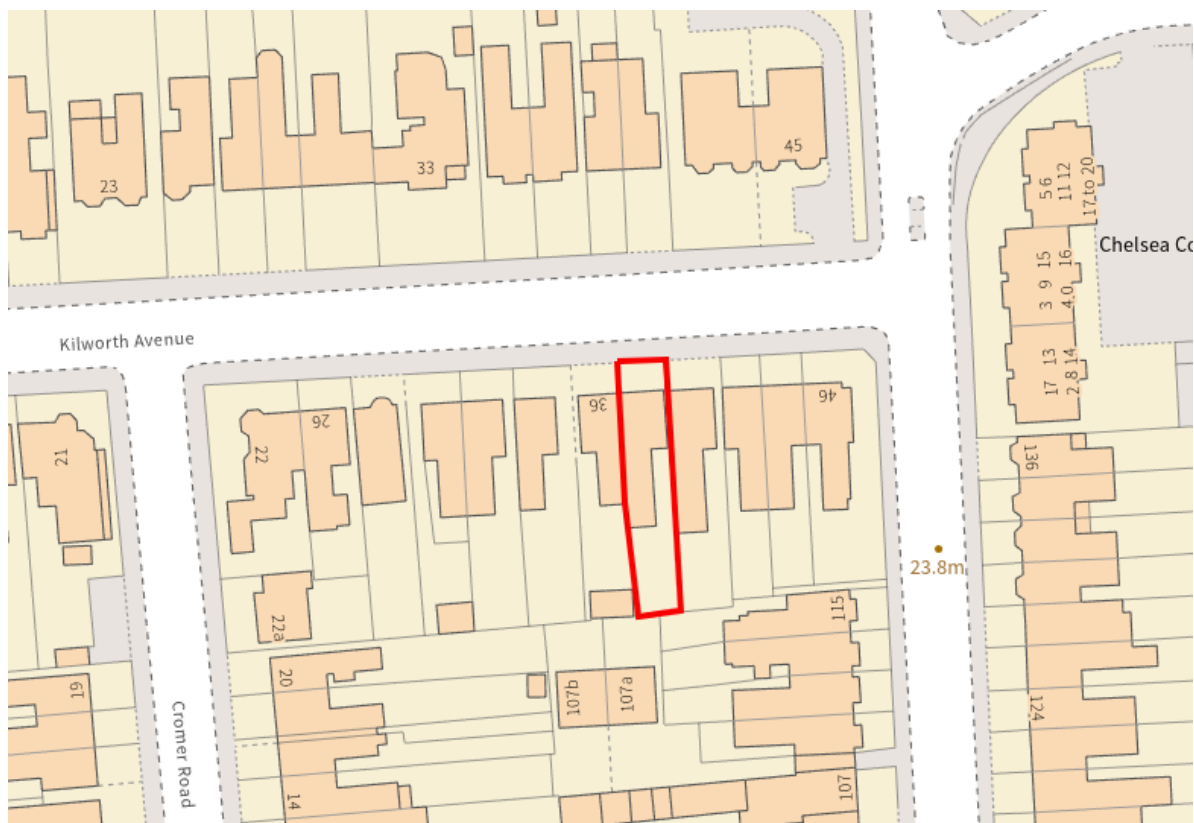


Reference:	24/00441/FUL	
Application Type:	Full Application	
Ward:	Kursaal	
Proposal:	Change of use from 6-person HMO (Class C4) to 8-bedroom HMO (Sui Generis), infill window at ground floor level on side elevation and provide associated bin and cycle stores at rear	
Address:	Lynton House, 38 Kilworth Avenue, Southend-on-Sea, Essex, SS1 2DT	
Applicant:	Mr M Nunn	
Agent:	Mr Jonathan McDermott of Town Planning Experts	
Consultation Expiry:	17th May 2024	
Expiry Date:	31st May 2024	
Case Officer:	James Benn	
Plan Nos:	894-100 Rev 02; 894-101 Rev 02; 894-106 Rev 01	
Additional information:	Design and Access Statement and Heritage Statement by Town Planning Expert; Email from agent dated 07.05.2024	
Recommendation:	GRANT PLANNING PERMISSION, subject to conditions	



1 Site and Surroundings

- 1.1 The application relates to a two and a half storey, semi-detached building with a basement on the south side of Kilworth Avenue, currently in use as a House in Multiple Occupation (HMO) for up to 6 persons.
- 1.2 The surrounding area is residential in character. The streetscene is characterised by terraced, semi-detached and detached two-storey dwellings, some with accommodation in the roof space, which are similar in scale, form and traditional appearance. The building has a two-storey rear outrigger similar to other buildings in the surrounding area. It has a flat roofed, rear dormer and a single storey, flat roofed rear extension beyond the outrigger.
- 1.3 The site is not within a conservation area or subject to any site-specific planning policy designations.

