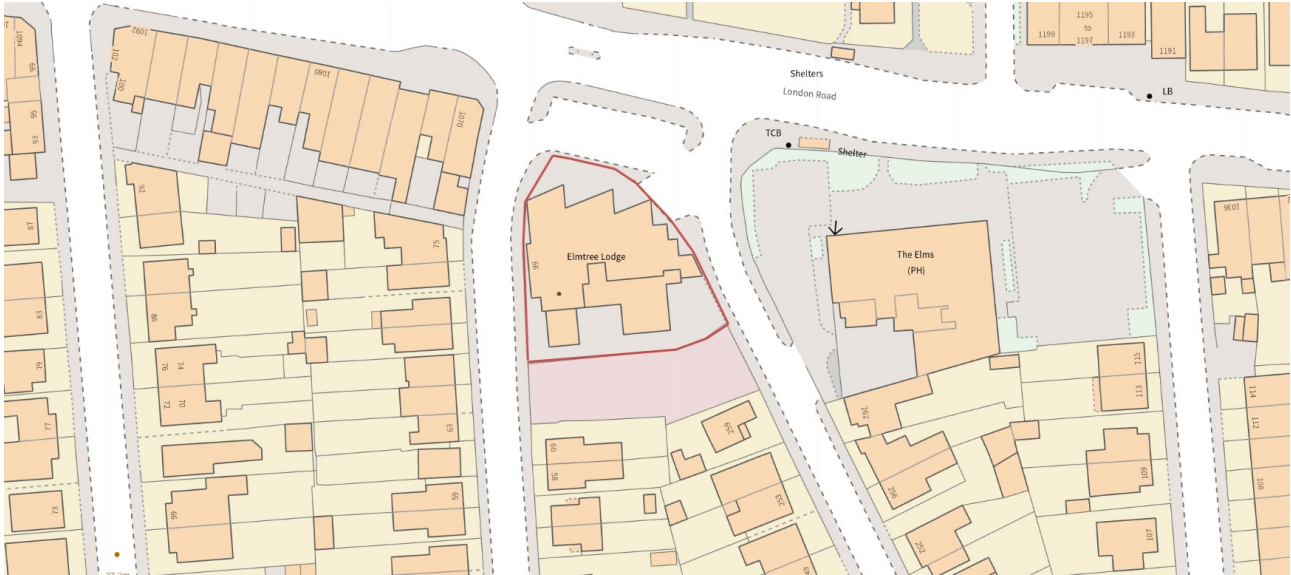


<b>Reference:</b>	23/01639/FUL	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Leigh	
<b>Proposal:</b>	Erect additional floor to roof of existing building to provide 3 self-contained sheltered flats, with south facing communal garden at roof level and additional mobility scooter storage at ground floor level	
<b>Address:</b>	Elmtree Lodge, 66 Cranleigh Drive, Leigh-on-Sea, Essex	
<b>Applicant:</b>	Mr Steve Pullan	
<b>Agent:</b>	Mr Alex Davison of Brian Davison Associates	
<b>Consultation Expiry:</b>	20.02.2024	
<b>Expiry Date:</b>	01.03.2024	
<b>Case Officer:</b>	Oliver Hart	
<b>Plan Nos:</b>	1724-200-B; 1724-201-B; 1724-202-B; 1724-203-B; 1724-204-B; 1724-210-B; 1724-300-C; 1724-304-C; 1724-310-J; 1724-320-C; 1724-L1-B	
<b>Supporting information:</b>	Design and Access Statement ref 1724.bda (October 2023); CGI Visuals photos 1-4; Property Management Letter regarding existing Resident Refuse and Bicycle Usage [dated 15/12/23]; Letter from the Freeholder (William Nelson Ltd.) regarding existing Commercial Refuse Usage [dated 28.12.2023]; Intended Construction Method Statement (by William Nelson Ltd.)	
<b>Recommendation:</b>	GRANT PLANNING PERMISSION subject to conditions	



