

<b>Reference:</b>	16/01136/FUL
<b>Ward:</b>	West Leigh
<b>Proposal:</b>	Change of use of dental surgery (Class D1) to dwelling (Class C3), demolish existing garage, layout amenity space, extend existing vehicular access on to Darenth Road and alter elevations (Amended Proposal)
<b>Address:</b>	Thames Drive Dental Practice, Rear Of 18B Thames Drive, Leigh-On-Sea, Essex, SS9 2XD
<b>Applicant:</b>	Mr G. Singh
<b>Agent:</b>	Mr S. Fairley (BDA)
<b>Consultation Expiry:</b>	19/08/16
<b>Expiry Date:</b>	05/09/16
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	15.151/15 C, 15.151/13 C, 15.151/11 C, 15.151/14 C, 15.151/12 C and 15.151/16 D.
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



# 1 The Proposal

- 1.1 Permission is sought to change the use of an existing building that has most recently been used as a dentist surgery to a residential property.
- 1.2 The site currently contains a single storey building with a flat roof that has a footprint of 51 square metres and a maximum height of 3.1 metres above the plinth that has been formed at ground level. The application site also includes the westernmost garage of three garages that are located to the east of the single storey building described above. The footprint of the garage measures approximately 12.3 square metres.
- 1.3 The change of use of the building would be dependent on the following external alterations to the building and the site:
- The modification of the South elevation to see the existing windows and doors removed and the two new windows, a new door and a panel of timber cladding created.
  - The creation of an open porch feature that would project 0.6 metres, measure 3.5 metres tall and create a frame around the new entrance area.
  - The replacement of the roof of the existing building with a sedum flat roof with a parapet at the edges of the roof that would match the height of the existing building.
  - The removal and infilling of a window at the east elevation, a replacement window and a replacement door.
  - The formation of a 21 square metre garden to the South of the building which would be enclosed by fences and walls to a height of 1.8 metres.
  - The building would be finished with a thin coat of synthetic render.
- 1.4 One parking space is shown to be provided at the Darenth Road frontage of the site. The dwelling would measure 44 square metres in area and include one bedroom that would measure 10.7 square metres. The proposed garden areas would measure a total of 21 square metres.
- 1.5 This application follows the refusal of application 16/00031/FUL. That application proposed a similar conversion of the existing building and was refused for the following reason:

*It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed residential unit would accord with the standards of Part M of the Building Regulations, as required by the NPPF and policies DM1 and DM8 of DPD2 (Development Management). Moreover, it is considered that the living accommodation and the amenity space would not be of sufficient size, layout or quality to comply with the Technical Housing Standards, the NPPF and policies DM1 and DM8 of DPD2 (Development Management).*

## **2 Site and Surroundings**

- 2.1 The application site is currently used as a dentist surgery and contains a single storey building that is described above. One point of vehicle access is currently provided at the Darenth Road frontage of the site.
- 2.2 The character of the area is residential typified by mainly two storey semi-detached and detached residential properties. The existing building is the only commercial property within the immediate vicinity of the site, although further commercial properties are located to the North of the adjacent residential properties.

## **3 Planning Considerations**

- 3.1 The main considerations in the determination of this application are the principle of the development, design and impact on the streetscene, impact on residential amenity of neighbouring residents, the standard of accommodation for future occupiers, traffic and highways issues.

## **4 Appraisal**

### **Principle of Development**

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP8; Development Management DPD Policies DM1, DM3, DM7, DM8 and DM15 and the Design and Townscape Guide SPD1 (2009)**

- 4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD Policies KP2, CP4 and CP8. Amongst the core planning principles of the NPPF include to:

*“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”*

- 4.2 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP8 requires that development proposals contribute to local housing needs. The site is considered to be previously developed land and it is therefore relevant that Core Strategy policy CP8 supports the provision of dwellings on such land, subject to detailed considerations, where it is expected that the intensification of development will play a role in meeting the housing needs of the Borough.