2 The Proposal

- 2.1 Planning permission is sought for a change of use from a House in Multiple Occupation (HMO) for up to 6 persons (Use Class C4) to an 8-bedroom, 8-person HMO (Sui Generis), to infill a ground floor window in the side elevation and to provide associated bin and cycle stores to the rear.
- 2.2 The 8 bedrooms range in size from 8.5sqm to 15.8sqm and they would all have en-suites apart from Bedroom 4 on the first floor. This room has access to a separate shower room on the first floor.
- 2.3 Shared kitchen/living/dining facilities would be provided at ground floor comprising an open plan style kitchen/living/dining room.
- 2.4 The submitted application form states that the proposed HMO use would accommodate 8-persons. The application is assessed on this basis.
- 2.5 An existing ground floor window in the flank wall of the main building would be removed and infilled to match the existing wall.
- 2.6 A wooden bike shed and a timber bin store are shown on the submitted plans within the rear garden area of the site.
- 2.7 The rear dormer, chimney removal, roof lights and alterations to the elevations (apart from the infilling of the ground floor side window which is subject to this application) were found to be lawful under permitted development and a Certificate of Lawfulness was granted under reference 23/01983/CLP. These works have already been carried out. Therefore, they require no consideration in the assessment of this application.

3 Relevant Planning History

- 3.1 23/01983/CLP: Change of use from dwellinghouse (Class C3) to HMO (Class C4), dormer to rear, rooflights to front, remove chimney, alter elevations (Lawful development certificate - proposed). Certificate of Lawfulness granted.
- 3.2 23/00573/CLE: Use as Dwellinghouse (Class C3) (Lawful Development Certificate-Existing). Certificate of Lawfulness granted.
- 3.3 07/00574/FUL: Use residential nursing home (Class C2) as residential care home for children

between the ages of 11- 17 (Class C2). Permission granted.

4 Representation Summary

Public Consultation

- 4.1 Sixteen (16) neighbouring properties were notified of the application by letter and a site notice was displayed. No letters of representation have been received at the time of writing this report. Due to an amendment to the description of the development, the neighbours were reconsulted and that expires on 17 May 2024. Should any representations subsequently be received the Development Control Committee will be notified in the Supplementary Report.

Highways

- 4.2 No objections. Secure cycle parking has been provided. Future occupiers will not be eligible for a residential parking permit. The site does benefit from being in a sustainable location with regard to public transport with good links in close proximity. It is not considered that the application will have a detrimental impact on the local highway network.

Environmental Health

- 4.3 No objections raised subject to conditions relating to construction/demolition management, refuse and recycling storage and sound insulation and informatives relating to construction outside of normal hours, asbestos and stacking arrangements.

[Officer Comment: Conditions are suggested at the last section of this report which are considered to pass the relevant tests of planning law, policy and guidance in the circumstances of this case. Internal sound insulation is a matter for building control.]

Essex County Fire and Rescue Service

- 4.4 No objections.

5 Procedural matters

- 5.1 This application is presented to the Development Control Committee because it has been called in by Cllrs Cowdrey and Dent.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (NPPF) (2023)
- 6.2 Planning Practice Guidance (PPG) (2024)
- 6.3 National Design Guide (NDG) (2021)
- 6.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 6.5 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), DM15 (Sustainable Transport Management).
- 6.6 The Southend-on-Sea Design and Townscape Guide (2009)
- 6.7 Technical Housing Standards – Nationally Described Space Standards (2015)

- 6.8 The Essex HMO Amenity Standards (2018)
- 6.9 The Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)
- 6.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.11 Electric Vehicle Charging Infrastructure for new development SPD (2021)
- 6.12 The Essex Coast Recreation Disturbance Avoidance Strategy (RAMS) (2020)

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 and appearance of the area, the residential amenity for future and neighbouring occupiers, traffic and parking implications, energy and water use sustainability, ecology and mitigation for impact on designated sites, and CIL liability.

