southend on Sea Core Strategy 2007.

- 12 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. These details shall include hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); soft landscape works including planting plans; written specifications (including cultivation, soil de-compaction and other operations associated with plant and grass establishment); schedules of plants including trees, noting species, plant sizes and proposed numbers/densities where appropriate; staking of trees; implementation programme. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority. Any trees which are planted and die within 5 years shall be replaced.**

Reason: To ensure the site is adequately landscaped, in the interests of visual and residential amenity, and in accordance with Policy C14 of the Southend on Sea Borough Local Plan 1994 and Policy CP4 of the Southend on Sea Core Strategy 2007.

- 13 No dwelling shall be occupied until provision has been made for the storage of refuse and waste materials in accordance with the approved plan and a waste management scheme has been submitted to and approved by the Local Planning Authority.**

Reason: To make satisfactory provision for refuse storage pursuant to Policies C11 of the Southend on Sea Borough Local Plan and KP2 and CP4 of the Southend on Sea Core Strategy 2007.

- 14 Demolition or construction works shall not take place outside 0800hours to 1800hours Mondays to Fridays and 0800hours to 1300hours on Saturdays and not at any time on Sundays or Bank Holidays.**

Reason: To maintain the character of the area and the amenities of nearby occupiers in accordance with Policies H5 and C11 of the Southend on Sea Borough Local Plan 1994.

- 15 No development shall commence on site until a soil survey of the site has been completed and the results submitted in writing to the local planning authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. Prior to the commencement of works on site full structural design calculations relating to the foundation/piling (including a soil report and structural details of the basement retaining structure) shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be implemented in accordance with the approved details.**

Reason: To ensure the safe and proper development of the site, in accordance with Policy C11 of the Southend on Sea Borough Local Plan 1994 and KP2 and CP4 of the Southend on Sea Core Strategy 2007.

(c) In the event that the planning obligation referred to in part (a) above has not been completed by 28th October 2010, the Group Manager (Development Control & Building Control) or Head of Planning and Transport be authorised to refuse planning permission for the application on the grounds of failure to comply with Policies CP6 and CP8 of the Southend on Sea Core Strategy 2007.

INFORMATIVES

- 1. This permission is governed by a unilateral undertaking made by applicant pursuant to Section 106 of the Town and Country Planning Act 1990. The agreement relates to an education contribution, affordable housing and public art.**
- 2. The proposal is such that additional water supplies for fire-fighting may be required. The applicant is advised to contact the Water Technical Officer at Essex County Fire & Rescue Service on 01277 222531.**
- 3. The applicant is advised to contact Anglian water to ensure adequate water resources and capacity are available to serve the development.**

Reference:	SOS/10/01470/FUL
Ward:	Leigh
Proposal:	Removal of Condition 07 (Sustainable Urban Drainage Scheme) of planning permission SOS/08/00456/FUL which requires that details of the porous hard surfaced materials be submitted and agreed with the Local planning Authority.
Address:	24 Chalkwell Park Drive, Leigh-on-Sea, Essex, SS9 1NJ
Applicant:	08 Property Ltd
Agent:	Russ Drage Architects
Consultation Expiry:	16 th August 2010
Expiry Date:	22 nd September 2010
Case Officer:	Matthew Leigh
Recommendation:	Grant permission



1 The Proposal

1.1 The application seeks to remove condition 07 attached to planning permission SOS/08/00456/FUL; so that a sustainable urban drainage scheme would not be required to be submitted to the Local Planning Authority. Application SOS/08/00456/FUL related to the erection of a terrace of four houses.

1.2 Condition 07 states:

“No dwellings hereby approved shall be occupied until a sustainable urban drainage scheme including porous hard surface materials has been submitted to and agreed with the local planning authority. The development shall only be carried out in accordance with the approved details.

“Reason: In accordance with Policy KP2 of the Southend on Sea Borough Core Strategy.”

1.3 The applicant states that sustainable urban drainage is not possible due to the nature of the soil conditions found within the site.

2 Site and Surroundings

2.1 The site is located on the western side of Chalkwell Drive. It is a regular shaped site having a frontage of 22m and a maximum depth of 32m.

2.2 A detached house with a detached garage originally occupied the site. The streetscene in this part of Chalkwell Drive is predominately made up of semi-detached and terraced houses.

3 Planning Considerations

3.1 The key planning issues from this application is whether the condition serves a proper planning purpose and if so are there any reasons which would justify removing it.

4 Appraisal

Background to the application

4.1 A planning application to demolish the existing dwelling and for the construction of a terrace of four dwellings, layout parking spaces and amenity area was approved on the 21st August 2008.

Principle of the Development:

Planning Policy Statement 25 (Flooding); DPD1 (Core Strategy) policy KP2.