- 4.3 Policy CP1 states *“that permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.”* Furthermore, policy DM11 states that the loss of employment land outside of designated areas will only be supported where it is no longer effective or viable to continue the employment use of the site. No evidence has been provided to demonstrate that the continued use of the building for commercial purposes would not be viable. However, it is noted that the building and the site is no longer in use and it is considered that there is limited potential for the building to be put to alternative commercial uses given its small size and location within a mostly residential setting.
- 4.4 The proposal would result in the loss of a small amount of D1 floorspace in an isolated location that is remote from all major employment areas within the Southend Borough. In this instance it is considered that the benefits of increasing housing provision at this site should be deemed to outweigh the loss of commercial floorspace in a location that is mostly surrounded by residential properties.

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

#### **National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Development Management DPD Policies DM1 and DM3 and Design and Townscape Guide.**

- 4.5 In the Council’s Development Management DPD, policy DM1 states that development should “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”
- 4.6 As set out above, the street scene of this part of Darenth Road and Thames Drive is dominated by large semi-detached and detached dwellings of largely consistent design and scale. The building that exists at the application site is therefore a departure from the character and appearance of the surrounding area.
- 4.7 The residential use of the existing building would be enabled by a minor increase to the frontage of the building to create a porch and the alteration of the elevations of the building. It is considered that the resultant building would be no more out-of-keeping with the surrounding area than the existing building and it is considered that the works that are proposed represent the enhancement of the building and create visual interest that is beneficial to the character and appearance of the existing building.
- 4.8 The repositioning and replacement of windows, doors and the roof would not cause material visual harm to the character or appearance of the existing building or the surrounding area.
- 4.9 Paragraph 144 of SP1 states that private gardens should be “private and incorporate a means of enclosure that complements the development and the wider townscape.”

- 4.10 Unlike the previous proposal, the frontage of the site would be enclosed by a low wall which would have a more appropriate visual impact than tall fencing which was previously proposed.
- 4.11 As the building is an existing building and is of limited architectural value, it is considered that the alterations proposed would enhance the building and would represent the improvement of the street-scene and therefore the application should not be refused on the grounds of the visual impact. It is noted that the specialist design advice that has been received makes several recommendations to improve the scheme. However, in this instance it is considered that the proposal would represent the enhancement of the existing building and therefore it would be unreasonable to seek further modifications noting that the building could be retained without modification.

#### **Impact on Residential Amenity.**

#### **National Planning Policy Framework, Policy CP4 of the Core Strategy, Development Management DPD Policy DM1 and Design and Townscape Guide.**

- 4.12 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy DM1 of the Development Management DPD also states 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.”
- 4.13 The proposed development would not cause a significant increase of the size of the existing building, with the only works being a small porch which would be positioned well away from neighbouring properties. It is therefore considered that the minor alterations to the building would not cause a harmful loss of light or outlook within any neighbouring dwellings.
- 4.14 The proposal would result in less and smaller windows being provided in comparison to the existing building and therefore, whilst the windows would be used at different times of the day and for different purposes, it is considered that the amended use of the building would not cause additional overlooking or perceived overlooking that would be materially worse than the existing situation. Previous concerns about a window on the West elevation have been resolved through removing that window from the proposal and modifying the internal layout.

#### **Standard of Accommodation:**

#### **National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM8 and the Design and Townscape Guide.**

4.15 Paragraph 17 of the NPPF states that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. It is considered that most weight should be given to the Technical Housing Standards that have been published by the government which are set out as per the below table:

- Minimum property size for a 1 bedroom (1 person bed space) one storey dwelling shall be 39 square metres.
- Bedroom Sizes : The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a single bedroom with a minimum width of 2.15m<sup>2</sup> ; and 11.5m<sup>2</sup> for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres 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.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

Weight should also be given to the content of policy DM8 which states the following standards in addition to the national standards.