## 1 Site and Surroundings

- 1.1 The application site is on the southern side of London Road, occupying a prominent corner plot between Cranleigh Drive and Elm Road. The application site itself comprises a mixed-use development four storeys in height with an office use at ground floor and 22no. apartments above. The apartments are age restricted (over 60s). The application building has a parapet flat roof and is finished externally in face brick. There is car parking available from Cranleigh Drive to the rear of the application site for 20No vehicles.
- 1.2 On the opposite side of London Road to the north are a mix of two- to two-and-a-half-storey mixed use properties and part four-/part five- storey blocks of flats. To the east, beyond Elm Road is the mainly two storey Elms Public House. To the west, beyond Cranleigh Drive is a commercial parade comprising two- to two-and-a-half-storey mixed use properties. To the south are traditional residential properties. Farther along London Road are some taller buildings of four to six storeys. Designs are mixed including both traditional and modern buildings.
- 1.3 London Road is a principal route through the city to the City's centre and is a main bus corridor. It has a very mixed character along its length. Some sections are designated as retail frontages but there are no policy designations affecting the application site.

## 2 The Proposal

- 2.1 Planning permission is sought to erect an additional storey to the application building to create 3No self-contained apartments with a communal roof terrace to the rear. The Design and Access Statement states that the apartments will be for 'sheltered housing'. This is a continuation of the existing age restriction on the existing development.
- 2.2 The additional storey would be flat-roofed, between 11.9m and 15.9m in maximum depth and between 21m and 26.3m in maximum width. It would increase the overall height of the building from 12.6m to 14.1m. The additional storey would be set back from all external elevations by 1.2m. External materials are shown as Hardie Panel cladding in dark grey.
- 2.3 The proposed internal floorspaces of the flats are set out below in Table 1.

**Table 1: Proposed and required floorspaces.**

Flat	Internal Floorspace	National Standards	Technical
Flat 1	80.8sqm (3 persons)	61sqm (3 persons)	
Flat 2	63sqm (2 persons)	50sqm (2 persons)	
Flat 3	62sqm (2 persons)	50sqm (2 persons)	

2.4 The flats would be served by a communal roof terrace positioned to the rear of the extension some 58sqm in area. No additional car parking is proposed. 3No additional mobility scooter parking spaces are proposed within an existing commercial storage area to the Elm Road frontage.

### **3 Relevant Planning History**

3.1 05/00177/OUT – Demolish buildings, erect part 3/part 4 storey block comprising parking and commercial premises to ground floor and 22 flats above, lay out parking spaces; erect 2 detached dwellings with accesses onto Elm Road and Cranleigh Drive (Amended Proposal)- Refused. Appeal Allowed.

3.2 07/00890/RESM - Demolish buildings, erect part 3/part 4 storey block comprising parking and commercial premises to ground floor and 22 flats above, lay out parking spaces; erect 2 detached dwellings with accesses onto Elm Road and Cranleigh Drive (Amended Proposal) (Approval of reserved matters following outline permission SOS/05/00177/OUT granted 05/01/2006)- Refused. Appeal Allowed.

3.3 07/00945/FULM - Demolish buildings, erect part 3/part 4 storey block comprising parking and commercial premises to ground floor and 22 sheltered flats above, lay out parking spaces; erect 2 detached dwellings with accesses onto Elm Road and Cranleigh Drive (Amended Proposal) (261 Elm Road and 1066 London Road)- Refused. Appeal Allowed.

