

<b>Reference:</b>	24/01599/FUL	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Kursaal	
<b>Proposal:</b>	Change of use from a 6-bedroom HMO (Class C4) to a 7-bedroom HMO (Sui Generis) and erect cycle and refuse stores	
<b>Address:</b>	1 Hastings Road, Southend-on-Sea, Essex	
<b>Applicant:</b>	Mr Mitchell Nunn	
<b>Agent:</b>	Mrs Francelita Balbido of Town Planning Expert	
<b>Consultation Expiry:</b>	28th November 2024	
<b>Expiry Date:</b>	31 <sup>st</sup> January 2025	
<b>Case Officer:</b>	Gabriella Fairley	
<b>Plan Nos:</b>	<b>970-201, 970-101, 970-102 (Rev 01), 970-103 (Rev 05)</b>	
<b>Supporting documents:</b>	<b>Design and Access Statement dated 10/10/24</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## **1 Site and Surroundings**

- 1.1. The site is occupied by a two-storey semi-detached building on the west side of Hastings Road. The surrounding area is residential in character. Information provided in the application states that the building is currently used as a six-bedroomed House in Multiple Occupation (HMO). The site also benefits from a recently granted Certificate of Lawfulness confirming as lawful the change of use of a dwelling to a 6-bed HMO. The current application has been assessed on that basis.
- 1.2. The site is not on article 2(3) land or subject to any other planning related designation.

## **2 The Proposal**

- 2.1. Planning permission is sought for change of use of the building from a six-bedroom HMO, falling within the definition of Use Class C4, to a seven-bedroom HMO which can accommodate more than six occupiers and would be a sui generis use (ie falling outside any specific use class). The additional bedroom would be formed by converting the existing TV room at first floor. The submitted Design and Access statement states that the additional bedroom would be limited to the addition of one person.

## **3 Relevant Planning History**

- 24/01329/CLP - Use Dwellinghouse (Class C3) as a six bedroom (six person) HMO (Class C4) and removal of chimneys - (Lawful Development Certificate - Proposed). Granted.

## **4 Representation Summary**

### **Public Consultation**

- 4.1. Twenty-three (23) neighbouring properties have been notified and a site notice has been displayed. One letter of representation has been received and the following comments have been summarised:
  - There are a number of hostels, HMOs and converted dwellings within the street.
  - Site has not yet been used as a 6 bed HMO.
  - Parking laid out with no crossover.
  - Advertising rooms before consent.

(Officer comments: The above comments that relate to planning considerations have been taken into account in the assessment of this application and were not found to justify the refusal of this application in the specific circumstances of this case.)

### **Essex Fire and Rescue**

- 4.2. No objection.

### **Environmental Health**

- 4.3. No objection. Although a covered bin store is shown on the plans, it does not indicate how many bins will be provided. A condition for this is recommended.

### **Highways**

- 4.4. There are no highway objections to this proposal. The site benefits from being in a sustainable location with regard to public transport with good links in close proximity. Future occupiers will not be eligible for a residential parking permit.

### **Housing**

- 4.5. No objection. 22.40sqm is acceptable for the kitchen area. In terms of the 7th room, it is recommended the openable section of the window should be at least 5% of the floor area. In addition, the applicant must ensure that Essex Amenities and Lacors standards are met including: Fire detection and provision for MoE (means of escape), cooking facilities; reasonable travel distance; bathing facilities; etc.

## **5 Procedural matters**

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

## **6 Planning Policy Summary**

- 6.1. The National Planning Policy Framework (NPPF) (2024)
- 6.2. Planning Practice Guidance (PPG) (2024)
- 6.3. National Design Guide (NDG) (2021)
- 6.4. Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 6.5. Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM6 (The Seafront- for RAMS), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management).
- 6.6. Southend-on-Sea Design and Townscape Guide (2009)
- 6.7. Technical Housing Standards – Nationally Described Space Standards (2015)
- 6.8. The Essex HMO Amenity Standards (2018)
- 6.9. Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)
- 6.10. Community Infrastructure Levy (CIL) Charging Schedule (2015)

- 6.11. Town and Country Planning Act 1990 (as amended) Section 90A, Schedule 7A (Biodiversity Net Gain (BNG))

## **7 Appraisal**

### **Principle of Development**

- 7.1. Paragraph 124 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.
- 7.2. Policy DM8 states that non-self-contained accommodation should be directed toward the central area of Southend or where such type of accommodation is needed by certain institutions, such as Southend Hospital or University of Essex. This Council's development framework does not currently contain any policies that specifically relate to HMOs. The NPPF states that where there are no relevant development plan policies the general presumption in favour of sustainable development should apply meaning that planning permission should be granted unless, "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes."
- 7.3. The NPPF encourages the effective use of land and seeks to create sustainable, inclusive and mixed communities. According to the information provided in the application, the building is currently used as a six-bedroom House in Multiple Occupation (HMO). The site also benefits from a 2024 Certificate of Lawfulness verifying that use of the dwelling as a 6 person HMO did not need planning permission. Activities associated with use of an additional, single occupancy room as an HMO bedroom would not be significantly greater than that associated with a 6 person HMO. The street contains a mix of dwelling types, including single family dwellings and the change in activity would not represent a significant level of harm justifying refusal of planning permission on these grounds. There is no objection to the principle of creating a 7 bedroom HMO in this location, subject to the material considerations discussed in the following sections of the report.

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

- 7.4. 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.
- 7.5. Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Southend-on-Sea Design and Townscape Guide provide further details on how this can be achieved.

- 7.6. No changes to the exterior of the property are proposed as part of this application. A hardstanding has recently been installed to the front of the property which has a rather stark appearance, resulting in a negative impact in the streetscene. There is no vehicle crossover. The applicant has agreed to carry out landscaping to soften the appearance of the frontage and this matter will be addressed by condition. One additional room is not considered to result in a material change in the character and function of the property.
- 7.7. A sufficiently sized area to accommodate a waste and cycle store is shown on the submitted plans, to the rear of the site. The applicant has confirmed that waste would be brought to site frontage on the day of collection. The timber waste store would be 2m x 0.8m x 1.2m. The timber cycle store would be 1.8m x 3m x 1.63m high and the applicant has confirmed it will accommodate some 7 cycles. No information has been regarding the number of refuse bins. Details can be agreed via planning condition as there is sufficient rear garden space to accommodate such facilities.
- 7.8. Subject to the described condition the proposal is therefore considered to be acceptable and policy compliant in terms of its impact on the character and appearance of the site, the streetscene and the area more widely.

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

- 7.9. 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.
- 7.10. In relation to residential standards for non-self-contained accommodation, Policy DM8 of the Development Management Document states that all proposals of this nature will be required to meet the internal space standards set out in Policy Table 6 which states that a minimum bedroom size should be 6.5m<sup>2</sup> for single and 10.2m<sup>2</sup> for double bedrooms and that the accommodation must have some communal areas, such as a living room, kitchen, diner.
- 7.11. The Council has adopted the Essex Approved Code of Practice with respect to HMO's and this document represents a material planning consideration when read along with the above policy table, although it is noted that the Code of Practice is not a planning policy document. This document sets out the following standards for HMOs:

**Table 1: Minimum room size requirements**

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

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

**Notes:**

- 6.51sqm and 10.21sqm are the proposed national minimum size for one and two person HMO rooms (see page 11 of Government consultation)
- Bedrooms, living rooms and dining rooms are all classed as habitable rooms and require adequate natural lighting (suitable window) and ventilation (normally by means of an openable window). Dimensions are based on useable room sizes with standard room heights (2.2-2.3 metres) and will not take into account any floor area where the floor to ceiling height is less than 1.5 metres
- These room sizes do not include space for bathroom/shower room or WC. Where ensuite facilities are provided then this must be in addition to the space indicated above
- \*In HMOs without a shared living room additional shared dining space is required close to a shared kitchen that is more than 1 floor distant from any letting room it serves

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

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

**Notes:**

- To provide some flexibility where 6 or 7 occupants share a kitchen:
  - a safely located combination microwave/oven/grill is acceptable in place of an additional oven and grill (+)
  - a dishwasher is acceptable in place of an additional sink/drainage (#)
- To clarify, where the requirement is for a space minimum of 14sqm this can be achieved by providing 2 rooms each of 7sqm
- See Table 4 below for general guidance relating to all HMOs including requirements for mechanical extract ventilation, waste disposal, hygiene and storage

7.12. As confirmed in the submitted Design and Access Statement, the development creates a 7 person HMO. The submitted plans show 7 bedrooms. The proposed rooms sizes are as follows:

Bed 1	12.5sqm	(2.3sqm ensuite)
Bed 2	10.4sqm	(2.3sqm ensuite)
Bed 3	10sqm	(2.2sqm ensuite)
Bed 4	9.1sqm	(2.3sqm ensuite)
Bed 5	8.5sqm	(2.3sqm ensuite)

Bed 6	12.9sqm	(3sqm ensuite)
Bed 7	8.5sqm	

- 7.13. The premises also provides a 4.7sqm shared shower and W/C and some 22.4m<sup>2</sup> of shared floorspace in a kitchen on the ground floor. This communal area does not constitute a living room. The property also has a garden to the rear.
- 7.14. The proposal meets the Essex HMO Standards for a 7 person HMO containing 7, single occupancy rooms without shared living space (each bedroom must be a minimum of 8.5sqm and the communal kitchen/dining area a minimum of 18sqm). It is noted that 2 of the rooms are larger and meet the size requirements for double occupancy. Given the overall size of the shared communal areas, a planning condition is necessary and reasonable in this instance, to limit the maximum occupancy of the HMO to 7 people to ensure acceptable living conditions are provided for the occupiers. Subject to a condition securing this, the proposal is acceptable and policy compliant on this basis.
- 7.15. All rooms would benefit from acceptable outlook and natural light. The rear garden would be sufficient for the proposed development. On this basis and subject to conditions, the development is considered to be acceptable and in line with policy in the above regards.

### **Amenity Impacts**

- 7.16. 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.”*
- 7.17. The nearest neighbouring residential property to the application site is at No. 3 Hastings Road, attached to the application site. No physical alterations to the building are proposed as part of this application so there would be no impact on neighbours' amenity in terms of privacy, overlooking, outlook, sense of enclosure/overbearing relationship, daylight and sunlight. Conversion of the dwelling to a 6 person HMO is lawful as verified through the 2024 Certificate of Lawfulness. The increase in occupancy may result in some increase of noise/activity. However, HMOs are generally compatible with a residential setting, and it is not considered that the modest increase in capacity would give rise to any significantly harmful noise and disturbance, or other significantly harmful amenity impacts for neighbouring occupiers. The proposed development is acceptable and policy compliant in these regards.
- 7.18. All other neighbouring properties are sufficiently removed such that their amenity would not be significantly harmed in any relevant regard.
- 7.19. It is considered that the design, size, siting and scale of the development proposed is such that it would not result in any significant harm to the residential amenities of the site, neighbouring occupiers or wider area in any relevant regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

## **Traffic and Transportation Issues**

- 7.20. 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.
- 7.21. The parking standards do not include any requirements for HMOs. The existing site does not have any off-street parking. The proposal would not provide any parking. The site is in a highly sustainable location, within reasonable walking distance from the centre of Southend. The Highways team has no objections. Future occupiers will not be eligible for a parking permit.
- 7.22. The submitted plans and information state that cycle parking for some 7 cycles will be provided. This can be controlled by a planning condition, subject to which the proposal is acceptable and policy compliant in relation to parking, traffic and transportation issues.

## **Refuse and Recycling Storage**

- 7.23. The submitted plans show a refuse store in the garden to the rear of the site. The number of bins and how they will be collected has not been specified but subject to a condition requiring full details of this facility to be agreed and provided the proposal is acceptable and policy compliant in this regard.

## **Energy and Water Sustainability**

- 7.24. Policy KP2 of the Core Strategy requires that: “at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources).” Policy DM2 of the Development Management Document states that: “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions.” The same policy requires all new development to provide “water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliance and water recycling systems such as grey water and rainwater harvesting.”
- 7.25. No details have been submitted with the application to demonstrate whether the development meets the target of renewable energy sources covering at least 10% of the anticipated energy consumption in line with policy requirement or if/how the water consumption is limited. It is considered that the requirements for renewable energy and restrictions on water usage can be controlled with conditions. Care would be needed to ensure that any renewable technologies would not harm the character and appearance of the area. Subject to conditions, this aspect of the development is, therefore, considered to be acceptable and policy compliant in these regards.

## **Other Matters**

- 7.26. The proposed development is “de minimis” and exempt from the requirement for



Biodiversity Net Gain. This is because the development does not impact upon a priority habitat and impacts less than 25 sqm of onsite habitat or 5m of linear habitats, such as hedgerows.

7.27. As no increase in dwellings is proposed a RAMS mitigation payment is not required.

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

7.28. The development equates to less than 100sqm of new floorspace and therefore 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 Issues**

7.29. 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 Equality Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

### **Conclusion**

7.30. 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.

## **8 Recommendation**

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

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

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

**02 The development shall only be undertaken in accordance with the following approved plans: 970-201, 970-101, 970-102 (Rev 01), 970-103 (Rev 05).**

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

**03 Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the development and use of the building as a House in Multiple Occupation (HMO), subject of this permission, shall not at any time be adapted**

to enable formation of more than seven (7) bedrooms and the property shall not be occupied by more than seven (7) residents at any one time.

**Reason:** To ensure the development hereby approved would offers acceptable living conditions for its occupiers in accordance with the National Planning Policy Framework (2024), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policies DM1, DM3 and DM8.

- 04** Prior to the first occupation of the development hereby approved full details of appropriately secure and covered cycle storage facilities for at least 7 bicycles shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved facilities shall be provided in accordance with the approved details, made available for use prior to first occupation of the development hereby approved and shall be thereafter retained as such for the lifetime of the development.

**Reason:** To ensure the provision of adequate cycle parking for future occupiers and in the interest of visual amenity in accordance with the National Planning Policy Framework (2024), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 05** Prior to the first occupation of the development hereby approved a scheme for the means of appropriately sized and covered refuse and recyclable storage facilities together with a waste management plan shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The agreed scheme shall be implemented and made available for use prior to the first occupation of the development hereby approved and shall be retained for such purposes at all times thereafter.

**Reason:** To ensure the provision of adequate waste, recycling and food waste storage and in the interest of visual amenity in accordance with the National Planning Policy Framework (2024), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009) and the Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).

- 06** Prior to the 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, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details. The energy efficiency and other sustainability measures shall be maintained for the lifetime of the development.

**Reason:** To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2024),

**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 Prior to the first occupation of the development hereby approved the development 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. The water efficient design measures shall be implemented for the lifetime of the development.**

**Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2024), 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 Hours of works associated with this permission shall only be 8am - 6pm Monday to Friday, 8am - 1pm Saturday. No works shall be carried out on Sundays or Bank or Public Holidays.**

**Reason: In the interests of residential amenity and to ensure that the development complies with the National Planning Policy Framework (2024), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Southend-on-Sea Design and Townscape Guide (2009).**

- 09 Notwithstanding the approved plans within the first available planting season (October to March inclusive) following the first occupation of the development hereby approved, a soft landscaping scheme for the front of the site shall be implemented in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The soft landscaping scheme shall be implemented, completed and maintained thereafter in full accordance with the approved details.**

**Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2024), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).**

#### **Informatives**

- 1 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](http://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 Future occupiers will not be eligible for a town centre or residential parking permit.
- 4 The applicant should check the room layout of existing rooms that will be above or below the proposed and ensure that the stacking arrangement compliments this. If this is not the same as those proposed in the application additional sound insulation may be required in the ceiling in order to protect against noise from the normal use of the dwellings in the block due to conflicting activities e.g. sleep and living spaces. The applicant should be aware of this as should complaints arise when it is occupied because of this Southend-On-Sea City Council cannot require action under other primary legislation it has i.e. for statutory nuisance.

#### **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.