

<b>Reference:</b>	16/02282/FUL
<b>Ward:</b>	Eastwood Park
<b>Proposal:</b>	Demolish existing church hall , erect of 6no two storey dwelling houses, layout 12 parking spaces and form vehicular access on to Rayleigh Road
<b>Address:</b>	Eastwood United Reform Church, Rayleigh Road, Eastwood, Essex, SS9 5HX
<b>Applicant:</b>	Mr P Lehman
<b>Agent:</b>	Third Dimension Arch. Design Ltd
<b>Consultation Expiry:</b>	06.04.2017
<b>Expiry Date:</b>	11.05.2017
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	202c House Type A; 203c House Type A; 204 House Type B; 205b Block Plan; 207b Streetscene Elevation; 206 Part M Compliance; Sections 208a; Site location plan 001
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 Planning permission sought to demolish the existing church hall and erect 6 two storey dwellinghouses with associated amenity space and layout 6 parking spaces to the front of the site accessed from Rayleigh Road and 6 spaces accessed from Saffory Close. The dwelling would have gabled roofs, and have a simple design including a mix of render and brickwork and include accommodation in the roofspace, with small dormers. The proposal also includes the removal of a young street tree fronting Rayleigh Road
- 1.2 House type 'A' dwellings fronting Rayleigh Road (4 dwellings) are 9.5m high x 4.8m wide x 9.9m deep. House type 'B' dwellings fronting Saffory Close (2 dwellings) are 4.7m wide x 9.3m deep x 9.1m high.
- 1.3 The internal floorspace of the four dwellings to the front of the site (House type 'A' is 110sqm and 3 bedrooms to accommodate 5 persons. The house type 'B' to the rear of the site has an internal floorspace of approximately 90sqm over three floors with 3 bedrooms to accommodate 5 persons.
- 1.4 Each dwelling would have two parking spaces. The amenity space for each dwelling ranges from 60sqm to 80sqm.
- 1.5 The principle of change of use of the church hall to an office has been previously accepted under application 16/00639/FUL.

## **2 Site and Surroundings**

- 2.1 The site contains a church hall that has been vacant since the summer of 2015. The existing site has a lawned area to the front with a number of trees and hardstanding to the side. A preserved tree is located to the south west corner of the site fronting Rayleigh Road. The site is located at the junction of Rayleigh Road and Saffory Close. The surrounding area is characterised by two storey dwellings in Saffory Close, a bungalow opposite the site in Rayleigh Road. To the west of the site are three storey residential properties.
- 2.2 The site is not designated within the Development Management Document 2015 and the area is not part of a conservation area.

## **3 Planning Considerations**

- 3.1 The main considerations in relation to this application are the principle of the development, design, traffic and transportation and impact on residential amenity, sustainable construction, trees and CIL.

## 4 Appraisal

### Principle of Development

**National Planning Policy Framework, Core Strategy Policies KP1, KP2, CP1, CP4, CP6 and CP8, Development Management Document DPD2 policies DM1, DM3 and DM7**

#### *Loss of the chapel/community use*

- 4.1 The proposal seeks planning permission to demolish the existing church hall, previously used for community and nursery groups to erect six two storey dwellinghouses. The National Planning Policy Framework paragraph 70 states:

*“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (inter alia): ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”.*

- 4.2 Whilst no supporting information has been provided with the application to justify why the community use is no longer required, the principle of the loss of the community use has been accepted following the approved change of use to (submitted under application 16/02282/FUL). At that time supporting information confirmed the condition of the existing building is in decline and that the church has been vacant since 2015.
- 4.3 The site is not safeguarded by any current planning policies contained within the Core Strategy or Development Management Document. The existing building has no heritage designations and is not designated by the Development Management Document for any specific use. Therefore no objection is raised in principle to the loss of the building. Each of the points detailed in Policy DM3 of the Development Management Document and the other relevant planning policies are discussed in detail below.
- 4.4 Policy CP8 expects 80% of residential development to be provided on previously developed land. The site is brownfield land within a residential area on this basis, it is considered that the principle of undertaking residential development at this site should be supported, subject to the following detailed considerations.
- 4.5 In light of the above, given there are no policies safeguarding the existing community use or the church hall for demolition, no objection is raised in principle to the redevelopment of this site for infill residential development and the provision of six new family houses is welcomed.

