

Reference:	24/01146/AMDT	
Application Type:	Material Amendment Application	
Ward:	Chalkwell	
Proposal:	Application to vary condition 02 (Approved Plans)-change layout of ground floor 3 bed flat and alter layout of first-floor units by removing the loft accommodation to flat 3 and having the two first-floor flats provided over one floor only (Material Amendment of planning permission 22/01046/FUL dated 12/07/2022)	
Address:	32 Cobham Road, Westcliff-on-Sea, Essex, SS0 8EA	
Applicant:	Mr Engel	
Agent:	Mr. Shloime Godlewsky of Redwoods Projects	
Consultation Expiry:	14.08.2024	
Expiry Date:	20.09.2024	
Case Officer:	Oliver Hart	
Plan Nos:	<p>Approved Plans: PR-L001F; PR-P001F; PR-P002F; PR-P003F; PR-P004F; PR-E001F; PR-E002F; PR-E003F; PR-S001F; PR-S002F</p> <p>Proposed Replacement Plans; E00, E01, E02, E03, E04, E05, E06, E07, P01A, P02, P03, P04, P05, P06, P07,</p>	
Supporting Documents:	Application Form	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site is on the eastern side of Cobham Road and is occupied by a two-storey, detached building which has recently undergone renovation works. The frontage is presently hardsurfaced and used for parking of 2no. vehicles, served by an existing dropped kerb from Cobham Road.
- 1.2 The area is residential in nature. The road contains a mix of mainly residential type uses including flats. The site is not subject of any site-specific planning policy designations. To the rear of the site is the Leas Conservation Area.

2 The Proposal

- 2.1 On 28 July 2022, planning permission (Ref. 22/01046/FUL) was granted to *‘Convert existing dwelling house into 3no. self-contained flats, install rooflights, enlarge existing crossover, layout parking, cycle and bin storage’*.
- 2.2 The configuration of the approved flats comprised a ground floor flat (Flat 1) which would accommodate three bedrooms with up to six bed spaces, a first floor flat (Flat 2) which would accommodate two bedrooms with three bed spaces and a split-level unit extending into the roof space (Flat 3) which would accommodate one bedroom with two bed spaces. Other alterations included the enlargement of the existing dropped kerb from Cobham Road from 4m to 5m and the installation of 5no. roof lights.
- 2.3 With this application amendments are being sought from the original 2022 permission which include:
- Revision of the layout of the ground floor to include an enlarged communal hallway.
 - Revision of the layout of the ground floor unit (Flat 1) to include changes to the sizes of the 3no. bedrooms so that the amended scheme would provide a 3-bedroom, 4-person unit, re-positioning of the main hallway and provision of en-suites in all bedrooms.
 - Removal of any previously approved loft accommodation, including previously proposed and agreed rooflights.
 - Flats 2 and 3 would now be provided across the first-floor level only.
 - Flat 2 would have a reduced overall footprint (down from 61sqm to 40sqm) and a reduced number of bedrooms (and potential occupancy) from a 2-bedroom, 3-person unit to a 1-bedroom, 1-person unit.
 - Flat 3 would also have a reduced overall footprint (down from 64sqm to some 56sqm). One double bedroom is shown with potential occupancy for 2-persons, together with an office and storage room each with floorspaces below 7.5sqm.
- 2.4 The other elements associated with the previous approval are the same and not subject of further consideration. The officer’s report for the 2022 Permission is at Appendix 1.
- 2.5 Following enforcement investigation, it has been established that the development at the site has not been built in accordance with the previously approved plans associated with the original permission. It is understood that this application has been submitted in an attempt to regularise the breach of planning control taking place at the site and investigated under the relevant enforcement case. However, as confirmed during a site inspection, the proposal put forward with this application does not fully accord with the development at the site. The application has been considered as submitted. This LPA has separate recourse to planning enforcement powers to seek to remedy any materially harmful breaches of planning control should they separately relate to this property.