- 4.2 The application involves the removal of Condition 07, of planning permission SOS/10/01470/FUL, which requires details of sustainable urban drainage to be submitted to the Local Planning Authority. When considering such applications a planning authority may only consider the question of the condition; it is not open to reconsider the whole question of the principle of the development.
- 4.3 The applicant has provided supporting information in the form of a letter from RD Consulting in respect of testing undertaken. A site investigation was undertaken on the 20th November 2009; the investigation revealed approximately 250mm of made ground overlying stiff grey silty clay. The clay continued to a depth in excess of 4m. Silty clay traditionally has very low permeability values in the order of 10^{-8} to 10^{-13} .
- 4.4 To substantiate the permeability rates and establishes the design criteria for below ground surface water discharge, a soakage test was undertaken in accordance with BRE Digest 365. A trial pit, measuring 1m x 1m x 1.5m deep, was excavated on the 2nd July 2010. The pit was filled to 1m with water and left to drain away so it could be refilled and the test started. A trench around 2m from the trial pit was excavated at the same time for installing the foul water drainage network. On the 6th of July 2010 the water level in the trial pit had not moved and the adjacent trench had remained dry.
- 4.5 The soakage test was deemed to have failed due to the level of the water not dropping by 50% within a 24 period.
- 4.6 It would appear that the ground is not permeable and soakaways are not suitable in this site. Sustainable urban drainage systems' drainage layer would be bearing onto silty clay which would not allow the water to permeate through.
- 4.7 Policy KP2 of the Core Strategy states:
- "All development proposals should demonstrate how they incorporate 'sustainable urban drainage systems' (SUDS) to mitigate the increase in surface water run-off, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk".*
- 4.8 It is considered that due to the nature of the silty clay and the naturally low porosity of the soil the development would have a limited impact in relation to surface water run-off it is therefore unsuitable for a sustainable urban drainage system. In this instance it is considered acceptable to remove the condition in relation to sustainable urban drainage systems.

5 Conclusion

- 5.1 Due to the nature of the soil in this location and the low porosity associated with such soil the site is unsuitable for a sustainable urban drainage system and it is considered acceptable, in this instance, to remove the condition in respect of sustainable urban drainage.

6 Planning Policy Summary

6.1 Planning Policy Statement 25 (Flooding).

6.2 Development Plan Document 1: Core Strategy Policy KP2 (Development Principles).

7 Representation Summary

Design and Regeneration

7.1 It is proposed to remove condition 07 from the planning consent that required details of a SUDS scheme, using porous hard surface materials, to be submitted for approval by the LPA. The reasons stated for the removal of this condition are due to the poor permeability of the soil on the site. The reasons given seem appropriate, the associated documentation indicates that a number of tests have been carried out to confirm this point.

Leigh Town Council

7.2 Objection raised. Porous materials should be used despite the difficulties the applicant has encountered.

7.3 The application was called into Development Control Committee by Councillor Crystal and Councillor Waite.

8 Relevant Planning History

8.1 2008 – Planning application to demolish dwelling, erect terrace of four dwellings, layout parking and amenity area (SOS/08/00456/FUL) was approved.

9 Recommendation

Members are recommended to:

9.1 Approve subject to the following conditions:

01 The permission hereby permitted shall be begun not later than 21 August 2011.

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 have been submitted to and approved by the local planning authority, unless otherwise agreed in writing with the Local Planning Authority. The development shall only be carried out in accordance with the approved details.**

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

- 03 No dwellings shall be occupied until one parking spaces on hardstanding has been provided for each dwelling, together with a properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans.**

Reason: To make provision for parking off the highway, in accordance with Policy T11 of the Southend on Sea Borough Local Plan.

- 04 The car parking provision shall be permanently reserved for the parking and manoeuvring of vehicles of occupiers and callers to the premises and not used for any other purpose.**

Reason: To make provision for parking off the highway, in accordance with Policy T11 of the Southend on Sea Borough Local Plan.

- 05 No further windows shall be created at first floor level without the formal consent in writing of Southend Borough Council.**

Reason: In order to protect the privacy of the occupiers of the adjoining dwelling, in accordance with Policy H5 of the Southend on Sea Borough Local Plan.

- 06 Any areas of redundant crossing to be reinstated to footway at applicants expense of the applicant.**

Reason: In the interest of highway safety and in accordance with Policy T11 of the Southend on Sea Borough Local Plan.

This permission has been granted having regard to Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations) and T11 (Car Parking Standards) together with the Core Strategy, 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/10/01514/FUL
Ward:	West Leigh
Proposal:	Demolish existing Health Clinic and erect two pairs of semi-detached dwellings
Address:	70 Burnham Road, Leigh-on-Sea, Essex, SS9 2JS
Applicant:	Pemicon Limited
Agent:	ABD Design and Build Limited
Consultation Expiry:	8 th September 2010
Expiry Date:	1 st October 2010
Case Officer:	Janine Argent
Plan Nos:	ABD/936/02c; ABD/936/01c
Recommendation:	DELEGATED to the Head of Planning and Transport to Grant Planning Permission subject to expiry of consultation period.



1 The Proposal

- 1.1 Planning permission is sought to demolish an existing health clinic and erect two pairs of semi-detached dwellings.
- 1.2 It should be noted that this application has been submitted following the recent refusal of planning permission SOS/10/00970/FUL on the 29th July 2010. The application was refused on the following grounds:
1. *The proposed development by reason of its design and appearance will be incongruous and out of keeping with the general character of the surrounding area to the detriment of the street scene and its general character and appearance in which respect it is contrary to the guidance set out in Planning Policy Statement 1: Delivering Sustainable Development (PPS1); Planning Policy Statement 3: Housing (PPS3); policies KP2 and CP4 of the Southend on Sea Core Strategy (2006); policies C11 and H5 of the Borough Local Plan; and, the Southend on Sea Design and Townscape Guide (2009).*
 2. *The provision of one off-street parking space per dwelling unit is insufficient to serve the four-bedroomed houses and would be likely to result in additional on street parking in Burnham Road to the detriment of the free flow of traffic and highway safety contrary to policies T11 and T8 of the Borough Local Plan and CP3 of the Core Strategy DPD1.*
- 1.3 The proposed development has been amended to take account of the recent refusal. The main amendments include:
- The overall design and appearance has made reference to the character of the street scene and adjacent residential properties.
 - Two parking spaces per dwelling.
 - Greater soft landscaping to the front of the site.
- 1.4 In addition, to the recently refused planning application a reserved matters application SOS/09/02348/RES was refused consent on the 12th February 2010 and is currently subject of an appeal against the refusal.

