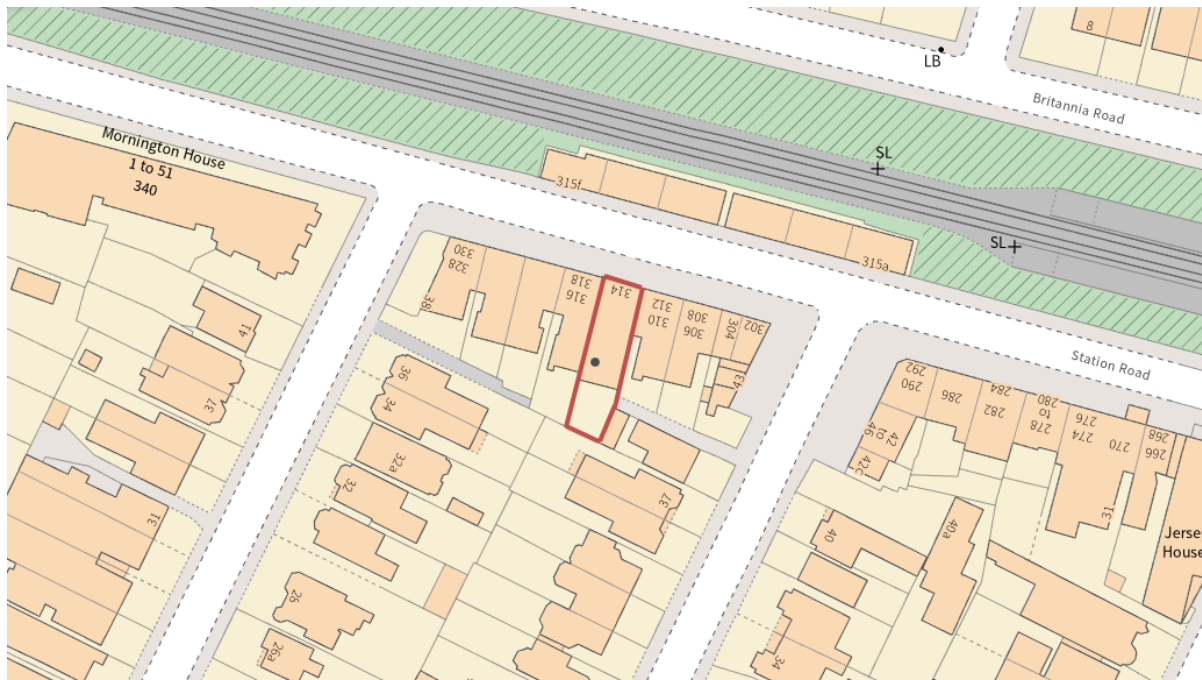


Reference:	23/01285/FUL	
Application Type:	Full Application	
Ward:	Chalkwell	
Proposal:	Change of use from mixed-use laundrette on basement/ground floors and residential on first and second floors (Sui Generis/Class C3) to assisted living accommodation to front (C3(b)) and new dwelling to rear (Class C3), erect second floor rear extension and alter elevations (amended proposal)	
Address:	314 Station Road, Westcliff-on-Sea	
Applicant:	Mr Joe Thomas	
Agent:	Edith Garland Architecture	
Consultation Expiry:	14th September 2023	
Expiry Date:	1 st July 2024	
Case Officer:	Kara Elliott	
Plan Nos:	384/R04/E, 384/R03/H, 384/R02/A, 384/R01/C	
Supporting Documents:	Planning Statement Rev B 15 May 2024, Supporting Statement – Staffing dated 24/07/2023, Supporting Statement Rosebuds dated 06/03/2023, Quality Care Commission Report 19/01/2024	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application relates to a four-storey mid-terrace building situated in a predominantly residential area on the south side of Station Road opposite the C2C railway line. The site is currently vacant but was last used as a laundrette on the ground and basement levels with 2 residential units (flats) on the upper floors.
- 1.2 The site is not located within a conservation area or subject to any site-specific planning policies. The Leas Conservation Area starts beyond the southern rear boundary of the site.

2 The Proposal

- 2.1 Planning permission is sought for the change of use of the building to assisted living accommodation with 5 bedrooms (annotated on the plans as “flats”) over the basement, ground, first and second floors and a separate 3 bed, 4 person dwelling (87.42sqm) at the rear of the building over the ground and first floors.