3.4 20/01763/CLP - Use as Physiotherapy, Rehabilitation, Pilates, Yoga & Personal Training purposes (Class D2) (Lawful Development Certificate- Proposed)- Granted

### **4 Representation Summary**

#### **Public Consultation**

4.1 One-Hundred and Thirty-Four (134No) neighbouring properties were consulted, and a site notice was displayed. 36no. representations from 17no. interested parties raising objections have been received. Further consultation was undertaken following design changes to the submitted proposal. At the time of report preparation that additional consultation was continuing. Any further representations resulting from this will be summarised for Committee in the Supplementary agenda. Summary of comments:

- Design concerns;
- Resultant built-form would be too tall and appear overscaled and out of keeping with the area;
- Overlooking and loss of privacy concerns;
- Car parking concerns;
- Noise and disturbance concerns from construction activities;
- Health and safety concerns from construction activities;
- Damage to surrounding pavement from construction activities;
- Building only served by 1 lift which is prone to mechanical problems;

- Scaffolding during construction will have a significant impact on neighbour amenity;
- Mental Health impacts from construction;
- Security concerns from unmanned scaffolding;
- The proposal is only submitted because of financial interests; *[Officer Comment: This is not a material planning consideration]*
- Additional development not mentioned within existing lease ; *[Officer Comment: This is not a material planning consideration]*
- Detrimental impact on property value *[Officer Comment: This is not a material planning consideration]*.

**[Officer Comment:]** The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report. The objecting points raised by the representations have been taken into account in the assessment of the proposal but are not found to represent justifiable reasons for recommending refusal of the planning application in the circumstances of this case.

### **Environmental Health**

- 4.2 No objections subject to condition regarding construction management, refuse and recycling and noise impact assessment.

**[Officer Comment;** The site is already served by adequate waste facilities. Moreover, given the proposed new dwellings' elevation above street level, it is considered that a condition requiring noise preventative glazing would be reasonable in this instance]

### **Highways**

No objections. The site benefits from being in a sustainable location with regard to public transport with good links in close proximity. 20 off street parking spaces have been provided with the applicant providing information within the design and access statement that parking capacity does not usually exceed 12 spaces. Site visits have been undertaken by Highways staff to confirm the information provided by the applicant. It is not considered that the proposal will have a detrimental impact on the local highway network. Therefore no highway objections are raised. Future occupiers of the new dwellings will not be eligible for a residential parking permit.

### **Leigh Town Council**

- 4.3 Objection. Overdevelopment of the site.

## **5 Procedural matters**

- 5.1 This application is presented to the Development Control Committee because it has been called in by Councillor Carole Mulroney.

## **6 Planning Policy Summary**

- 6.1 The National Planning Policy Framework (NPPF) (2023)
- 6.2 Planning Practice Guidance (PPG) (2023)
- 6.3 National Design Guide (NDG) (2021)
- 6.4 Technical Housing Standards – Nationally Described Space Standards (2015)

- 6.5 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 6.6 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM6 (The Seafront), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the Town Centre), DM15 (Sustainable Transport Management).
- 6.7 Southend-on-Sea Design and Townscape Guide (2009)
- 6.8 Technical Housing Standards Policy Transition Statement (2015)
- 6.9 Waste Storage, Collection and Management Guide for New Developments (2019)
- 6.10 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 6.11 Community Infrastructure Levy (CIL) Charging Schedule (2015)

## **7 Planning Considerations**

- 7.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the streetscene and wider area, the standard of accommodation for future occupiers, the impact on residential amenity of neighbouring occupiers, any traffic and transportation issues, refuse and recycling storage, energy and water sustainability, compliance with the Essex Coast RAMS SPD and CIL liability.

## **8 Appraisal**

### **Principle of Development**

- 8.1 Amongst other policies to support sustainable development, the NPPF seeks to boost the supply of housing by delivering a wide choice of high-quality homes. Paragraph 123 of the NPPF states '*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.*'
- 8.2 Furthermore, Paragraph 124 (e) of the NPPF states that planning decisions should "*support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.*"
- 8.3 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the city. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the city. The South Essex Strategic Housing Market Assessment (SESHMA, 2017) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties

a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.

- 8.4 Whilst the proposal would not result in any dwellings suitable for families, the provision is for additional 'sheltered' housing units which carries significant weight in the assessment of the application, particularly in light of the NPPF's tilted balance and how this proposed amount of housing would make a material tenure-specific contribution towards the needs of the City.
- 8.5 In respect of housing for older persons the Core Strategy states: 'The 2011 Census highlights that Southend has a higher proportion of older people when compared to the national average. Notably, Southend has more adults aged 75 or over, including those aged 90 or over, comparative to England (SHMA, 2013). Population projections indicate that the proportion of older people in Southend is expected to rise.'
- 8.6 The more recent demographic projections show that for Southend, the trend of an ageing population is expected to pick up significantly over the next 20 years. The number of people in this cohort was projected to rise by 38.5% (13,518) between 2018 and 2038, according to the 2018-based ONS population projections.
- 8.7 Overall, subject to a condition applying to the proposed units the existing age restriction currently in place for the rest of the host building, the principle of the development in this location is considered to be consistent with the policies noted above and is acceptable subject to the detailed considerations set out below.

### **Design and Impact on the Character of the Area**

- 8.8 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 8.9 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contributes positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Council's Design and Townscape Guide provide further details on how this can be achieved.
- 8.10 As noted, London Road is a principal route through the city and has a very mixed character along its length, including some taller buildings of 4-6 storeys. This is inclusive of development on the northern side of London Road opposite the application site at 'Sovereign Court' (part four/part five storeys) and the 'Yantlet' (part five/part six storeys) to the north-east. Consequently, an additional storey in this location is not considered to appear as an unduly incongruous or harmful feature in the immediate surrounds.
- 8.11 The application site presently holds a significant presence in the streetscene on account of its island position, bounded by roadway on either side and its juxtaposition with the two, to two and a half storey scale of neighbouring development to the immediate south, west and east. The application building is of a functional overall design with a box form and framed by thick, parapet capping.
- 8.12 The design of the additional storey proposed in this instance is functional in its form and consequently is considered to take its reference from the style and visual cues of the

existing building, inclusive of its roof form and flat roof capping which is exhibited at parapet and ground floor canopy levels as well as the arrangement and placement of the windows. The lift overruns in the existing building are replicated into the proposed design. The extension will be set back from each external elevation by a minimum of 1.2m reducing its prominence in the streetscene. In addition, the presence of the existing raised parapet of the building would further reduce the visibility and subsequent prominence of the proposed additional storey from public view given that the extent of built form visible will be some 1.5m above the existing parapet.

- 8.13 During the course of the application, the fenestration pattern was altered and amended external materials were submitted to include large, hardie panelling in 'dark grey' which is considered to better integrate with the character of the existing building. Proposed window/door openings would be finished in aluminium powder coated RAL 7016 to match and also better align with the existing openings on the building's lower floors.
- 8.14 Subject to a condition to secure the details of materials, the proposed additional storey is not considered to result in an incongruous development that would be harmful to the character and appearance of the existing building, the streetscene or wider surroundings.
- 8.15 Other minor changes include the conversion of a disused storage area to the ground floor Elm Road elevation to additional mobility scooter parking provision (for 3no. Scooters). The only external alteration would be the removal of the external access door fronting Elm Road which would be infilled and finished in a matching render. This is considered a minor and inconsequential change that would not harm the character and appearance of the existing building or the wider streetscene.
- 8.16 Overall, the proposal is acceptable and policy compliant in the above regards.

### **Standard of Accommodation and Living Conditions for Future Occupiers**

- 8.17 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact on the living conditions and amenity of existing and future residents or neighbouring residents.

#### *Space Standards and Quality of Habitable Rooms.*

- 8.18 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes. The required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table.

<b>Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>)</b>					
<b>Number of bedrooms(b)</b>	<b>Number of bed spaces (persons)</b>	<b>1 storey dwellings</b>	<b>2 storey dwellings</b>	<b>3 storey dwellings</b>	<b>Built-in storage</b>
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		

- 8.19 The proposal provides 2No 1-bed 2-person and 1No 2-bed 3 person flats. All flats exceed the national technical housing standards. All habitable rooms will be provided with windows to provide adequate light, ventilation and outlook. The development is acceptable and policy compliant in this respect.
- 8.20 In relation to the provision of amenity space Policy DM8 states that all new dwellings should: "Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated."
- 8.21 The development would provide a communal amenity space at rooftop level a total some 58sqm. Such provision is acceptable and would provide adequate outside amenity space for the additional occupiers of the site. The development is acceptable and policy compliant in this respect.
- 8.22 As the proposal would not result in new-build development, namely it would be an extension to an existing building, compliance with building regulation M4(2) is not a policy requirement. However, it is noted there is an existing lift in operation that would be extended up to serve the proposed units. This is a positive element of the proposal noting the intended future occupants. Of further relevance is the proposed additional mobility scooter parking area to the Elm Road frontage, increasing capacity by 3No spaces.
- 8.23 Environmental Health have raised the matter of the application site's position adjacent to London Road, a busy road. A condition to require a full noise impact assessment is recommended to deal with this however, the site is already in residential use and, given the height of the new storey above street level, it is considered that a condition requiring acoustic glazing would be more reasonable in this instance.
- 8.24 Overall, and taken in the round, it is considered that the proposal, subject to conditions, would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The proposal is acceptable and policy compliant in the above regards.

### **Impact on Residential Amenity**

- 8.25 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 8.26 The nearest residential uses to the application site are the existing flats within the building and properties that bound the site to the south, primarily the two pairs of dwellinghouses under construction (one pair along Cranleigh Drive and the other fronting Elm Road).
- 8.27 The proposed additional storey would be contained within the footprint of the existing building. It would not compromise the light or outlook nor result in a greater sense of



enclosure to the existing flats within the building. With regards the proposed new dwellinghouses (under construction) to the immediate south, a separation in excess of 15m would be retained. Together with the position of the proposed additional storey to these new dwellings' north, it is not considered the proposed development would have a detrimental impact on the receipt of light and outlook, nor is it considered to give rise to an undue sense of enclosure or dominance impacts on the future occupants of those dwellings.

- 8.28 The area of flat roof between the proposed additional storey and the existing parapet boundary walls will not be used as private external amenity space. Instead, a rooftop level communal amenity space is proposed to the rear of the site to serve the proposed new units. Third party concerns have been raised about overlooking and loss of privacy of existing occupants within the building. The existing arrangement is of relevance in the assessment. The existing arrangement contains a series of external balconies across the site, as well as two external communal amenity spaces positioned to the rear of the site at third floor level. As a result, there is an existing degree of inter/overlooking across the site and on this basis, the provision of a rooftop level communal amenity space would not introduce a degree of overlooking that would be at variance with or significantly more harmful than the existing situation. The separations from the proposed additional storey to other neighbouring properties is such that the amenity impacts would be acceptable.
- 8.29 In terms of any additional noise and disturbance, it is not considered that use of the external communal amenity space would increase this noticeably above that experienced from the usual residential activity within a typical rear garden setting or to such a degree that would significantly harm the residential amenity of the neighbouring occupiers in any relevant regard.
- 8.30 The applicant has provided a document indicating intended measures proposed to limit and mitigate disturbance to existing occupants during construction. This is for general information purposes only and are summarised below for the Committee's information:
- Using as much pre-fabricated off site construction as possible, possibly using Structural Insulated Panels (SIPs) and engineered roof joists which can be manufactured off site and lifted into position.
  - No internal access of the existing building or use of the internal stairs or lift, other than when needed to connect or amend the existing services inside. It is anticipated to access the roof externally via a temporary covered in scaffold stair. This would be erected alongside one of the solid brickwork flanks to the south of the building so as not to pass by any windows or balconies.
  - No weekend working and limits on week time working hours.
  - The developer consulting with residents to agree most suitable hours for any particularly noisy operations that maybe required.
  - No external scaffolding of the existing building should be required as the new additional storey is 1.2m inside the existing parapet wall and this area can be used as a working platform.
- 8.31 Whilst these are positive measures to limit noise and disturbance, these types of measures would be expected to be included into a broader, more encompassing construction method statement and as such, conditions to control the hours of construction and to require a comprehensive construction method statement are recommended to avoid significant harm to neighbours' amenity during the construction period. The Council's Environmental Health service has raised no objections on this

basis.

- 8.32 Overall and subject to the described conditions, the proposal is acceptable and policy compliant in the above regards.

### **Traffic and Transportation Issues**

- 8.33 The NPPF states at paragraph 115 that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe."
- 8.34 Policy DM15 of the Development Management Document states: "Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner". The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards. Residential vehicle parking standards may be applied flexibly where the development is proposed in a sustainable location with frequent and extensive links to public transport.
- 8.35 Assessed against parking standards, the minimum car parking requirements for retirement development flats under Policy DM15 is one space per unit and one cycle parking space per unit. Policy DM15 also states that residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.
- 8.36 No additional parking spaces are proposed. The accompanying Design and Access Statement concludes that the existing apartments have adequate parking facilities which are currently under used. Of the existing 20 spaces, the applicant states there are usually spaces unoccupied.
- 8.37 This site benefits from being in a sustainable location with regard to public transport with good links in close proximity, particularly from London Road which is served by several bus routes including the Numbers 27 and 28 which go into Southend-on-Sea City Centre. 20No off street parking spaces would be retained. Highways officers conducted two site visits on separate days, one in the morning and one in the evening which support the applicants' position as expressed within the design and access statement. The provision of additional mobility scooter parking to accommodate existing and new occupants to the block is a positive element of the proposal and will be secured via condition.
- 8.38 No additional cycle parking is proposed on the site. To justify this, a supporting letter from this building's Property Management Team was submitted confirming that existing cycle storage at ground floor is already well under-used given that many of the existing residents are at advanced stages of life and deal with mobility issues. Given the circumstances of this case and subject to a condition to retain the age restriction, this cycle parking position is, in the round, considered to be justified.
- 8.39 On this basis, it is not considered that the proposal will harm the local highway network, highway safety or local parking conditions. Highway officers have raised no objections to the proposal.

## **Refuse and recycling storage**

- 8.40 Refuse and recycling facilities would remain unchanged. It is considered that the capacity of these facilities is adequate and no excessive additional waste and recycle requirements would be generated as a result of the development. A condition to ensure that the existing facilities are available for use by the proposed units is recommended. The proposal is acceptable and policy compliant in the above regards.

## **Energy and Water Sustainability**

- 8.41 Policy KP2 of the Core Strategy requires that: “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)”. Policy DM2 of the Development Management Document states that: “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”. The same policy requires all new development to provide “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, appliance and water recycling systems such as grey water and rainwater harvesting”.
- 8.42 No information has been provided regarding proposed renewable energy to demonstrate how the amended proposal meets the 10% policy requirement or how it would achieve the required maximum water usage. The requirement for renewable energy and restrictions on water usage can reasonably be controlled with conditions provided any such externally mounted technologies respect the character and appearance of the building and wider area.
- 8.43 This aspect of the amended proposal is, therefore, considered to be acceptable and policy compliant in these regards, subject to conditions.

## **Ecology - Essex Coast RAMS**

- 8.44 The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast RAMS. It is the Council’s duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The Essex Coast RAMS SPD, which was adopted by the Council on 29 October 2020, requires that a tariff of £156.76 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 8.45 The applicant has paid the relevant tariff. The development would offer suitable mitigation of the in-combination effect of the net increase of three dwellings on habitats and species. The development is acceptable and in line with policies in this regard.

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

- 8.46 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of

the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed amended development includes a net gain internal floor area of 260sqm, which may equate to a CIL charge of approximately £22,860. Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

## **Equality and Diversity**

- 8.47 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

## **9 Conclusion**

- 9.1 Having taken all material planning considerations into account, it is concluded that subject to compliance with the recommended conditions, the proposed development, which responds to Government guidance encouraging development above existing buildings where suitable, would be acceptable and compliant with the objectives of the relevant local and national policies and guidance. The proposal is acceptable in principle and when assessed on its individual merits it is found to have an acceptable impact on the living conditions of future occupiers, the amenity of neighbouring occupiers including those living in the building and the highway safety, traffic and parking conditions in the area. Subject to conditions, the proposed development would also be acceptable in terms of its impact on the character and appearance of the area. Conditions can satisfactorily deal with energy and water sustainability. The development offers suitable mitigation for its in-combination effects on protected ecology sites.
- 9.2 This proposal creates new 'sheltered' housing. Therefore, if any harm is identified, including in those areas for judgement identified within this report's analysis of the proposal, it would be necessary to demonstrate that in reaching the decision an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any such harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the NPPF is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole. The proposal would make a contribution to the housing needs of the city which must be given increased weight in the planning balance, albeit the weight to be attached to this would not be so significant in this instance in view of the level of occupancy and number of units involved. This application is recommended for approval subject to conditions.

## **10 Recommendation**

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

**01 The development hereby permitted shall begin no later than three years from the date of this decision.**

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

**02 The development hereby approved shall be carried out in accordance with the approved plans: 1724-200-B; 1724-201-B; 1724-202-B; 1724-203-B; 1724-204-B; 1724-210-B; 1724-300-C; 1724-304-C; 1724-310-J; 1724-320-C; 1724-L1-B**

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

**03 Each of the 3No additional sheltered housing units hereby permitted shall be occupied only by:**

- i. Persons aged 60 years or older;**
- ii. Persons living as part of a single household with such a person or persons;**
- iii. Persons who were living as part of a single household with such a person or persons who have since died.**

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

**04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than demolition or site preparation works, unless and until full details and specifications of the materials to be used for all the external surfaces of the approved development at the site including facing materials, roof detail, windows, doors, fascia and soffits have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in full accordance with the approved details before the dwellings hereby approved are first occupied.**

**Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).**

**05 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:**

- i) the parking of vehicles of site operatives and visitors**
- ii) loading and unloading of plant and materials**
- iii) storage of plant and materials used in constructing the development**
- iv) the erection and maintenance of security hoarding**
- v) measures to control the emission of dust, dirt, mud being carried onto the road and noise during construction**

- vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- viii) details of the duration and location of any noisy activities.

**Reason:** A pre-commencement condition is justified in the interest of the residential amenity of occupiers of the building and nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 06** Construction and demolition works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Bank and Public Holidays.

**Reason:** In the interest of the residential amenity of occupiers of the building and nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 07** Prior to occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details. The agreed measures shall be maintained on site as approved thereafter.

**Reason:** To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 08** The dwellings hereby approved shall incorporate 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 (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.

**Reason:** To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 09** Prior to occupation of the development hereby approved, adequately glazed windows shall have been installed for all habitable rooms in the front, northern elevation of the development (windows to meet Specification RW 35) to mitigate

## **Road Traffic Noise from London Road.**

**Reason:** In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 10** Notwithstanding the information submitted with this application, the future occupants of the 3no. new dwellings hereby approved shall have full access to and ability to use the existing waste and cycle facilities present at the existing development. This access and use entitlement shall be retained as such for the lifetime of the development.

**Reason:** To ensure the provision of adequate waste and cycle storage for future occupants in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

- 11** Notwithstanding the information submitted with this application, the future occupants of the 3no. new dwellings hereby approved shall have access to and ability to use the 20no. existing car parking spaces present at the existing development, as well as to the existing and additional mobility scooter storage hereby approved by the permission. This access and use entitlement shall be retained as such for the lifetime of the development.

**Reason:** In the interests of equality and diversity and to ensure that satisfactory off-street car parking is provided for future occupants, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policy DM15.

### **Positive and proactive statement:**

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.

### **Informatives:**

- 1** Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the

CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development, it is imperative that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).

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