2 Site and Surroundings

- 2.1 The site is located on the eastern side of Burnham Road, some 83m north of its junction with Hadleigh Road. It is a relatively regular shaped site, having a frontage of some 31m and a maximum depth of some 40m.
- 2.2 The street scene in this part of Burnham Road is predominately made up of semi-detached houses; however the street scene also includes a flat roofed three-storey building and detached dwellings.

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, impact on residential amenity and sustainable construction.

4 Appraisal

Principle of Development

Planning Policy Statement 1, Planning Policy Statement 3; DPD1 (Core Strategy) policies KP2, CP4, CP6; BLP policies C11, H5 and the Design and Townscape Guide SPD1 (2009)

- 4.1 The principle of the development is considered in the context of the above policies.
- 4.2 Policy CP6 of the Core Strategy states that new development should not jeopardise the health and well being of local residents. The site is currently vacant and was last used as a health centre; the 'Leigh Clinic', until April 2008 and the services have been relocated following the opening of the Primary Care Trust Clinic in Leigh.
- 4.3 The principle of the development has been established under an outline consent, where permission was sought to demolish the existing health clinic and erect two pairs of semi-detached dwellings and granted on the 9th March 2009 (SOS/08/01636/OUT).
- 4.4 Government advice currently states that all sites should be examined in order to determine their potential for redevelopment for residential purposes. The proposed development would be constructed on a site currently occupied by a vacant health clinic and so it is considered to be previously developed land under PPS3. In light of the above the principle of the development is considered acceptable provided it meets all appropriate policies and governmental guidance as discussed below.

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, C14, H5 and the Design and townscape Guide SPD1 (2009).

- 4.5 The street scene in this part of Burnham Road is relatively varied. However, the dwellings are predominantly semi-detached pairs. Therefore no objection is raised to the erection of 2 pairs of semi-detached properties in principle. The existing building on site includes a two storey and single storey element.

4.6 *Layout*

The outline consent (SOS/08/01056/OUT) proposed that the site would be subdivided into 4 long strips approximately 40m deep by 7.5m wide. One parking space was proposed to the front of the site and private amenity space to the rear of the site. The indicative details of the outline application showed the houses measured 6.2m wide x 10m deep and was considered acceptable.

4.7 In relation to this application, the proposals indicate that the overall size of each dwelling is 6.5 wide x 13.8m depth (14.6m depth including the two storey front gable). The dwelling maintains the building line of No. 66.

4.8 The proposed layout of this application includes 2 parking spaces per dwelling with a vehicle crossover. The layout design respects the character and appearance of the surrounding area with the introduction of soft landscaping to the front. The proposal will result in the removal of two trees however; the applicant has confirmed that they are willing to replace the trees to the front of the site, which is a characteristic feature of the street scene. Full details will be required by condition.

4.9 It is considered that the proposed layout complies with the provisions of Policy KP2 and CP4 of the Core Strategy, policies C11 and H5 of the Borough Local Plan and advice contained within the Design and Townscape Guide.

4.10 *Appearance*

The Design and Townscape Guide and policy CP4 of the Core Strategy advocate the need for new development to complement the natural and built assets of Southend through the creation of high quality design.

4.11 The character of the street is predominantly for two storey, semi-detached residential properties of a traditional appearance with curved or square projecting bays. In terms of design the proposed buildings have referenced specific features of nearby residential properties with particular reference to 66 Burnham Road. Design details incorporated into the overall design include centred bays and cantilevered front projections with gables. The overall proportions of the fenestration and inclusion of detailing such as finials and half hipped roofs also reference the mixture of design features within the street. Given that the overall height has been reduced from 10m to 9.4m it is considered that the appearance of the dwellings respects the character of the street scene. In terms of the rear elevation, a gable feature has been replicated to the rear of the property, which is considered to add interest to the development.

4.12 The Design and Townscape Guide states that proposals for roof accommodation must respect the style, scale and form of the roof design and the character of the wider townscape. Furthermore, dormer windows where appropriate, should appear incidental in the roof slope. The proposed dormer windows to the rear of each of the four properties measure 2.3m wide x 2.2m high. The proposed dormer windows have been reduced in height and depth from the previously refused application and are now considered to adhere to guidance contained within the Design and Townscape Guide (SPD1).

Furthermore, given the siting of the dormer windows they will not encroach on the rear gable.

4.13 The predominate materials in the street are red tiled roofs, white render, red hanging tiles, white painted window frames, and half-applied timber detailing to front gables. The proposed materials accompanying this planning application include red brickwork and render together with white upvc windows and doors, a grey permeable paving to the front of the site and a 1.8m high close boarded timber fence. It is considered that the proposed materials are acceptable.

4.14 In light of the above, it is considered the appearance of the two pairs of semi-detached properties will not be detrimental to the character of the street scene or the surrounding area.