Assisted Living

Basement

Kitchen/Recreation/Sensory Room: 40.9sqm

Ground Floor

Flat 1 (bedroom with sink, en-suite): 33sqm / 7sqm ensuite

First Floor

Flat 2 (bedroom with en-suite): 18sqm / 8sqm ensuite

Flat 3 (bedroom): 15sqm

Second Floor

Flat 4 (bedroom): 18sqm

Shared bathroom 8sqm and shower/wc 2.8sqm

Flat 5 (bedroom): 16sqm

- 2.2 The supporting statement states that the proposed assisted living dwelling would include “flats” which would be designed to “*provide independence and social inclusion for individuals with learning disabilities/on autism spectrum over the age of 18.*” The applicant considers that the service would allow the adults to have their own homes and retain their independence with personalised care. The service will be managed by staff 24 hours a day, 7 days week but staff would not sleep on site and would operate shifts. There will be between 1-3 staff members on duty dependent on the time of the day, for example, 2 staff members on duty during the day and 1 staff member on site during the night.
- 2.3 In terms of external alterations, the existing ground floor shopfront is proposed to be removed and replaced with brickwork and three casement windows. Detailing such as lintels above the windows and cornice and frieze style detailing is proposed to reflect that seen at No’s 308 and 312 Station Road.
- 2.4 An infill flat-roof extension at second storey is proposed to extend a bathroom. This would measure some 900mm deep and 800mm wide, reaching the same height as the existing building, 8.35m from ground level. Changes are proposed to fenestration including the removal of a first-floor door to the eastern flank, and the introduction of a ground floor window to this elevation. Additional windows are proposed to the rear elevation at basement and ground floor level, and within the east side elevation and rooflights are proposed within a

catslide roof to the rear. An existing single storey lean to extension to the side/rear of the building would be demolished.

- 2.5 The 3-bed, 4-person dwelling proposed to the rear of the building would not be accessible by the front accommodation and would have pedestrian access from the side access from Pembury Road. No off-street parking for vehicles is proposed and the application form states that 4 cycle spaces are proposed but these are not shown on the submitted plans.
- 2.6 This application is a resubmission following refused application ref 23/00052/FUL which proposed a 7-room assisted living development (C2 use) only i.e. with no Class C3 dwelling. As set out in the history section at 3.1 below, that development was refused because it failed to demonstrably meet an identified local need for which there is inadequate existing capacity and would have led to the loss of a family dwelling. During the course of the current application the minimum age of residents proposed to be accommodated in the development has been raised from 16 to 18.
- 2.7 This resubmission addresses the 2023 reason for refusal by providing a family-sized dwelling (3 bed) and by means of a statement which concludes that the assisted living use should be considered a C3(b) dwelling use (which covers up to six people living together as a single household and receiving care e.g., supported housing schemes such as those for people with learning disabilities or mental health problems) and not a C2 use (Provision of residential accommodation and care to people in need of care) as it was previously assessed based on the information supplied with the 2023 application. The current application has been assessed on the basis of the proposed use sought by the applicant.

3 Relevant Planning History

- 3.1 The planning history which is most relevant to the determination of the current application is included in Table 1 below.

Table 1: Planning history of the application site.

Reference number	Description	Outcome
23/00052/FUL	<p>Change of use to vacant mixed-use building from Laundrette on basement/ground floors and residential on first and second floors (Sui Generis/C3) to assisted living accommodation (C2), erect second floor rear extension and alterations to front and side elevations (the April 2023 application)</p> <p>Reason for Refusal</p> <p><i>01 The proposed development would not demonstrably meet an identified local need for which there is inadequate existing capacity and would lead to the loss of a family dwelling, reducing the housing supply in respect of a type of accommodation for which there is a particularly acute need to the detriment of local housing provision. This is unacceptable and contrary to the National Planning Policy Framework</i></p>	Refused 03.04.23.