3 Relevant Planning History

- 3.1 24/00773/AMDT - Application to vary condition 02 (Approved Plans) - alterations to layout of self-contained flats and remove loft accommodation (Material Amendment of planning permission 22/01046/FUL dated 12/07/2022) - Refused

Reason for Refusal:

*01 Bedrooms 2 and 3 serving Flat 1 would both fall below the minimum internal width requirement contained within the Technical Housing Standards. Moreover, Flat 3 would fall significantly below the minimum overall internal floor area required for a 2-bed, 3-person unit (given that the office room must be assessed as a 'single' bedroom on the basis of its size). **The proposed development would result in unacceptable living conditions for its future occupiers.** This is unacceptable and contrary to the National Planning Policy Framework (2023), the advice contained within the Technical Housing Standards – Nationally Described Space Standard document (2015), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM8 (as amended by the Technical Housing Standards – Policy Transition Statement 2015) of Development Management Document (2015).*

- 3.2 24/00523/NON – Change in layout of the approved ground floor 3-bed flat, change upper floors to 2 one-bed flats without the dormer (non-material amendment of planning permission 22/01046/FUL dated 28/07/2022) – Refused
- 3.3 22/01046/FUL (Appendix 1) - Convert existing dwelling house into 3no. self-contained flats, install rooflights, enlarge existing crossover, layout parking, cycle and bin storage – Permission Granted

Enforcement

- 3.4 23/00251/UNAU_B - Breach of conditions (construction hours and approved plans) of planning permission 22/01046/FUL – Pending (Planning Contravention Notice issued)

4 Representation Summary

Public Consultation

- 4.1 19No neighbouring properties were consulted and a site notice was displayed. 3no. letters of representation have been received. A summary of objecting comments is contained below:

- Proposal does not meet requirements for a Material Amendment Application;
- What has been built/developed bears no relation to the original plans;
- Developer knowingly chose to ignore his planning permission from 2022;
- Case will set a precedent for other landlords;
- The landlord is concealing loft accommodation.
[Officer Comment: On officer visit to the site, there was no identified access to the loft that would enable lawful habitable accommodation.]

[Officer Comment]: All relevant planning considerations have been assessed within the appraisal section of the report. The points of objection raised in representations are not found to represent justifiable reasons for refusing permission in the circumstances of this case.

Essex Fire and Safety

- 4.2 No objections. Development to be in accordance with Building Regulations and Approved Standards.

Highways

4.3 No objections.

Environmental Health

4.4 No objections or comments.

5 Procedural matters

5.1 This application is presented to the Development Control Committee because it has been called in by Councillors James Courtenay and 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), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance) and 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), 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)

6.12 Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021)

6.13 Town and Country Planning Act 1990 Section 90A, Schedule 7A (Biodiversity Net Gain)

7 Planning considerations

7.1 The principle of the development has previously been found to be acceptable when determining the application for the 2022 Permission (Appendix 1). There are no new relevant policies or variations to the development which alter this view. The determining material planning considerations are discussed below and include the scope of the application and the living conditions of future occupiers of the development.

7.2 The application proposes no exterior changes. All alterations are internal only. The removal of roof lights from the development description is considered to constitute a *de minimis* matter which does not go to the heart of the previous permission. Therefore, they are not considered to alter the appearance of the building, the relationship with neighbouring occupants or highways. The current application in all other regards and relevant material planning considerations outlined above is considered to remain acceptable.

8 Appraisal

Scope of S.73 application

8.1 The changes shown within the submitted application plans are considered to fall within the remit of S.73 and to be a material amendment to the scheme of the previous approval as they are for the same site edged red and a nature of development which does not exceed the previously approved description; both the approved application and the current amendment are for a development comprising 3 self-contained units. Whilst 3rd party concerns have been raised alleging alternative uses being operated at the site, the Local Planning Authority must assess the application on the basis of the submitted plans and information. Any suspected breach of planning control must be considered separately.

8.2 When considering S.73 applications, which create a new planning permission, the LPA must revisit the planning conditions and may attach amended and/or additional conditions relevant to determination of the proposal.

Future occupier amenity

8.3 Paragraph 135 of the NPPF states that “Planning policies and decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.

8.4 As identified at para 2.3, Flat 1 would now constitute a 3-bed, 4-person unit owing to the size of the bedroom areas as shown on submitted plans with 1x double and 2x single rooms (measuring approx.100sqm in total internal floorspace). Flat 2 would constitute a 1-bed, 1-person unit measuring approx.40sqm in total internal floorspace) and Flat 3 a 1-bed, 2-person unit measuring approx.56sqm in total internal floorspace).