8 Appraisal

Principle of Development

- 8.1 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.” Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes.
- 8.2 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 HDT and 5YHLS carry weight in favour of the principle of the development given the proposed creation of additional housing.
- 8.3 Policy DM8 states that non-self-contained accommodation should be directed toward the central area of Southend or where such type of accommodation is needed by certain institutions, such as Southend Hospital or University of Essex. This Council’s development framework does not currently contain any policies that specifically relate to HMOs. The building is already in use as an HMO and of some relevance to this proposal is the location of Southend High Street less than a mile from the application site.
- 8.4 The NPPF encourages the effective use of land and seeks to create sustainable, inclusive and mixed communities. There is no objection to the principle of a larger HMO in this location, subject to the material considerations discussed in the following sections of the report.

Design and Impact on the Character of the Area

- 8.5 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.
- 8.6 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 contribute 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.

- 8.7 The proposed infilled window in the side elevation at ground floor would have limited visual impacts and it is not considered to result in any significant harm in design terms.
- 8.8 A bike shed and bin store are shown on the submitted plans within the rear garden area. No character-based objections are raised to the position of the stores within the rear of the site or their natures and designs.
- 8.9 It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the character and appearance of the site, the streetscene and the area more widely. The proposal is therefore considered to be acceptable and policy compliant in those regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 8.10 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 upon the living conditions and amenity of existing and future residents or neighbouring residents.
- 8.11 In relation to residential standards for non-self-contained accommodation, Policy DM8 of the Development Management Document, states that all proposals of this nature will be required to meet the internal space standards set out in Policy Table 6 which states that a minimum bedroom size should be 6.5m² for single and 10.2m² for double bedrooms and that the accommodation must have some communal areas, such as a living room, kitchen, diner.
- 8.12 The Council has adopted the Essex Approved Code of Practice with respect to HMO's and this document represents a material planning consideration when read along with the above policy, although it is noted that the Code of Practice is not a planning policy document. This document sets out the following standards for HMOs:

Table 1: Minimum room size requirements

Room size requirements are given in sq.m. For clarity, a room size of 12sqm is equivalent to a room measuring 4m by 3m and also a room measuring 6m by 2m.

Room use	Number of occupants	HMO with shared facilities (kitchen/ dining/living)	HMO with shared kitchen facilities (no shared living room)	HMO without shared facilities (i.e. bedsits or studios)
Bedroom or Letting	1	6.51sqm	8.5sqm	11sqm
	2	10.22sqm	12sqm	15sqm
Shared Kitchen	Up to 5	7sqm	7sqm	
	6	8.5sqm	8.5sqm	
	7	10sqm	10sqm	
	8 -10	14sqm (or 2 rooms each 7sqm)	14sqm (or 2 rooms each 7sqm)	
Shared Living/Dining Room	up to 5	11sqm	*5sqm	
	6	12sqm	*6.5sqm	
	7	13sqm	*8sqm	
	8	14sqm	*10sqm (or 2 rooms each 5sqm)	
	9	15sqm	*10sqm (or 2 rooms each 5sqm)	
	10	16.5sqm	*10sqm (or 2 rooms each 5sqm)	

*In HMOs without a shared living room additional shared dining space is required close to a shared kitchen that is more than 1 floor distant from any letting room it serves.

Table 3: Minimum requirements for bathrooms/shower rooms and WC compartments

Occupants sharing	Bathrooms Comprising 1 Bath/Shower Unit (With Hot and Cold Water) and may contain a WC (but see * below)	Separate WC compartment with wash hand basin with H & C	Ventilation (suitable and adequate)	Adequate size and layout: Minimum floor area for safe use of bathroom
Less than 5	1	0	Mechanical ventilation is required in all bathrooms and WC compartments which lack natural ventilation via an openable window. It will also be required, in addition to any natural ventilation, where necessary, to mitigate problems of damp and mould. It is always recommended that where possible, in addition to any natural ventilation, mechanical ventilation is provided in all bathrooms and WC compartments.	Bath only 2.3sqm Bath & WHB 2.5sqm Bath,WC&WHB 2.8sqm Shower only 1.7sqm Shower&WHB 2.0sqm Shower,WC&WHB 2.2sqm WC & WHB 1.2sqm
	1	1		
6	2*	1		
7	2*	1		
8	2*	1		
9	2*	1		
10	2	2		
Ensuite for 1 or 2	1	0	Comments as above	

*For properties with 6-9 occupants sharing there shall be a minimum of 2 WCs and 2 bathrooms and one of the WCs must be separate.