	<i>(2021), Policies KP1, KP2, CP4 and CP8 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM9 of the Southend-on-Sea Development Management Document (2015)</i>	
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4 Representation Summary

Public Consultation

4.1 21 no. neighbouring properties were consulted by letter and a site notice displayed. 1 representation has been received which is summarised below:

- Lack of amenity space
- Overcrowded, low quality development
- Parking stress, highway impacts
- Anti-social issues, crime
- Lack of light
- Lack of bin storage
- Poor health of occupants
- Should be retained/reopened as commercial use
- Council should promote responsible development
- No community benefit

Officer Comment: These concerns are noted and those that represent material planning considerations 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.

4.2 A letter submitted by the applicant in support of the application which they received from the Council's Benefits team is summarised as follows:

- The future occupants of the assisted living accommodation will sit under the Housing Benefit umbrella for claiming help towards the rental costs of the tenants.
- There is always a need for these types of properties based on the increase in demand over the years.
- Does not see demand declining for this type of accommodation.

[Officer Comment: The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report.]

Adults and Communities (ACS)

4.3 Objects. Comments:

- The proposal is mixed from age 16 up and would cover both adult and children's services [Officer Comment: The minimum age of proposed occupiers of the supported living units has subsequently been clarified as being for people aged 18 and over]
- Does not meet [Southend Council] requirements in terms of content and sizing which we would expect when making placements;
- Likely that the property would be used for persons out of the Southend area which would have wider impacts on infrastructure without benefiting Southend residents.

[Officer comment: Whereas the previous refused 2023 application did not sufficiently

demonstrate a need for the development (C2 – Provision of residential accommodation and care to people in need of care – a residential institution) set against the loss of a family sized unit of accommodation, the current proposal is for a different use (C3b) dwelling use and also includes a replacement family sized dwelling. A need has been demonstrated notwithstanding that according to ASC comments this would not be based on addressing a specific local need.

Environmental Health

- 4.4 No objections subject to informatives and conditions requiring Construction/Demolition Management, Refuse and Recycling, Contamination, Construction Hours, Asbestos, Overheating and Noise protection.

Highways

- 4.5 No objections – Comments: The site benefits from being in a sustainable location with regard to public transport with good links in close proximity. Secure cycle parking should be provided. Future occupiers will not be eligible for a residential parking permit.

5 Procedural Matters

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

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 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 & Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision)
- 6.6 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land), Policy DM5 (Southend-on-Sea's Historic Environment), DM6 (Seafront), DM8 (Residential Standards), DM9 (Specialist Residential Accommodation) and 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 Southend-on-Sea 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)

6.12 Town and Country Planning Act 1990: Section 90A Section 7A (Biodiversity Net Gain)

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, sustainability, refuse and recycling storage, RAMS and CIL liability.

8 Appraisal

Principle of Development

Loss of Employment and Provision of Housing

- 8.1 This site is not specifically designated in the development plan. Paragraph 127 of the NPPF states that: *Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to: ... (a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.*
- 8.2 The NPPF encourages effective use of land, in particular previously developed land. It states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of underutilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.
- 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.
- 8.4 The South Essex Strategic Housing Market Assessment (SESHMA) 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.
- 8.5 For the proposed provision of housing, which within this proposal would include 5 No assisted living rooms in a shared dwelling and 1 No, 3 bed family sized dwelling, the HDT and 5YHLS weigh in favour of the principle of this type of development. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise. The inclusion of a replacement family-sized unit overcomes the previous reason for refusal regarding the loss of family-sized accommodation.
- 8.6 The previous refusal (23/00052/FUL) also found that the proposed development (Use C2 - classed as a residential institution) would not demonstrably meet an identified local need for specialist residential accommodation). The current application specifically proposes a Class

C3(b) dwellinghouse use which covers up to six people living together as a single household and receiving care (e.g., supported housing schemes such as those for people with learning disabilities or mental health problems) and not Class C2 as the development was previously described and assessed. The application is determined on the basis of the proposed use described by the applicant. Whereas the previous refused 2023 application did not sufficiently demonstrate a need for the development set against the loss of a family sized unit of accommodation, the current proposal includes a replacement family sized dwelling and a further shared dwellinghouse to be used for supported living. A need has been demonstrated notwithstanding that according to ASC comments this would not be based on addressing a specific local need.