4.15 *Scale*

A previously refused planning application (SOS/08/01636/OUT) proposed a roof height of between 10-11m, which was considered to be excessive and would appear as an incongruous feature. Following this refusal a reserved matters application was submitted indicating that the proposed heights of the dwellings would be 10m, which again was considered to be excessive and refused planning permission on the 15th February 2010. The proposed height of the dwellings in this instance is 9.4m and is considered to respect the character and appearance of the surrounding area and will not have a detrimental impact on the nearby residential occupiers.

4.16 The proposed scale and height of the development therefore accords with policies KP2 and CP4 of the Core Strategy, policy C11 of the Borough Local Plan and advice contained within the Design and Townscape Guide.

4.17 *Landscaping*

Policy C14 of the Borough Local Plan states the Council will seek to preserve trees and planting areas, which contribute to the townscape of the area and any applications which include hardstanding surfaces to the front will be required to respect existing trees and planted areas and where appropriate to provide replacement planting. The proposed development will retain 1 tree to the front however, due to the need of additional car parking the applicant will require the removal of two existing trees but is willing to replant them elsewhere to the front of the site. The proposal will also include the removal of 1 tree to the rear. Hard landscaping is proposed for each car parking space and vehicle crossover respectively however, soft landscaping will be introduced to the front including shrubs and flower beds with a lawn area to the front which complements the character of the street scene.

- 4.18 The Design and Townscape Guide SPD1 (2009) states that landscaping is an integral part of any successfully development and therefore must be considered at the outset not after planning permission has been granted. The proposed landscaping is in accordance with the provisions of Policy C14 of the Borough Local Plan and guidance provided within the Design and Townscape Guide.

A condition will be imposed requiring a greater level of detail to be submitted if this application is deemed acceptable.

- 4.19 The proposed amenity space for each dwelling is considered to be acceptable and meets the requirements as detailed within the Design and Townscape Guide (2009).

Traffic and transportation

Planning Policy Statement 1, Planning Policy Guidance Note 13; DPD1 (Core Strategy) policies KP2, CP4, CP3; BLP policies C11, T8, T11; EPOA Parking Standards and the Design and Townscape Guide SPD1 (2009).

- 4.20 Policy T11 of the Borough Local Plan requires the provision of adequate parking and servicing facilities. The EPOA Vehicle Parking Standards (2001) set out specific requirements for each use. The proposed development would provide four residential properties and 2 parking space for each dwelling, which is considered acceptable. It should be noted that the outline consent granted under reference SOS/08/01636/OUT considered that 1 parking space would be acceptable.

Impact on residential amenity

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

- 4.21 The proposed dwellings would include windows to the flank elevation adjacent to No. 74 Burnham Road and No. 66 Burnham Road. To prevent any overlooking or loss of privacy any further windows at first floor level, if this application is deemed acceptable, should be obscure glazed. Windows to the ground floor will be screened by a 1.8m fence and it is not considered that the windows at ground floor level will give rise to overlooking.
- 4.22 The proposed dormer windows at the rear of the properties are set 4.3m into the roof, are 19m to the end of the garden and a further 19m to 87 Salisbury Road and 12m to 91 Salisbury Road, which is considered sufficient distance to mitigate against any potential overlooking or loss of privacy.

4.23 The proposed dwellings incorporate two storey gable features and single storey rear extensions. The existing building on site includes both a single storey and two storey element. The proposed single storey rear extensions will be located 0.8m away from the site boundary abutting 66 Burnham Road and projects 2.5m beyond the rear wall of 66 Burnham Road. Given that the proposed eaves height is only 2.9m and the overall height of the single storey element 3.8m it is not considered that the single storey rear extension will have a detrimental impact on the amenities of the adjacent occupier. The proposed two storey gable will be located 3.5m away from the boundary abutting 66 Burnham Road.

In terms of impact on the adjacent occupier 74 Burnham Road, the single storey element will be located 0.8m away from the boundary with an eaves height of 2.7m and overall height of 3.7m, the two storey gable will be located 3.5m away from the boundary. Furthermore, it is considered there is sufficient separation distance between the proposed dwellings and the properties at the rear. A condition will be imposed to ensure no additional windows can be formed without formal planning permission.

4.24 The proposed internal stacking of the building will not have a detrimental impact on the amenities of adjacent neighbours and is in accordance with the provisions of Policy H5 of the Borough Local Plan. However, the first floor plan illustrates an air conditioning unit in each property. It is not clear whether these will be visible externally and if so to what extent. Further details would be required prior to this being installed and this can be dealt with by means of condition.

4.25 No. 74 Burnham Road has several windows at first floor and a balcony on the flank elevation. Given that the balcony is an existing situation an objection cannot be raised to overlooking or loss of privacy.

4.26 It is considered that the proposed development will not have a detrimental impact on residential amenity and therefore accords with the relevant policies ENV7 of the East of England Plan, Design and Townscape Guide (SPD), Policy KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance) of the Core Strategy DPD, Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations) of the Borough Local Plan.

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.

- 4.27 National guidance and relevant planning policy statements and Policy KP2 of the Core Strategy 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.
- 4.28 The Design and Access Statement accompanying the planning application states that the proposed dwellings will incorporate solar energy panels to be installed on the southern elevation. Drawing ABD/936/01 and ABD/936/02 indicates four solar panels to be located on the eastern side of the properties at the rear to provide 4.5m² panel per house. More solar gain would be obtained from panels to the south but would encroach on the frontage. The applicant contends that the four panels to the south will cater for the desired needs per dwelling. Full details are required to establish the location of any plant equipment to ensure all plant and solar panels proposed will safeguard the amenities of adjacent residential occupiers.
- 4.29 Policy KP2 states that developments should demonstrate how they incorporate sustainable urban drainage systems to mitigate the increase of surface run-off. In this instance, tarmac is proposed to the hardstanding surfaces. The applicant has provided a sample of grey permeable paving to be used at the front of the site. A good quality, permeable material should be used to prevent water runoff in accordance with the provisions of the Design and Townscape Guide.

5 Planning Policy Summary

- 5.1 Planning Policy Statement 1 (Delivering Sustainable Development); Planning Policy Guidance Note 13 (Planning & Transport), Planning Policy Statement 3 (Housing)
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP8 (Dwelling Provision)
- 5.3 Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), C14 (Trees, Planted Areas and Landscaping), U7 (Existing Education Facilities)
- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5 EPOA Vehicle Parking Standards (2001)
- 5.6 Waste Management Guide

6 Representation Summary

Leigh-on-Sea Town Council

6.1 To be reported.

Environmental Health

6.2 To be reported.

Traffic and Highways

6.3 To be reported.

Design and Regeneration

6.4 To be reported.

Parks and Trees

6.5 To be reported.

Parks and Open Spaces

6.6 To be reported.

Public Consultation

6.7 A site notice was displayed on the 18th August 2010 and 18 neighbours notified. No representations received at the time of preparing this report. Any representations received will be reported on the supplementary report.

7 Relevant Planning History

7.1 SOS/10/00970/FUL- Demolish existing Health Clinic and erect two pairs of semi-detached dwellings- Refused consent 29th July 2010 due to:

- The proposed development by reason of its design and appearance will be incongruous and out of keeping with the general character of the surrounding area to the detriment of the street scene and its general character and appearance in which respect it is contrary to the guidance set out in Planning Policy Statement 1: Delivering Sustainable Development (PPS1); Planning Policy Statement 3: Housing (PPS3); policies KP2 and CP4 of the Southend on Sea Core Strategy (2006); policies C11 and H5 of the Borough Local Plan; and, the Southend on Sea Design and Townscape Guide (2009).
- The provision of one off-street parking space per dwelling unit is insufficient to serve the four-bedroomed houses and would be likely to result in additional on street parking in Burnham Road to the detriment of the free flow of traffic and highway safety contrary to policies T11 and T8 of the Borough Local Plan and CP3 of the Core Strategy DPD1.

7.2 SOS/09/02348/RES- Demolish existing Health Clinic and erect two pairs of semi-detached dwellings (Approval of reserved matters following outline application SOS08/01636/OUT)- Refused consent 15th February 2010 due to:

- The proposed development, by reason of its height, mass and bulk, would form an incongruous feature within the streetscene, to the detriment of the character in the area contrary to Policies C11 and H5 of the Borough Local Plan and KP2 and CP4 of the Core Strategy, advice contained within the adopted Design and Townscape Guide (SPD1), and Government guidance contained within Planning Policy Statement: Delivering Sustainable Development (PPS1) and Planning Policy Statement 3: Housing (PPS3).
- The proposed rear dormer extension, by reason of its design, size, scale and form would be an incongruous and unsympathetic feature that does not relate satisfactorily to the proposed roof form to the detriment of the appearance and character of the dwelling and the residential amenities of neighbouring occupiers contrary to Planning Policy Statement 1, Policy ENV7 of the East of England Plan; Policies KP2 and CP4 of the Core Strategy; Policies C11 and H5 the Borough Local Plan and advice contained within the adopted Design and Townscape Guide (SPD1).
- It is considered that the proposed reserved matters application SOS/09/02348/RES does not fall within the parameters of the outline consent granted under reference SOS/08/01636/OUT in relation to the depth, height and positioning on the site.

An appeal is currently pending consideration.

- 7.3 SOS/08/01636/OUT- Demolish existing health clinic and erect four houses (Amended Proposal) - Granted outline consent 31st March 2009.
- 7.4 SOS/08/01056/OUT- Demolish existing health clinic and erect two pairs of semi-detached dwellings (outline)- Refused due to the proposed development, by reason of its height, mass and bulk, would form an incongruous feature within the street scene, to the detriment of the character in the area contrary to Policies C11, H5 and H7 of the Borough Local Plan and KP2 and CP4 of the Core Strategy, advice contained within the adopted Design and Townscape Guide (SPD1), and Government guidance contained within Planning Policy Statement: Delivering Sustainable Development (PPS1) and Planning Policy Statement 3: Housing (PPS3). Refused consent 10th November 2008 due to the proposed development, by reason of its height, mass and bulk, would form an incongruous feature within the street scene, to the detriment of the character in the area contrary to Policies C11, H5 and H7 of the Borough Local Plan and KP2 and CP4 of the Core Strategy, advice contained within the adopted Design and Townscape Guide (SPD1), and Government guidance contained within Planning Policy Statement: Delivering Sustainable Development (PPS1) and Planning Policy Statement 3: Housing (PPS3).- Refused planning permission 10th November 2008

8 Recommendation

- 8.1 **Planning Permission DELEGATED to the Head of Planning and Transport subject to expiry of consultation period.**

1 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.