## **Design and Impact on the Street Scene**

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

- 4.6 The National Planning Policy Framework requires new development to reinforce local distinctiveness. Policy KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and complement the local character.
- 4.7 Policy DM3 (2) states that *“All development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:*
- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or*
  - (ii) Conflict with the character and grain of the local area; or*
  - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or*
  - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees”.*
- 4.8 The Design and Townscape Guide paragraph 201 states:
- “Infill sites are development sites on the street frontage between existing buildings. These areas are usually spaces left over after earlier development or the redevelopment of small industrial units or garages. The size of the site together with an analysis of local character and grain will determine whether these sites are suitable for development. In some cases the site may be too small or narrow to accommodate a completely new dwelling (including usable amenity space and parking) and trying to squeeze a house onto the site would significantly compromise its design quality and be detrimental to neighbouring properties and local character. In these circumstances, unless an exceptional design solution can be found, infill development will be considered unacceptable. Other options, such as an extension to an adjacent building or a garage may be more achievable. However, in certain situations, where the density, grain and openness of an area are integral to its special character, infill development of any kind will not be appropriate in principle”.*
- 4.9 Where such development is acceptable in principle, SPD1 states that it is important to draw strong references from surrounding buildings in terms of scale, frontage, materials and rhythm. It is not considered the proposed infill development would appear out of keeping, which will not conflict with the urban grain of the area taking into account the surrounding residential development subject to the other material planning considerations discussed in detail below.

- 4.10 With regard to the general layout, the proposal seeks to erect a row of four terraced properties accessed from Rayleigh Road and two properties to the rear accessed from Saffory Close. The plot widths of the houses are narrower than the existing houses in Saffory Close and on Rayleigh Road to the east but are similar to the neighbouring development to the west on Rayleigh Road. Parking is proposed to the front of the site accessed from Rayleigh Road, which is a similar arrangement to Oakwood Villas to the west and the remainder of the dwellings would be accessed from Saffory Close to the east of the site.
- 4.11 The houses to the front of the site facing Rayleigh Road are set in a similar alignment to the neighbouring terrace to the west, which is welcomed. The applicant has sought to retain a soft landscaping buffer zone to the front of the building and the parking has been set away from the root protection area of a preserved tree to the south west corner of the site fronting Rayleigh Road. Whilst the proposed forecourt will introduce an area of hardstanding surface subject to materials and landscaping details it will not appear visually obtrusive within the streetscene.
- 4.12 To the rear, the two houses proposed are located within Saffory Close with tandem parking to the side. The alignment and proposed parking arrangement appears acceptable and the grassed verge to the street in front of the houses is maintained and the properties will have landscaped front gardens.
- 4.13 The overall design and scale of the dwellinghouses has sought to reference Oakwood Villas to the west. The dwellings have a gable roof form and this is not out of keeping with the streetscene in Rayleigh Road or Saffory Close and the siting of the properties also mitigates against their overall scale.
- 4.14 In terms of design detail, the overall elevations will provide positive relationship to the existing streetscene complimenting the local townscape. All elevations are of high quality design and the overall design is cohesive and all elements of the building relate positively to each other. The applicant has sought to reference the eaves alignment and fenestration proportions to the west of the site, which is welcomed. The materials include a mix of brickwork and render similar to properties in Rayleigh Road, but details can be finalised by condition.
- 4.15 This site is considered appropriate for housing development. The proposed development by reason of its design and scale would not be out of keeping with the general character or visually harmful to the character of surrounding area and would be positive addition to the streetscene. This development is in accordance with the National Planning Policy Framework policies KP2 and CP4 of the Core Strategy DPD1, Policies DM1 and DM3 of Development Management Document DPD2 and policies and the Design and Townscape Guide.

## **Living Conditions for Future Occupiers**

**National Planning Policy Framework, Core Strategy policies KP2 and CP4, Development Management Document policies DM1, DM3 and DM8, The National Technical Housing Standards DCLG 2015 and Design and Townscape Guide (SPD1)**

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

- Minimum property size for a 3 bedroom (5 bed space) dwellinghouse shall be 99 square metres.
- Bedroom Sizes : The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a single bedroom with a minimum width of 2.15m<sup>2</sup> ; and 11.5m<sup>2</sup> for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

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

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

- 4.17 The internal floorspace as set out in the National Technical Housing Standards 2015 requires 90sqm for 3 storey buildings with 3 bed spaces for 5 persons in this location. The proposed dwellinghouses are policy compliant in this respect. All habitable rooms will benefit from sufficient daylight and outlook.
- 4.18 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. The applicant has provided drawing 3D\_644.206 demonstrating the new dwellinghouses will meet part M4 (2) of the Building Regulations and this will be dealt with by condition.
- 4.19 One of the core planning principles of the NPPF is that the planning system should *“Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.
- 4.20 Policy DM8 of the Development Management Document DPD2 states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers.
- 4.21 Whilst the Council’s Design and Townscape Guide states:
- “Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development”*.
- 4.22 The proposed dwellinghouses would benefit from 60sqm-80sqm of rear amenity space which is considered sufficient useable amenity space to meet the needs of future occupiers.

### **Traffic and Transportation**

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP3; policy DM15 of the DPD2 (Development Management Document) and the Design and Townscape Guide SPD1.**

- 4.23 12 parking spaces are provided to serve the development, 2 per dwelling which accords with Policy DM15. In terms of parking space provision, the proposal shown on the submitted plans would accord with the relevant standards and no objection should be raised to the proposal on the grounds of parking provision or the “tandem” siting. The proposal is also found to be acceptable in terms of its impacts on highways and pedestrian safety.
- 4.24 The design of the existing site benefits from two vehicle accesses along Rayleigh Road and an in and out access to the parking area in Saffory Close. The proposal seeks to extend the existing vehicle crossover to the front to an overall width of 4.8m. Whilst the proposal will result in the loss of a young tree this has limited amenity value and therefore no objection is raised to its loss.

The proposal also includes the resiting of the existing traffic island within Rayleigh Road and no objections are raised by the Council Highway Officer (these works will be controlled by a 'Grampian condition'). To the rear two vehicle crossovers are proposed to serve plots 4-6 and no objection is raised on highway grounds.

- 4.25 Refuse and cycle parking at the site should be secured through the imposition of a condition.

#### **Impact on residential amenity**

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; policies DM1 and DM3 of the DPD2 (Development Management Document) and the Design and Townscape Guide SPD1.**

- 4.26 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods. Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of overbearing, pollution and daylight and sunlight. A proposed development will need to consider its potential impact upon neighbouring properties and the surrounding area. policy DM1 of the Development Management requires that all development should (inter alia):

*“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight;”*

- 4.27 Plot 1 is located 1m-1.7m away from the boundary abutting no. 6 Oakwood Villas to the west with a further 1.5m to the flank elevation of the dwelling. The nearest dwellinghouse will be set 1m in front of the building line of no. 6 Oakwood Villas however, the rear elevation will not project beyond the existing building line and thus there will be no material impact on front or rear windows, to 6 Oakwood Villas. Concerns have been raised by a neighbour in terms of the loss of light to two windows in the side elevation but they serve non habitable rooms (hall and landing and thus are afforded limited protection) and will not cause material harm to the amenities of the existing occupiers. In terms of overlooking, concern has been raised by a neighbour in relation to the proposed houses overlooking the rear garden of 6 Oakwood Villas however the relationship of proposed plot 1 is the same as that with no. 5 Oakwood Villa and therefore there is no material harm from overlooking and no objection is raised on amenity grounds.
- 4.28 In relation to the impact on existing occupiers at 514 Rayleigh Road there is a separation distance of 17m to the flank elevation. Whilst windows are proposed to the flank elevation of the new development serving a bathroom a condition to ensure it is fixed shut and obscure glazed will be imposed. Therefore the development would not result in any increased overlooking or loss of privacy.