- 8.7 Policies CP1 of the Core Strategy and DM11 of the Development Management Document seek to resist proposals which would involve the loss of existing employment uses. With regard to the loss of the ground floor commercial use, the site is located within a largely residential area. The site is not within a designated shopping frontage or district centre. As such there is no requirement to maintain a specific level of commercial uses or active frontage at ground floor. By virtue of its size, the unit is considered a small-scale employment-generating site. Considering the above the proposed loss of the commercial unit is not objected to. This finding is consistent with the basis of the 2023 decision.
- 8.8 The tilted balance in favour of sustainable development for housing is also applicable due to the housing needs of the city. The change of use of the site to a fully residential development is therefore considered to be acceptable in principle and the proposal is considered to be policy compliant as a matter of principle.

Design and Impact on the Character of the Area

- 8.9 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.
- 8.10 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 Southend-on-Sea Design and Townscape Guide provide further details on how this can be achieved.
- 8.11 The proposed external alterations to the frontage at ground floor including the removal of the shopfront and the inclusion of brickwork and windows would be seen in connection with similar development in the streetscene. Whilst the loss of the historic shopfront is regrettable, there are no designations which protect its retention and the proposed detailing is such that the replacement elevational treatment would not harm the character and appearance of the site or the streetscene and surrounding wider area. Conditions are recommended to control the proposed detailing, materials and finishes. This finding is consistent with the basis of the 2023 decision which raised no objection to this element of the development.
- 8.12 The proposed small, rear infill extension would be screened by the existing building from all public vantage points and is a modest addition which would not harm the character and appearance of the site, the streetscene or the wider area. The removal of an existing side lean to which is on a poor condition is not objected to. The proposed alterations to fenestration are also modest and not objected to. This finding is consistent with the basis of

the 2023 decision which found no objection to this element of the development.

- 8.13 The configuration of the assisted living part of the development at the front of the building and the family sized dwelling at the rear means that they have no interrelationship apart from being physically attached. The two uses would operate independently and would have no operational interaction. The entrance to the dwelling would be via an existing access in Pembury Road. Whilst not having a traditional linear formation, there is no objection to this arrangement and it would not result in material harm to the character and appearance of the site or the streetscene.
- 8.14 Overall, it is considered that the proposal would have an acceptable impact on the character and appearance of the site, the streetscene and the wider surrounding area so is acceptable and policy compliant in the above regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 8.15 Delivering high quality homes is a key objective of the NPPF and is reflected in Policy DM8 of the Development Management Document. 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. Policy DM1 requires developments to provide an internal and external layout that takes account of all potential users. Policy DM8 requires new dwellings to comply with the residential space standards, to be flexible to meet the changing needs of residents and ensure the provision of outdoor amenity space.
- 8.16 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. The relevant dimensions of the proposed scheme are also shown on the table below.

Table 2: Space Standards and proposed unit sizes

	Area (m ²)	Bedroom 1	Bedroom 2	Bedroom 3	Bedroom 4	Bedroom 5	Storage area (m ²)	Meets the Standards?
Application dwelling C3 2-storey 3-bed, 4-person unit	84.22 m ²	9.9m ² Width min 2.5m (single)	10.9m ² Width min 3.25m (single)	12.1m ² Width min 3.55m (main bedroom)			8.05m ²	YES
Standard	84m²	7.5m² Width min 2.15m	7.5m² Width min 2.15m	11.5sqm Width min 2.75m			2.5m²	
Application dwelling C3 (b) 5-bed 5-person 3/4 Storey	198m ²	33m ² Width min=5.25m (single)	18m ² Width min=4m (ex ensuite)	15m ² Width min=4.5m (single)	18m ² Width min=5.45m .9m (single)	16m ² Width min=4.9m (single)	Approx. 11.3m ²	YES
Standard	138m²	7.5m² Width min 2.15m	7.5m² Width min 2.15m	7.5m² Width min 2.15m	7.5m² Width min 2.15m	7.5m² Width min 2.15m	4m²	

- 8.17 Table 2 above demonstrates that the proposed dwellings would meet or exceed the NDSS. Having regard to the position and orientation of proposed windows, it is considered all habitable rooms would have satisfactory levels of outlook and daylight and no objections are raised on this basis.

- 8.18 Policy DM8 requires all new dwellings to be accessible and adaptable to meet the Building Regulations M4(2) standards. This does not include conversions so the proposal would not be expected to meet these regulations. The shared Class C3(b) dwelling includes a wheelchair lift at ground floor level.
- 8.19 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."
- 8.20 The proposed rear dwelling would have a rear private amenity space of some 28sqm. To the rear beyond this would be a separate rear private amenity space for the assisted living dwelling development. There is a side gate access to this area. The amenity spaces are relatively small and would be enclosed to a degree by existing boundary walls. On balance, it is considered that the limitations of the private external amenity spaces are outweighed by the benefits of the accommodation, located within a sustainable area, close to a full range of services and facilities and short walking distances to public open and recreational spaces such as the seafront (2 min walk). These arrangements will provide adequate amenity space for all residents. The proposal is therefore acceptable and policy compliant in this regard.
- 8.21 Given the close relationship between the dwellings and with neighbouring properties, together with the limited amenity space, it is considered necessary and reasonable to remove permitted development rights for extensions and alterations. A condition is recommended for this.
- 8.22 Therefore, the proposal would provide an acceptable standard of accommodation for its future occupiers and is acceptable and policy compliant in this regard.

Impact on Residential Amenity

- 8.23 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.
- 8.24 The are flats to either side of the application property immediately to the south in Pembury Road. The assisted living development would contain 5 bedrooms and staff would be present on site together with occupiers of a family sized unit. The proposal would increase the intensity the use of the site to a degree. Sound transmission is a matter for Building Regulations and environmental health legislation and whilst the application has not included detail of its operations or management, it is reasonably concluded that the development would not significantly harm the residential amenity of nearby occupiers. Furthermore, the existing commercial use and upper residential uses have the potential to result in greater neighbour amenity issues than the proposed wholly residential use of the building.
- 8.25 The proposed /changes to the shopfront would not result in harmful outlook, overlooking, dominance or overbearing impacts.
- 8.26 The proposed first floor extension increasing the width of the existing infill between the front

and rear part of the application building, is set away from the boundaries and given its dimensions would not result in harmful outlook, overlooking, dominance or overbearing impacts.

- 8.27 The development includes alterations and additions to fenestration. There is already a degree of interlocking between the site and neighbouring flats to the east as a result of existing side facing windows and this interlocking would not be harmfully increased as a result of the proposal.
- 8.28 The additional rooflights within the south facing rear elevation would be set within the sloping roof of a ground floor bedroom and would serve a first floor storage area, as such they would not result in harmful overlooking impacts.
- 8.29 On this basis, the proposal, subject to conditions, is acceptable and compliant in the above regards. This conclusion is consistent with the findings for the previous application for residential development at the site.

Traffic and Transportation Issues

- 8.30 The NPPF states (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.”
- 8.31 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.
- 8.32 Assessed against the parking standards, Policy DM15 states that dwellinghouses with two or more bedrooms should be provided with a minimum of two car parking spaces per dwelling, totalling 4No for the proposed development.
- 8.33 Regard is had to the existing arrangement where no off-street parking is available at the site. The proposed development would continue this arrangement and would not result in a net loss of parking, and subject to a condition relating to occupancy, would not result in a significantly increased demand for parking. Regard is also had to existing commercial use and 2 flats the application site’s sustainable location, close to key bus routes and within close walking distance of Westcliff station. Furthermore, it is likely that the occupiers of the assisted living dwelling will not drive cars. Highways have raised no objection to the development on parking, network or highway safety grounds.
- 8.34 Covered and secure cycle parking for 8No bikes is shown on the submitted plans; 4 per unit. A condition can be imposed requiring that each assisted living unit is assigned a single cycle parking space. The family dwelling is assigned a space, which is in accordance with the policy requirements.
- 8.35 Refuse and recycling stores would also be provided in the rear gardens where bins can (as it is currently the case) be taken to the roadside on collection days. This would accord with the Council’s Waste guidance.

- 8.36 Overall, subject to the described conditions, there would be no significant harm caused to the parking conditions, traffic or highway safety of the area.
- 8.37 The proposal is acceptable and policy compliant in the above regards.

Energy and Water Sustainability

- 8.38 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. [...] All new development that creates additional residential and/or commercial units, should be energy and resource efficient by incorporating [...] requirements” such as “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”.*
- 8.39 No information has been provided to demonstrate how the development 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 be controlled with conditions provided any such externally mounted technologies respect the character and appearance of the building and the wider area.
- 8.40 This aspect of the proposal is, therefore, considered to be acceptable and policy compliant in these regards, subject to conditions.

Biodiversity and Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS)

- 8.41 This application is exempt from Biodiversity Net Gain requirements as it was made prior to introduction of relevant BNG legislation.
- 8.42 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (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 RAMS Supplementary Planning Document (SPD), was adopted by Full Council on 29th 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.
- 8.43 In this instance no net additional dwellings are being created so no RAMS tariff is required to be paid.

Community Infrastructure Levy (CIL)

- 8.44 As the proposed development does not result in new dwellings nor the provision of more than 100sqm of new floorspace the development benefits from a Minor Development

Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Equality and Diversity

- 8.45 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 proposal's benefits in providing assisted living accommodation designed to provide independence and social inclusion for individuals with learning disabilities and autism 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. The provision of accessible and adaptable dwellings is a positive aspect of the proposal in this regard.

Conclusion

- 8.46 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development which provides a family sized dwelling together with supported living facilities for people with learning disabilities/ on the autism spectrum within a shared dwellinghouse environment would be acceptable and compliant with the objectives of the relevant development plan policies and guidance.
- 8.47 Should Members identify any areas of harm and should they reach a different conclusion from officers on those individual considerations then this needs to be balanced against the public benefits of the proposal including as identified within the body of the report. This proposal creates assisted living housing whilst also replacing existing family sized Class C3 accommodation therefore, when assessing any harm identified, it is necessary to demonstrate that, in reaching this decision, an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any 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 National Planning Policy Framework is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework taken as a whole. The proposal has been found to be acceptable in all relevant regards and is therefore recommended for approval, 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 hereby approved shall be carried out in accordance with the approved plans: 384/R04/E, 384/R03/H, 384/R02/A, 384/R01/C.**

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

- 03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until details, including full product details, of the materials to be used on all the external elevations of the development hereby approved, including but not limited to the exterior walls and associated brick and cladding details including details of the brick banding; roof, including coping; windows, doors, rooflights and fascias; have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in accordance with the approved details before it is first occupied or brought into first use.**

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

- 04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and unless and until full details of hard and soft landscape works and boundary treatments to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard landscape works and boundary treatments shall be completed prior to first occupation of the development hereby approved, and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not be limited to:**

- i. Means of enclosure of the site and plots including any walls, gates or boundary fencing.**
- ii. Details of external hard surfacing.**
- iii. Details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification and management.**
- iv. 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 agreed with the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping are implemented pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)

- 05 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 nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 06 Prior to first 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 and agreed in writing by the Local Planning Authority under the terms of this condition 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).

- 07 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 (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 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).

- 08 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no extensions or detached buildings shall be erected at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, C, D, E and F of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.**

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of proposed and neighbouring occupiers and to safeguard the character of the area in accordance the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 09 The development hereby approved shall not be occupied until and unless refuse and recycling and cycle storage facilities are provided and made available for use by its**

occupiers in full accordance with details, including details of allocation of cycle storage, which shall have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The refuse and recycling and cycle storage facilities shall be retained for the lifetime of the development in accordance with the approved details.

Reason: To ensure that adequate refuse and recycling storage and secure cycle parking is provided and retained to serve the development in accordance with Policies CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified development must stop and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. Investigation, remediation and verification must be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes.

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

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 CIL You are advised that as the development equates to less than 100sqm of new floorspace 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 www.southend.gov.uk/cil for further details about the Levy.
- 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 No waste materials are to be burnt on the site, instead shall be removed by licensed waste contractors.
- 4 The applicant shall provide scheme to prevent the emissions of noise, dust and fumes from leaving the boundary of the site.
- 5 Consideration must be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site. If it is predicted that the construction works are likely to cause a nuisance the applicant should apply 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 should contact the Regulatory Services Team at Southend-on-Sea City Council for details.
- 6 Overheating and Noise Protection Applicants are advised of the need to ensure the thermal comfort of dwellings under Regulation 40B of the Building Regulations 2010. The code of practice to the Regulations in Approved Document O requires an overheating mitigation strategy and assessment. This includes where noise protection measures require windows and openings to be closed.
- 7 Prior to any alterations to the existing buildings an appropriate Asbestos survey of the buildings 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
- 8 Future occupiers will not be eligible for a residential parking permit.