8.5 The Technical Housing Standards published by the government and adopted by the Council with the amendments to Policy DM8 of the Development Management Document set out:

1. Minimum property size for:
 - 1-storey, 1-bed dwelling for 1 person shall be 39m² with internal storage of 1m².
 - 1-storey, 1-bed dwelling with up to 2 persons shall be 50m² with internal storage of 1.5m².
 - 1-storey, 3-bed dwelling with up to 4 persons shall be 74m² with internal storage of 2.5m².
2. Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
3. Floorspace with a head height of less than 1.5m should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.

8.6 Weight should also be given to the additional requirements of Policy DM8, as amended by the Policy Transition Statement, including:

4. Amenity: Suitable space should be provided for private outdoor amenity, where feasible and

appropriate to the scheme.

5. Suitable, safe cycle storage with convenient access to the street frontage.
 6. Refuse Facilities: Storage facilities for waste and recycling containers should be provided in accordance with local authority requirements and meeting at least British Standard BS5906:2005 Code of Practice for waste management in Buildings.
- 8.7 Following assessment of the plans against the technical housing standards, the overall internal floor areas of all three flats would exceed the NDSS minimum size requirements. All bedroom areas shown within proposed plans would also exceed the NDSS minimum size requirements, as would the internal storage provision.
- 8.8 No changes are proposed to the rear garden amenity space, nor to previously approved waste and cycle storage provision which would continue to remain acceptable.
- 8.9 Overall, it is considered that the proposal would result in suitable accommodation for future occupiers and would be acceptable with regard to their living conditions. The proposal is therefore acceptable and policy compliant in the above regards.

Equality and Diversity

- 8.10 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 noted that a main purpose of the proposed changes is to meet accessibility requirements and in 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)

- 8.11 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. Any existing floor area that is being retained/demolished that satisfies the "in-use building" test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

Conclusion

- 8.12 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:**

General Conditions

1. **The development hereby permitted shall begin no later than three years beginning with**

the date of this permission.

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

2. **The development hereby approved shall be carried out solely in accordance with the approved plans: E00, E01, E02, E03, E04, E05, E06, E07, P01, P02, P03, P04, P05, P06, P07**

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

Design and character related conditions

3. **The residential units hereby approved shall not be occupied unless and until full details of both hard and soft landscaping works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to:-**

- i. means of enclosure and boundary treatment for the site plus internal boundaries within the site including any gates or boundary fencing;**
- ii. hard surfacing materials;**
- iii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification;**
- 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 may be agreed with the Local Planning Authority under the provisions 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).

Highways and bin storage

4. **The car parking spaces shown on approved plan P01A shall be provided and made available for use at the site prior to the first occupation of the development hereby approved. Both of the resident parking spaces shall be fitted with an active electric vehicle charging point prior to first occupation of the residential units hereby approved. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the residential units hereby approved.**

Reason: To ensure that satisfactory off-street car 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) and the Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021)

5. **Notwithstanding the details submitted and otherwise hereby approved full details (including elevations) shall be submitted to and approved in writing by the Local Planning**

Authority under the provisions of this condition identifying the provision of refuse and recycling storage in line with the Waste Storage, Collection and Management Guide for New Developments (2019) and at least one covered and secure cycle parking per residential unit for the approved development at the site before the development is occupied. The approved refuse and recycling store and covered and secure cycle store facilities shall be provided in full and made available for use by the residential occupants of the dwellings prior to the first occupation of the residential units hereby approved and shall be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle, refuse and recycling storage in accordance with Policies DM3, DM8 and DM15 of Development Management Document (2015) and guidance contained in the Waste Storage, Collection and Management Guide for New Developments (2019).

Energy and water sustainability

- 6. A scheme detailing how at least 10% of the total energy needs of the development hereby approved will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority pursuant to this condition and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development and in accordance with the agreed details.**

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).

- 7. Prior to first occupation of the development hereby approved water efficiency 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 shall be installed in the development hereby approved and be retained in perpetuity 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).