8.13 The development would create an 8-bedroom HMO for 8-persons. The proposed rooms are as follows:

- Bed 1 (ground floor): 15.4sqm (2.3sqm ensuite)
- Bed 2 (ground floor): 11.5sqm (2.3sqm ensuite)
- Bed 3 (first floor): 10.6sqm (2.3sqm ensuite)
- Bed 4 (first floor): 8.5sqm (no ensuite)
- Bed 5 (first floor): 11.6sqm (2.3sqm ensuite)
- Bed 6 (first floor): 15.8sqm (2.8sqm ensuite)
- Bed 7 (second floor): 9sqm (2.5sqm ensuite)
- Bed 8 (second floor): 9sqm (2.6sqm ensuite)

8.14 There would be a shared kitchen/dining/living room, some 36.4sqm, at ground floor. There would also be a separate shower and WC room, some 4.8sqm, understood to be a shared facility at first floor. No other shared internal facilities are proposed. The rear garden amenity space for the residents is some 166sqm including the areas for the bike and bin stores.

8.15 The Essex HMO Standards state that each single occupancy bedroom must be a minimum of 6.51sqm. All of the proposed bedrooms would exceed the Essex HMO Standards for an 8-bedroom, 8-person HMO with shared kitchen/dining/living facilities.

8.16 It is considered that all habitable rooms would receive adequate daylight and sunlight and have acceptable outlook.

8.17 The Essex HMO Standards state that shared kitchen/dining/living facilities for an HMO of this occupancy should be a total of 28sqm in floor area comprised of a 14sqm kitchen and a 14sqm living/dining room. In total the proposed shared kitchen/dining/living facilities at ground floor comprising an open plan style kitchen/living/dining room would be some 36.4sqm which would exceed the Essex HMO standards.

8.18 The Essex HMO Standards state that for an HMO of this occupancy there shall be a minimum of 2 WCs and 2 bathrooms/shower rooms and one of the WCs must be separate and the minimum standards for bathrooms/shower rooms and WC rooms with a wash hand basin is 2.2sqm. The proposed en-suites and separate shower and WC rooms would exceed the Essex HMO standards.

- 8.19 The rear garden area provided is of a usable size and shape and is considered sufficient to provide adequate living conditions for the occupiers of the development.
- 8.20 To protect the living conditions of future occupiers a condition is recommended to limit the occupancy to the proposed 8 single person, 8-bedroom capacity.
- 8.21 Subject to the described condition, the proposal development is considered to be acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 8.22 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.
- 8.23 HMOs are generally compatible within a residential setting. It is not considered that the two person increase in capacity over the current lawful occupancy of the site (6 persons) would give rise to any significantly harmful noise and disturbance or other significantly harmful amenity impacts for neighbouring occupiers over and above the existing situation.
- 8.24 The roof space is currently used as storage to the front and an office to the rear and would be changed into 2 bedrooms. The front window looks out into the street which is already open to public views. The rear dormer windows look out to the rear garden and would be separated from the rear garden boundary by a minimum of some 23m and neighbouring rear gardens to the side would be at oblique angles. Taking these matters into consideration, the internal alterations to the roof space would not result in any significantly harmful overlooking or loss of privacy to neighbouring occupiers.
- 8.25 Given the scale and nature of the external works proposed, namely infilling a ground floor side window, it is not considered reasonable or necessary to impose a condition relating to construction management.
- 8.26 It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Traffic and Transportation Issues

- 8.27 Paragraph 115 of the NPPF states 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." 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.
- 8.28 The Council's parking standards do not provide any standard requirements for HMOs. No off-street parking spaces are proposed.

- 8.29 The building is currently in use as a 6-person HMO with no off-street parking. No off-street parking spaces are proposed which is the same as the existing situation. The site is in a sustainable location with regard to public transport options and its proximity to shops and services and the Town Centre. The Highways team have raised no objection to the proposal and have confirmed that occupiers of the development would not be eligible for residential parking permits. The proposal is not considered detrimental to highway safety or the local highway network. The impact of the additional 2 occupants would not have a significantly harmful impact on local parking conditions and would not be in the realms of a severe parking impact referred to in the NPPF. The parking and highway impacts are therefore considered to be acceptable.
- 8.30 The submitted plans detail the provision of a bike shed and bin stores in the rear garden. The applicant has stated in an email that the bike shed is capable of storing 8no. cycles. The applicant has also provided information with respect to the existing and proposed waste arrangements. The waste is managed by the tenants who place the refuse sacks in wheelie bins on the street in the morning of collection day. A private maintenance team visit the property once every 6 months or as and when required to provide general maintenance. This arrangement will not change with the 2no. additional occupants proposed.
- 8.31 There are some minor discrepancies between the cycle and refuse and recycling stores in the rear garden which are already installed and the details of cycle and refuse and recycling stores submitted with the application in terms of their siting in the rear garden and the bike shed product which appears to be different. Therefore, it is considered necessary and reasonable to require full details of the provision of the cycle and refuse and recycling storage to be secured by condition.
- 8.32 Subject to the described conditions, the proposal is considered to be acceptable and policy compliant in relation to traffic and transportation issues.

Energy and Water Sustainability

- 8.33 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.”
- 8.34 No details have been submitted with the application to demonstrate whether the proposed development would meet the target of renewable energy sources covering at least 10% of the anticipated energy consumption in line with policy requirement or how the water consumption would be limited. The requirements for renewable energy and restrictions on water usage can be controlled with conditions. Care would be needed to ensure that any renewable technologies submitted for approval under such a condition would not harm the character and appearance of the area.
- 8.35 Subject to the described conditions, the proposal is acceptable and policy compliant in the above regards.

Ecology and Essex Coast RAMS

- 8.36 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging 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.
- 8.37 The development does not need to offer mitigation as it would enlarge an existing (HMO) dwelling with no net increase in dwellings and would not have a significant effect on habitats and species. The proposal is acceptable and policy compliant in this regard.

Equality and Diversity Issues

- 8.38 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.

Community Infrastructure Levy (CIL)

- 8.39 As the development does not create more than 100m² of floorspace and does not involve the creation of a new dwelling (Class C3), the proposal benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Conclusion

- 8.40 For the reasons outlined above the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

9 Recommendation

9.1 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 shall only be undertaken in accordance with the following approved plans: 894-100 Rev 02; 894-101 Rev 02; 894-106 Rev 01.**

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015).

- 03** Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing property. This applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015).

- 04** Notwithstanding the details shown on the approved plans, the development hereby approved shall not be occupied unless and until full details of secure and covered refuse and recycling facilities have been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The refuse and recycling facilities shall be implemented and made available for use in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter.

Reason: To ensure that satisfactory refuse and recycling facilities are provided at the site in the interest of sustainability and amenity in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Policies DM1 and DM8 of the Development Management Document (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 05** The development 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 (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 before it is occupied.

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

- 06** Prior to the first use of the building for the purposes 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 under the terms of this condition. The energy efficiency and other sustainability measures shall be maintained for the lifetime of the development.

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)

- 07** Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the development and use of the building as a House in Multiple Occupation

subject of this permission shall not at any time be adapted to enable formation of more than eight (8) bedrooms and the property shall not be occupied by more than eight (8) residents at any one time with all eight (8) bedrooms for single occupancy only.

Reason: To ensure the use hereby approved accords with the development sought and so that it would offer acceptable living conditions for its occupiers in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policies DM1, DM3 and DM8.

- 08 Notwithstanding the details shown on the approved plans, the development hereby approved shall not be occupied unless and until full details of secure, covered cycle parking for at least 8 no. bicycles (1no. per HMO room) have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The cycle parking shall be provided and made available for use by occupiers of the approved development and their visitors prior to first use of the development and shall be retained as such thereafter for the lifetime of the development.

Reason: To ensure that satisfactory cycle parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15 and the guidance in the Southend-on-Sea Design and Townscape Guide (2009).

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil) for further details about 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.
- 3 Future occupiers will not be eligible for a residential parking permit.
- 4 If construction works are to be considered outside of normal hours especially overnight

or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used.

If the Council become aware of any works that are highly likely to cause a nuisance, Regulatory Services can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence.

The application form and guidance are available on the Southend-On-Sea City Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea City Council for details.

- 5 Prior to any alterations to the existing building an appropriate Asbestos survey of the building should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care.
- 6 The applicant should check the room layout of existing HMO rooms that will be above or below the proposed and ensure that the stacking arrangement compliments this. If this is not the same as those proposed in the application additional sound insulation may be required in the ceiling in order to protect against noise from the normal use of the dwelling due to conflicting activities e.g. sleep and living spaces. The applicant should be aware of this as should complaints arise when it is occupied because of this Southend-on-Sea City Council cannot require action under other primary legislation it has i.e. for statutory nuisance.