In terms of being overbearing, given the siting of the development and separation distance it will not result in loss of daylight nor will the proposal be overbearing or cause unacceptable enclosure to the amenities of 514 Rayleigh Road.

- 4.29 With respect to the plots 5 and 6, they are located 15m away from numbers 1 and 2 Saffory Close to the east and are on the opposite side of a public highway, which is considered sufficient to mitigate against overlooking or loss of privacy. Whilst there would be some impact on the outlook of nos. 1 and 2 Saffory Close, it is not considered sufficient to justify a refusal.
- 4.30 In terms of the impact on residents to the north of the site in Saffory Close (numbers 7, 8 and 9), there is an overall separation distance of 13m and the applicant has provided drawing 208a (sections) demonstrating the variation in site levels of the dwellings. Whilst the proposal will have some impact on the amenities enjoyed by existing residents in terms of outlook it will not be overbearing or cause unacceptable enclosure nor would it result in loss of light. There is a separation distance of 23m between number 14 Saffory Close to the west, which is sufficient to mitigate against overlooking, loss of privacy and the development will not be overbearing nor result in loss of light. There is an overall separation of 37m distance from the front of the proposed dwellings to the south in Rayleigh Road and therefore no objections are raised. Whilst the dwelling will overlook the end of gardens in Oakwood Villa, given the separation distance of 9.6m to the boundary of plot '5' and orientation of the dwellings at an oblique angle. The relationship is found to be acceptable.
- 4.31 Due to the positioning of the dwellinghouses in relation to the properties to the north, east and west, the scale, orientation, fenestration detail of the proposed dwellings would not cause a loss of light, privacy or outlook or an increased sense of enclosure that would justify the refusal of the application.

### **Sustainable Construction**

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, DPD2 (Development Management) policy DM2 and the Design and Townscape Guide SPD1.**

- 4.32 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. 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”.*

- 4.33 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design. In this instance the applicant has indicated that photovoltaic panels will be used to meet the requirement of policy KP2 of the Core Strategy and further details can be required by condition if this application is deemed acceptable.

- 4.34 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, this can be dealt with by condition if the application is deemed acceptable.

### **Other Matters**

#### *Impact on street tree*

- 4.35 The application is accompanied by an Arboricultural report, demonstrating that the mature preserved tree to the front of the site will not be affected by the formation of car parking spaces to serve plots 1-4. The tree protection method statement accompanying this application states a 'no dig' surface construction method will be required within the root protection zone and subject to appropriate conditions no objections have been raised by the Councils Arboriculturalist. In relation to the loss of a different street tree to extend the existing vehicle crossover, it is considered to be a young specimen with limited amenity value. Whilst the loss is regrettable the Council will seek a two for one replacement when dealing with the landscaping condition in accordance with policy DM1 of the Development Management Document.

### **Permitted Development Rights**

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

### **Community Infrastructure Levy**

#### **National Planning Policy Framework; Community Infrastructure Levy Charging Schedule**

- 4.37 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.
- 4.38 This application is CIL liable. The existing floorspace can be taken into account as this satisfies the 'in-use' test. The site is located within CIL Zone 3. Therefore, the required CIL payment is £8236.80.

### **Conclusion**

- 4.39 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. Whilst the loss of the community facility is regrettable, new family housing in this location is welcomed. The dwellinghouses by reason of their design, scale, amenity space and parking provision would provide a positive addition within the streetscene enhancing the overall character and appearance of the surrounding locality while providing adequate amenities for future occupiers whilst protecting the amenities of neighbouring properties.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework 2012
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP8 (Dwelling Provision)
- 5.3 Development Plan Document 2: Development Management Document Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM7 (Dwelling Mix), DM8 (Residential Standards). DM15 (Sustainable Transport Management)
- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5 CIL Charging Schedule
- 5.6 Technical Housing Standards Transitional Policy Statement (October 2015)

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 No objections

### **Traffic and Transportation**

- 6.2 The proposal has provided 12 car parking spaces for each dwelling which meets the current Development Management Policy guidance. The applicant will be required to reinstate any disused vehicle crossovers and will also be responsible for the relocation of the existing pedestrian crossing point which currently would be in conflict with the proposed vehicle access from Rayleigh Road. These works will have to be carried out under a Section 278 agreement. No objections are raised in relation to the loss of the street tree, which can be replaced two for one.

Consideration has been given to the existing site use which has the potential to generate a significant number of vehicle movements. The proposal would represent a reduction in vehicle movements within the local area.

### **Trees**

- 6.3 The tree to the front of the site is a mature multi stemmed Lombardy poplar with dense ivy cover on the stem. The tree is approx. 20m in height and has been previously reduced at 10 m. It is not on the site proposed for development but within the adjacent property. The presence of the ivy and hedgerow make it difficult to inspect the stem of the tree but Lombardy poplars of this age are sometimes liable to decay and decline especially when they have been reduced. They also require periodic repeated crown reduction to retain them safely which detracts from their visual amenity value.

The proposed car park has been moved from the Root Protection Area in accordance with the B.S. 5837 including the submission of a Tree Survey and Arboricultural Impact Assessment and therefore no objection is raised.

Installing the vehicle crossover to the front will result in the loss of a young tree however, a suitable condition can be imposed to ensure a two for one replacement.

### **Environmental Health**

- 6.4 No objection to the principle of development. However, demolition and construction can give rise to public health issues and a number of conditions in relation to asbestos, demolition and construction should be imposed if the application is deemed acceptable.

### **Essex and Suffolk Water**

- 6.5 The existing apparatus does not appear to be affected by the proposed development and no objection is raised subject to compliance with water requirements. Consent is given to this development on the condition that a new metered water supply is provided for each new dwelling for revenue purposes.

### **Anglian Water**

- 6.6 No comment as the proposal is below the threshold of 0.5 hectares.

## Essex Fire Service

6.7 Access is satisfactory for fire service.

Water supplies-additional water supplies for fire fighting maybe necessary for this development including sprinkler systems.

## Public Consultation

6.8 A site notice displayed on the 19<sup>th</sup> January 2017 and 16 neighbours notified of the proposal. Three letters of representation have been received stating:

- Proposal would be detrimental to highway safety
- Dwellings fronting Rayleigh Road will have an adverse effect on rights to light and result in overlooking and existing extensions of properties surrounding the site have not been considered **[Officer Comment: Rights to light is a civil matter and not a material planning consideration];**
- Overlooking and loss of privacy to surrounding residents;
- Loss of community space **[Officer Comment: The site is not safeguarded by planning policies within the Development Management Document or the Core Strategy];**
- CIL should be applied **[Officer Comment: The CIL contribution required for this development equates to £8236.80 and the applicant will be required to pay the fee];**
- Street lighting **[Officer Comment: The proposal will not result in the loss of street lighting]**
- Landscaping and public realm has not been provided and may harm trees and other vegetation **[Officer Comment: A full landscaping scheme and tree protection mitigation measures will be dealt with by condition to ensure soft landscaping is integral to the overall development];**
- Widening of existing access to plots 1 and 4 will conflict with pedestrian refuge island **[Officer Comment: The Council Highway Officer has raised no objection subject to appropriate conditions and vehicles entering and exiting the site along Rayleigh Road can manoeuvre in accordance with policy requirement to come off in forward gear];**
- Impact on the kerbside parking as this proposal will increase people visiting the site and harm residents in Saffory Close **[Officer Comment: The proposal is policy compliant and taking into account the existing use of the community hall it is not considered this proposal will result in greater harm than existing in terms of numbers of visitors]**
- Site levels should be fully explained **[Officer Comment: The applicant has provided drawing 208a that demonstrates site levels and relationships with adjacent dwellings, will not result in demonstrable harm];**
- Refuse collections have not been accounted for with particular reference to plots 1 and 4 and the area is too small to allow refuse vehicles to enter the site **[Officer Comment: the Councils Highway Officer has confirmed on street collection is acceptable in this location];**
- The red line show the stopping up of public land **[Officer Comment: The applicant has confirmed this is under ownership of the applicant];**
- Low boundary fence in this location would not be acceptable **[Officer Comment: Details of boundary treatments will be dealt with by**

**condition];**

- The six houses will result in overlooking and loss of privacy to no. 6 Oakwood Villas;
- Plot 1 will block out light from the side windows serving no. 6 Oakwood Villa  
**[Officer Comment: The windows serve non habitable rooms];**
- Fumes emitted from the 12 cars will be unacceptable on the health of existing residents;
- The third storey of plot 5 will overlook no. 14 Saffory Close

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

6.10 Councillor Walker has requested this application be dealt with by Development Control Committee.

## **7 Relevant Planning History**

7.1 Change of use of Chapel (Class D1) to Office (Class B1) and form parking to side-Granted (16/00639/FUL)

## **8 Recommendation**

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

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

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

**02 The development shall be carried out in accordance with the approved plans: 202c House Type A; 203c House Type A; 204 House Type B; 205b Block Plan; 207b Streetscene Elevation, 208a sections, site location plan 001**

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

**03 No development shall take place until samples of the materials to be used on all the external elevations, including walls, roof, dormers, porch canopy, paving, and on any screen/boundary walls and fences, 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 surrounding area in accordance with Policy DM1 of the Development Management DPD and KP2 and CP4 of the Core Strategy.**

- 04 No development approved by this permission shall be commenced until the Local Planning Authority has approved in writing a full scheme of highways works (including detailed designs and contract details) and the relevant highways approvals are in place, in relation to the resiting of the traffic island and works to street trees. The works shall thereafter be undertaken in accordance with the approved details and completed prior to first occupation of the development 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, CP3, CP4; (Development Management) DPD2 policies DM13 and the Design and Townscape Guide SPD1.**

- 05 The development shall not be occupied until 12 car parking spaces have been provided at the site in accordance with drawing 205b Block Plan, together with properly constructed vehicular accesses to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.**

**Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies DM15 of the Council's Development Management DPD and CP3 of the Core Strategy DPD1.**

- 06 No development shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not limited to:-**

- i proposed finished site levels or contours;**
- ii. means of enclosure, of the site including any gates or boundary fencing;**
- iii. car parking layouts;**
- iv. other vehicle and pedestrian access and circulation areas;**
- v. hard surfacing materials;**
- vi. minor artefacts and structures (e.g. street furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.);**
- vii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification**
- ix. details of measures to enhance biodiversity within the site;**

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

**Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping and tree protections measures are implemented pursuant to Policy DM1 of the Development**

## Management DPD and Policy CP4 of the Core Strategy DPD1

- 07** No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been agreed in writing by the local planning authority. These measures shall be carried out as described and approved.

**Reason:** In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to DPD1 (Core Strategy) policies KP2 and CP4, DPD2 (Development Management) policies DM1, DM3 and the advice contained in the Design and Townscape Guide.

- 08** A scheme detailing how at least 10% of the total energy needs of the dwellinghouses 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 first occupation of the dwellinghouse. 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).

- 09** Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details before it is occupied and be retained as such in perpetuity.

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

- 10** The development hereby approved shall be carried out in a manner to ensure the houses comply with building regulation M4 (2) 'accessible and adaptable dwellings'.

**Reason:** To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).



- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modification, no development shall be carried out at the development hereby approved within Schedule 2, Part 1, Classes A, B, C, D, E and F to those Orders.**

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

- 12 Prior to their occupation the proposed first floor windows in the flank elevations of the houses hereby approved 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. The windows shall be retained as such in perpetuity thereafter.**

**Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policies KP2 and CP4, and DPD2 (Development Management Document) 2015 policy DM1 and advice contained within the Design and Townscape Guide SPD1.**

- 13 Prior to installation of any external lighting, details of the proposed lighting, including design, siting, luminance, hours of illumination and an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed only in accordance with the approved scheme.**

**Reason: To protect the amenities of neighbouring properties and the general environmental quality in accordance with, National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and DPD2 (Development Management Document) 2015 policy DM1.**

**Informative**

- 01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought.**

**You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).**

**02 Consent is given to this development on the condition that a new metered water supply is provided for each new dwelling for revenue purposes.**

**03 Water supplies-additional water supplies for fire fighting maybe necessary for this development including sprinkler systems.**

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