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. Please note that the development the subject of this application is not liable for a**

charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). It is not development for CIL purposes as defined in CIL Regulation 6 ('Meaning of "development"'). 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) or the Council's website (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.
3. Please note that you are required to apply to the Highways Authority for consent to enlarge an existing vehicular crossover installed on Cobham Road.
4. This permission does not regularise the identified breach of planning control at the site. You must ensure that the development at the site complies with this permission, including with the requirements of the imposed conditions, failing which the Council will consider the expediency of taking planning enforcement action to seek to remedy any identified harm.

APPENDIX 1- Officers Report for 2022 Permission

Reference:	22/01046/FUL	
Application Type:	Full Application	
Ward:	Chalkwell	
Proposal:	Convert existing dwelling house into 3no. self-contained flats, install rooflights, enlarge existing crossover, layout parking, cycle and bin storage	
Address:	32 Cobham Road, Westcliff-on-Sea, Essex, SS0 8EA	
Applicant:	Engel	
Agent:	Mr Stern of SAM Planning services	
Consultation Expiry:	06.07.2022	
Expiry Date:	29.07.2022	
Case Officer:	Oliver Hart	
Plan Nos:	EX-L001D; EX-P001D; EX-P002D (Existing - First Floor); EX-P002D (Existing -Loft Plan); EX-P003D; EX-E001D; EX-E002D; EX-E003D; EX-S001D; EX-S002D; PR-L001F; PR-P001F; PR-P002F; PR-P003F; PR-P004F; PR-E001F; PR-E002F; PR-E003F; PR-S001F; PR-S002F	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



APPENDIX 1

Site and Surroundings

- 1.1 The application site is located on the eastern side of Cobham Road and is occupied by a two-storey, detached dwellinghouse with habitable loft space. The frontage is presently hardsurfaced and used for parking 2no. vehicles, served by an existing dropped kerb from Cobham Road.
- 1.2 The area is residential in nature. Many neighbouring properties have been subdivided into flats. The site is not subject of any site-specific planning policy designations. The area immediately to the rear of the site is within The Leas Conservation Area.

2. The Proposal

- 2.1. Planning permission is sought for the conversion of the existing 4-bed dwellinghouse to 3no. self-contained residential units. The proposed ground floor flat (Flat 1) would accommodate three bedrooms with up to six bed spaces, the first floor flat (Flat 2) would accommodate two bedrooms with three bed spaces and the upper unit (spread over two floors), would accommodate one bedroom with two bed spaces. Other alterations include the enlargement of the existing dropped kerb from Cobham Road from 4m to 5m and the installation of 5no. roof lights.
- 2.2. As part of the proposal, a portion of the rear garden would be given over to private use by the ground floor flat (approximately 42sqm). A communal amenity area to the rear of the site is shown measuring some 73sqm. Access would be provided via an existing side access.
- 2.3. Waste and cycle storage is shown to the rear of the site, within the communal amenity area. No details of renewable energy provision are provided. During the course of this application amended plans have been submitted showing alternative arrangements for the rear amenity space and the location of cycle and waste storage.

3. Relevant Planning History

- 3.1. 20/00131/GPDE- Erect single storey rear extension, projecting 4.5m beyond the existing rear wall of the dwelling, 2.5m high to eaves and with a maximum height of 3m- Refused
- 3.2. 19/02241/GPDE- Erect single storey rear extension, projecting 6m beyond the existing rear wall of the dwelling, 2.5m and 3m high to eaves and with a maximum height of 3m (Amended Proposal)- Refused
- 3.3. 19/01992/GPDE- Erect single storey rear extension, projecting 6m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3m- Refused
- 3.4. 19/01966/CLP- Dormer extension to sides and rear (Lawful development certificate-proposed)- Granted
- 3.5. 05/01515/FUL- Convert three flats into single dwellinghouse- Granted

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Representation Summary

Call-in

- 3.6. Cllr Folkard called-in this application for determination by the Development Control Committee.

Public Consultation

- 3.7. 20no. neighbouring properties were consulted and a site notice was displayed. Objecting comments from three interested parties have been received and are summarised as follows:

- Harm to the amenities of neighbouring occupiers.
- Loss of family home.
- Waste storage should be sited within the rear garden.
- Parking concerns.
- Privacy concerns from use of side access.
- Concerns of size of amenity space and impact on mental health.
- Concerns regarding noise and nuisance as a result of additional residents in the area.
- Uncertainty about the proposed use of an existing outbuilding.
- Concerns of overcrowding.

[Officer Comment: The comments have been taken into consideration and those relevant to planning matters raised are discussed in the relevant sections of the report. The objecting points raised by the representations are not found to represent justifiable reasons for recommending refusal of the planning application in the circumstances of this case. The outbuilding referenced is to the rear of No.30 Cobham Road; there is no existing outbuilding on the application site.]

Highways

- 3.8. No objections.

Environmental Health

- 3.9. No objections subject to conditions relating to construction hours and refuse and recycling storage.

4. Planning Policy Summary

- 4.1. The National Planning Policy Framework (NPPF) (2021)
- 4.2. Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 4.3. Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 4.4. Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management).

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- 4.5. Southend-on-Sea Design & Townscape Guide (2009)
- 4.6. Technical Housing Standards – Nationally Described Space Standards (2015)
- 4.7. Technical Housing Standards Policy Transition Statement (2015)
- 4.8. Waste Storage, Collection and Management Guide for New Developments (2019)
- 4.9. Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 4.10. Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 4.11. Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021)
- 4.12. The Southend on Sea Vehicle Crossing Policy and Application Guidance (2021)

5. Planning Considerations

- 5.1. The main considerations in relation to this application include 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, refuse and recycling storage, ecology and mitigation for impact on designated sites and CIL.

6. Appraisal

Principle of Development

Physical alterations

- 6.1. The principle of the physical alterations to the building and wider application site are acceptable as the planning system generally supports improvements to existing buildings.

Change of use to three flats

- 6.2. Paragraph 119 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, 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.
- 6.3. The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the Borough. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the Borough. The HDT and 5YHLS carry some weight in favour of the principle of the development given the proposed creation of two additional units.

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- 6.4. Policy CP8 of the Core Strategy states that the Council will: “[...] 2. resist development proposals that involve the loss of existing valuable residential resources, having regard to the limited land resources in the Borough, the need to safeguard an adequate stock of single family dwellinghouses and to protect the character of residential areas”.
- 6.5. The proposal would result in the loss of a 4-bed dwellinghouse. This type of housing is considered to be a resource for the City. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprising 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.
- 6.6. The proposed ground floor flat, as a potential 3-bed 6-person unit, would remain suitable for family occupation. The proposal would therefore safeguard an adequate stock of family sized dwellings in addition to providing a net increase in housing. Although it is not a determinative factor in its own right it is noted that the property was previously occupied as three flats.
- 6.7. Overall, having regard to the retention of family sized accommodation and the provision of two additional residential units on the site, the principle of the proposed development is therefore acceptable. Other material planning considerations are discussed in the following sections of the report.

Design and Impact on the Character of the Area

- 6.8. Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that: “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”
- 6.9. The proposed alterations to the existing building, which relate only to a limited enlargement of an existing dropped kerb (by 1m) and installation of additional rooflights, would not significantly harm the character and appearance of the site or the wider area having regard to the prevalence of both features in the immediate vicinity.
- 6.10. No objection is also raised to the formation of refuse/recycling and cycle stores within the rear garden area, away from public views. The proposal would not impact the significance of the nearby conservation area.
- 6.11. Subject to conditions to secure appropriate soft and hard landscaping, including the boundary treatments on the site, the proposal is acceptable and in line with policy in the above regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 6.12. 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.

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- 6.13. All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage size. The required size for the type of unit proposed 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 1: Space Standards and Proposed Dimensions

	Area (m ²)	Bedroom 1	Bedroom 2	Bedroom 3	Storage area (m ²)
Standard for two-storey 1 bed 2 person	58	11.5m ² Wmin=2.75m	N/A	N/A	1.5
Standard for One-storey 2 bed 3 person	61	11.5m ² Wmin=2.75m	7.5m ² Wmin=2.15m	N/A	2
Standard for One-storey 3 bed 6 person	95	11.5m ² Wmin=2.75m	11.5m ² Wmin=2.75m	11.5m ² Wmin=2.75m	2.5
Proposed Two-storey 1 bed 2 person (Flat 3)	64	11.5m² Wmin = 3.6m	N/A	N/A	4.5
Proposed One-storey 2 bed 3 person	61	12m² Wmin=3.1m	8m² Wmin=2.7m	N/A	Approx. 2.5
Proposed One-storey 3 bed 6 person	104	13m² Wmin=3.3m	12.5m² Wmin=3m	12.3m² Wmin=3m	4.7

- 6.14. The table shows that the proposed dwellings would meet the overall minimum size standards required by the NDSS. All habitable rooms would receive adequate daylight and sunlight.
- 6.15. The main living area of the ground floor flat to the front of the building would have an outlook over proposed car parking area. Whilst this is not a positive aspect of the proposal, it is considered that this deficiency, which is a historic arrangement, in itself would not warrant refusal of the application such that a specific reason for refusal on these grounds could be justified. All habitable rooms are considered to have acceptable outlook.
- 6.16. The rear amenity space is proposed to be subdivided, with the ground floor flat having direct access out to its own private amenity area which measures some 42sqm. Flats 2 and 3 would benefit from a shared amenity area of some 73sqm. Whilst there would be no direct access for the upper floor flats the rear amenity space is considered to be of acceptable quantity and quality for all the proposed dwellings.
- 6.17. Given that the proposal is for a conversion of an existing building, the policy requirement is that the proposal is no less compliant with Building Regulation M4(1) when compared to the existing property. The proposal would be in line with policy in this regard.

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- 6.18. Overall, it is considered that the proposal would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The proposal is, therefore, subject to conditions, acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 6.19. Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: "having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."
- 6.20. Given that the proposal would not alter the built form on site and the additional openings proposed are to either flank roof slope, it is not considered that the proposed development would significantly harm the residential amenity of any neighbour in relation to privacy, overlooking, outlook, sense of enclosure/overbearing relationship, daylight and sunlight. This is subject to a condition requiring the rooflights to be non-openable and obscured glazed up to a height of 1.7m above finished floor levels. The amount of proposed works is limited and mainly internal.
- 6.21. Whilst there is potential for some inter-looking of neighbouring habitable room windows to the front of the ground floor flat at No.30 (south) when occupants access/egress the property, this is considered to be fleeting and is not considered to be so significantly harmful so as to justify refusal of the proposal on this basis alone.
- 6.22. The intensification of the use of the site could result in more people being at the property and this might cause some additional noise in general. Given the level of off-street parking and noting that the site is within a built-up area it is considered that sound transmission matters are adequately addressed by the building regulations and environmental health legislation in this instance. It is considered that the potential for any increased disturbance is unlikely to cause significant harm to the amenities of nearby occupiers to an extent that would justify the refusal of the application on those grounds.
- 6.23. The proposal would be acceptable and in line with policy in the above regards.

Traffic and Transportation Issues

- 6.24. 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.
- 6.25. Policy DM15 of the Development Management Document requires one parking space per flat but states that more flexibility will be given dependant on how sustainable the location is in terms of access to public transport. Two parking spaces are proposed therefore representing an under delivery of 1 parking space. Regard however is had to the sustainable location of the site near services and facilities (along Hamlet Court Road) and public transport, notably Westcliff station.

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The Highways Team have raised no objections to the arrangement proposed such that it is considered that the parking requirement can be applied flexibly in this instance.

- 6.26. The proposed enlargement of the existing vehicular crossover would be in accordance with the dimensions outlined in the Council's Vehicle Crossover Policy (2021). The Highways Team have raised no objection. The applicant will be required to apply for separate highways consent to construct the vehicle crossover. An informative will be added as a reminder.
- 6.27. Facilities for cycle storage are shown on the submitted plans to the rear of the building and this could be provided in an acceptable manner which would be accessible to all occupants. In line with the council's recently adopted EV charging schedule for new dwellings, a condition is also recommended requiring all resident parking spaces be fitted with EV charging points.
- 6.28. Subject to such conditions, the proposal would be acceptable and policy compliant in the above regards.

Refuse and Recycling Storage

- 6.29. Waste storage facilities of adequate quantum are shown on the proposed plans. It is considered these are set sufficiently away from the public highway and neighbouring habitable rooms. Subject to details including elevations to be submitted and approved, no objection is raised in this regard.

Energy and Water Sustainability

- 6.30. 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". This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 6.31. No information has been provided regarding proposed renewable energy to demonstrate how the proposal meets the 10% policy requirement. However, it is considered that the requirement for renewable energy and restrictions on water usage are recommended to be controlled with conditions provided any such externally mounted technologies respect the character and appearance of the area. This aspect of the proposal is therefore considered to be acceptable and policy compliant in this regard, subject to conditions.

Ecology - Essex Coast RAMS

- 6.32. 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.

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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 Full Council on 29 October 2020, requires that a tariff of £127.71 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.

- 6.33. The applicant has paid the relevant tariff. The development offers suitable mitigation of the in-combination effect of the net increase of two dwellings on habitats and species. The development is acceptable and in line with policies in this regard.

Equality and Diversity

- 6.34. 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)

- 6.35. 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. However, the development the subject of this application is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). It is not development for CIL purposes as defined in CIL Regulation 6 ('Meaning of "development"').

7. Conclusion

- 7.1. Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local and national policies and guidance.
- 7.2. This proposal creates new 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.

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The proposal would make a contribution to the housing needs of the borough 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 number of units involved. As there are no other material planning considerations which would justify reaching a different conclusion, this application is recommended for approval.

8. Recommendation

8.1. MEMBERS ARE RECOMMENDED TO GRANT PLANNING PERMISSION subject to the following conditions:

General Conditions

1. The development hereby permitted shall begin no later than three years beginning with the date of this permission.

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

2. The development hereby approved shall be carried out solely in accordance with the approved plans: EX-L001D; EX-P001D; EX-P002D (Existing - First Floor); EX-P002D (Existing -Loft Plan); EX-P003D; EX-E001D; EX-E002D; EX-E003D; EX-S001D; EX-S002D; PR-L001F; PR-P001F; PR-P002F; PR-P003F; PR-P004F; PR-E001F; PR-E002F; PR-E003F; PR-S001F; PR-S002F

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

Design and character related conditions

3. The residential units hereby approved shall not be occupied unless and until full details of both hard and soft landscaping works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to:-

- i. means of enclosure and boundary treatment for the site plus internal boundaries within the site including any gates or boundary fencing;
- ii. hard surfacing materials;
- iii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification;
- 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 may be agreed with the Local Planning Authority under the provisions of this condition.

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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).

4. 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).

Protection of neighbouring occupiers' residential amenity

5. The proposed rooflights to the north and south facing roof slopes shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except where they are a minimum of 1.7 metres above internal finished floor level of the room or area served by the rooflight and shall remain as such in perpetuity. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

Reason: To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with policy DM1 of the Development Management Document (2015).

Highways and bin storage

6. The car parking spaces shown on approved plan PR-P001D shall be provided and made available for use at the site prior to the first occupation of the development hereby approved. Both of the resident parking spaces shall be fitted with an active electric vehicle charging point prior to first occupation of the residential units hereby approved. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the residential units hereby approved.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the guidance in the Southend Design and Townscape Guide (2009) and the Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021)

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7. Notwithstanding the details submitted and otherwise hereby approved full details (including elevations) shall be submitted to and approved in writing by the Local Planning Authority under the provisions of this condition identifying the provision of refuse and recycling storage in line with the Waste Storage, Collection and Management Guide for New Developments (2019) and at least one covered and secure cycle parking per residential unit for the approved development at the site before the development is occupied. The approved refuse and recycling store and covered and secure cycle store facilities shall be provided in full and made available for use by the residential occupants of the dwelling prior to the first occupation of the residential units hereby approved and shall be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle, refuse and recycling storage in accordance with Policies DM3, DM8 and DM15 of Development Management Document (2015) and guidance contained in the Waste Storage, Collection and Management Guide for New Developments (2019).

Energy and water sustainability

8. A scheme detailing how at least 10% of the total energy needs of the development hereby approved will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority pursuant to this condition and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development and in accordance with the agreed details.

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 (2021), 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).

9. Prior to first occupation of the development hereby approved water efficiency 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 shall be installed in the development hereby approved and be retained in perpetuity 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 (2021), 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 Design and Townscape Guide (2009).

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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. Please note that the development the subject of this application is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). It is not development for CIL purposes as defined in CIL Regulation 6 ('Meaning of "development"'). 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) or the Council's website (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.
3. Please note that you are required to apply to the Highways Authority for consent to enlarge an existing vehicular crossover installed on Cobham Road.