- Provision of a storage cupboard with a minimum floor area of 1.25m<sup>2</sup> should be provided for 1-2 person dwellings. A minimum of 0.5m<sup>2</sup> storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.

Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

4.16 The proposed residential unit would measure 44 square metres and the bedroom would measure 10.7 square metres. It is therefore considered that the proposed development would accord with the size criteria set out above for a one bedroom, one person property.

- 4.17 The building would be served by a small garden area that would measure 21 square metres in area. It was previously considered that the amenity areas would be of limited quality as amenity space due to its small area and the tall enclosing structures that would surround it and therefore, as before, it is considered that the proposed amenity space would be of limited quality, as required by SPD1. However, it is considered adequate to serve one person.
- 4.18 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. In this instance it is considered that there is no known reason why the proposed development could not accord with the abovementioned standards. The applicant has not been demonstrated that the proposed development would comply with those standards, however the submissions state that level access would be achieved and due to the internal works that are shown, it is expected that the proposal would be able to be undertaken in accordance with Part M of the Building Regulations. A condition can be imposed to require this.
- 4.19 As the previous concerns of the Local Planning Authority have been addressed, it is considered that the living conditions for the future occupants of the proposed dwelling would now be acceptable and this should no longer represent a reason for the refusal of the application.

#### **Highways and Transport Issues:**

#### **National Planning Policy Framework, Policy KP2, CP4 and CP8 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide.**

- 4.20 The existing vehicular access point to the site is proposed to be enlarged, being increased in width by 2.6 metres. The Highway Authority has raised no objection to this element of the proposal and it is therefore considered that widening the existing vehicle access should not be found objectionable on highway safety grounds.
- 4.21 Policy DM15 states that each dwelling of the size proposed should be served by one parking space. The proposal complies with these requirements and for these reasons it is considered that adequate parking is provided at the site. No objection should therefore be raised to the proposal on those grounds.

#### **Sustainability**

#### **Core Strategy Policies KP2, CP4 and CP8, Development Management DPD Policy DM2 and SPD1**

- 4.22 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from on-site renewable resources, and also promotes the minimisation of consumption of resources.

- 4.23 However, as the proposal relates to the conversion of an existing building rather than a new build development, it is considered that this requirement should not be imposed. It is however noted that a sedum roof is proposed which is an enhancement in sustainability terms in comparison to the existing situation.

### **Community Infrastructure Levy**

- 4.24 Where there is development with no net increase in floorspace but a material change of use has taken place (in this case to residential use), there is an 'in use' test which must be satisfied in order to receive a discounted CIL rate. Regulation 40 states *"in use building means a building which; contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development."*
- 4.25 The applicant states that the building has been in use for parts of the preceding 3 year period and it is therefore likely that CIL would not chargeable on this application. Pre-application advice was provided in February 2014 which indicates that the building was in use at that time and it is therefore considered that the CIL charge can be discounted to a nil charge.

### **Conclusion**

- 4.26 It is considered that the proposed development can be built to adequate standards to comply with policy DM8 and the Technical Housing Standards and therefore it is considered that the previous grounds of objection have been addressed. It is consider that the proposal represents the enhancement of the appearance of the building, would cause no additional harm to residential amenity in comparison to the existing building and would be served by adequate parking.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework
- 5.2 DPD1 Core Strategy Policies CP4 (Environment & Urban Renaissance) and KP2 (Development Principles), CP8 (Dwelling Provision)
- 5.3 Development Management DPD Policies DM1, DM2, DM3, DM7, DM8 and DM15
- 5.4 Community Infrastructure Levy Charging Schedule
- 5.5 Design & Townscape Guide 2009 (SPD1).