2 Condition:

The details and samples of the materials to be used on the external elevations including Gemini Jewel Multi Red Brick and Chalk Hill render and red/brown roof tiles together with white upvc windows and doors and permeable grey paving submitted to the Local Planning Authority on the 6th August 2010 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 character and visual amenities of the area, in accordance with Policy ENV 7 of the East of England Plan DPD1 (Core Strategy) Policy CP4, and Policy C11 of the Southend-on-Sea Borough Local Plan.

3 Condition:
The proposed window(s) in the flank elevations shall be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut and unopenable, except for any top hung light which shall be a minimum of 1.7 metres above internal floor level. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason:
To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with Policy H5 of the Southend on Sea Borough Local Plan.

4 Condition:
No windows shall be formed other than those shown on the approved plan unless otherwise agreed in writing by the local planning authority.

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

5 Condition:
Prior to the occupation of the development hereby permitted by the Local Planning Authority, parking spaces indicated on drawing number ABD/936/02c shall be used solely for the parking of private motor vehicles in domestic use and for no other purpose.

Reason:
To make provision for car parking off the highway, in accordance with Policy T11 of the Southend-on-Sea Borough Local Plan and the EPOA Vehicle Parking Standard and to ensure that the access shall be constructed in accordance with the terms, conditions and specification of this local planning authority.

6 Condition:
No development hereby permitted shall commence until details of surface water attenuation for the site, based on SUDS principles, have been submitted to and approved by the local planning authority. The works agreed shall be carried out in accordance with the approved details.

Reason:
To ensure satisfactory drainage of the site in accordance with PPS25 and Policies KP2 and CP4 of the Core Strategy (DPD1).

7 Condition:
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 dwellinghouses. This provision shall be made for the lifetime of the development.

Reason:

In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (DPD1) and PPS1.

8 Condition:
Prior to the occupation of the development hereby permitted by the Local Planning Authority, a scheme of soft landscaping together with details of boundary treatments shall be submitted to and approved by the Local Planning Authority indicating the location, species and size of all new trees, shrubs and hedgerows to be planted, those areas to be grassed and/or paved, and for a programme of planting and transplanting. The landscaping scheme shall be completed to the satisfaction of the Local Planning Authority during the first planting season after the date on which any part of the development is completed for occupation or in accordance with a programme of planting agreed in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to Policy C14 of the Southend-on-Sea Borough Local Plan.

9 Condition:
Prior to the commencement of development details of any trees to be removed shall be submitted to and agreed in writing with the local planning authority. All trees to be felled shall be replaced by trees only a two for one basis of such size, species and location first agreed in writing with the local planning authority.

Reason:

In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to Policy C14 of the Southend-on-Sea Borough Local Plan.

10 Condition:
Full details of air conditioning units shall be submitted to and approved by the local planning authority prior to occupation of the dwellinghouses. No residential unit should be occupied unless the detail's of the air conditioning unit has been approved and installed in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Reason:

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

Reason for Approval

This permission has been granted having regard to Policy KP2 (Development Principles), Policy CP4 (The Environment and Urban Renaissance) of the Core Strategy DPD, Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations) of the Borough Local Plan, the Design and Townscape Guide (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/10/01349/FUL
Ward:	Leigh
Proposal:	Use 45A Broadway in the evening as an ancillary area to 45 Broadway
Address:	45-45A Broadway, Leigh-on-Sea
Applicant:	Mr D Bailey
Agent:	Linda Russell Solicitors & Planning Consultation
Consultation Expiry:	24 th August 2010
Expiry Date:	20 th September 2010
Case Officer:	Matthew Leigh
Plan Nos:	1155-10-02 Rev A
Recommendation:	Refuse permission



1 The Proposal

- 1.1 The application seeks to change the use of 45A Broadway, between the hours of 18:00 and midnight, too ancillary to 45 Broadway (Class A3).

2 Site and Surroundings

- 2.1 The site is located on the northern side of Broadway between West Street and East Street and is also within the Leigh Cliff Conservation Area. The street is primarily a commercial/shopping street and includes a mix of shops and cafes and other high street uses. The area has a Victorian character, largely made up of 2 storey pitched roofed buildings, with a mixture of residential and commercial uses at first floor levels.
- 2.2 The site is within an area allocated as a Primary Shopping Frontage and a Defined Shopping Area. The site also falls within the designated Leigh Broadway Primary Shopping Area.

3 Planning Considerations

- 3.1 The key considerations are the impact on the vitality and viability of the shopping parade, car parking implications and the impact on residential amenity.

4 Appraisal

Background to the application

- 4.1 A complaint was received by the Council on the 21st February 2009 regarding the alleged unauthorised works at 45A Broadway. A site visit was undertaken where it was noted that the internal wall between 45 and 45A Broadway had been removed and replaced to the front by a semi-opaque glass screen whilst the rear had been left open to allow access between the two properties. It was therefore, considered that 45 and 45A Broadway constituted one planning unit.
- 4.2 In May 2008, planning permission was granted to install a new shopfront (SOS/08/00263/FUL).
- 4.3 The new shopfront had been constructed broadly in accordance with the approved plan and finished to match and complement the shopfront of the adjoining restaurant. A single fascia had been installed to extend across the front of both 45 and 45A Broadway. This had the wording "The Estuary – Restaurant/Café/Lounge Bar". The premises at 45A includes a forecourt area adjacent to the footway and this has been laid out with tables and chairs to match those located on the forecourt of 45 Broadway.

- 4.4 Internally, 45A has been extensively refurbished in a style that clearly references 45 Broadway. Tables and chairs now furnish 45A Broadway. A bar has also been installed to the rear of 45A Broadway. A license has been granted in respect of both 45 and 45A Broadway for the sale of alcohol for consumption on or off the premises.
- 4.5 A subsequent application was submitted (SOS/08/01117/FUL) to change of use from florist (Class A1) to restaurant (Class A3) (Retrospective). The application was refused in November 2008, for the following reason:
- “The proposed change of use to a restaurant (A3) would result in a further reduction below the 80% threshold for retail uses within the street block. This is considered to harm the retail function of this primary shopping centre, and have an adverse impact on the vitality and viability of the centre, contrary to Policies S1 and S5 of the Borough Local Plan CP1 and CP2 of the Core Strategy, and guidance contained within PPS6: Town Centres.”*
- 4.6 Enforcement Action was subsequently authorised and a notice served. The notice required the following:
1. Cease the unauthorised use of land as a restaurant.
 2. Cease the use of the bar/sales area located upon the land to service the restaurant at 45 Broadway.
 3. Redefine the western extent of the planning unit and separate it from the adjoining planning unit by way of the installation and/or reinstatement of an internal immovable physical barrier between the ground floor area of the shop premises located upon the land and the ground floor area of the restaurant located upon the land at 45 Broadway.
 4. Remove all tables and chairs provided for use by customers in excess of 19 covers.
- 4.7 The application for the change of use from florist (Class A1) to restaurant (Class A3) (Retrospective) and the Enforcement Notice were appealed. The Enforcement Notice was quashed on a technicality however the appeal regarding the change of use was dismissed. The Inspector considered that material harm would be caused to the viability of the Leigh on Sea primary shopping frontage and its retail function in this area, by the introduction of another non-retail use.
- 4.8 A number of discussions took place between the agent and the Local Authority in an attempt to find some way of moving the situation forward in order to respond to the breach. These discussions did not result in a mutually acceptable solution. A report was presented to the Planning Committee on the 27th of January 2010 in relation to the breach in planning control and enforcement action was authorised.

4.9 Following the resolution to take enforcement action, considerable dialogue has continued between officers and the owner in an attempt to resolve the situation. Following a meeting with Cllr Lamb to try and broker a way forward, a halfway house solution was suggested, whereby part of the property can be used at times when it does not affect the retail viability of The Broadway. The owner has now submitted an alternative application for partial change of use which is subject of this report.

Principle of the Development:

Planning Policy Statement 1, Planning Policy Statement 4; DPD1 (Core Strategy) policies KP2 and CP2; BLP policies S1 and S5.

4.10 The applicant contends that the current use of the premises (known as 45A) is as an internet café (A1 use) and therefore lawful. Therefore the proposal is to seek a material change of use of the premises (45A) to ancillary space associated with the restaurant at no. 45 in the evenings after 6pm. The Council contends that the primary use of 45A during the day is not as an internet café.

4.11 PPS4 states that *“planning for a strong retail mix so that the range and quality of the comparison and convenience retail offers meets the requirements of the local catchment area, recognising that smaller shops can significantly enhance the character and vibrancy of a centre”*

4.12 Policy S5 - Non-Retail Uses states that the Borough Council recognises the contribution which certain non-retail uses can make to the attraction of shopping centres. However, in order to safeguard the character and vitality of the Primary Shopping Frontages permission will not normally be granted where:

- (i) more than two single non-retail units (or equivalent) being located immediately adjacent to each other; or
- (ii) the proportion of frontage (measured in terms of length of frontage) remaining in retail use falling below 80% within either the individual street block or the centre as a whole; or
- (iii) residential amenities being adversely affected by way of noise, disturbance or the emission of smells and fumes.

4.13 It is considered that the principle of a change of use from A1 to A3 is contrary to policy, due to percentage of the street block and percentage centre as a whole not remaining within the A1 use class, and therefore is to the detriment of the long term viability and vitality of the Leigh Broadway as a quality retail centre. It should also be noted that the Inspector at the recent appeal in relation to the change of use of 45A Broadway stated that:

“in terms of the effects of that Class A3 use on the viability of the Leigh on Sea primary shopping frontage and its retail function, I conclude that harm would be caused by a further non-retail use in this area” and that the development would “result in potential harm to both the character and appearance of the shopping centre”.

4.14 The applicant is of the opinion that the existing daytime use is an internet café and falls within the A1 use class and that whilst 45 and 45A are one planning unit a material change of use has not taken place. This is not a position that the Council agrees with.

4.15 No. 45A was originally used as a florist (which is an A1 use). An internet café also falls within use class A1. However, it is the view of officers that the manner in which no. 45 is currently used is not as a true Internet café and therefore not an A1 use. An Internet café would have a fee structure for its services. Moreover, it is considered that the extensive food and beverage menu is more than would be the case in a typical sandwich bar (a use falling within Class A1). Furthermore, the internal layout facilitates the consumption of food on the premises. Any customers proposing to use the Internet would only require minimal snacks as their primary purpose for visiting the premises would be to use the Internet, rather than have a meal or beverage. In some appeal decisions the Planning Inspectorate have stated that a site’s use can fall within A3 use even when there is no elaborate cooking of food if the premises would have been dominated by people eating and drinking. The amount of seating also available on site is a material consideration, as this can mean that the establishment operates in the nature of a café rather than a sandwich bar. Also relevant is the proportion of sales for each of the activities and the area set aside for each use.

4.16 The layout of the premises does also not give the appearance of an Internet café, despite additional computers being installed since the appeal decision. Tables and chairs are provided outside without computer access and internally there is a relatively large and prominent bar which creates the perception of a restaurant and drinking establishment thus promoting the consumption of food and drinks on the premises as the primary use. This does not fall within Class A1.

4.17 The current application is only between the hours of 18:00 and midnight when the applicants argue the traditional retail nature of the Broadway has ceased. The night time economy in this part of the borough is relatively strong and contains a variety of different uses. Whilst there may be some argument to say that retail activity late in the evening is unlikely to take place in the location and therefore the retail function would be unaffected it is not uncommon feature of many commercial areas to have convenience stores opening even beyond midnight. The important issue here is the change in the intrinsic character of the premises. It no longer has the appearance of an A1 use, and is not laid out as such and can not therefore effectively operate as one. It is inextricably linked to the use of no. 45. In such circumstances it is difficult to see how the local planning authority could in future resist any further diminution of its retail character or function. There would be extreme difficulty in enforcing against a gradual change of use by stealth or accretion. This concern is also reinforced by the fact that the applicant maintains the current use is an A1 during the day; which as set out above is contested by officers. The question of precedent also arises. If permission were to be granted for this dual use in these circumstances it is reasonable to anticipate that other similar applications would be forthcoming for similar dual uses. If this were the case it may also be harmful to the integrity of the retail function in which case it would be contrary to the Council Core Strategy and policies S1 and S5 of the adopted 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.

4.18 Policy T11 requires the provision of adequate parking and servicing facilities. The Essex Planning Officer Association (EPOA) set out the requirements for each use.

4.19 In terms of parking, there are parking bays along much of the Broadway. The slight increase in parking requirements is not considered to materially impact on the highway.

Impact on Residential Amenity:

PPS1, PPS5; DPD1 (Core Strategy) policies KP2 and CP4; BLP policy E5 and the Design and Townscape Guide.

4.20 In terms of impact on neighbours, considering there are already A3 uses in the immediate vicinity and given that it is a commercial location it is not considered that a material adverse impact would result upon the amenity of the adjoining residents.

Other Matters:

DPD1 (Core Strategy) policies KP2 and CP2; BLP policies S1 and S5.

4.21 Part 38 (6) of the Compulsory Purchase Act 2004 states that "the determination must be made in accordance with the plan unless material considerations indicate

otherwise.” It is considered that the previous appeal decision on this site carries a high level of weight in coming to a decision on this application.

- 4.22 Whilst the two inspector’s decisions highlighted by the applicant are noted and have been taken into account in arriving at the recommendation it is considered that the appeal decision on the application site would carry a greater weight (paragraph 8.1 below). With this in mind and the difference in opinion between the Council and the applicant it is considered appropriate to place report in front of the Development Control Committee authorising enforcement action.

5 Conclusion

- 5.1 Due to the inability to impose a valid planning condition on any approval it is considered that the proposal would be to the detriment of the vitality and viability of the retail centre.
- 5.2 Members may still believe that this particular type of development, where the Council is facing pressure in the shopping areas of Leigh and Thorpe Bay, warrants a more relaxed approach. Members have the option of taking such a course, but may also consider it to be premature – considering that work on a new suite of development management policies has only just finished its *issues and options* consultation.

6 Planning Policy Summary

- 6.1 Planning Policy Statement 1 and Planning Policy Statement 4.
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP2 (Town Centre and Retail Development).
- 6.3 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.4 Borough Local Plan Policies C4 (Conservation Area), S1 (New Shopping Developments), S5 (Non-Retail Uses), E5 (Non-Residential Uses Located Close to Housing) and T11 (Parking Standards).

7 Representation Summary

Highway Authority

- 7.1 To be reported.

Parks and Open Spaces

- 7.2 No objection.

Leigh Town Council

- 7.3 No objection; however request that the evening use commence at 19:00 as apposed to 18:00 as stated on the application.

The Leigh Society

- 7.4 To be reported.

Public Consultation

- 7.5 No neighbour responses.

8 Relevant Planning History

- 8.1 May 2008 – planning permission was granted to install a new shopfront (SOS/08/00263/FUL)

2008 – An application to change of use from Florist (Class A1) to Restaurant (Class A3) (Retrospective) was refused. The decision was appealed and the appeal was dismissed.

Enforcement Action was subsequently authorised and a notice served. The notice was quashed on a technicality.

9 Recommendation

Members are recommended to:

- 9.1 Refuse the application for the following reason(s):

The proposed use of 45A Broadway in the evening as an ancillary area to 45 Broadway (A3) would create a sui generis use that results in a situation where there is a loss of retailing activity (A1). This leads to a reduction below the 80% threshold for retail uses within the street block. This is considered to harm the retail function of this primary shopping centre, and have an adverse impact on the vitality and viability of the centre, contrary to Policies S1 and S5 of the Borough Local Plan CP1 and CP2 of the Core Strategy, and guidance contained within PPS6: Town Centres. Moreover, such a proposal would create an undesirable precedent that would encourage other similar applications to the detriment of the retail function of this primary shopping centre.