## **6 Representation Summary**

### **Design & Regeneration**

- 6.1 The amended proposal is an improvement over the previously refused design which was very bland but the current proposal would benefit from some refinement to the design detail which is still lacking. The following amendments are suggested:



- Change sash style window for a more modern vertical design to better relate to the hall window i.e. replace horizontal division for a vertical division or complete omission of division. This could be a pivot style. The same detail should be applied to the side window. Windows should be slimline aluminium not pvc to ensure a high quality finish
- Make the timber boarding proportion consistent for all features to improve cohesion of the design including feature panel, door and boundary fence. A narrow timber section design is suggested as the best option - this could be applied all vertically or a mix of orientation. This should continue on the underside of the porch canopy to give this feature more quality in the streetscene.
- Make the feature porch surround slightly thinner to achieve a more elegant profile, ensure that this is well detailed, it will need a matching capping to the roof to match the main roof but this should be low key
- Move the down pipe off the front elevation by changing the run of the flat roof
- Provide feature planting in the front garden, the low rendered wall here is an improvement.

### **Traffic & Highways Network**

- 6.2 There are no highway objections to this proposal the applicant has provided an off street car parking space and therefore meets current policy. There is no objection to the vehicle crossing extension.

### **Leigh Town Council**

- 6.3 Leigh Town Council have raised no objection to the application.

### **Public Consultation**

- 6.4 Six neighbours were notified of the application. One letter of objection has been received which objects on the grounds that the building is unsuitable for use as a dwelling and is too close to neighbouring properties.

## **7 Relevant Planning History**

- 7.1 Application 15/01540/FUL proposed the demolition of the existing building and the erection of a dwelling at the application site. That application was refused for four reasons. As the proposal is now entirely different it is considered that the previous proposal is of limited relevance.
- 7.2 Similar application 16/00031/FUL was refused for the reason set out above.

## **8 Recommendation**

- 8.1 **Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions**
- 01 **The development hereby permitted shall be begun not later than 3 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**

- 02 The development shall be carried out in accordance with the approved plans: 15.151/15 C, 15.151/13 C, 15.151/11 C, 15.151/14 C, 15.151/12 C and 15.151/16 D**

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

- 03 Notwithstanding the provisions of Classes A and B of Part 2 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no fences, walls or other forms of enclosure shall be erected at the site unless otherwise agreed in writing by the local planning authority.**

**Reason: To safeguard character and appearance of surrounding area in accordance with policies DM1 of the Development Management DPD and policies KP2 and CP4 of the Core Strategy**

- 04 Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions or outbuildings shall be erected at the site unless otherwise agreed in writing by the local planning authority**

**Reason: To safeguard character and appearance of surrounding area in accordance with policies DM1 of the Development Management DPD and policies KP2 and CP4 of the Core Strategy**

- 05 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and 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, unless otherwise agreed in writing by the local planning authority.**

**Reason: To safeguard character and appearance of surrounding area and the amenities of the occupants of the proposed development in accordance with policies DM1, DM3, DM5 and DM8 of the Development Management DPD and policies KP2 and CP4 of the Core Strategy.**

- 06 Prior to the occupation of any of the dwellinghouses hereby approved, details of refuse collection storage facilities (including collection day arrangements) shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be provided at the site prior to the first occupation of the dwelling.**

**Reason:** To ensure that satisfactory refuse storage facilities are provided at the site in the interests of sustainability, amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, policies DM1 and DM8 of DPD2 (Development Management), and SPD1 (Design and Townscape Guide).

- 07** Prior to the first occupation of the dwellinghouse hereby approved the parking space shall be provided and retained for the use of the occupants of the dwelling hereby approved.

**Reason:** To ensure the adequate provision of parking at the site in accordance with policy DM15 of the Development Management DPD

- 08** The dwelling hereby approved shall be built in accordance with Part M4(2) of the Building Regulations, as shown on the plans hereby approved, unless otherwise agreed in writing by the Local Planning Authority

**Reason:** To ensure the provision of dwellings that enable lifetime living, in accordance with policy DM8 of DPD2 (Development Management).

**Informative:**

You are advised that in this instance the development is CIL liable however, due to the nature of the development, the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero