

**Public Document Pack
SOUTHEND-ON-SEA BOROUGH COUNCIL**

Development Control Committee

Date: Wednesday, 2nd March, 2022

Time: 2.00 pm

Place: Council Chamber - Civic Suite

Contact: Tim Row - Principal Democratic Services Officer

Email: committeesection@southend.gov.uk

A G E N D A

1 Apologies for Absence

2 Declarations of Interest

3 Supplementary Report

****** Contents list and Introduction**

****** Reports on Planning Applications**

**4 21/02498/FUL - Flat 1, 82 Undercliff Gardens, Leigh-on-Sea (Leigh Ward)
(Pages 7 - 30)**

**5 22/00002/FUL - 172 - 174 London Road, Southend-on-Sea (Milton Ward)
(Pages 31 - 70)**

**6 21/02525/FUL - 11 Wesley Road, Southend-on-Sea (Kursaal Ward) (Pages
71 - 96)**

**7 21/02450/FUL - 366 Rayleigh Road, Eastwood, Leigh-on-Sea (Eastwood
Park Ward) (Pages 97 - 120)**

****** Enforcement of Planning Control**

**8 20/00009/UNAU_B - 84 - 90 The Ridgeway, Westcliff-on-Sea (Chalkwell
Ward) (Pages 121 - 134)**

TO: The Chair and Members of the Development Control Committee

Councillor N Ward (Chair),

Councillors A Dear (Vice-Chair), J Beck, K Buck, D Cowan, M Dent, F Evans, D Garne,

D Garston, S Habermel, D Jarvis, A Jones, K Mitchell, C Mulroney, A Thompson,

S Wakefield and C Walker

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DEVELOPMENT CONTROL COMMITTEE

AGENDA: 02nd March 2022

WARD	APP/REF NO.	ADDRESS
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Main Plans Report		
Leigh	21/02498/FUL	Flat 1, 82 Undercliff Gardens Leigh-on-Sea
Milton	22/00002/FUL	172 - 174 London Road Southend-on-Sea
Kursaal	21/02525/FUL	11 Wesley Road Southend-on-Sea
Eastwood Park	21/02450/FUL	366 Rayleigh Road Eastwood

Enforcement Report		
Chalkwell	20/00009/UNAU_B	84 - 90 The Ridgeway Westcliff-On-Sea

DEVELOPMENT CONTROL COMMITTEE

DEVELOPMENT CONTROL COMMITTEE

INTRODUCTION

- (i) **Recommendations in capitals at the end of each report are those of the Deputy Chief Executive and Executive Director (Growth & Housing), are not the decision of the Committee and are subject to Member consideration.**
- (ii) All plans have been considered in the context of the Borough Council's Environmental Charter. An assessment of the environmental implications of development proposals is inherent in the development control process and implicit in the reports.
- (iii) Reports will not necessarily be dealt with in the order in which they are printed.
- (iv) The following abbreviations are used in the reports: -

CIL	-	Community Infrastructure Levy
DAS	-	Design & Access Statement
DEFRA	-	Department of Environment, Food and Rural Affairs
DPD	-	Development Plan Document
EA	-	Environmental Agency
EPOA	-	Essex Planning Officer's Association
JAAP	-	Southend Airport and Environs Joint Area Action Plan
MHCLG	-	Ministry of Housing, Communities and Local Government
NDG	-	National Design Guide
NDSS	-	Nationally Described Space Standards
NPPF	-	National Planning Policy Framework
PPG	-	National Planning Practice Guidance
RAMS	-	Recreation disturbance Avoidance and Mitigation Strategy
SCAAP	-	Southend Central Area Action Plan
SPD	-	Supplementary Planning Document
SSSI	-	Sites of Special Scientific Interest. A national designation. SSSIs are the country's very best wildlife and geological sites.
SPA	-	Special Protection Area. An area designated for special protection under the terms of the European Community Directive on the Conservation of Wild Birds.
Ramsar Site	-	Describes sites that meet the criteria for inclusion in the list of Wetlands of International Importance under the Ramsar Convention. (Named after a town in Iran, the Ramsar Convention is concerned with the protection of wetlands, especially those important for migratory birds)

Background Papers

- (i) Planning applications and supporting documents and plans
- (ii) Application worksheets and supporting papers
- (iii) Non-exempt contents of property files
- (iv) Consultation and publicity responses
- (v) NPPF and PPG including the NDG
- (vi) NDSS
- (vii) Core Strategy SPD
- (viii) Development Management DPD
- (ix) JAAP

DEVELOPMENT CONTROL COMMITTEE

- (x) SCAAP
- (xi) Design and Townscape Guide
- (xii) Technical Housing Standards Policy Transition Statement
- (xiii) Waste Storage, Collection and Management Guide for New Developments
- (xiv) Essex Coast RAMS SPD
- (xv) CIL Charging Schedule

NB Other letters and papers not taken into account in preparing this report but received subsequently will be reported to the Committee either orally or in a supplementary report.

DEVELOPMENT CONTROL COMMITTEE

Use Classes

(Generally in force from 1st September 2020)

Class B1	Business
Class B2	General industrial
Class B8	Storage or distribution
Class C1	Hotels
Class C2	Residential institutions
Class C2A	Secure residential institutions
Class C3	Dwellinghouses
Class C4	Houses in multiple occupation
Class E	Commercial, Business and Service
Class F.1	Learning and non-residential institutions
Class F.2	Local community
Sui Generis	A use on its own, for which any change of use will require planning permission.

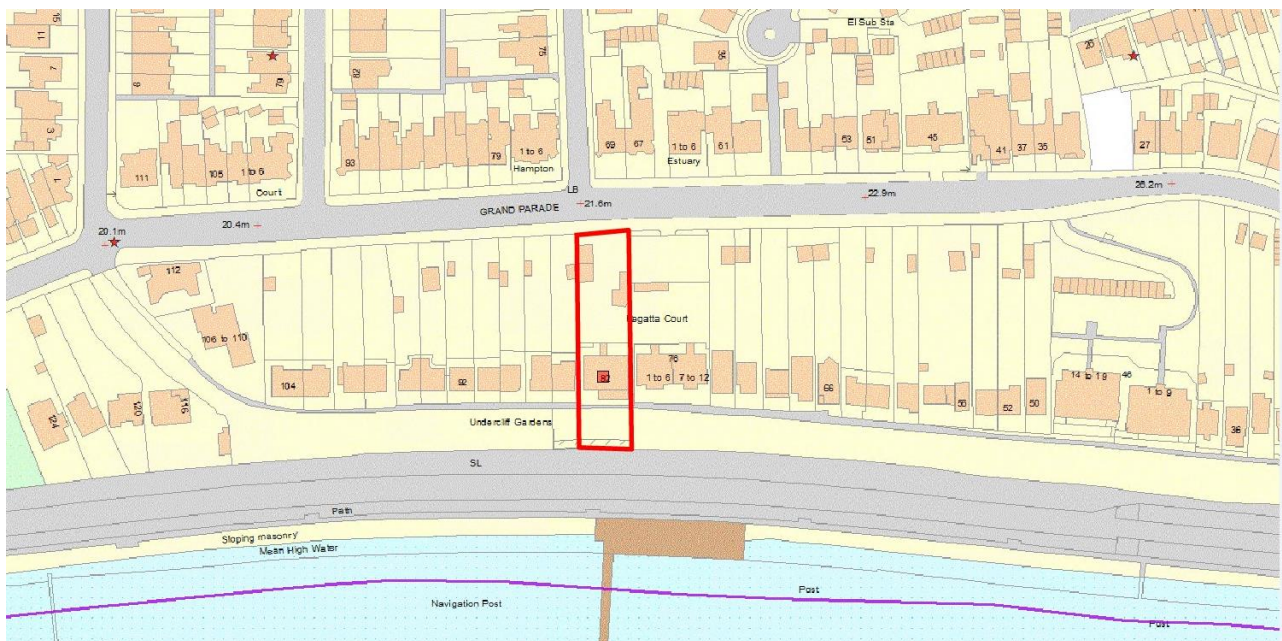
Deleted Use Classes

(limited effect on applications for prior approval and other permitted development rights until 31st July 2021)

Class A1	Shops
Class A2	Financial and professional services
Class A3	Restaurants and cafes
Class A4	Drinking establishments
Class A5	Hot food takeaways
Class D1	Non-residential institutions
Class D2	Assembly and leisure

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Reference:	21/02498/FUL	4
Application Type:	Full Application	
Ward:	Leigh	
Proposal:	Extend existing detached outbuilding to form store area	
Address:	Flat 1, 82 Undercliff Gardens, Leigh-on-Sea	
Applicant:	Mr And Mrs M Day	
Agent:	Metson Architects Ltd	
Consultation Expiry:	27th January 2022	
Expiry Date:	4 th March 2022	
Case Officer:	Jonathan Doe	
Plan Nos:	2101-X00, 2101-X01-C, 2101-X03-B, 2101-TP-ST-2.0-A, 2101-TP-ST-2.1-A, and 2101-TP-ST-2.2-A.	
Supplementary Document	Design and Access Statement.	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The site is that of a building accommodating flats. The flats face onto Undercliff Gardens, a footpath. Car parking is set to the rear of the flats, to the north, and the site has vehicular access to the vehicular highway of Grand Parade. The site slopes steeply down from north to south towards the rail line and the estuary.
- 1.2 The surrounding area is residential and characterised by the undulating topography created by the cliffs near the estuary. Grand Parade and Undercliff Gardens offer wide views towards the estuary. Grand Parade is an area with open character. Some limited exceptions are outbuildings and/or garages which have been erected at or slightly lower than the road level.
- 1.3 The application site and the area are covered by an Article 4 direction removing permitted development rights in relation to the erection of fences, walls and other means of enclosure. The site also falls within the Seafront Character Zone 3 of policy DM6 of the Development Management Document.

2 The Proposal

- 2.1 The proposal is for a side extension to an existing outbuilding. The extension would be set on an area which is currently an area of decking set some 20m from the boundary with Grand Parade.
- 2.2 The extension would be 2.9m wide by some 3.9m deep. It would have a flat roof some 2.6m in height relative to the surface of the decking which the outbuilding would replace.
- 2.3 The extension would be used as a garden store with an external door on the southern elevation. A bay window, projecting some 0.5m, would also be set on the southern elevation.
- 2.4 The extension would have a rendered finish to match existing and the door and window would match that to the existing outbuilding which is used as a home gym.
- 2.5 Cllr Mulroney has requested that the application be considered at Development Control Committee.

3 Relevant Planning History

- 3.1 21/01032/FUL - Extend existing detached outbuilding to front and increase height of part of boundary fence along east elevation - Planning permission granted 27th July 2021.
- 3.2 21/00809/FUL - Extend existing garage - Planning permission granted 25th June 2021.
- 3.3 09/01676/FUL - Demolish dwellinghouse and erect 4 storey block of 3 self-contained flats - Planning permission granted 24th November 2009.
- 3.4 Numerous earlier applications have been determined in relation to the site; these are considered not to have a significant bearing on the determination of the current application.

4 Representation Summary

4.1 Public Consultation

31 neighbouring properties were consulted, and a site notice posted. One letter of representation has been received.

Summary of representations:

- Buildings at this part of the cliff does not fit pattern of other properties
- Reduces the rear garden
- Further expansion of the various buildings could ultimately lead to them becoming habitable accommodation

The comments have been taken into consideration and the relevant to planning matters raised are discussed in the relevant sections of the report but are not considered such to justify refusal of the application in the circumstances of this case.

4.2 Leigh Town Council

Objection. Overbearing nature and density of buildings. Does not respect the character of the site. Design, size, bulk and mass, represents a cramped form of development and an overdevelopment of the land, which is out of keeping with and detrimental to the character and appearance of the application site and the area more widely. In a Seafront character zone and does not add to the overall quality of Undercliff Gardens and does not retain the characteristics and form of the area. The application will materially change the existing character, appearance and form of the area.

4.3 The Society for the Protection of Undercliff Gardens

Object. Larger building mass across much of the width of the site with the existing extensive hard surfaces to parking provisions, would result in a significant reduction in the openness of the garden area fronting Grand Parade, conflicting with the aim of preserving existing gardens as planted and landscaped areas, and would reduce the general openness that is characteristic of gardens fronting Grand Parade.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2021)

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance)

5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM6 (The Seafront), and DM15 (Sustainable Transport Management).

5.4 Design & Townscape Guide (2009)

5.5 CIL Charging Schedule (2015)

6 Planning Considerations

6.1 The main considerations of this application are the principle of the development, design and impact on the wider streetscene, traffic and transportation, impact on residential

amenity and CIL.

7 Appraisal

Principle of Development

- 7.1 The principle of extending an outbuilding to provide facilities in association with residential accommodation is considered acceptable. Other material planning considerations are discussed below.

Design and Impact on the Character of the Area

- 7.2 Paragraph 126 of the NPPF states *‘the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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. Being clear about design expectations, and how these will be tested, is essential for achieving this.’*
- 7.3 Policy KP2 of the Core Strategy advocates the need for all new development to “*respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design*”. Policy CP4 of the Core Strategy states, “*development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.*”
- 7.4 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 7.5 Policy DM6 requires all development to be in accordance with the Seafront Character Zones. For Zone 3 the policy seeks to protect and enhance the open estuary views from Grand Parade and Undercliff Gardens.
- 7.6 In relation to development within the seafront character zones Policy DM6 states:
- ‘4. Development within or near the Seafront Area must not detrimentally impact upon the Thames Estuary’s openness or views across and backdrops to the River Thames and Southend’s beaches.*
- 6. All development within the Seafront Area must accord with the development principles set out in Policy Table 1.’*
- 7.7 Undercliff Gardens and Grand Parade fall within Seafront Character Zone 3. The Development principles for this character zone include:
- (i) To continue to protect and enhance the open character and undeveloped, green space, frontage and estuary views from Grand Parade, Cliff Parade, The Gardens, Undercliff Gardens, Leigh Hill and The Ridgeway.*

(ii) Development will be considered acceptable where it adds to the overall quality of Undercliff Gardens, Grand Parade, Cliff Parade, The Gardens, Leigh Hill and The Ridgeway,

- 7.8 The views of the estuary from the public footpath in Grand Parade are a defining characteristic of the street and can be enjoyed by all. As noted above, Policy DM6 specifically seeks to protect these public views of the estuary from inappropriate development which would block or appear over dominant in this outlook and as such would have a detrimental impact on this aspect of local character.
- 7.9 Having regard to the size and scale of the existing outbuilding and flats on site, the proposed single storey extension to the existing outbuilding, is modest in size and appears subservient to the existing outbuilding. Given that it is set down from the road, would be screened by an existing wall and a fence by the frontage with Grand Parade together with the proposal's very similar height and design to the existing building, it would not result in significant harm to the character and appearance of the host building or surrounding area. The proposal will maintain the open estuary views from Grand Parade.
- 7.10 The comments of Leigh Town Council, the Society for the Protection of Undercliff Gardens and local residents are noted. However, the scale of the proposal is reasonably comparable with that of a domestic outbuilding. It is considered that the extension, which is proposed to be set some 20m from the nearest boundary of the Grand Parade pavement, would have no significant impact on public views from Grand Parade as it would be of an insufficient height to appear above the line of sight to the south which is across steeply falling land. There is existing built form at this position and the main building at the foot of the slope against which the major part of the extension would be silhouetted. The reduction to garden area by the loss of the decking would be minimal in proportion to the scale of the site.
- 7.11 The proposal is therefore acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.12 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.13 The curtilage of flats in Regatta Court lies to the east. No. 84 Undercliff Gardens is to the west.
- 7.14 The extension would be set on the far side of the existing outbuilding from the boundary with Regatta Court. The extension would be set some 9m from the boundary with No. 84 Undercliff Gardens. The extension would be some 18m from the building accommodating flat 2 and flat 3, 82 Undercliff Gardens.
- 7.15 Given the limited size and scale of the proposed building, screening of the existing outbuilding and the isolation distances involved, it is not considered that the proposal

would result in harmful impacts on the amenity of the occupiers of any neighbouring dwellings in terms of sense of enclosure, overbearing impacts or a result in a loss of light, outlook, or privacy. It is therefore acceptable and policy compliant in the above regards.

- 7.16 A local resident has commented that the enlargement could facilitate a future change to a dwelling. Any such proposal would have to be considered on its merits, however it is noted that the most recent planning permission for the property, 21/01032/FUL, has a condition to make clear that such a change would have to be the subject of a planning application and it is considered reasonable, to ensure that the ancillary use of the enlarged outbuilding is clear, that this condition be imposed on the extension.

Traffic and Transportation Issues

- 7.17 The proposal would not impact on the existing parking area for the property; existing parking spaces would be retained. The proposal is therefore policy compliant in this regard.

Community Infrastructure Levy (CIL)

- 7.18 The development is not liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended).

Equality and Diversity Issues

- 7.19 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.

8 Conclusion

- 8.1 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 development plan policies and guidance.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

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

Reason: Required 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: 2101-X00, 2101-X01-C, 2101-X03-B, 2101-TP-ST-2.0-A, 2101-TP-ST-2.1-A, and 2101-TP-ST-2.2-A.**

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

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

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

- 04 The roof of the extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.**

Reason: To protect the privacy and environment of people in neighbouring residential properties, Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and the advice contained in the Design and Townscape Guide (2009).

- 05 The development hereby permitted shall not be occupied at any time other than for purposes directly ancillary to the residential use of the dwelling known as Flat 1, 82 Undercliff Gardens, Leigh on Sea. It shall not be occupied as a separate unit of self-contained accommodation.**

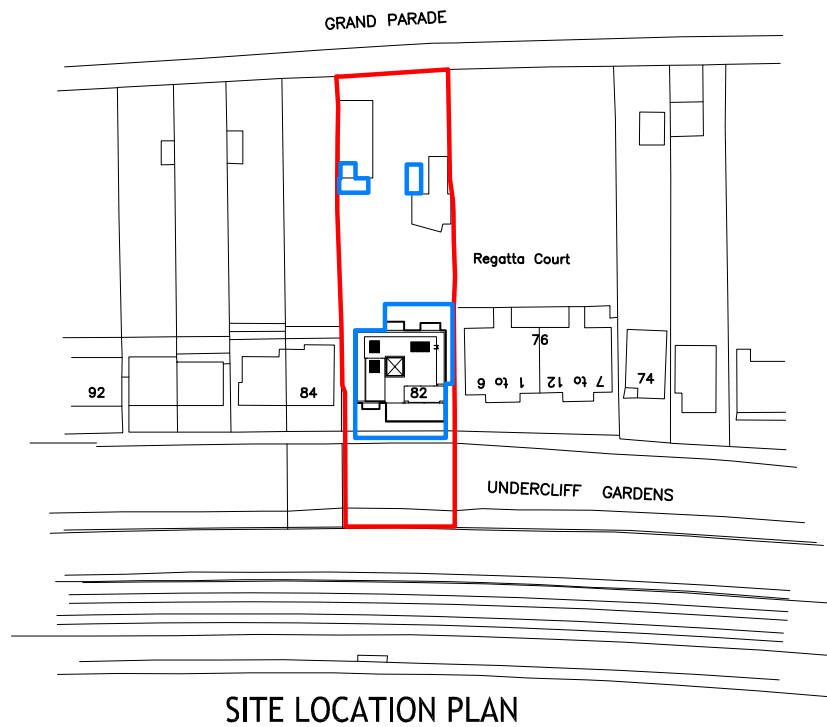
Reason: In the interests of residential and visual amenity and to ensure that acceptable accommodation sizes and parking standards are achieved, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, CP3 and CP4, Development Management Document (2015) Policy DM1 and DM3 and Southend Design and Townscape Guide (2009).

Informatives:

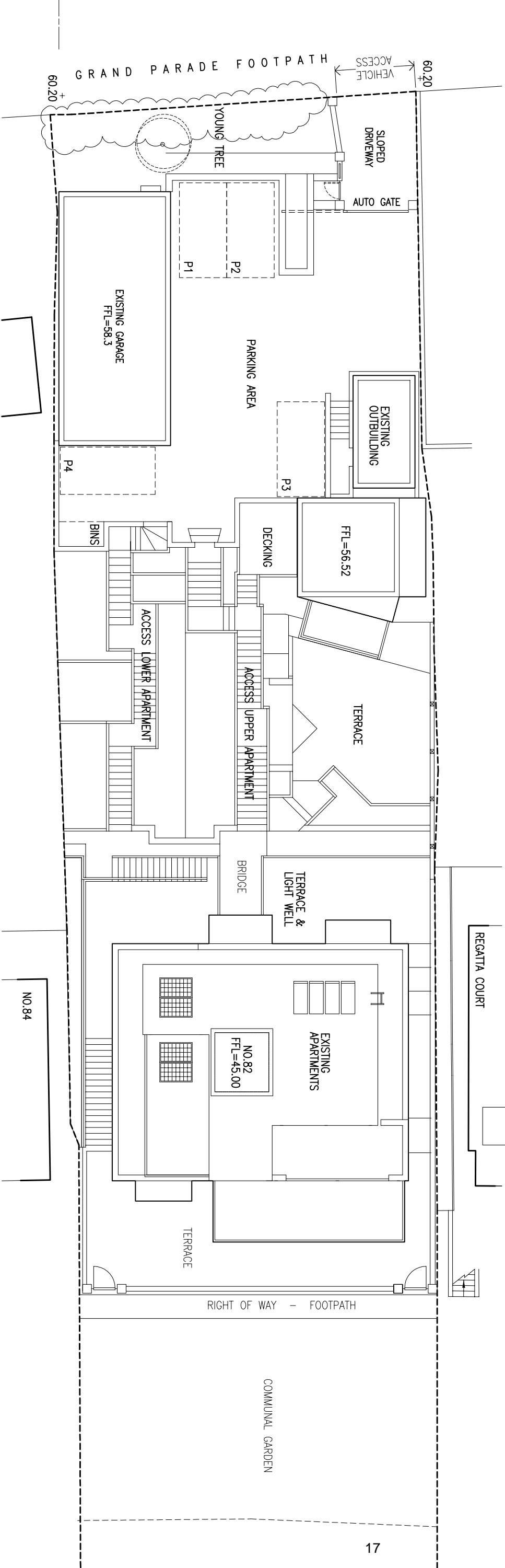
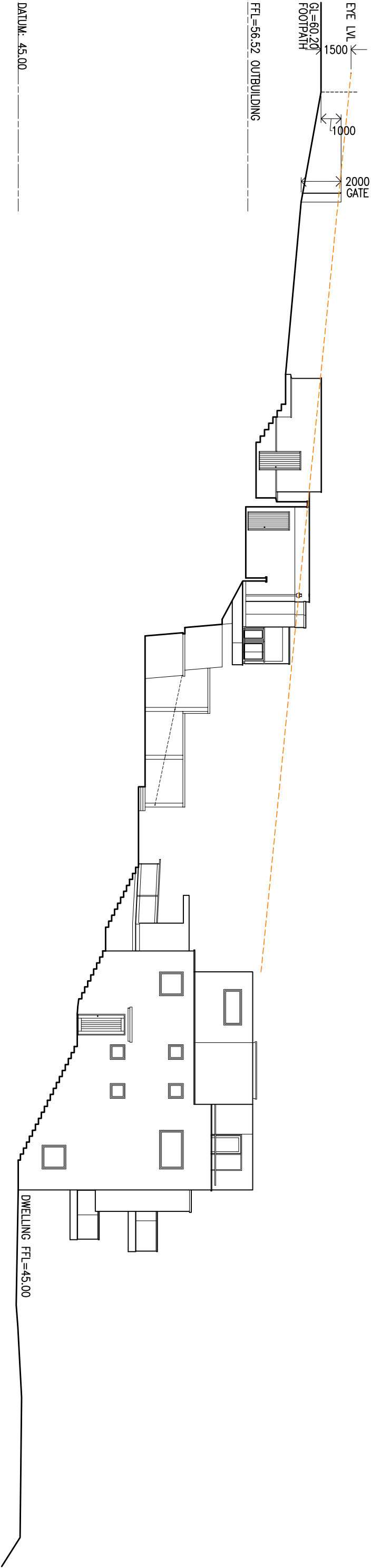
- 1 You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development would benefit from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge would be payable. See www.southend.gov.uk/cil for further details about CIL.**

- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may 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 borough.**

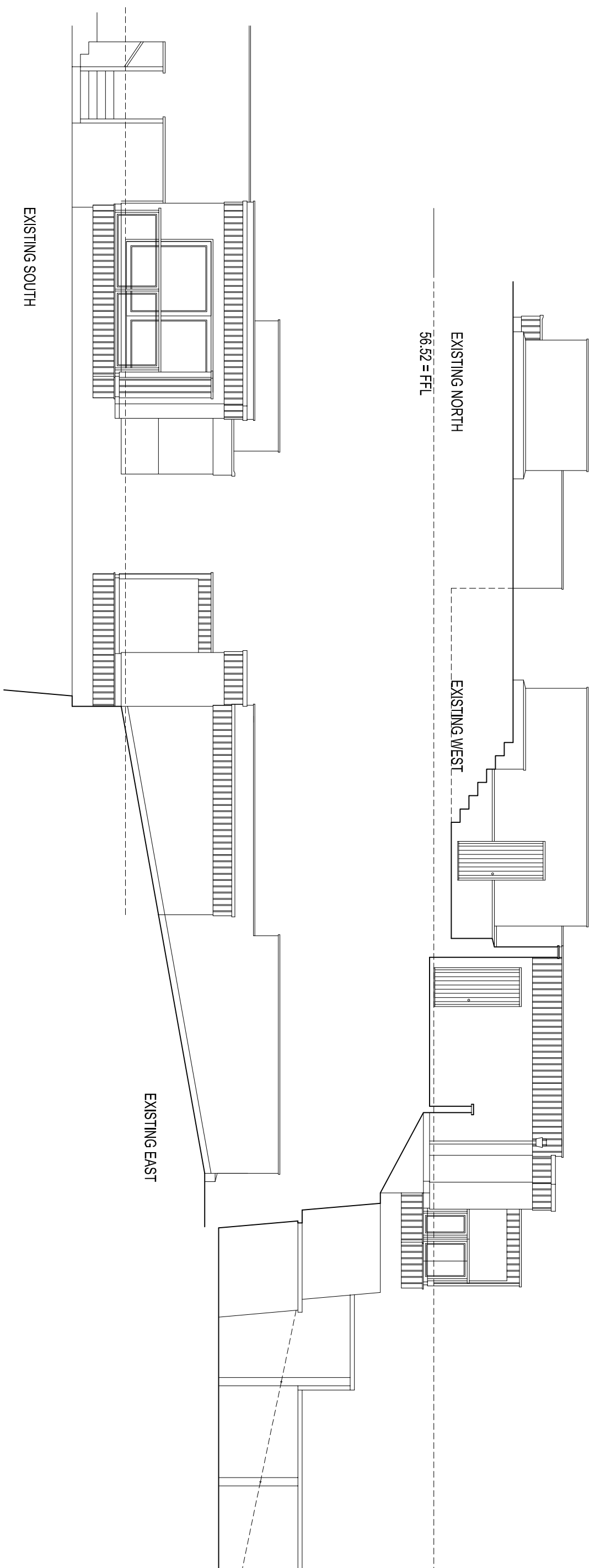
- 3 The Local Planning Authority has acted positively and proactively in determining this application, by assessing the proposal against all material planning considerations, including planning policies and any representations that may have been received. Planning permission has been granted subject to conditions as the proposal was found to be compliant with the objectives of planning policies and guidance and there were no material considerations to justify reaching a different conclusion. A detailed analysis of the proposal is set out in a report on the application prepared by officers.**



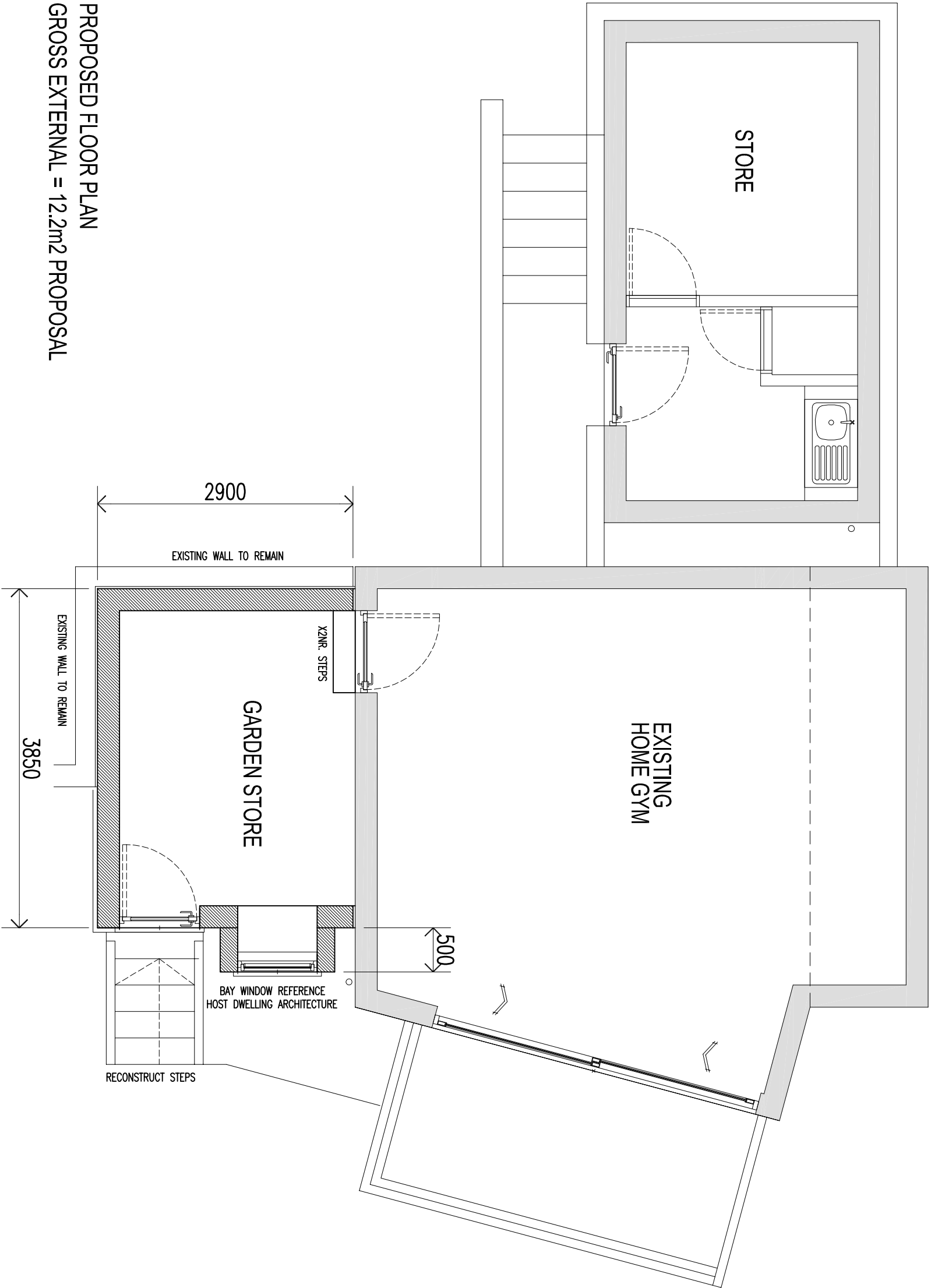
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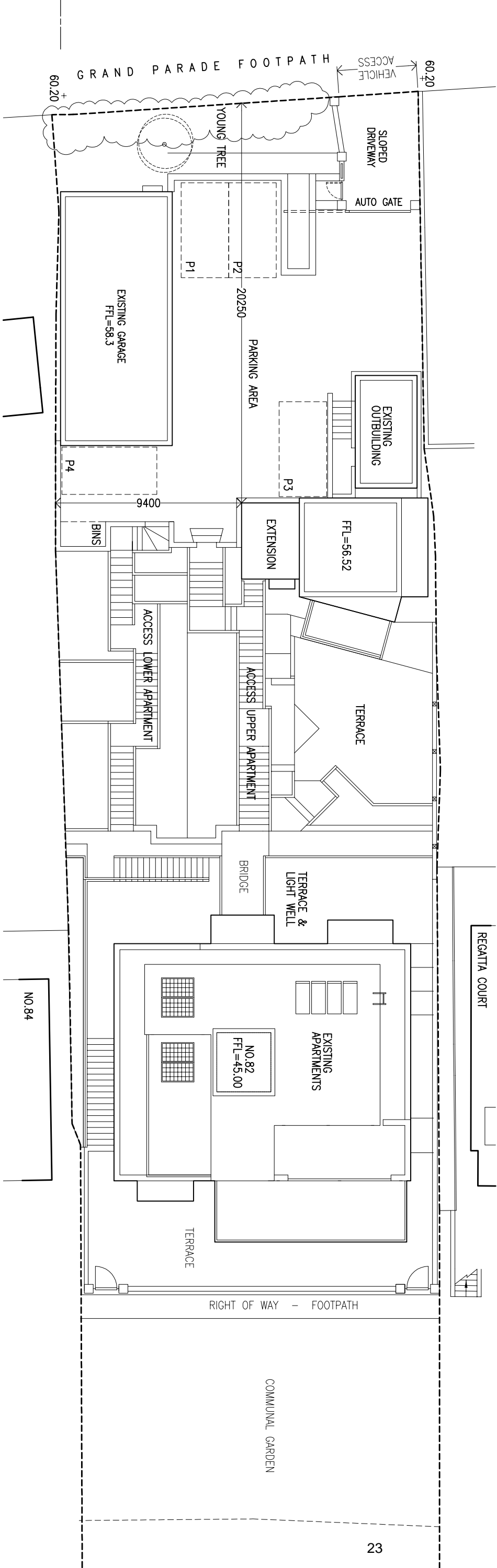
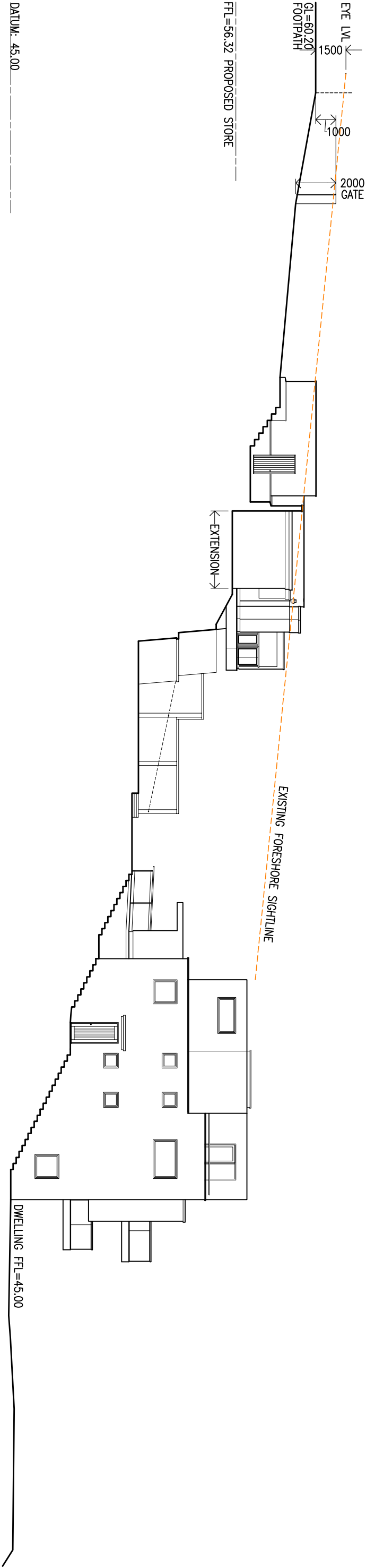
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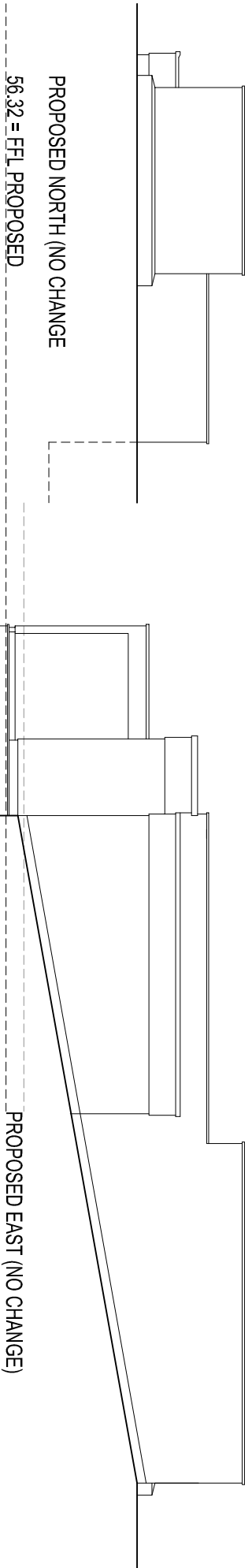
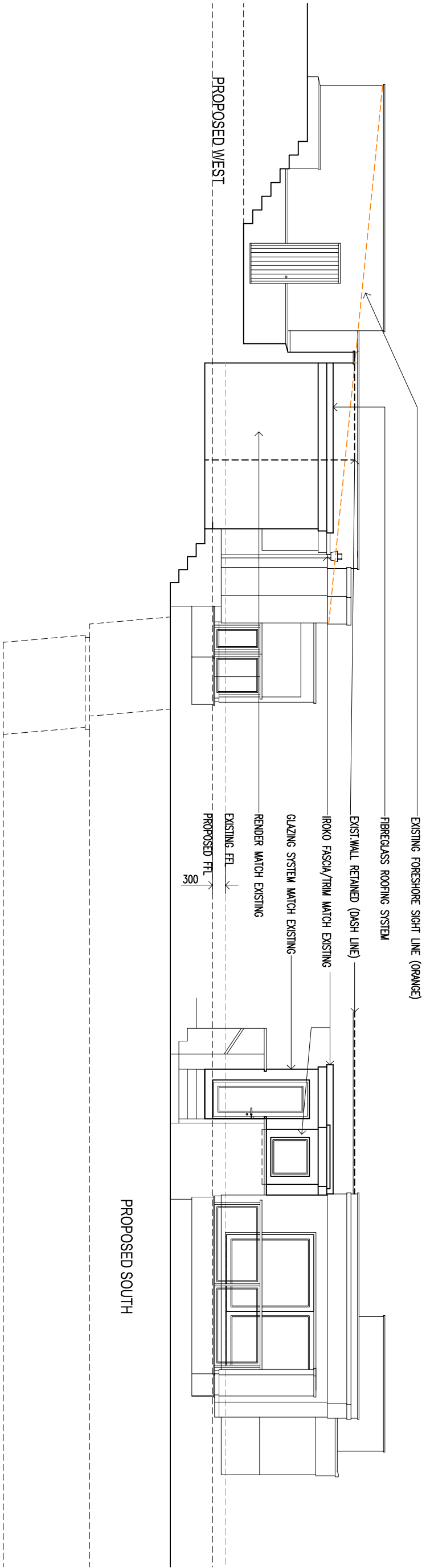
PROPOSED FLOOR PLAN
GROSS EXTERNAL = 12.2m2 PROPOSAL



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Reference:	22/00002/FUL	5
Application Type:	Full Application	
Ward:	Milton	
Proposal:	Change of use of existing building from retail (Class E) to dwellings (Class C3), erect two storey rear/side extensions with balconies to first floor rear, install dormer to rear and roof terrace, form 5no. self-contained flats with associated amenity space, cycle and refuse storage (Amended Proposal)	
Address:	172 - 174 London Road, Southend-on-Sea, Essex, SS1 1PH	
Applicant:	Mr Martin Saunders	
Agent:	Mr Jonathan McDermott of Town Planning Experts	
Consultation Expiry:	02.02.2022	
Expiry Date:	04.03.2022	
Case Officer:	Oliver Hart	
Plan Nos:	695-400; 695-401; 695-402; 695-403 Rev 03; 695-404 Rev 03	
Supporting information:	Design and Access Statement; Internal Daylight Assessment	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application relates to two, two-storey, terraced buildings on the south side of London Road currently occupied by commercial premises with a series of single, and two storey projections to their rear with garden beyond. 172 London Road is presently vacant. 174 London Road is still trading. The surrounding area is mixed, comprising predominantly commercial premises at ground floor with residential uses above.
- 1.2 The site is located within the Victoria Gateway Neighbourhood Policy Area of the SCAAP (Southend Central Area Action Plan). It is bounded to the rear by the Milton Conservation Area.

2 The Proposal

- 2.1 Planning permission is sought to change the use of No's 172 and 174 London Road from commercial to residential, and to erect two storey rear/side extensions and a dormer to the rear to provide 5no. flats.
- 2.2 The overall mix of the flats is:
 - Flat 1- 2bed 3-person unit – 61sqm internal floor area
bedroom 1- 12.1sqm; bedroom 2- 10sqm; storage area-1sqm
 - Flat 2- 2bed 3-person unit – 61.4sqm internal floor area
bedroom 1- 12.8sqm; bedroom 2- 9.8sqm; storage area-1sqm
 - Flat 3- 2bed 3-person unit – 64sqm internal floor area
bedroom 1- 12.1sqm; bedroom 2- 10sqm; storage area-1sqm
 - Flat 4- 2 bed 3-person unit – 65sqm internal floor area
bedroom 1- 11.5sqm; bedroom 2- 9sqm; storage area-1sqm
 - Flat 5- 2bed 3 person unit – 61sqm internal floor area
bedroom 1- 11.5sqm; bedroom 2- 9.1sqm; storage area-1sqm

- 2.3 Flats 1 and 2 would be accessed directly from London Road. Flats 3, 4 and 5 would also be accessed from London Road but via a separate entrance and a communal stair and landing.
- 2.4 The two-storey extension would be hip roofed and would extend centrally across the rears of both properties, measuring 7.8m in maximum height, 7.7m wide and 7.1m deep.
- 2.5 The dormer would be of flat roof 'box' design and would similarly extend across both roofscapes; some 8.8m wide, 3.1m deep and 1.9m high.
- 2.6 Proposed external alterations include infilling the front elevation with brick to match the first floor and replacing the existing shopfront with sliding sash windows and new front doors.
- 2.7 Private amenity spaces are proposed to each of the units as well as a communal area to the rear of the site for waste/cycle storage. No off-street car parking is proposed as part of the development.
- 2.8 This is an amended application following refusal of a previous scheme (Ref. 21/02051/FUL – the "2021 Application"). The 2021 Application was refused solely in relation to the living conditions of future occupiers.
- 2.9 The most notable amendments to this application are an alteration in the layout of flat 5 to increase the size of Bedroom 1, an increase of proposed internal storage space for all flats to 1sqm, as well as the submission of an internal daylight assessment. All other elements of the proposal, including the two-storey rear/side extensions, associated roof terraces and dormer to the rear remain unchanged.

3 Relevant Planning History

- 3.1 The 2021 Application (21/02051/FUL) - Change of use of existing building from retail (Class E) to dwellings (Class C3), erect two storey rear/side extensions with balconies to first floor rear, install dormer to rear and roof terrace, form 5no. self-contained flats with associated amenity space, cycle and refuse storage – Refused.

Reason for Refusal:

Flat 5 would fail to provide a bedroom with sufficient floor area to meet the minimum bedroom size standards as set out in the Technical Housing Standards for a double room so would result in an inadequate standard of accommodation detrimental to the amenities of its future occupiers. In addition, in the absence of a daylight and sunlight assessment demonstrating otherwise, it is reasonably considered that the limited outlook and light available to the single bedroom areas for all proposed flats and absence of sufficient integrated internal storage would result in an inadequate standard of accommodation detrimental to the amenities of these flats' future occupiers. This is unacceptable and contrary to the National Planning Policy Framework (2021), the advice contained within the Technical Housing Standards – Nationally Described Space Standard document (2015) and Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of Development Management Document (2015).

172 London Road

- 3.2 21/01468/PA3COU - Change of use from shop (Class A1) to 2 self-contained flats (Class C3), convert roofspace into habitable accommodation, alter elevations (Prior Approval) - Refused

174 London Road

- 3.3 21/01469/PA3COU - Change of use from shop (Class A1) to 2 self-contained flats (Class C3), convert roofspace into habitable accommodation, alter elevations (Prior Approval) – Refused

- 3.4 The planning history of the site is a material planning consideration of significant weight. The current proposal would result in identical built form to that proposed in the refused 2021 application where no objection to the design and character impacts, the residential amenity impacts nor the sustainability or highways impacts were raised. These findings hold significant weight in the determination of the current application.

4 Representation Summary

Call in

- 4.1 The application has been called in by Councillor George.

Public Consultation

- 4.2 10no. neighbouring properties were consulted and a site notice was displayed. Representations from 7 addresses (12 representations) have been received.

- 4.3 The objecting comments are summarised as follows:

- Parking concerns.
- Council should be promoting small business
- Development will have a detrimental impact on the wider shopping area
- Amenity concerns relating to loss of privacy
- Lighting report inaccurate
- Living conditions for future occupiers will still be substandard due to poor light/outlook.
- Design concerns with size/scale of the rear dormer
- Query with accuracy of the application form

[Officer Comment]: All relevant planning considerations have been assessed within the appraisal section of the report. These concerns are noted and where they relate to planning concerns, have been taken into account in the assessment of the application. The points of objection raised in representations are not found to represent justifiable reasons for refusing permission in the circumstances of this case.

Highways

- 4.4 No objection.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)

- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Technical Housing Standards – Nationally Described Space Standards (2015)
- 5.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 5.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management).
- 5.6 Southend Central Area Action Plan (SCAAP) (2018): Policy PA8 (Victoria Gateway Neighbourhood Policy Area Development Principles)
- 5.7 Design & Townscape Guide (2009)
- 5.8 Technical Housing Standards Policy Transition Statement (2015)
- 5.9 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.10 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.11 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.12 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are whether the application has overcome the previous reason for refusal in relation to living conditions for future occupiers following submission of an Internal Daylight Assessment and alterations to the internal layout of flat 5.
- 6.2 A comparable scheme considered under the 2021 Application was assessed against the same policy background (noting the recent publication of NPPF (2021) and that there have been no material changes in the site circumstances in the interim). It is not considered that the latest NPPF has introduced any new considerations relevant to this application. That earlier proposal was found to be acceptable in other regards subject to conditions, including in terms of the principle of the development, design and character impacts including the character and appearance of the Milton Conservation Area, the impact on neighbours, the impact on highways and parking conditions of the area, refuse and recycling storage, energy and water sustainability, RAMS payment and CIL liability. The current application is also considered to be acceptable in these regards, including the requisite RAMS fee having been paid. The findings for the above considerations are discussed in the officer's report for the 2021 Application appended to this report as Appendix 1. These findings are relevant and do not need to be repeated.

7 Appraisal

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.1 Delivering high quality homes is a key objective of the NPPF and is reflected in Policy DM8 of the Development Management Document. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact on the living conditions and amenity of existing and future residents or neighbouring residents. Policy DM1 requires developments to provide an internal and external layout that takes account of all potential users. Policy DM8 requires new dwellings to comply with the residential space standards, to be flexible to meet the changing needs of residents and ensure the provision of outdoor amenity space.
- 7.2 The 2021 application was refused on grounds of unacceptable living conditions due to the following issues:
- Flat 5 would have failed to provide a bedroom with sufficient floor area to meet the minimum bedroom size standards for a double room;
 - In the absence of a daylight and sunlight assessment demonstrating otherwise, it was considered that there would have been limited outlook and light available to the single bedroom areas for all proposed flats; and
 - There would have been insufficient integrated internal storage space.
- 7.3 To overcome these concerns, the applicant has submitted an Internal Daylight Assessment, re-configured flat 5 to enlarge Bedroom 1 and incorporated internal storage of 1sqm to all flats.
- 7.4 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes. The required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on the table below:

Table 1: Space Standards

	Area (m ²)	Bedroom 1	Bedroom 2	Storage area (m ²)
Standard for (one storey) 2 bed 3 person	61	11.5m ² Wmin=2.75m	7.5m ² Wmin=2.15m	2

- 7.5 All the flats proposed would now meet the minimum overall space requirements in so far as they relate to total floor area, and the size requirements for a double and single bedroom. The integrated storage areas proposed at 1sqm would still be undersized in relation to the required standard however, the additional 1sqm required could be easily accommodated within the proposed layout (e.g. within the living area) and a condition to that effect can achieve the required degree of provision.

Daylight, Sunlight and Outlook from Habitable Rooms

- 7.6 All the main bedrooms would continue to benefit from satisfactory outlook and daylight levels. An Internal Daylight Assessment report has been submitted in respect of all the single (second) bedrooms following an earlier refusal on this basis.
- 7.7 The Assessment concludes that using the Average Daylight Factor (ADF), all the

surveyed bedrooms would meet the minimum standards prescribed by BS8206:2. This is a positive of the proposal. Whilst there is concern with respect to the prospective outlooks for the second bedrooms arising from their L-shaped layout and position within a well, due regard is had to the findings of the Internal Daylight Assessment and the size of the second bedrooms which exceed the minimum internal standards. Regard is also had to the recent appeal decisions at Viceroy House and Suffolk House which highlight the significant emphasis placed on the need for housing in the Borough by the Planning Inspectorate such that schemes with living conditions comparable with those proposed in this instance were deemed acceptable. On this basis and on balance, it is not considered that the potential harm identified to the occupants of the single rooms would be so significant as to tilt the balance against the provision of housing.

M4 (2) – Accessibility

- 7.8 The proposal involves the conversion of an existing property, not the erection of a new building. Policy DM8 states that accessibility for all new dwellings should be of a standard of Building Regulation M4 (2) but in line with 2021 Application, this is not applicable to changes of use or extensions of existing buildings, as is the case here.

Amenity Provision

- 7.9 All units would benefit from some level of amenity space. The amenity spaces are sufficiently screened from the highway, are adequately distanced from adjacent buildings and are of sufficient sizes to reasonably meet the needs of occupiers of the proposed dwellings.

Noise and Disturbance

- 7.10 Having regard to the presence of neighbouring first floor dwellings that bound the application site, it is not considered nearby ground floor commercial uses would give rise to significantly harmful degrees of undue noise and disturbance that would be to the significant detriment of the amenities of the future occupiers. However, a condition to require appropriate noise mitigation measures such as acoustic glazing, are suggested. Environmental Health have raised no objection to the development subject to such a condition.
- 7.11 The provision of adequate insulation between the proposed residential units would be a matter to be satisfactorily addressed under Building Regulations.

Access

- 7.12 The access arrangements directly from London Road are considered to be acceptable.
- 7.13 Overall, it is considered that the proposal would, on balance, result in suitable standard of accommodation for future occupiers. The proposal is therefore acceptable and compliant with the relevant policies in these regards.

Other Matters

Equality and Diversity

- 7.14 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)

- 7.15 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. The proposed development is situated in CIL charging zone 1 and includes a gross internal floor area of approximately 312.4sqm, which may equate to a CIL charge of £8002.25 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, including the basis of the 2021 permission, it is concluded that, subject to compliance with the recommended conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local and national policies and guidance. The proposal is acceptable in principle and it would have an acceptable impact on the character and appearance of the area, the highway and parking conditions in the area and the neighbour amenity impact. On balance, the proposed development would also be acceptable in terms of its living conditions for future occupiers. Conditions can deal with energy and water sustainability.
- 8.2 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. 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 level of occupancy and number of units involved. This application is recommended for approval subject to conditions.

9 Recommendation

- 9.1 **GRANT PLANNING PERMISSION subject to the following conditions**

1. 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.

2. The development hereby approved shall be carried out in accordance with the approved plans: 695-400; 695-401; 695-402; 695-403 Rev 03; 695-404 Rev 03

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

3. 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 dwelling. This applies unless differences are shown on submitted plans.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy 2007, Policy DM1 and DM3 of the Development Management Document 2015 and the Design and Townscape Guide 2009.

4. Prior to occupation of the development hereby approved, details of energy efficiency and other sustainability measures, including the provision of at least 10% of the development hereby approved's energy needs being provided from renewable sources, shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be carried only 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 and the guidance contained within the Design and Townscape Guide (2009).

5. Prior to occupation of the development hereby approved, 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 (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 water in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Councils Design and Townscape Guide (2009).

6. Prior to occupation of the development hereby approved, details of secure, covered cycle and refuse storage for the flats shall be submitted to and approved in writing by the local planning authority. The agreed details shall be implemented and made available for use before the flats are first occupied and shall be

permanently retained for occupiers of the development thereafter.

Reason: In order to protect the character and visual amenities of the area and the environment for residents and provide sustainable modes of transport in accordance with of the Council's Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) policies DM1, DM3 and DM15.

- 7. Hours of construction works associated with this consent shall be 8am - 6pm Monday to Friday, 8am - 1pm Saturday. No works shall be carried out on Sundays or Bank Holidays.**

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and The Design and Townscape Guide (2009).

- 8. Prior to occupation of the development hereby approved, adequately glazed windows shall have been installed for all habitable rooms in the front elevation of the development (windows to meet Specification RW 35) to mitigate Road Traffic Noise from London Road.**

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

Informatives:

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. 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).

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may 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 borough.

Appendix 1 – Previous Officers Report

Reference:	21/02051/FUL
Application Type:	Full Application
Ward:	Milton
Proposal:	Change of use of existing building from retail (Class E) to dwellings (Class C3), erect two storey rear/side extensions with balconies to first floor rear, install dormer to rear and roof terrace, form 5no. self-contained flats with associated amenity space, cycle and refuse storage
Address:	172 - 174 London Road Southend-on-Sea Essex SS1 1PH
Applicant:	Mr Martin Saunders
Agent:	Mr Jonathan McDermott of Town Planning Experts
Consultation Expiry:	18.11.2021
Expiry Date:	17.12.2021
Case Officer:	Oliver Hart
Plan Nos:	695-400; 695-401; 695-402; 695-403 Rev 02; 695-404 Rev 02;
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The application relates to two, two-storey terraced buildings on the south side of London Road currently occupied by commercial premises with a series of single, and two storey projections to their rear with garden beyond. 172 London Road is presently vacant. 174 London Road is still trading. The surrounding area is mixed, comprising predominantly commercial premises at ground floor with residential uses above.
- 1.2 The site is located within the Victoria Gateway Neighbourhood Policy Area of the SCAAP (Southend Central Area Action Plan). It is bounded to the rear by the Milton Conservation Area.

2 The Proposal

- 2.1 Planning permission is sought to change the use of No's 172 and 174 London Road from commercial to residential, and to erect two storey rear/side extensions and a dormer to the rear to provide 5no. flats.
- 2.2 The composition of the flats is:
- Flat 1- 2bed 3-person unit
bedroom 1- 12.1sqm; bedroom 2- 10sqm
 - Flat 2- 2bed 3-person unit
bedroom 1- 12.8sqm; bedroom 2- 9.8sqm
 - Flat 3- 2bed 3-person unit
bedroom 1- 12.1sqm; bedroom 2- 10sqm
 - Flat 4- 2 bed 3-person unit
bedroom 1- 11.5sqm; bedroom 2- 9sqm
 - Flat 5- 2bed 3 person unit
bedroom 1- 10.3sqm; bedroom 2- 9.5sqm
- 2.3 Flats 1 and 2 would be accessed directly from London Road. Flats 3, 4 and 5 would also be accessed from London Road but via a separate entrance and a communal stair and landing.
- 2.4 The two-storey extension would be hip roofed and would extend centrally across the rears of both properties, 7.7m wide and 7.1m deep.
- 2.5 The dormer would be of flat roof 'box' design and would similarly extend across both roofscapes; some 8.8m wide, 3.1m deep and 1.9m high.
- 2.6 Proposed external alterations include infilling the front elevation with brick to match the first floor and replacing the existing shopfront with sliding sash windows and new front doors.
- 2.7 Private amenity spaces are proposed to each of the units as well as a communal area to the rear of the site for waste/cycle storage. No off-street car parking is proposed as part of the development.

3 Relevant Planning History

172 London Road

- 3.1 21/01468/PA3COU- Change of use from shop (Class A1) to 2 self contained flats (Class C3), convert roofspace into habitable accommodation, alter elevations (Prior Approval)- Refused

174 London Road

- 3.2 21/01469/PA3COU- Change of use from shop (Class A1) to 2 self contained flats (Class C3), convert roofspace into habitable accommodation, alter elevations (Prior Approval)-

Refused

4 Representation Summary

Public Consultation

- 4.1 10 neighbouring properties were consulted and a site notice displayed. No letters of representation have been received.

Environmental Health

- 4.2 No objections subject to conditions relating to acoustic glazing.

Highways

- 4.3 No objections. Secure cycle parking has been provided. Future occupiers will not be eligible for a town centre or residential parking permit.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance) and CP8 (Dwelling Provision).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM10 (Employment Sectors), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management).
- 5.5 Design & Townscape Guide (2009)
- 5.6 Technical Housing Standards Policy Transition Statement (2015)
- 5.7 Southend Central Area Action Plan (SCAAP) (2018): Policy PA8 (Victoria Gateway Neighbourhood Policy Area Development Principles)
- 5.8 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.9 Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the streetscene and wider area, impact on residential amenity, living conditions for future occupiers, any traffic and transportation issues, sustainable design and CIL and RAMS considerations.

7 Appraisal

Principle of Development

- 7.1 The site is within the built-up area and close to town centre services and transport links.
- 7.2 The application site is not within a designated shopping frontage or centre. As such there is no requirement to maintain a specific level of retail use or active frontage at ground floor. In respect of shopping policy, there is therefore no objection to the loss of commercial, business or service use and frontage at this location.
- 7.3 The proposal results in loss of potential employment-generating space. By virtue of their size, the units are considered a small-scale employment-generating use. The current uses fall within Class E and is not one of the B Class employment generating uses which are the focus of Policy DM11 objectives. It is considered unreasonable to object to the proposed change of use on this basis.
- 7.4 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough. Policy CP8 also expects 80% of residential development to be provided on previously developed land. 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 weigh in favour of the principle of the development, particularly in light of the tilted balance in favour of sustainable residential development as required by paragraph 11 of the NPPF. The proposal would create an increase of five dwellings each of three person, two bedroom capacity which is a limited contribution to the housing supply of the Borough.
- 7.5 Situated within the built-up area, extensions and alterations to the building are also acceptable in principle. Overall, the principle of development is acceptable subject to the details of the proposal considered below.

Design and Impact on the Character of the Area

- 7.6 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.
- 7.7 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contributes positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape guide provide further details on how this can be achieved.
- 7.8 The rear boundary of the application site marks the start of the Milton Conservation Area which extends towards the south. Section 72(1) of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. In accordance with this, Policy DM5 of the Development Management Document states the Council has a statutory duty to preserve or enhance their character and

appearance, and regard will be had to the impact of the proposed development on the adjacent conservation area.

- 7.9 The proposed external changes include removal of the existing shopfront and infilling with face brick, windows and new front doors which is considered to be in keeping with the character and appearance of the application property and would contribute satisfactorily to the streetscene. Details of materials can be controlled by a planning condition.
- 7.10 The two-storey rear extension is of significant size and scale however, its set down from the ridge of the existing roof and hip roofed form are considered to reduce its scale, bulk and prominence in the rear garden scene to an acceptable degree. No public views would be possible within the main streetscenes around the site. Noting the proposed use of matching materials (which could be secured via condition were the proposal otherwise acceptable) and the presence of single, and two storey rear projections of varying form and design within the wider terrace, no objections are raised on its character impact including its impact as seen from within the Conservation Area to the south, in which the impact would be neutral.
- 7.11 The dormer proposed is of significant width however, its position set up from the eaves, set down from the ridge and retention of separation to either flank roof slope are such that the resultant built form is considered to sit sufficiently well in the space available and positioned behind the two storey extension, it would appear as a relatively low impact feature in the rear garden scene and Conservation Area views from the south. The use of matching materials would sufficiently mitigate any design concerns further. Regard is also had to the presence of a large flat roofed box dormer within the wider terrace such that this dormer is not considered to appear as an unduly incongruous feature. For the reasons outlined above, the dormer and extension proposed are considered to have neutral impacts which would preserve the character, appearance and setting of the adjacent Milton Conservation Area to an acceptable degree.
- 7.12 No objection is raised to the proposed installation of roof lights to the front roof slope which are discreet in visual impact.
- 7.13 Whilst contrived in their form and design, no objection is also raised to the proposed first floor rear balconies nor the roof terrace which are also considered to be discreet in visual impact, including as viewed from the adjacent Conservation Area.
- 7.14 The proposal is therefore acceptable and policy compliant in the above regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.15 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.

Space Standards

- 7.16 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage size which in the context of this application are as follows:

Floorspace

- Requirement for a single-storey, two-bed (three-person) unit is 61sqm.

The minimum standards for bedrooms are shown below:

- Master - min area 11.5 sqm, min width 2.75m
- Double - min area 11.5sqm, min width 2.55m
- Single - min area 7.5 sqm, min width 2.15m

Storage

- Requirement for minimum 2sqm for a single storey two-bed (three-person) unit.

- 7.17 All the flats proposed would meet the minimum overall space requirements. However, bedroom 1 within flat 5 at 10.3sqm would fall significantly below the requirement for a Master bedroom and consequently, would lead to a detrimental impact on the amenity of its future occupants. Moreover, it has not been detailed on submitted plans that integrated storage areas would be made available for any of the units (the requirement is for 2sqm). Given the size and disposition of the units proposed it is not clear that this could necessarily be provided in any or all cases. In this respect, it is not considered that a planning condition would sufficiently address this concern in all regards. This is considered a negative of the scheme that would compromise the future living arrangements of occupants.

Daylight, Sunlight and Outlook from Habitable Rooms

- 7.18 It is considered that all the main bedrooms would have satisfactory outlook and daylight levels. Concern is raised with regards to the receipt of light to all the single (second) bedrooms within the proposed development on account of the following: the position of windows at flats 1, 2, 3 and 4 positioned within deep and narrow well arrangements (surrounded on either side by 2 storey development); and in relation to flat 5, the provision of only a single roof light. In the absence of a daylight and sunlight assessment, and given the circumstances of the development, it has not been reasonably demonstrated that the proposed second bedrooms would achieve an adequate level of light or benefit from a sufficient outlook and objection is raised on this basis.

M4 (2) – Accessibility

- 7.19 The proposal involves the conversion of an existing property, not the erection of new dwellings. Policy DM8 states that accessibility for all new dwellings should be of a standard of optional requirement M4 (2) of the Building Regulations but this optional requirement is stated not to be applicable to changes of use, as is the case here.

Amenity Provision

- 7.20 All units would benefit from some level of amenity space. The amenity spaces are sufficiently screened from the highway, are adequately distanced from adjacent buildings and are of sufficient sizes to reasonably meet the needs of occupiers of the proposed dwellings.

Noise and Disturbance

- 7.21 Having regard to the presence of neighbouring first floor dwellings that bound the

application site, it is not considered nearby ground floor commercial uses would give rise to significantly harmful degrees of undue noise and disturbance that would be to the significant detriment of the amenities of the future occupiers. Environmental Health have raised no objection to the development subject to a condition requiring acoustic glazing to the proposed front windows.

- 7.22 The provision of adequate insulation between the proposed residential units would be a matter to be satisfactorily addressed under Building Regulations.

Access

- 7.23 The access arrangements directly from London Road are considered to be acceptable.
- 7.24 Overall, it is considered that the proposal would result in substandard accommodation for future occupiers and would be detrimental to their living conditions. The proposal is therefore unacceptable and contrary to relevant policies in these regards.

Impact on Residential Amenity

- 7.25 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.26 The proposal is bounded by first floor residential accommodation at No.170A London Road to the east and by No.174B London Road to the west. Both of these properties have deep part single/part two storey rear projections.
- 7.27 The positioning of the dormer within the confines of the rear roof slope is such that this element of the proposal would not have a detrimental impact on the amenities of the neighbouring occupiers. The dormer would provide potential for overlooking of rear gardens of adjoining neighbouring properties including those along Park Terrace (south) however, there is already an existing degree of overlooking at present which is representative of the levels of amenity generally enjoyed in this rear garden environment. On this basis, it is not considered that the proposed dormer would give rise to a material increase in overlooking or loss of privacy to these neighbouring properties beyond existing levels, nor to an unacceptable degree. The proposed rooflights face into the public domain with no adverse impact on residential amenity.
- 7.28 The two-storey extension would not project beyond the rear elevation of No.170A such that it is not considered to give rise to any significantly detrimental impacts in any regard. The proposed extension would project some 4m beyond the rear elevation of No.174B however, the window in closest proximity to the application site serves a bathroom and is obscure glazed. This constitutes non-habitable accommodation the protection which can be afforded to the light of which is limited in planning terms. The depth of the extension together with the degree of separation from the shared boundary and position adjacent to non-habitable accommodation is such that it is not considered to result in a significantly harmful impact on the residential amenity of the occupants at No.174B by way of overshadowing, a material loss of light and outlook nor an increased sense of

enclosure. The proposal is therefore considered to be acceptable and policy compliant in these regards.

- 7.29 Whilst it is considered that the proposed first floor rear balconies belonging to flats 3 and 4 may give rise to some actual and perceived overlooking of neighbouring private amenity space on account of their projection into the rear garden area, it is considered that such harm could be overcome by installation of obscure glazed privacy screening to either flank elevation adjacent to the shared boundaries with No's 170A and 174B. That could be controlled by planning condition were the proposal otherwise acceptable.
- 7.30 It is considered the proposed roof terrace would have an acceptable amenity impact on account of its elevated position and absence of adjacent neighbouring habitable accommodation.
- 7.31 Subject to conditions therefore, the proposal is acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.32 Policy DM15 of the Development Management Document requires all development to provide adequate parking and sets a minimum parking standard of 1 parking space per dwelling in this location. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport. No parking is proposed for the development however, this location is highly accessible and is located within reasonable walking distance of Southend Central and Victoria Railway Stations plus main bus links. Public car parks are also located in close proximity. It is therefore considered to be a sustainable location and it is considered that zero parking can be justified in this instance.
- 7.33 Secure and enclosed cycle parking for 5no. bicycles is shown to the rear of the application site. The capacity and form of provision is considered to be acceptable. Highways have raised no objection. Subject to a condition controlling the cycle provision the proposal is acceptable and policy compliant in the above regards.

Waste

- 7.34 Secure and enclosed waste storage is shown to the rear of the application site. The capacity and form of provision is considered to be acceptable. Subject to a condition controlling the refuse/recycling provision, the proposal is acceptable and policy compliant in the above regards.

Sustainability

- 7.35 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.

- 7.36 No information has been provided regarding proposed renewable energy to demonstrate how the proposal meets the 10% policy requirement. By reason of the development being a conversion it is considered that it would be unfeasible to require accordance with the abovementioned energy requirement. It is considered however that the requirement for restrictions on water usage could feasibly be incorporated into the development and can be controlled with a condition. This aspect of the proposal is therefore considered to be acceptable and policy compliant in this regard, subject to conditions.

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) and Ecology.

- 7.37 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD) which was adopted by Full Council in October 2020 requires that a tariff of £127.30 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 7.38 The payment has been made and the proposal is therefore policy compliant in that regard.

Community Infrastructure Levy (CIL)

- 7.39 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application may also be CIL liable.

8 Conclusion

- 8.1 Having taken all material planning considerations into account and for the reasons outlined above, it is found that the proposed development would be unacceptable and contrary to the objectives of the relevant development plan policies and guidance. The identified harm is not outweighed by public benefits including the proposal's limited provision of additional housing. The proposed development is unacceptable and fails to comply with planning policy. The application is therefore recommended for refusal.

9 Recommendation

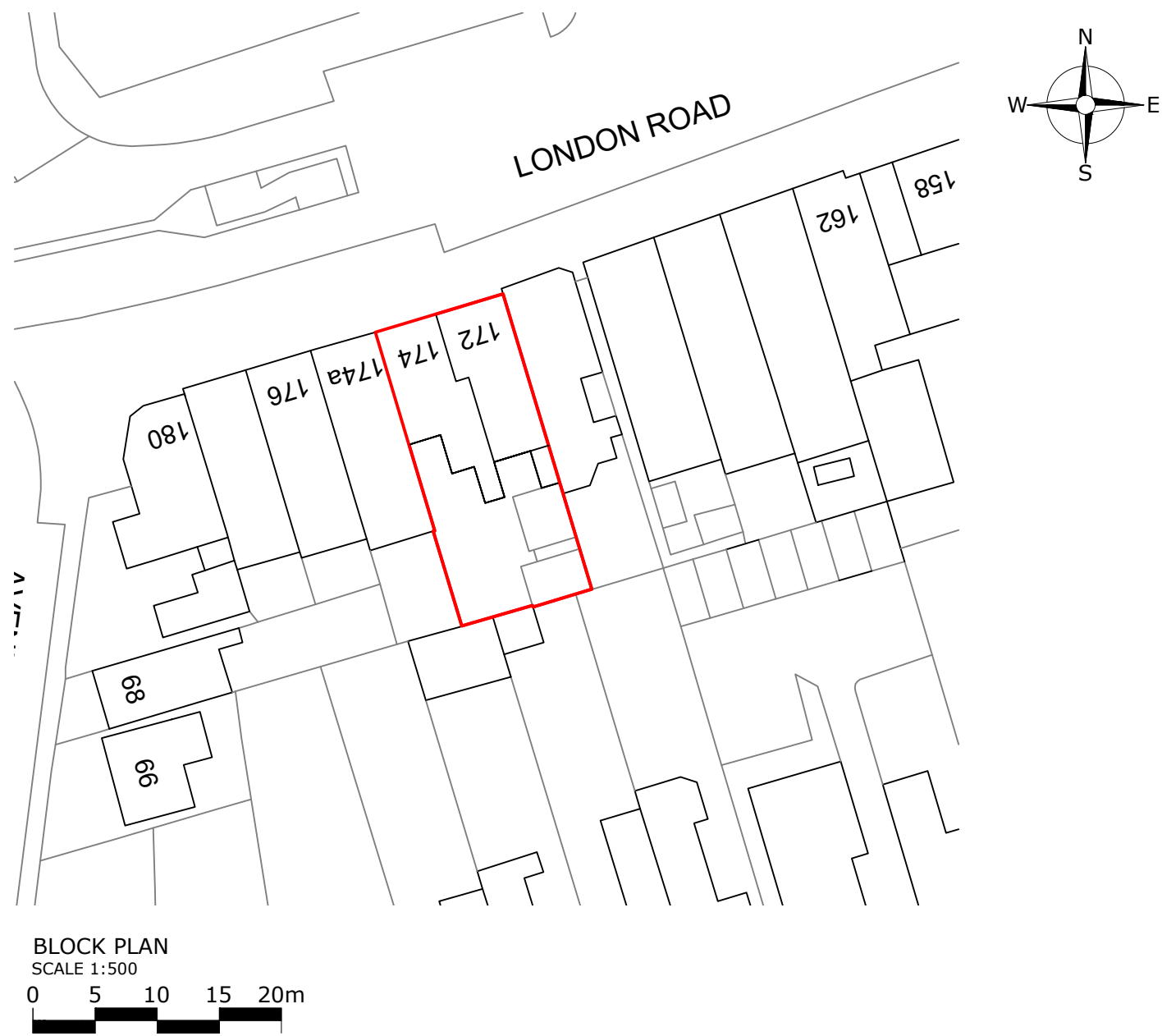
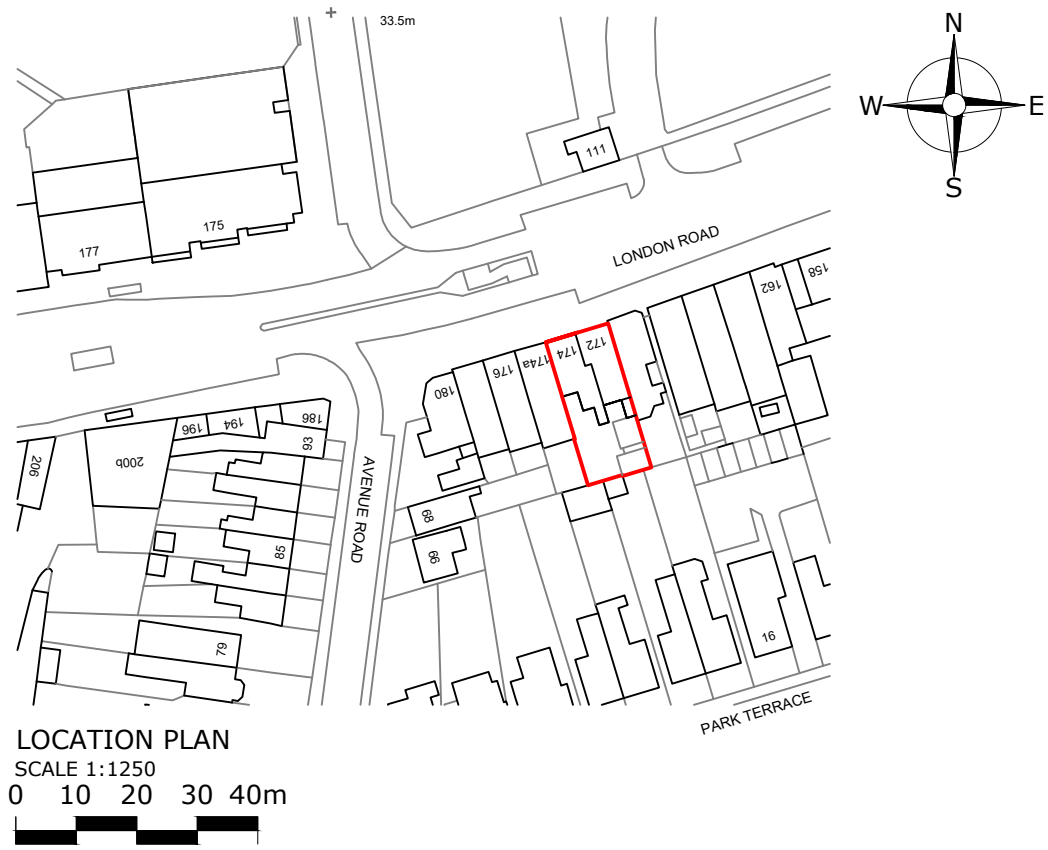
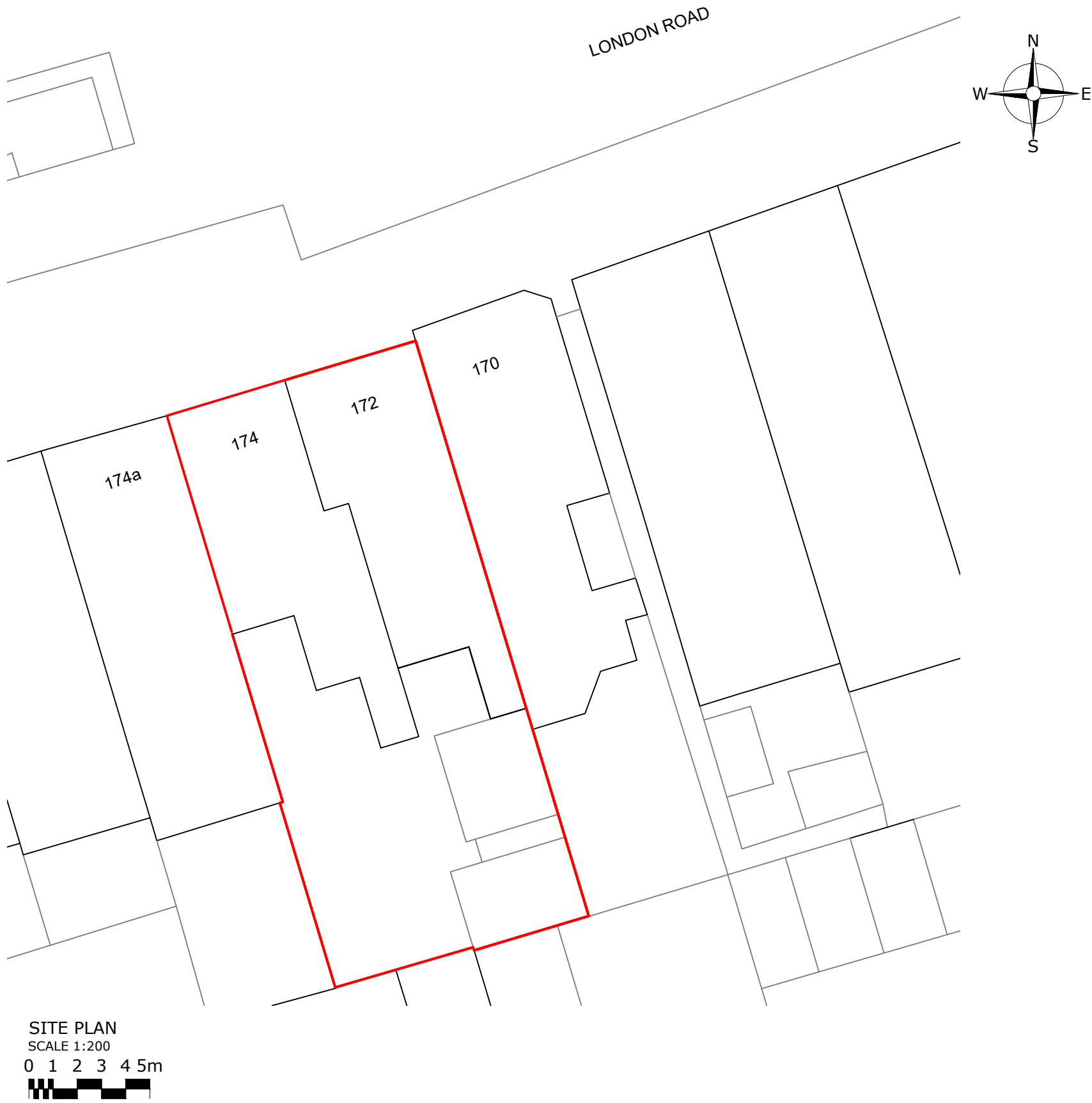
- 9.1 **REFUSE PLANNING PERMISSION for the following reason:**

01 Flat 5 would fail to provide a bedroom with sufficient floor area to meet the minimum bedroom size standards as set out in the Technical Housing Standards for a double room so would result in an inadequate standard of accommodation

detrimental to the amenities of its future occupiers. In addition, in the absence of a daylight and sunlight assessment demonstrating otherwise, it is reasonably considered that the limited outlook and light available to the single bedroom areas for all proposed flats and absence of sufficient integrated internal storage would result in an inadequate standard of accommodation detrimental to the amenities of these flats' future occupiers. This is unacceptable and contrary to the National Planning Policy Framework (2021), the advice contained within the Technical Housing Standards – Nationally Described Space Standard document (2015) and Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of Development Management Document (2015).

Informatives:

- 1 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore, if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.



NOTES:

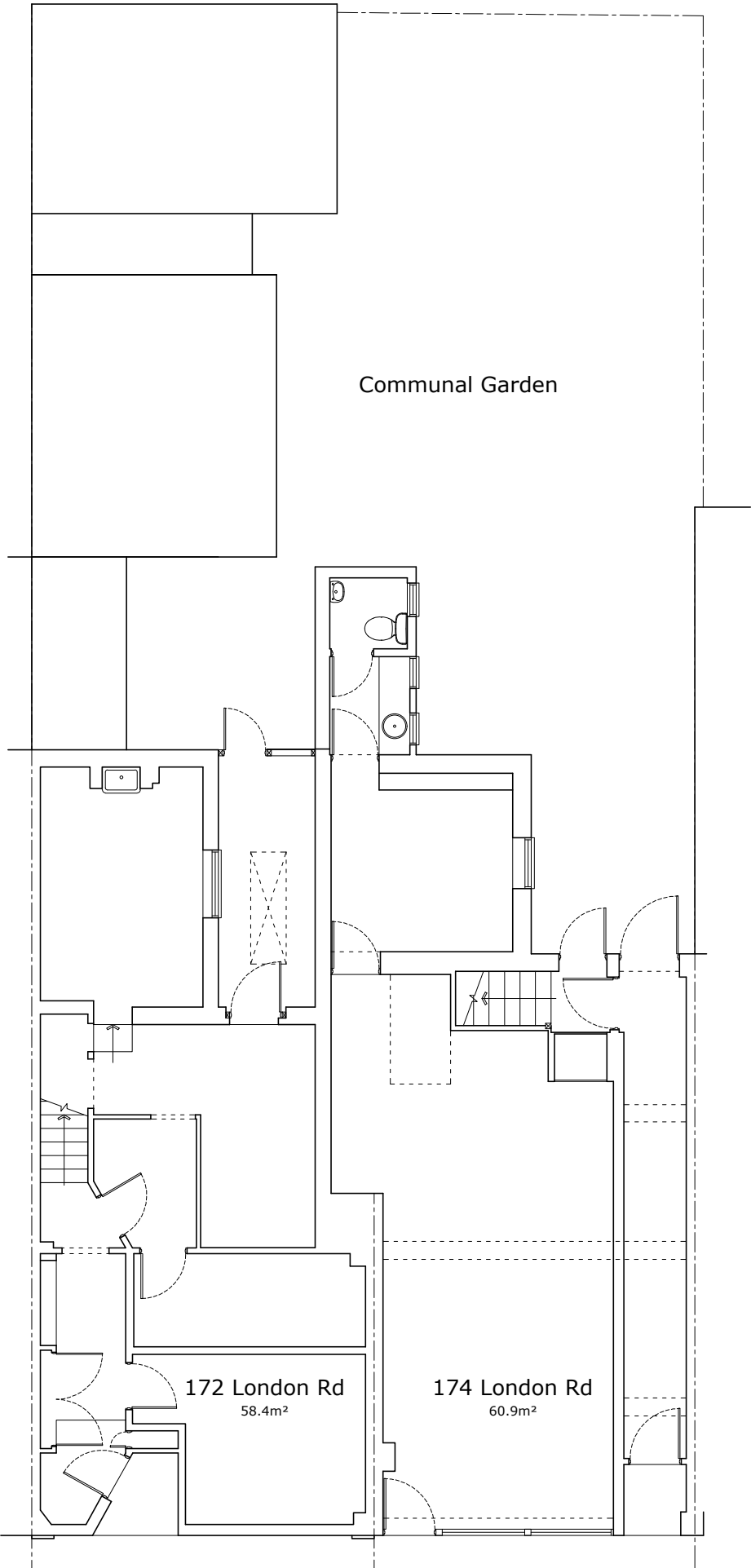
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Rev:01	08/21	First Issue
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Project Address 172 London Road, Southend		
Client Name Property Point		
Drawing Title Location, Block & Site Plans		
Status		
Planning Drawings		
Drawing Number 695 -400		Rev: -
Date 30.08.21	Scale 1:1250/500/200 @A2	Drawn By WN

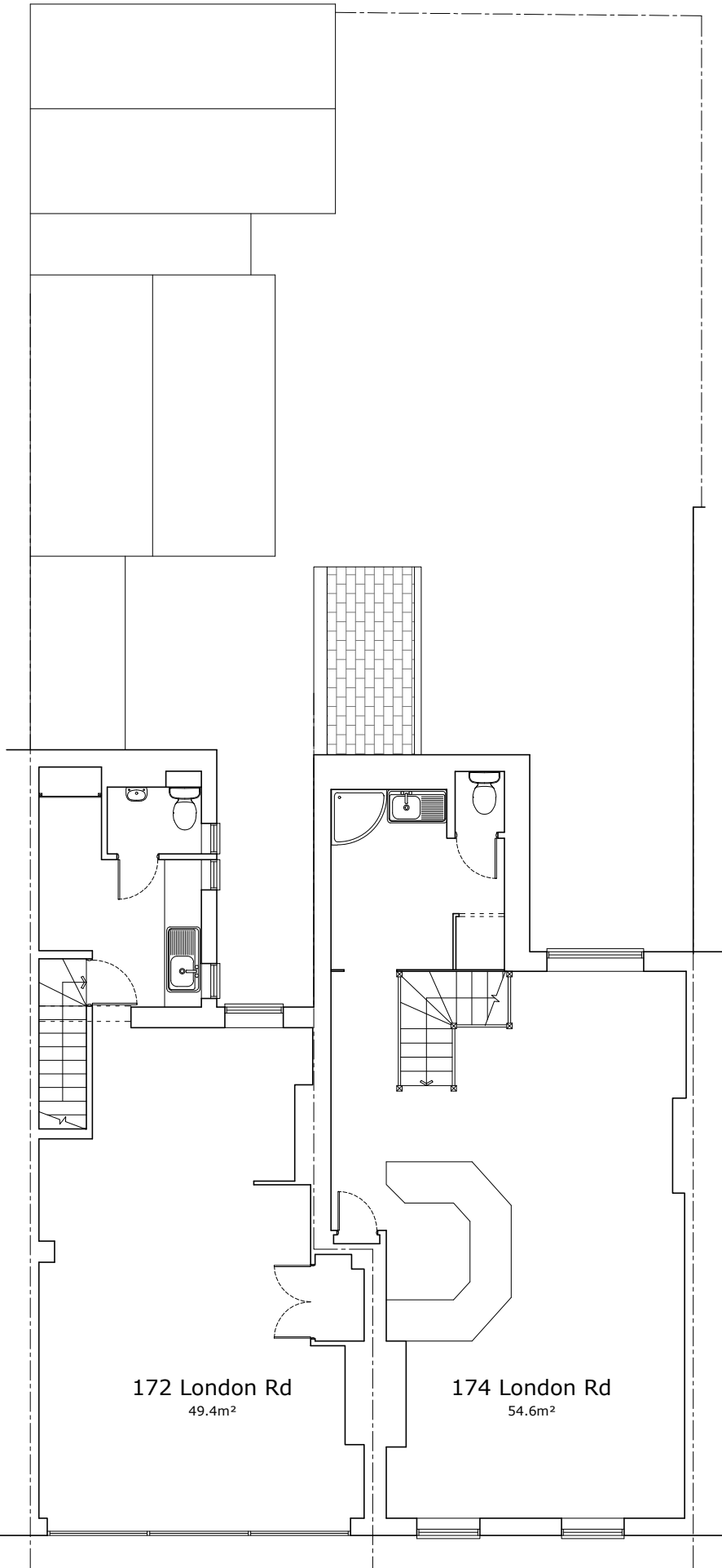
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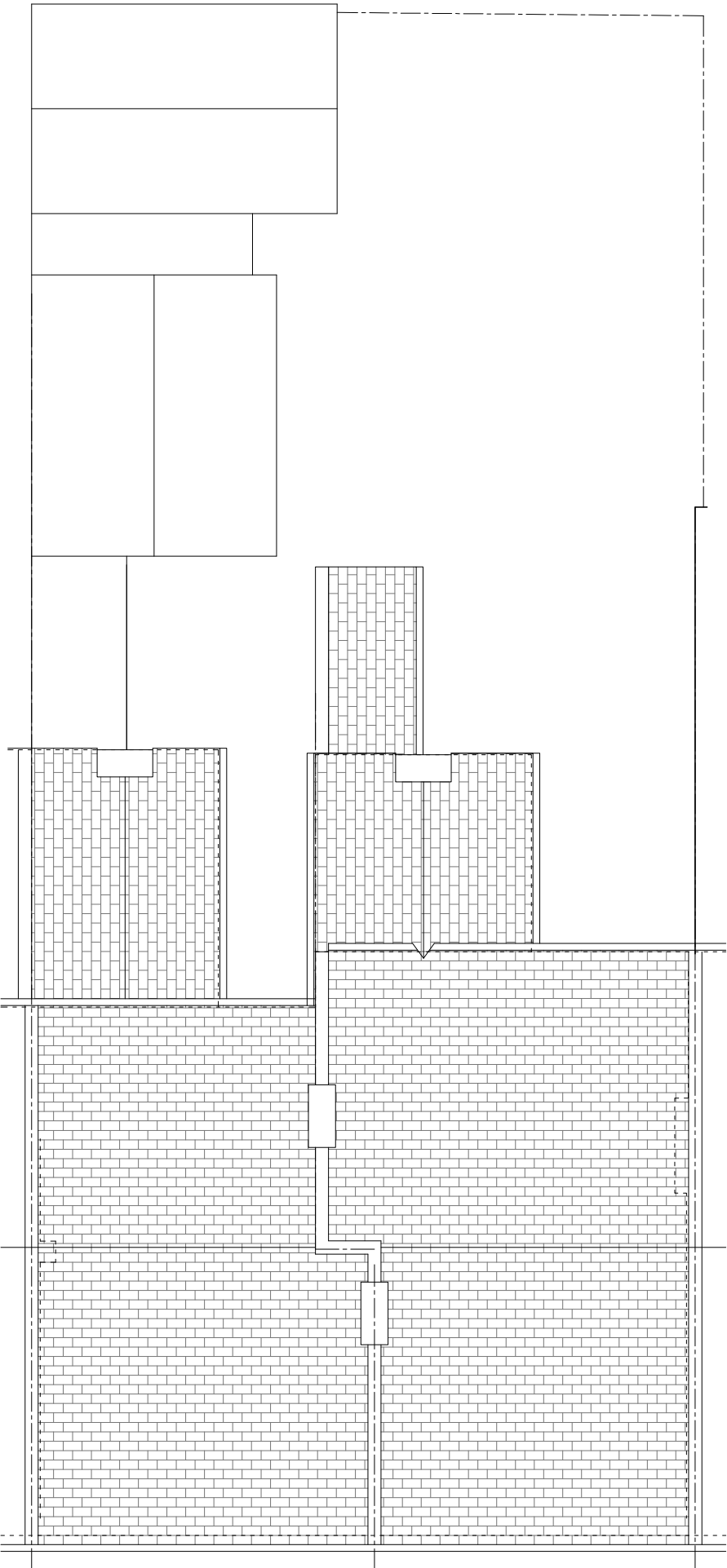
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EXISTING GROUND FLOOR PLAN
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EXISTING FIRST FLOOR PLAN
SCALE 1:100
0 1 2 3 4 5m

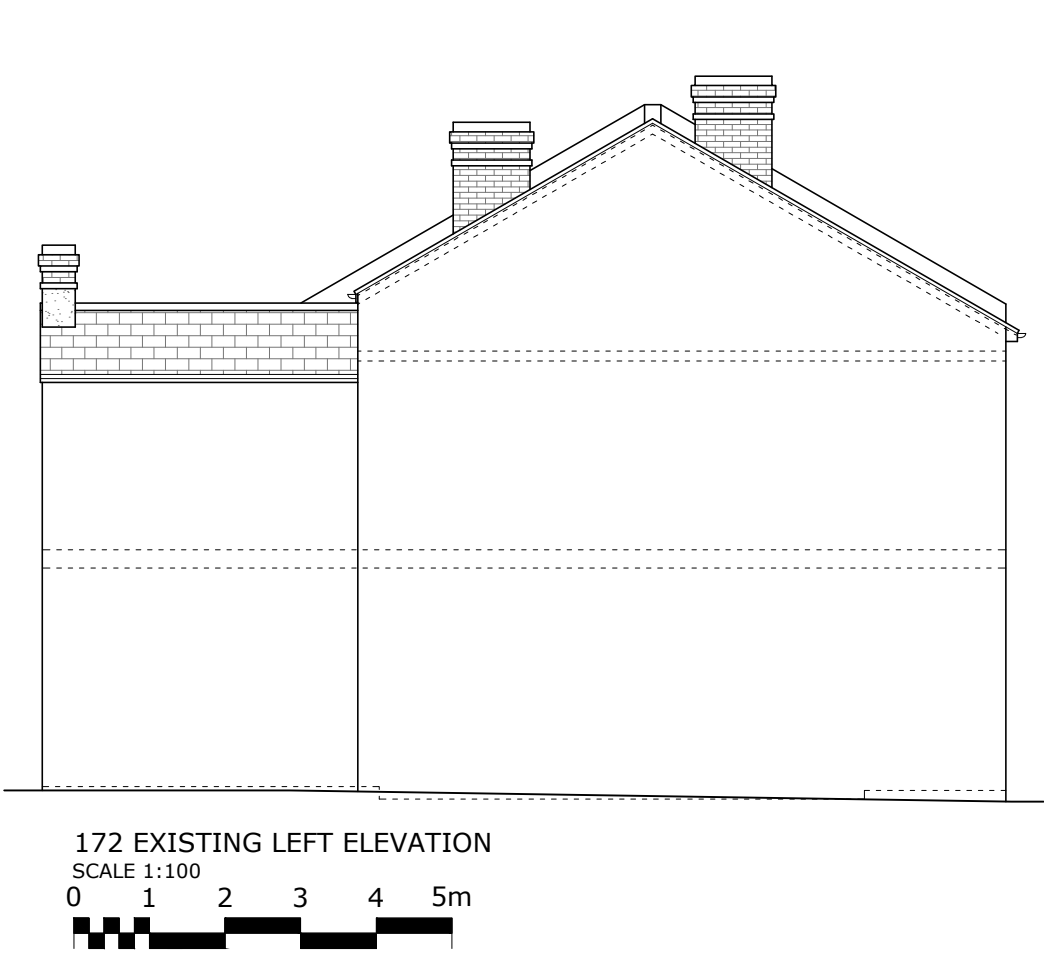
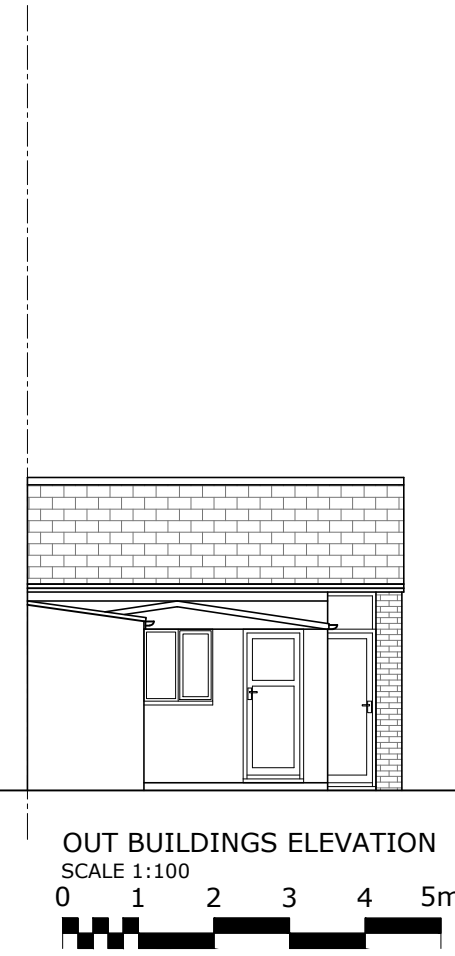
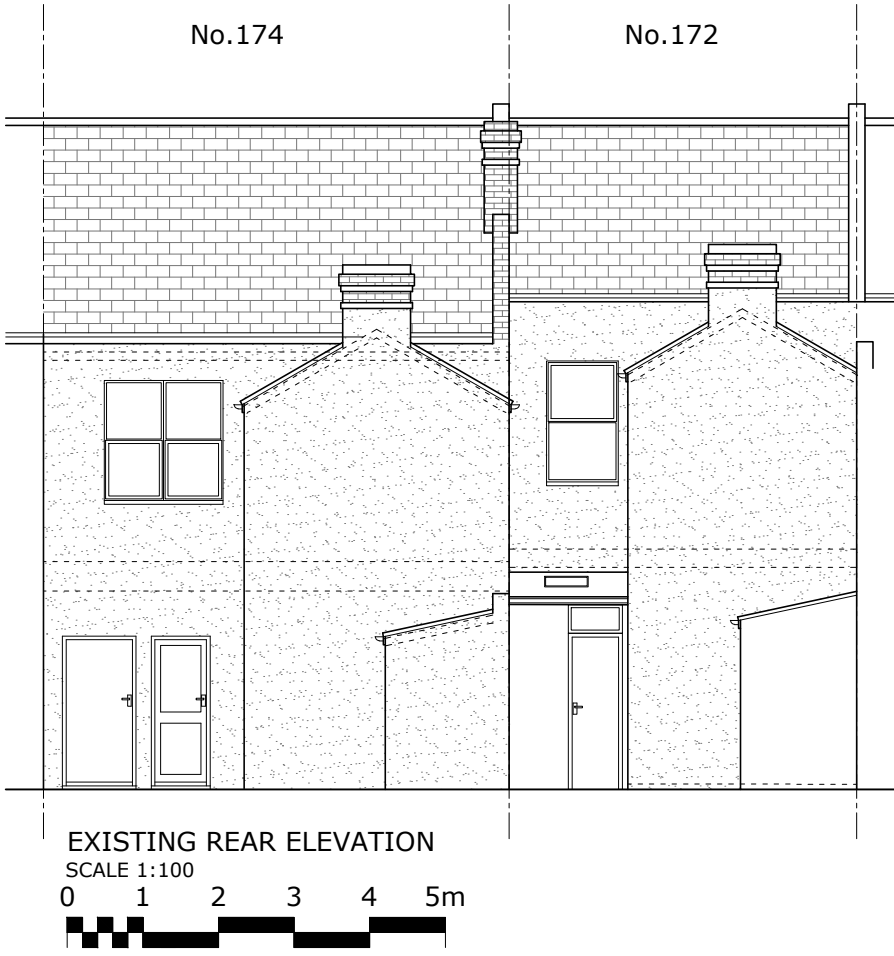
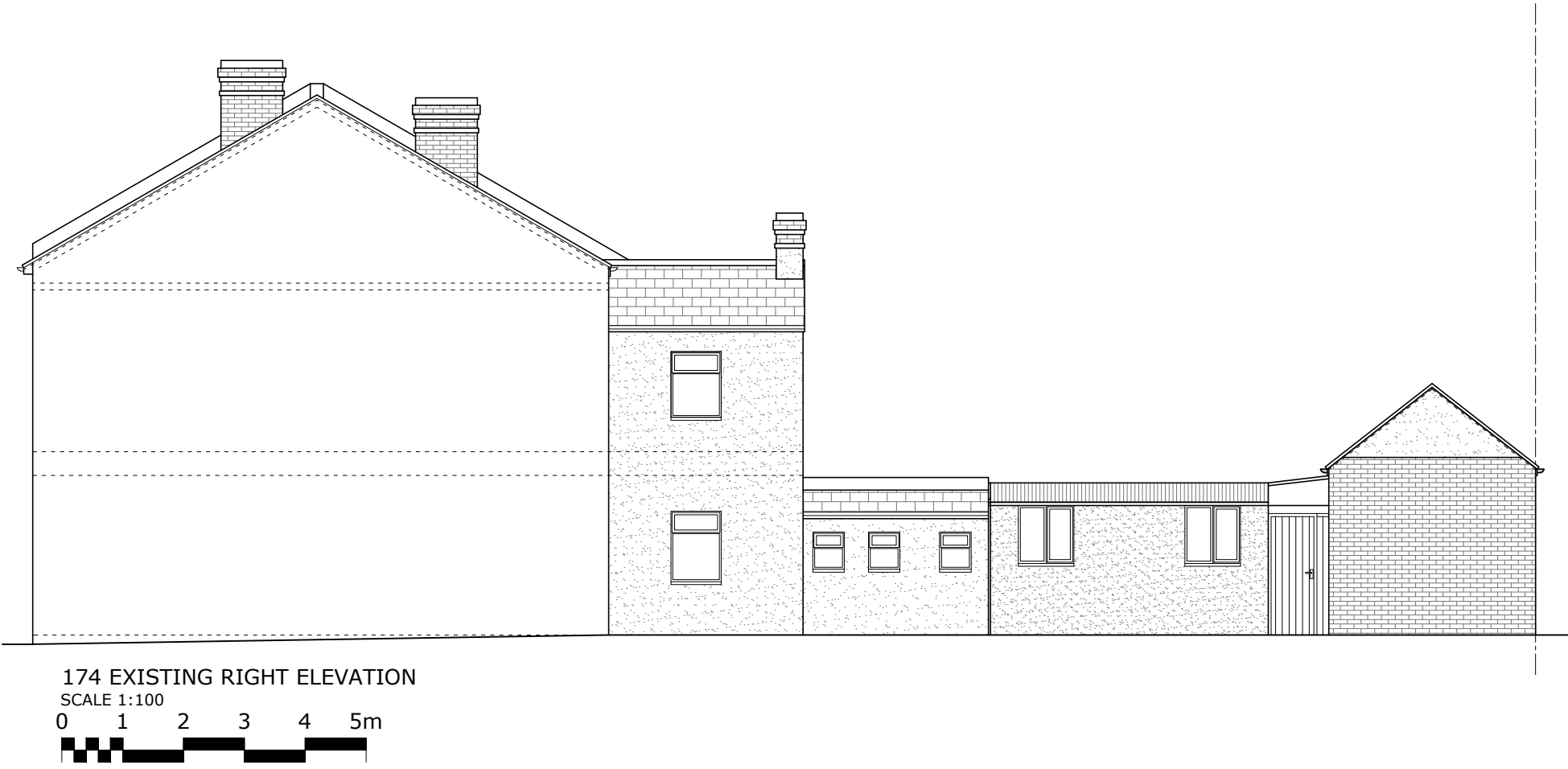


EXISTING ROOF PLAN
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Project Address 172 London Road, Southend		
Client Name Property Point		
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Status Planning Drawings		
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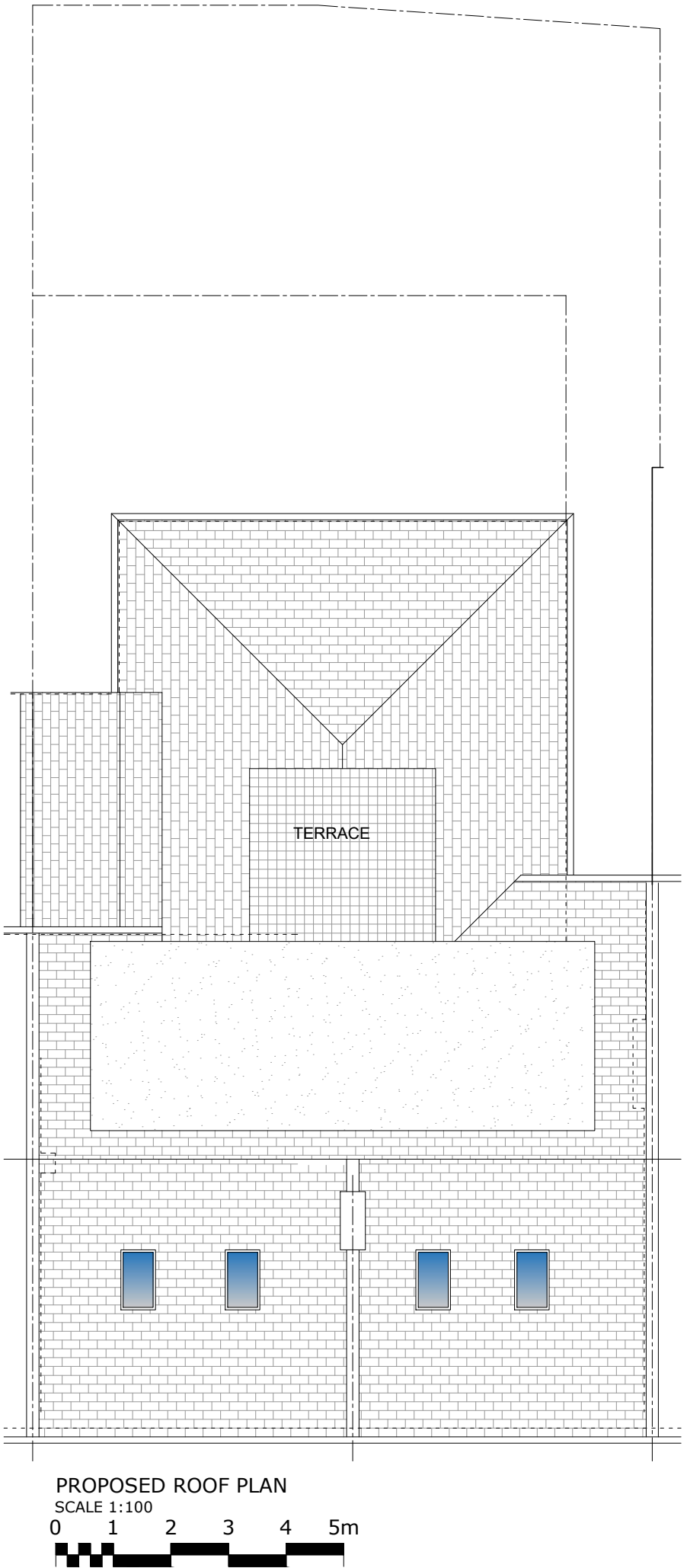
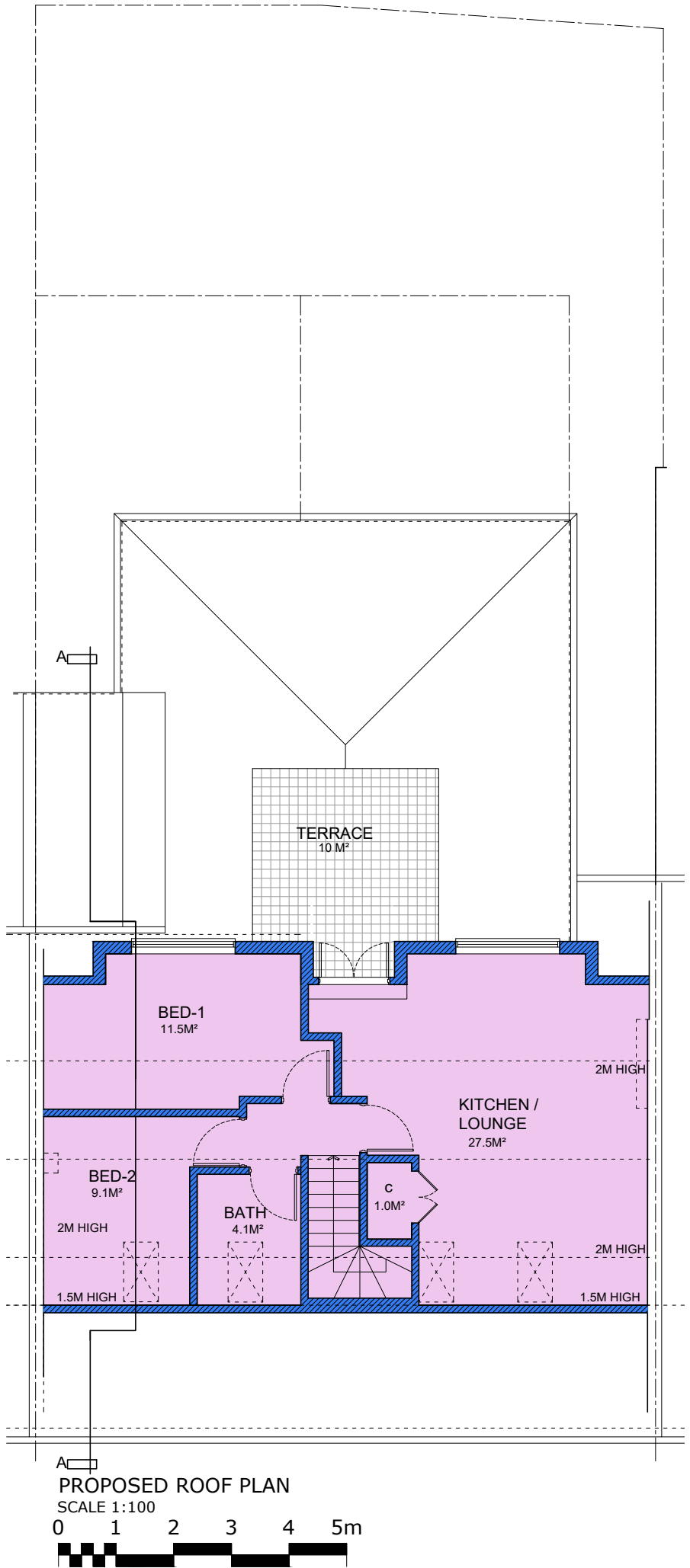
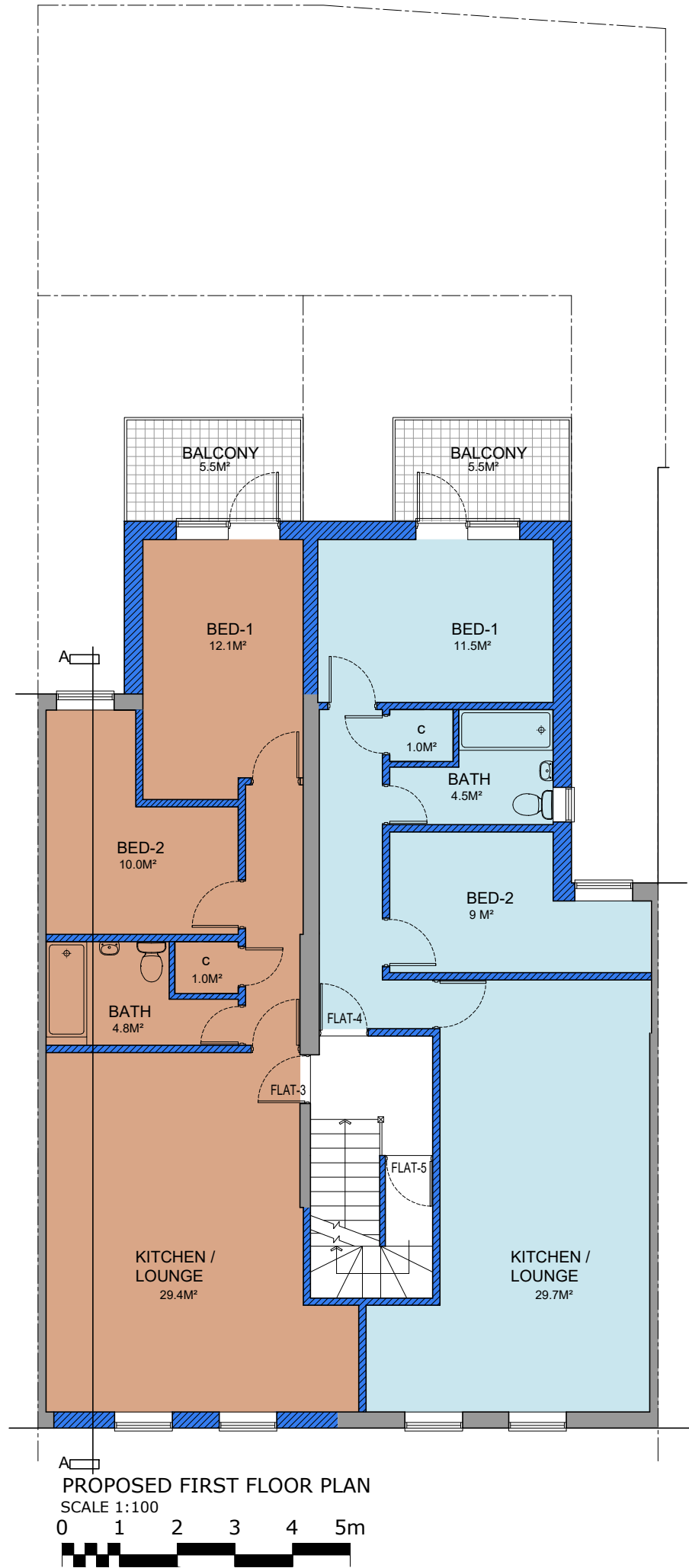
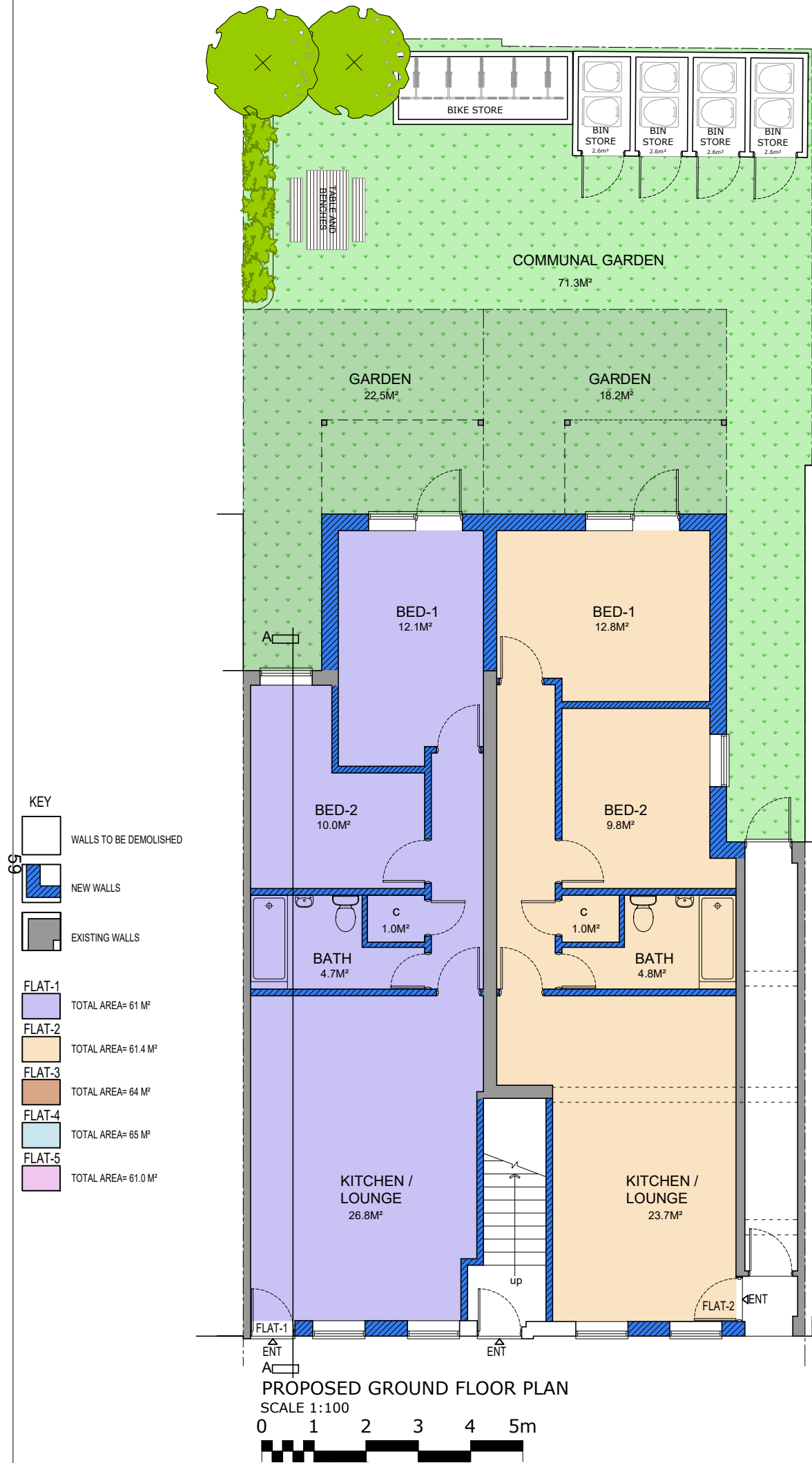
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Rev:00	05/21	First Issue
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Project Address 172 London Road, Southend		
Client Name Property Point		
Drawing Title Existing Elevations		
Status Planning Drawings		
Drawing Number 695 -402		Rev: -
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Rev:03	12/21	Updated Plans
Rev:02	10/21	Updated Plans
Rev:01	09/21	Updated Plans
Krystal Architecture Ltd A :5 Tyndale Avenue, Basildon, Essex, SS14 3UD T : 01268 454581 / 07999061557 E : info@krystal-architecture.com W : www.krystal-architecture.com		
Project Address 172 London Road, Southend		
Client Name Property Point		
Drawing Title Proposed Plans		
Status Planning Drawings		
Drawing Number 695 -403		Rev: 03
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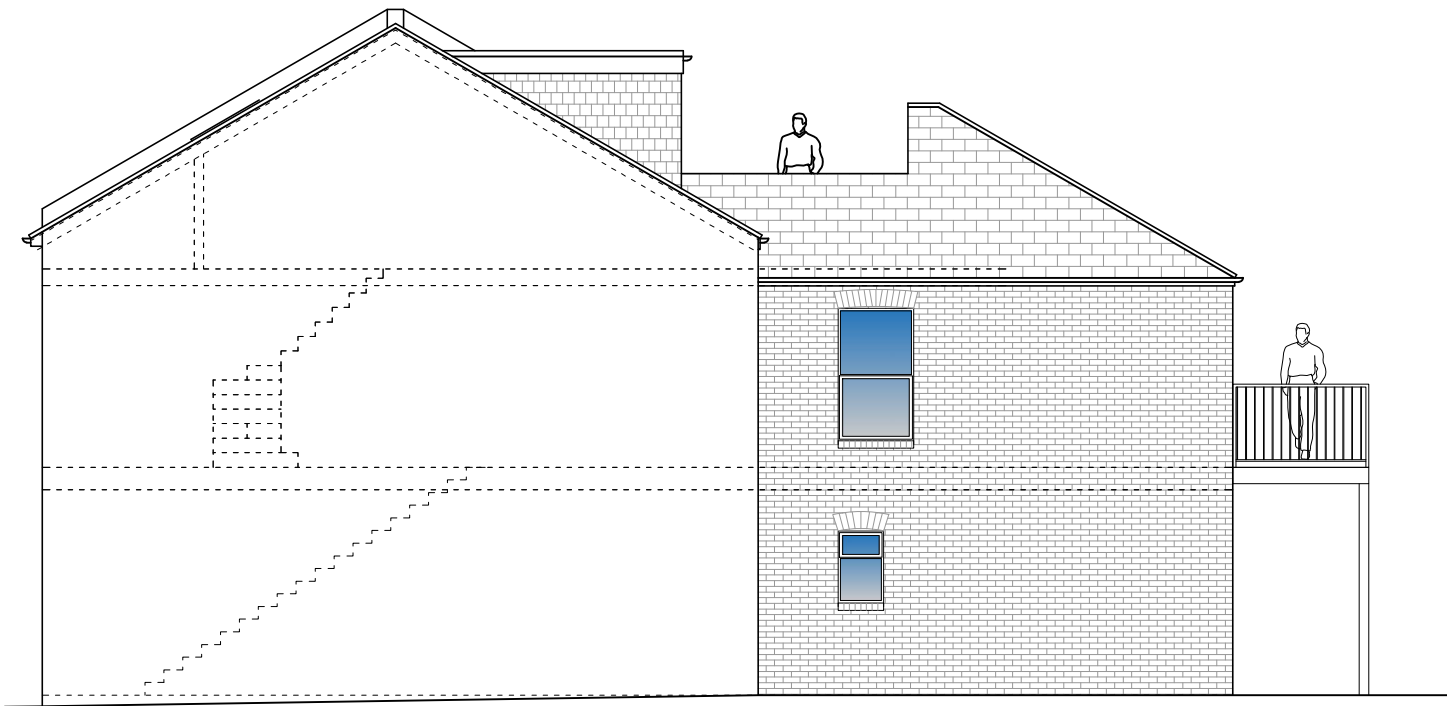
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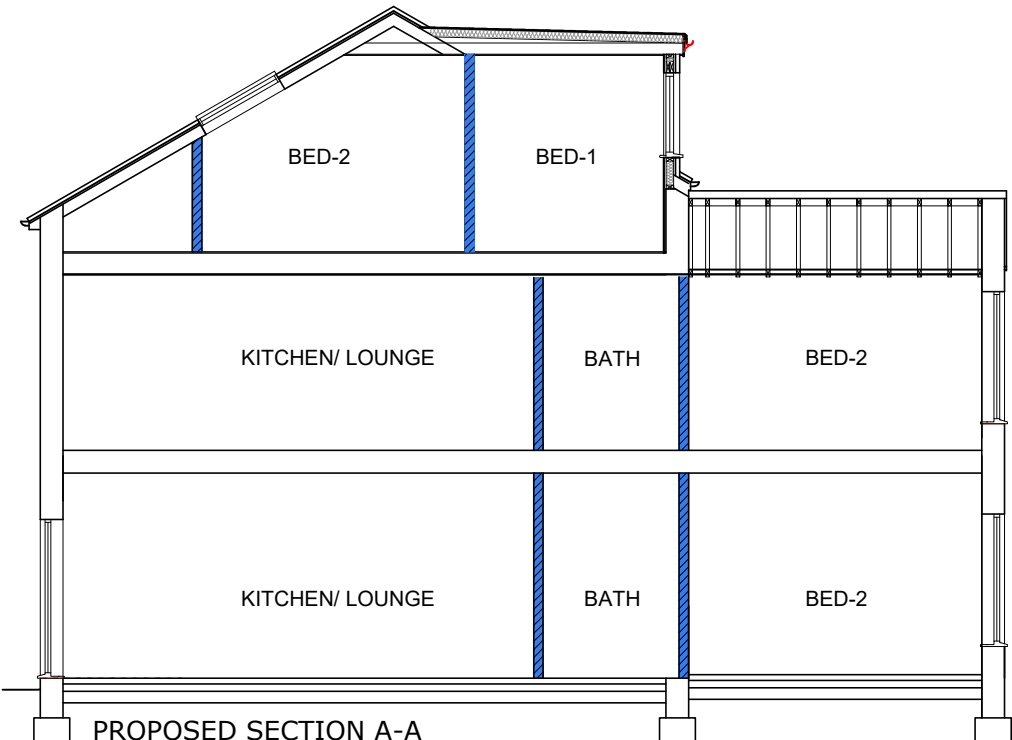
Do not scale this drawing. Work to figured dimensions only. Check all dimensions on site. Confirm any discrepancies prior to commencement of work.



PROPOSED FRONT ELEVATION
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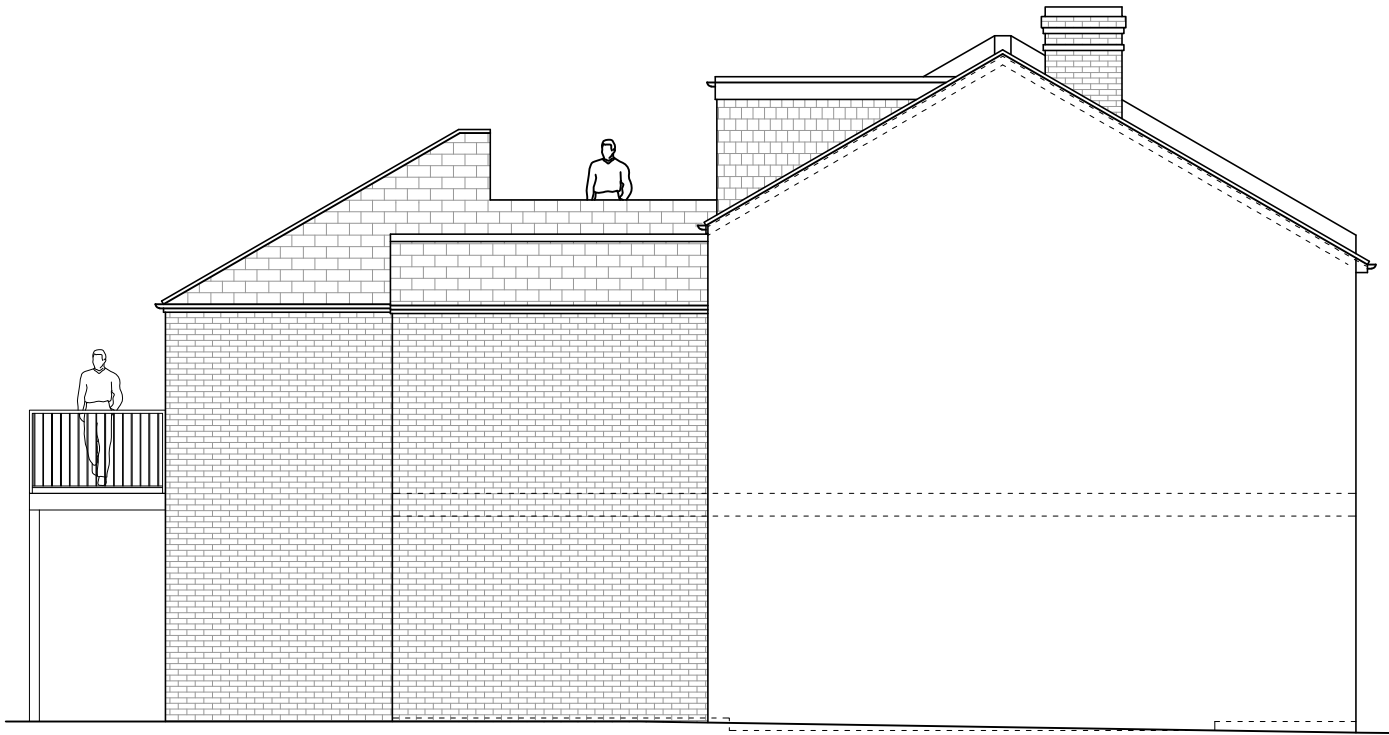
PROPOSED RIGHT ELEVATION
SCALE 1:100
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PROPOSED SECTION A-A
SCALE 1:100
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PROPOSED REAR ELEVATION
SCALE 1:100
0 1 2 3 4 5m



PROPOSED LEFT ELEVATION
SCALE 1:100
0 1 2 3 4 5m

Rev:03	12/21	Revised Elevations
Rev:02	10/21	Revised Elevations
Rev:01	09/21	Revised Elevations
Rev:00	08/21	First Issue

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Drawing Number 695 -404		Rev: 03
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172-174 London Road



172

174



174B

176

178

174B

174

172



View west



View east

172

89

170A



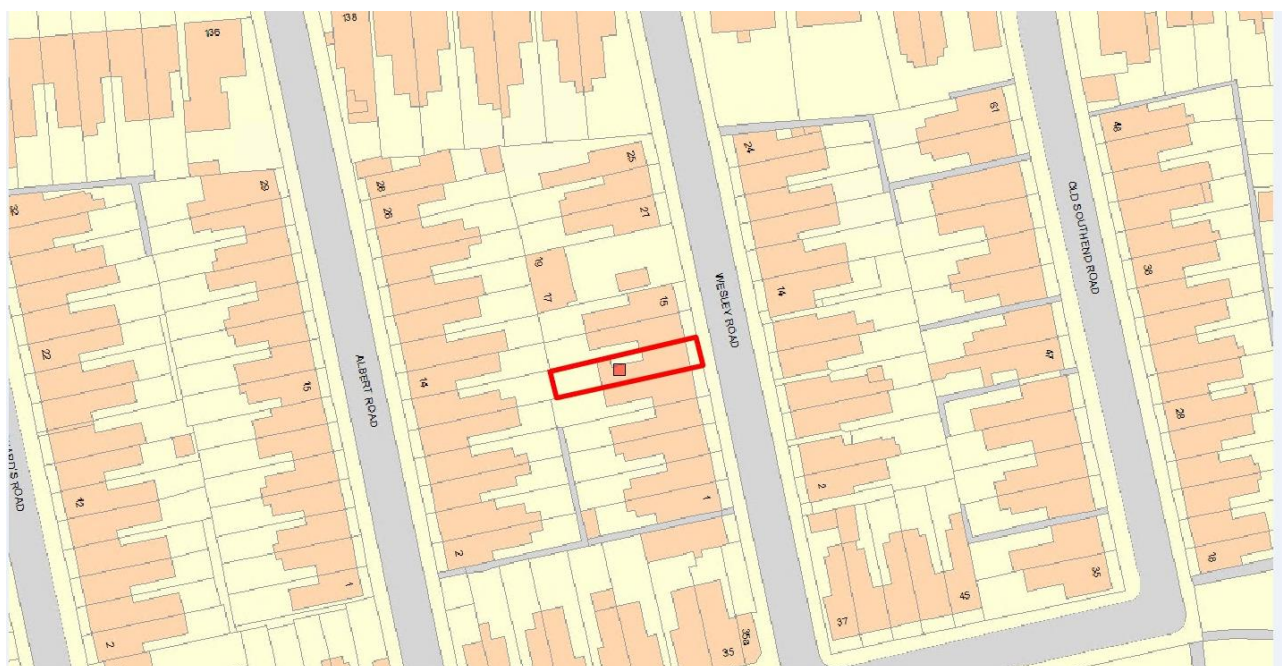
Extension not to project beyond No.170A



View to rear garden



Reference:	21/02525/FUL	6
Application Type:	Full Application	
Ward:	Kursaal	
Proposal:	Change of use from existing 6 bed HMO (Class C4) to 7 bed HMO (Sui Generis) with bike store to rear and refuse store to front	
Address:	11 Wesley Road, Southend-on-Sea	
Applicant:	Mr Martin Saunders	
Agent:	Krystal Architecture Ltd.	
Consultation Expiry:	21.01.2022	
Expiry Date:	17.02.2022	
Case Officer:	Abbie Greenwood	
Plan Nos:	654-400-Rev 00, 654-401-Rev 01, 654-402-Rev 00 Design and Access Statement December 2021 – V2	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site is located on the western side of Wesley Road and is occupied by a two-storey, mid-terrace building of traditional design. According to the information provided in the application form, the building is currently used as a six-room House in Multiple Occupation (HMO). The surrounding area has a residential character. No planning related designations affect the site or the surrounding area.

2 The Proposal

- 2.1 Planning permission is sought for the change of use of the building from a six-room HMO, falling within the definition of Use Class C4, to a seven-room HMO which can accommodate more than six occupiers and would be a Sui Generis use. The additional bedroom would be formed from the conversion of the existing storage area at ground floor.

3 Relevant Planning History

- 3.1 There is no relevant planning history for the site.

4 Representation Summary

- 4.1 The application has been called to Development Control Committee by Cllr Dent.

Public Consultation

- 4.2 12 neighbouring properties were consulted and a site notice was displayed. Representations from two interested parties have been received. The objections and comments are summarised as follows:

- Impact on living conditions.
- Concerns about noise and disturbance
- Concerns about cycle parking access.
- Concerns about waste.
- Concerns about antisocial behaviour,
- Noise and disturbance from conversion works
- Loss of light from conversion works
- Over concentration of HMOs

- 4.3 The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report. The objecting points raised by the representations have been taken into account in the assessment of the proposal but are not found to represent material reasons for recommending refusal of the planning application in the circumstances of this case.

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 occupiers will not be eligible for a town centre or residential parking permit.

Environmental Health

- 4.5 No objection

Essex County Fire and Rescue Service

- 4.6 Comments on fire access, Building Regulations and water.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (updated 2021)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management).
- 5.5 Design & Townscape Guide (2009)
- 5.6 National Housing Standards (2015)
- 5.7 The Essex HMO Amenity Standards (2018)
- 5.8 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.9 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, the impact of the development on the character and appearance of the area, the standard of accommodation for future occupiers, the impact on residential amenity of neighbouring occupiers, any traffic and transportation issues, refuse and recycling storage and whether the development would be liable for CIL.

7 Appraisal

Principle of Development

- 7.1 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.

- 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. Southend-on-Sea Borough Council's development framework does not currently contain any policies that specifically relate to HMOs. The NPPF states that where the development plan is silent 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."
- 7.3 The NPPF encourages the effective use of land and seeks to create sustainable, inclusive and mixed communities. There is no objection to the principle of the creation or extension of an HMO in this location, subject to other material considerations. Other material planning considerations are 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 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. 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

- 7.7 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.
- 7.8 In relation to residential standards for non-self-contained accommodation, policy DM8 of the Development Management Document, states that all proposals of this nature will be required to meet the internal space standards set out in Policy Table 6 which states that a minimum bedroom size should be 6.5m² for single and 10.2m² for double bedrooms and that the accommodation shall have some communal areas, such as a living room, kitchen, diner.
- 7.9 The Council has adopted the Essex Approved Code of Practice with respect to HMOs 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)	

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	

7.10 The proposed rooms are shown as single occupancy and the sizes are as follows:

Bed 1 - 9.8 sqm
 Bed 2 – 9.2 sqm
 Bed 3 – 11.3 sqm
 Bed 4 – 8.3 sqm
 Bed 5 – 12 sqm
 Bed 6 – 14.3 sqm
 Bed 7 - 8.5 sqm

7.11 The premises also provides some 18.6m² of shared floorspace for kitchen and dining. This communal area includes a small sofa area but this does not constitute a living room. The property also has a garden to the rear.

7.12 The proposal meets the Essex HMO Standards for a 7 person with 7 x single occupancy rooms without shared living space (each bedroom must be a min of 8.5sqm and the communal kitchen/dining area a min of 18sqm) with the exception of bed 4 which is 0.2sqm under this standard. On balance, given that this is only very marginally short of the standard, it is considered that this can, on balance, be considered acceptable. It is noted that 3 of the rooms are larger and that 1 meets the size requirements for double

occupancy however an HMO of 8 people would require a minimum of 24sqm of communal kitchen dining facilities which is more than is proposed. Therefore, it would be reasonable in this instance to limit all the rooms to single occupancy. The proposal is acceptable and policy compliant on this basis.

- 7.13 All rooms would benefit from acceptable outlook and natural light. The communal amenity space to the rear would be sufficient for the proposed development. On this basis and subject to conditions, the development is considered acceptable and in line with policy in the above regards.

Impact on Residential Amenity

- 7.14 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.”*
- 7.15 The nearest neighbouring residential properties to the application site are the properties at 9 and 13 Wesley Road, the attached properties on either side of the application site. No physical alterations 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. The level of occupancy would not give rise to any unduly harmful noise and disturbance or pollution to the material detriment of the amenity of neighbouring occupiers. HMOs are generally compatible with a residential setting. The development is acceptable and policy compliant in these regards.

Traffic and Transportation Issues

- 7.16 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.
- 7.17 The parking standards do not include any requirements for HMOs. The proposal would not provide any parking. The site is in a sustainable location, in close proximity to public car parks and within reasonable walking distance from Southend's main bus station and local services and amenities in the town centre. A cycle store of a size to accommodate 7 cycle spaces, one per room, is shown in the rear garden. The provision of this can be secured by condition prior to occupation of the additional room. Subject to this condition the proposal is considered to be acceptable and policy compliant in relation to traffic and transportation issues.

Refuse and Recycling Storage

- 7.18 The submitted plans show triple bin storage in the front garden. This is considered to be reasonable provision for the number of occupants. The proposal is acceptable and policy compliant in this regard subject to a condition requiring this facility to be implemented prior to occupation of the additional room.

Equality and Diversity Issues

- 7.19 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)

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

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that the development would be acceptable and in line with the objectives of the relevant local and national policies and guidance. The development, is, subject to conditions, considered to offer acceptable living conditions for its current and future occupiers and to have an acceptable impact on the highway safety and parking conditions of the area. The development would also result in an acceptable impact on neighbouring residential amenity and can provide adequate refuse and recycling storage for the maximum number of occupiers which is to be controlled through a planning condition. This application is, therefore, recommended for approval subject to conditions.

9 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 permission.

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

- 02 The development hereby approved shall be carried out in accordance with the approved plans: 654-400-Rev 00, 654-401-Rev 01, 654-402-Rev 00.

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

- 03 Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the building, the accommodation in which is being extended under the provision 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) people at any one time.

Reason: To ensure the use hereby approved would offer acceptable living conditions for its occupiers in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM8.

- 04** Notwithstanding the information submitted and otherwise hereby approved, the development hereby approved shall not be brought into first use unless and until at least seven (7) secured and covered cycle parking spaces have been provided and made available for use at the site as shown on plan reference 654-400-Rev 00 and detailed in the Design and Access Statement December 2021 –V2 or in accordance with any other details which have been previously submitted to and approved in writing by the Local Planning Authority under the scope of this planning condition. The cycle provision shall be retained in perpetuity thereafter.

Reason: To ensure the provision of adequate cycle parking and in the interest of visual amenity in accordance with the National Planning Policy Framework (2021), 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 (Rev 2021) and the Design and Townscape Guide (2009).

- 05** Notwithstanding the information submitted and otherwise hereby approved, the development hereby approved shall not be brought into first use unless and until secure refuse and recycling store has been provided and made available for use at the site as shown on plan reference 654-400-Rev 00 and detailed in the Design and Access Statement December 2021 –V2 or in accordance with any other details which are previously submitted to and approved in writing by the Local Planning Authority under the scope of this planning condition. The refuse and recycling provision shall be retained in perpetuity 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 (2021), 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 (Rev 2021), the Design and Townscape Guide (2009) and the Waste Storage, Collection and Management Guide for New Developments (2019).

- 06** The development hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the

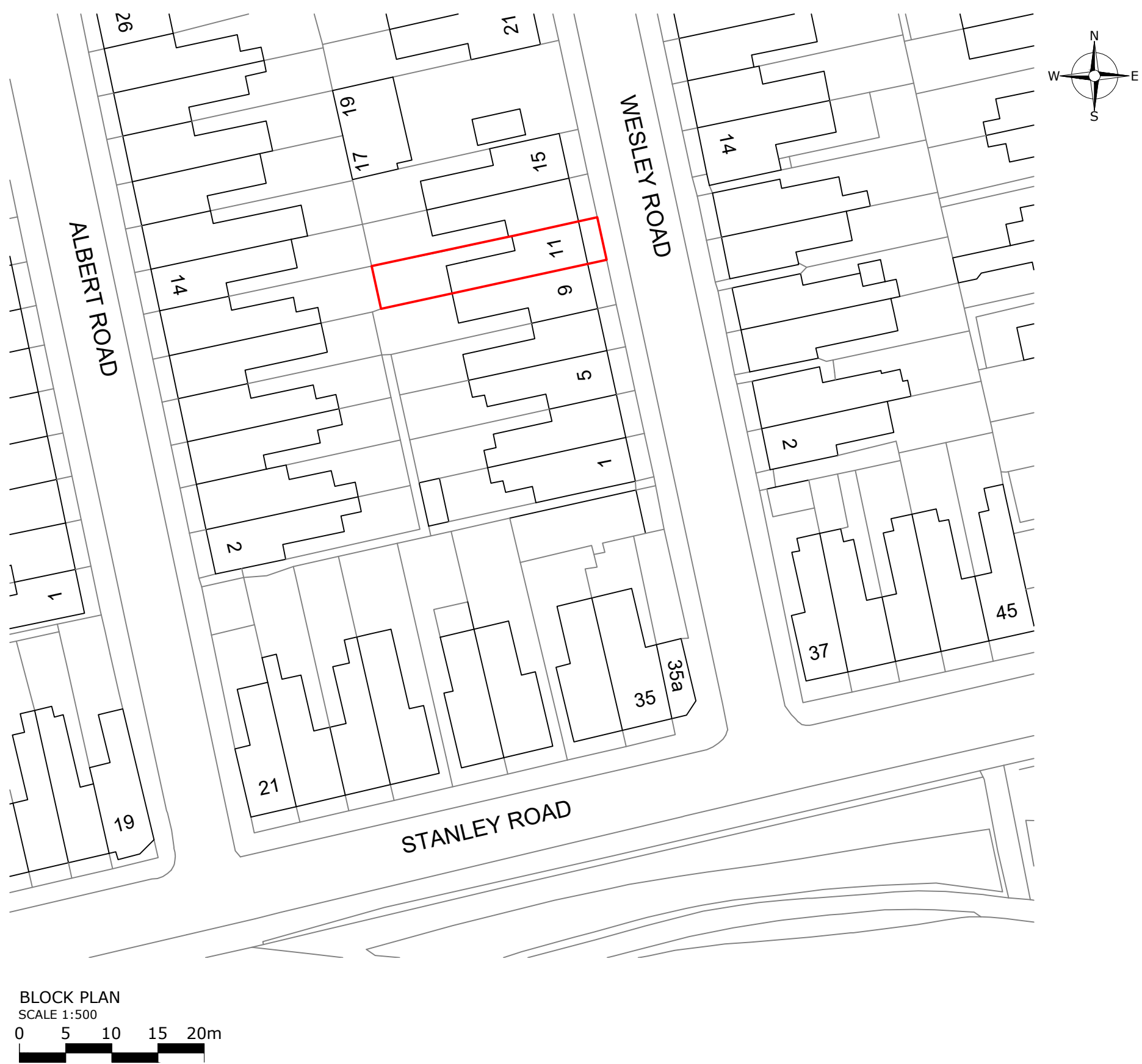
Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

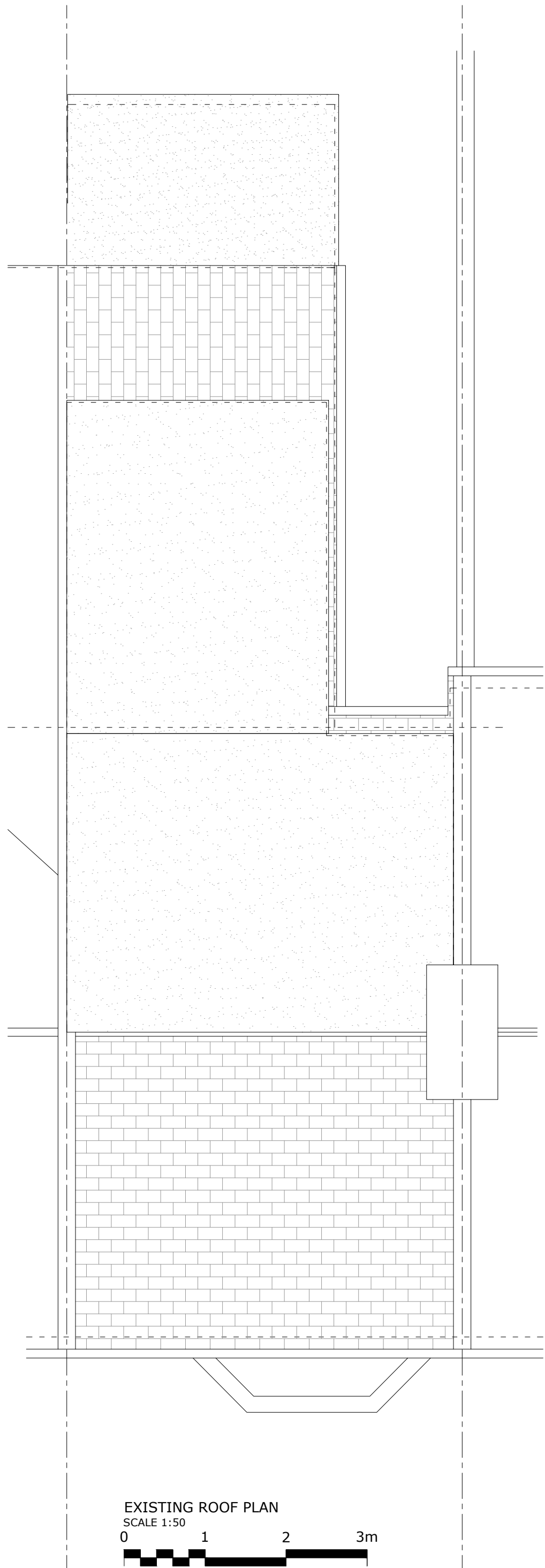
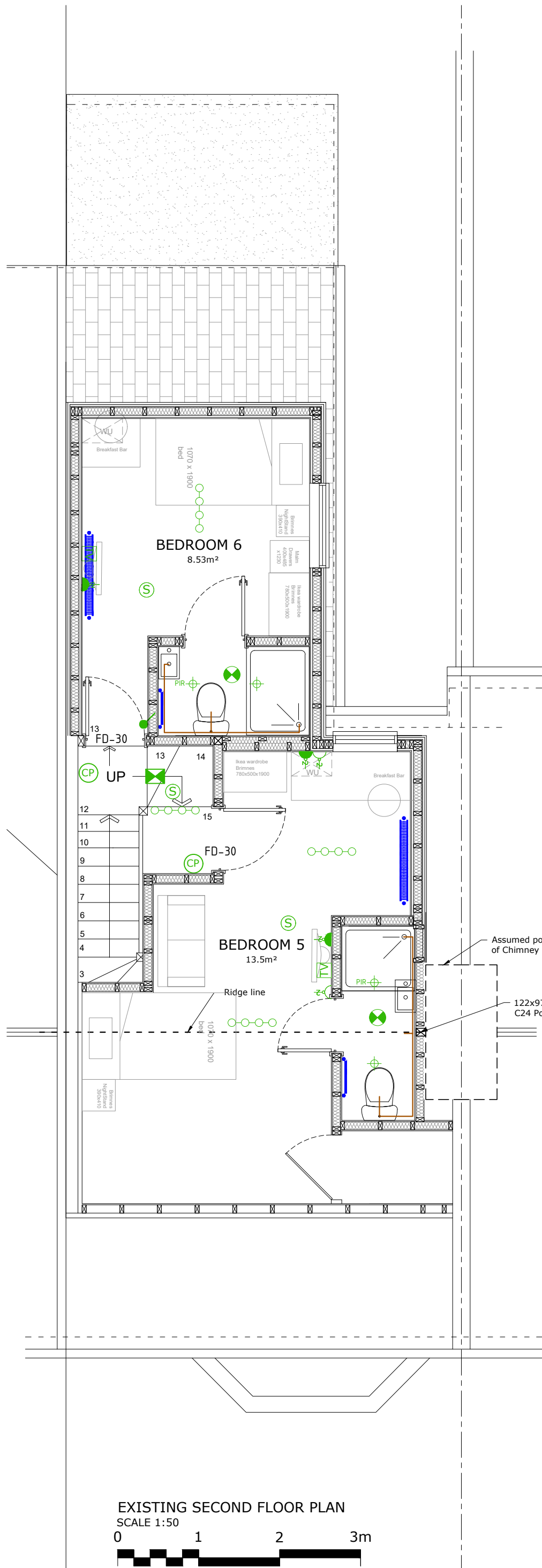
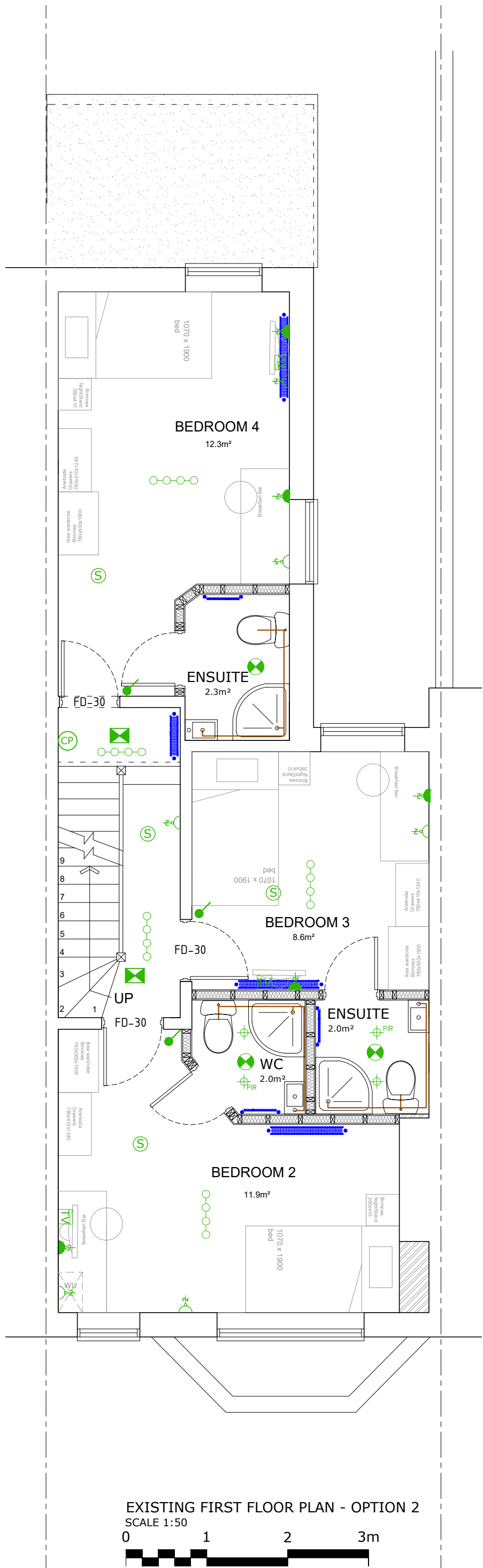
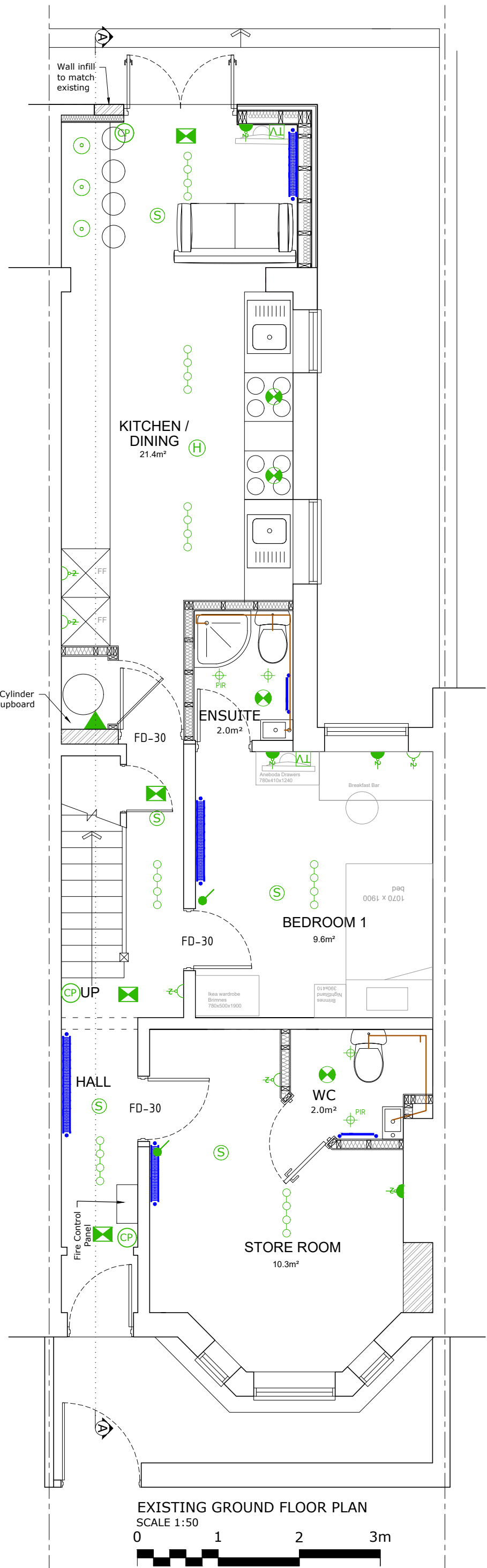
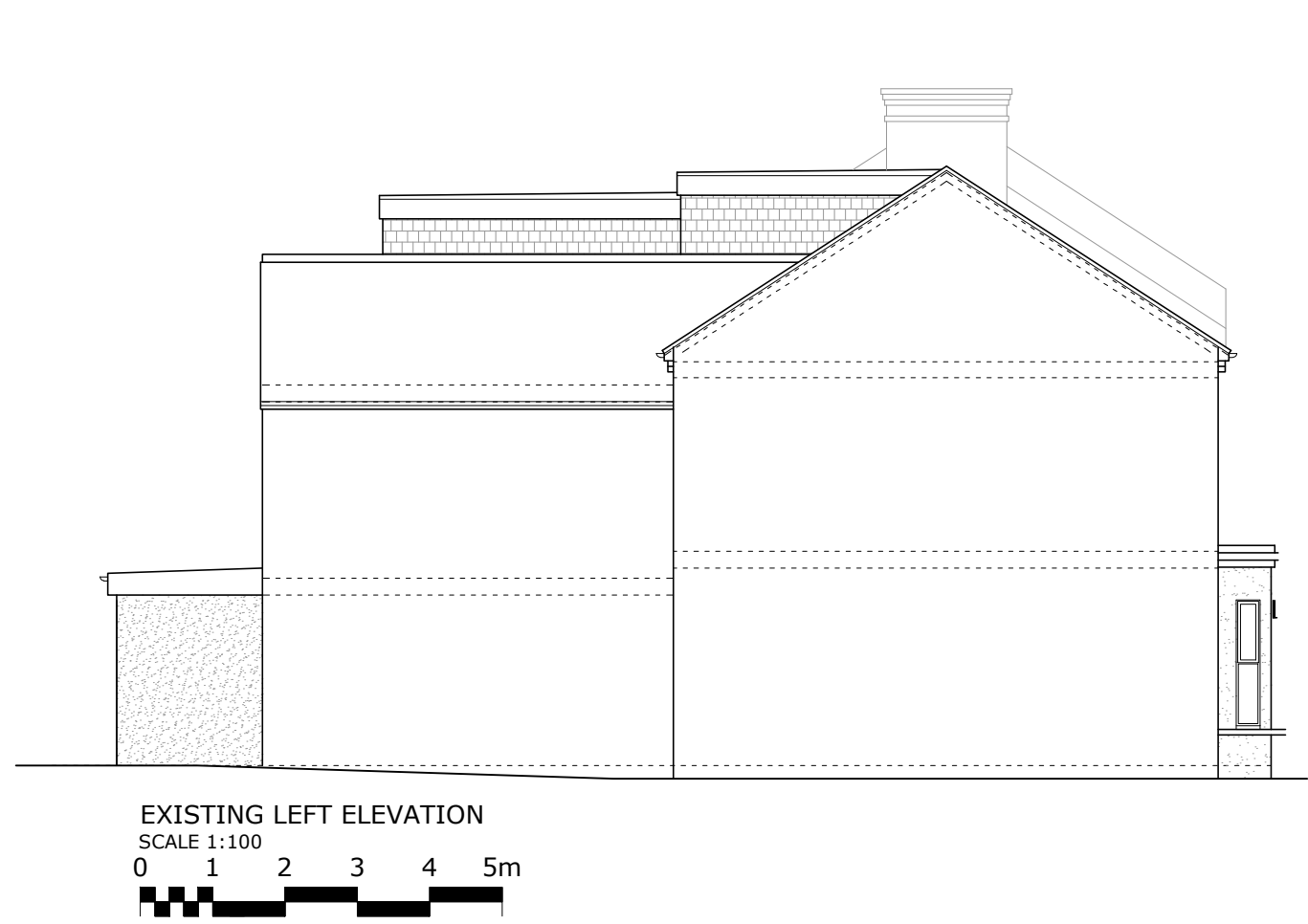
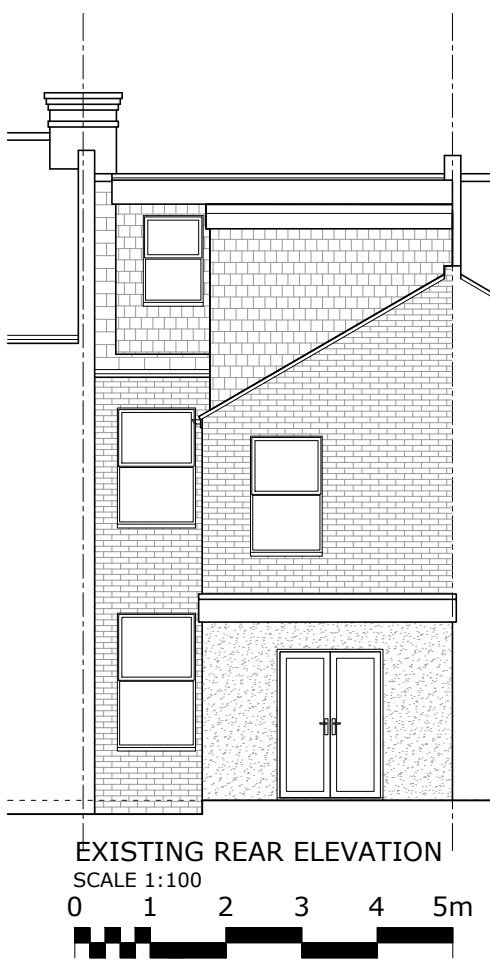
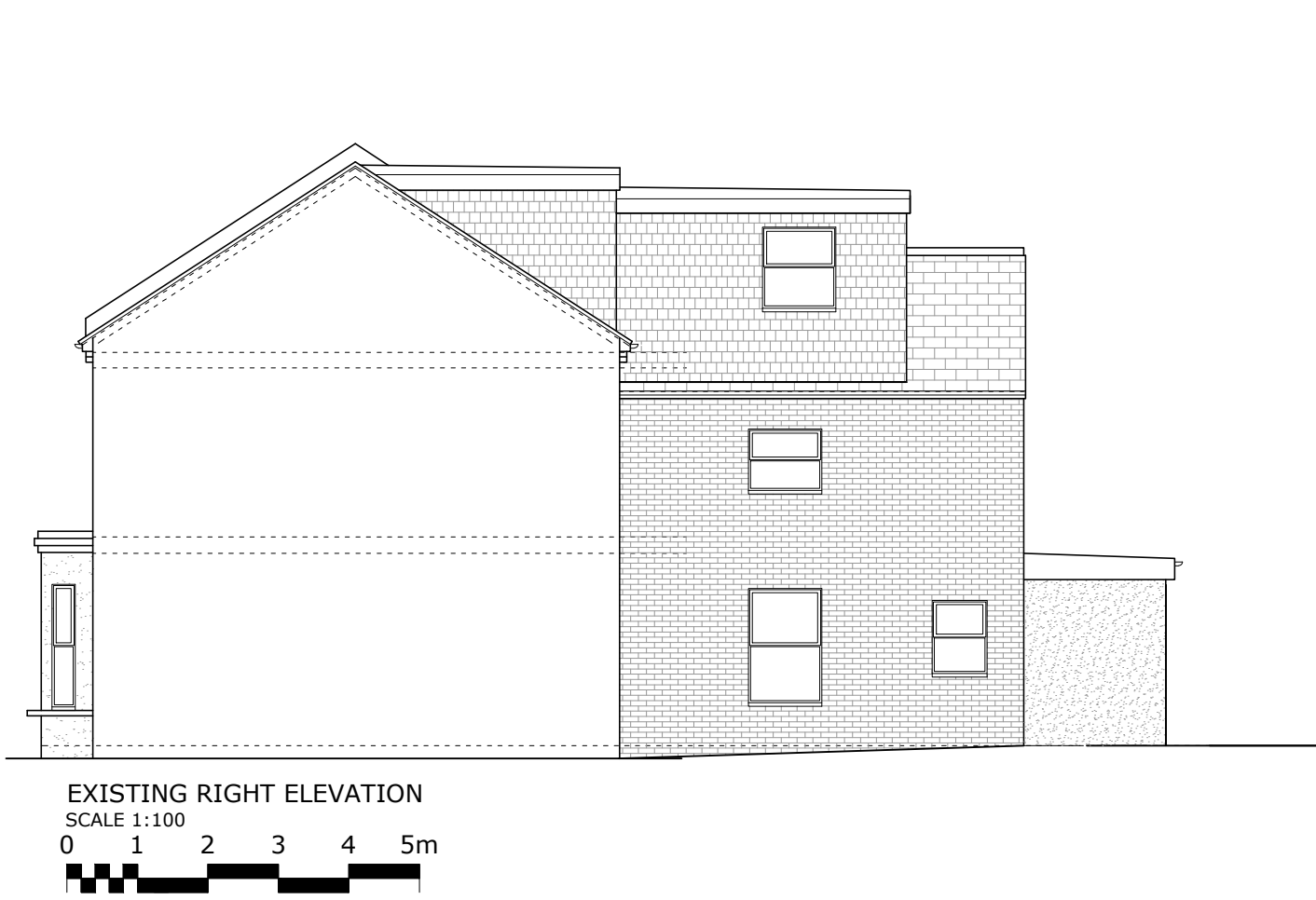
- 1 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil) for further details about CIL.**
- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may 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 borough.**

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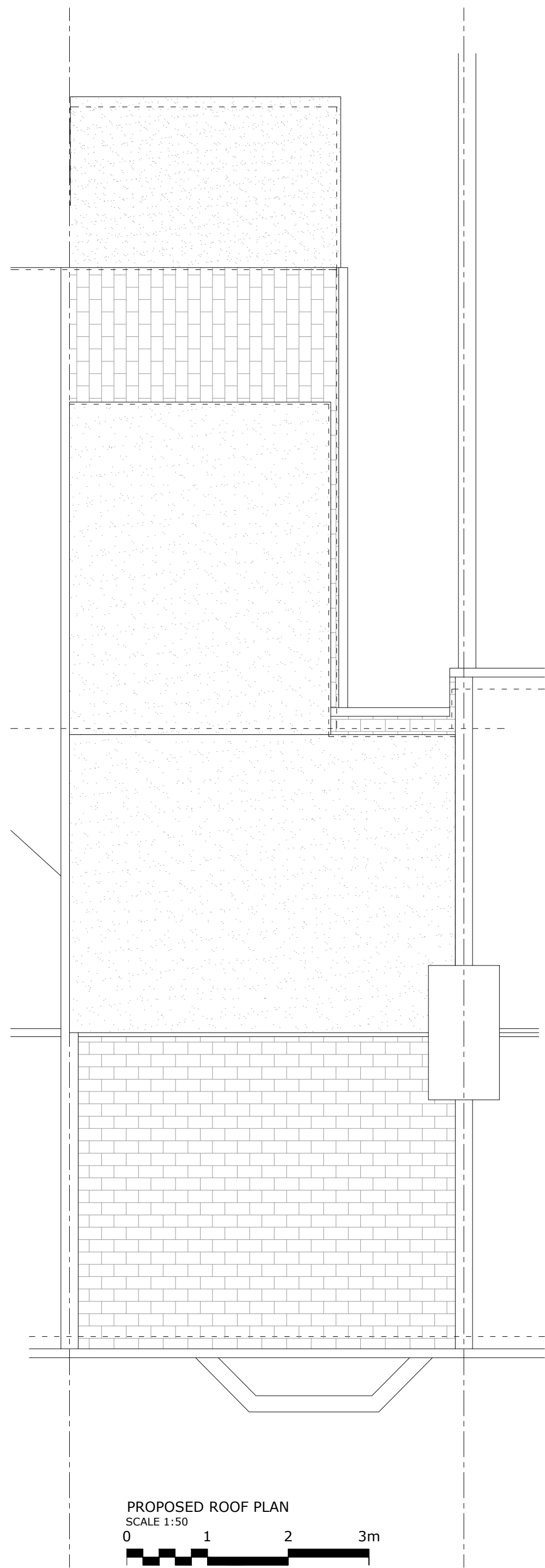
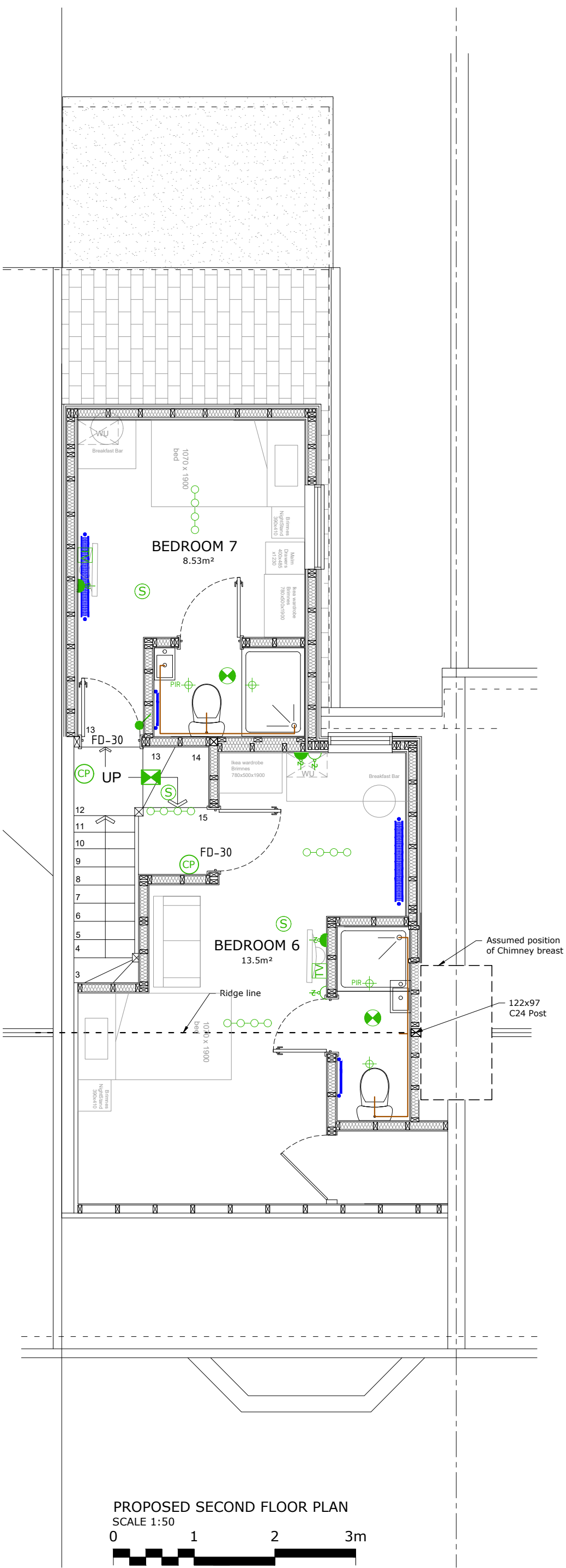
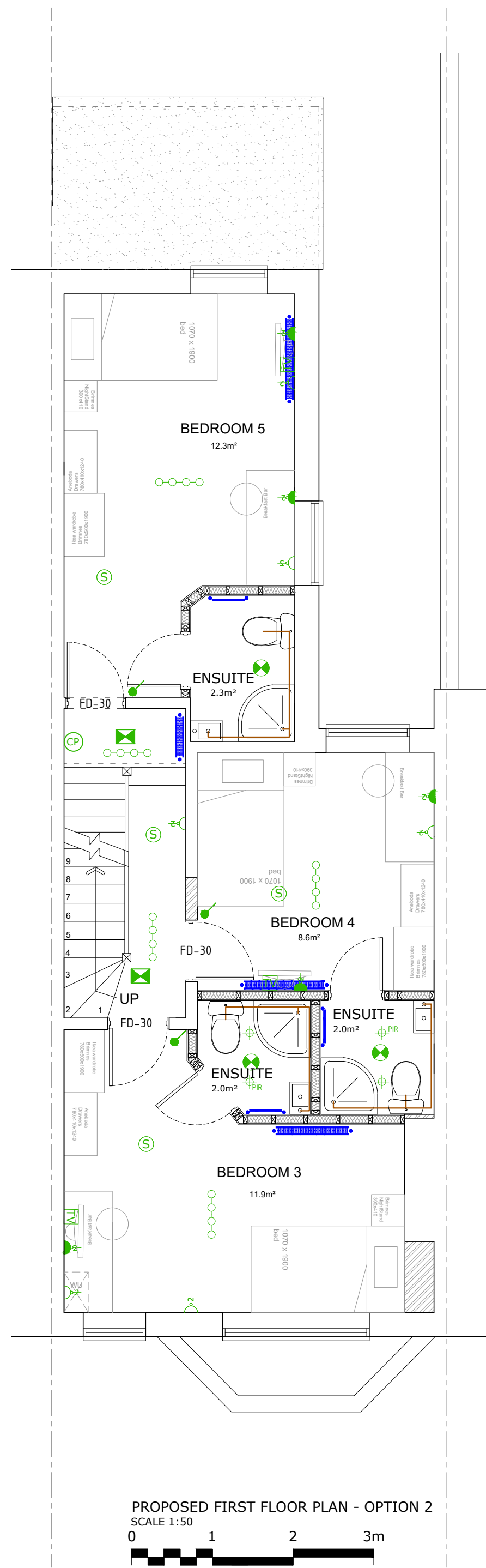
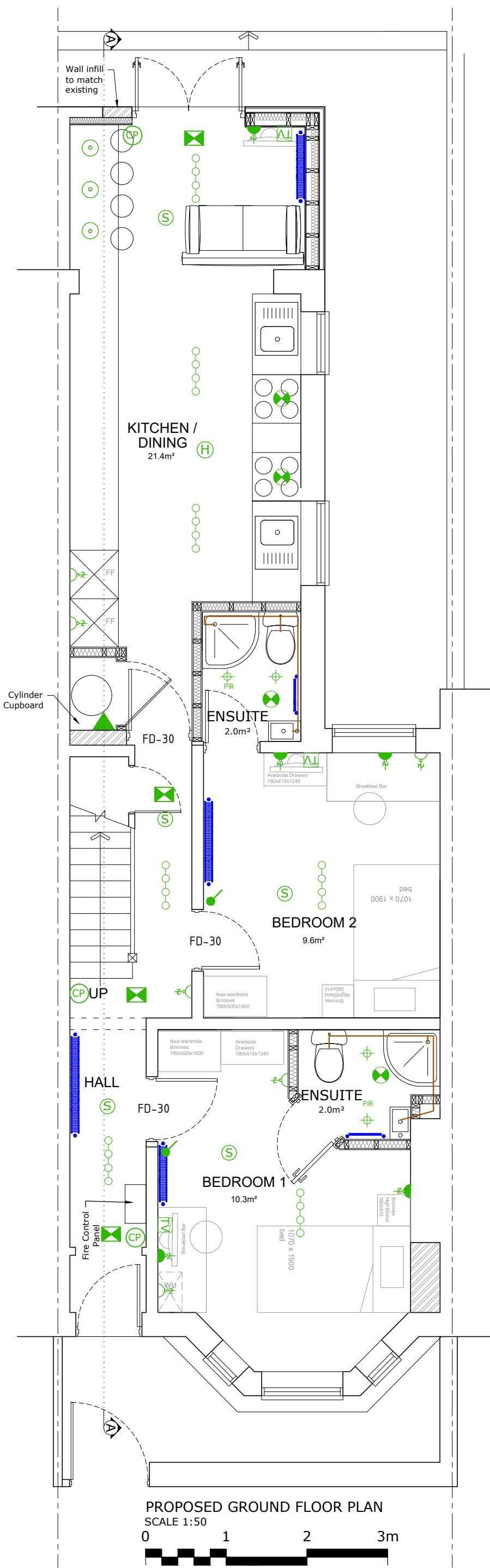
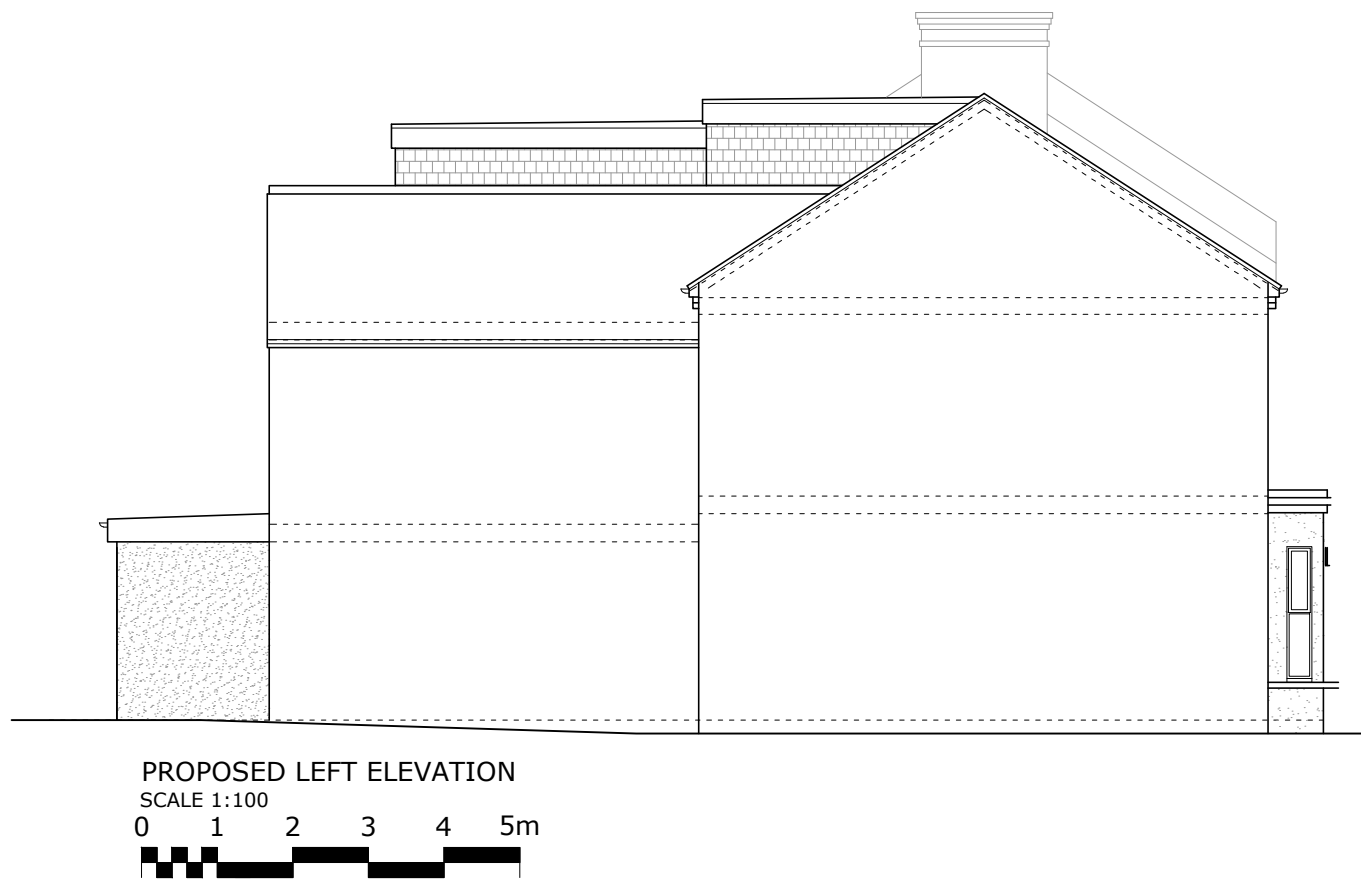
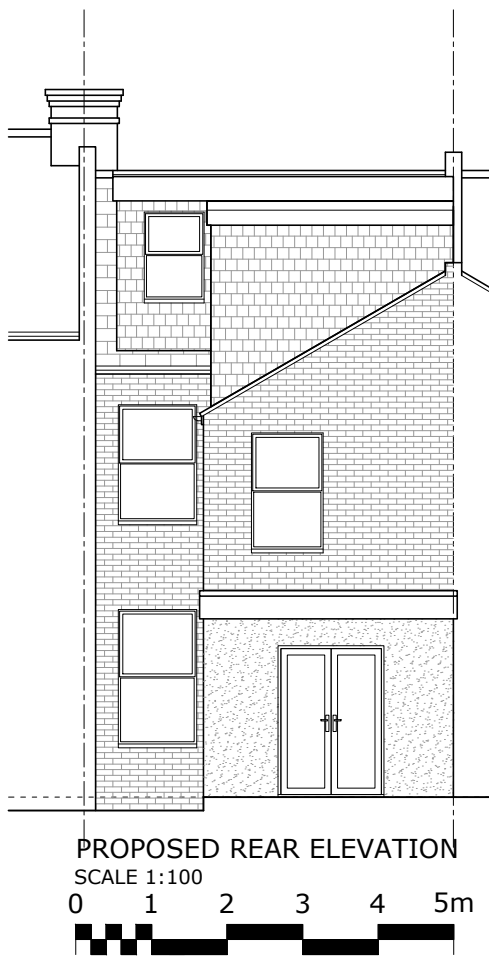
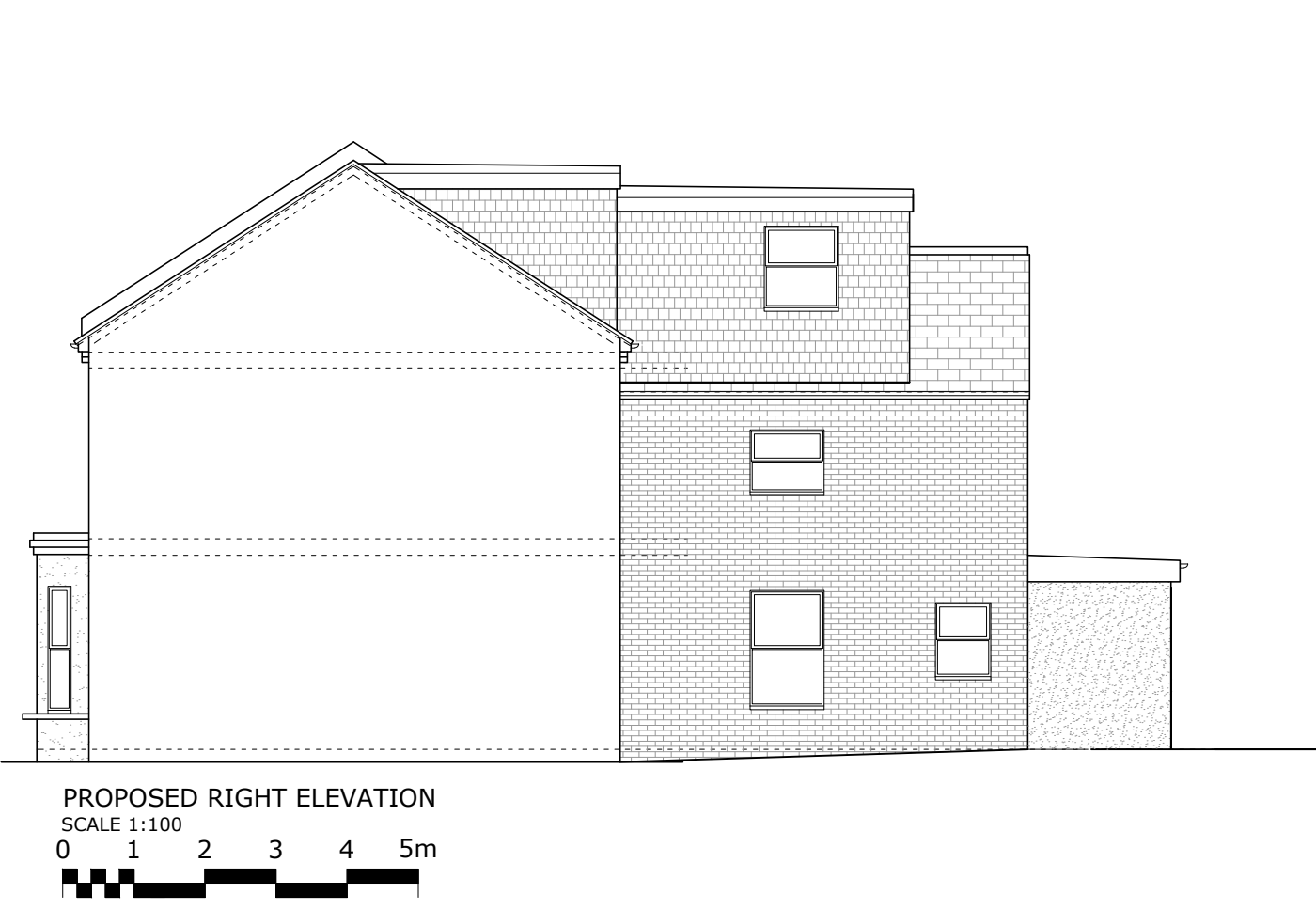
KEY	
	PENDANT LIGHTS
	PIR LIGHTS
	FIRE DOORS - 30 MINUTES
	CALL POINT
	EMERGENCY LIGHTS
	EXTRACTOR FANS
	TV AERIAL SOCKET
	HEAT DETECTOR
	BAR LIGHTS
	SMOKE DETECTOR
	SINGLE GANG LIGHT SWITCH
	DOUBLE SWITCHED WALL SOCKET LOW LEVEL
	DOUBLE SWITCHED WALL SOCKET HIGH LEVEL
	FRIDGE
	FRIDGE/FREEZER
	Internet Router

WASTE WATER PIPES	
	TOWEL RAIL
	RADIATOR

Rev:01	12/21	Revised Annotation
Rev:00	12/21	First Issue
Krystal Architecture Ltd		
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T : 01268 454581 / 07999061557		
E : info@krystal-architecture.com		
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Project Address		
11 Westley Road, Southend-on-Sea, Essex		
Client Name		
Property Point		
Drawing Title		
Existing Plans & Elevations		
Status		
Planning Drawings		
Drawing Number		
654-401		
Rev: 01		
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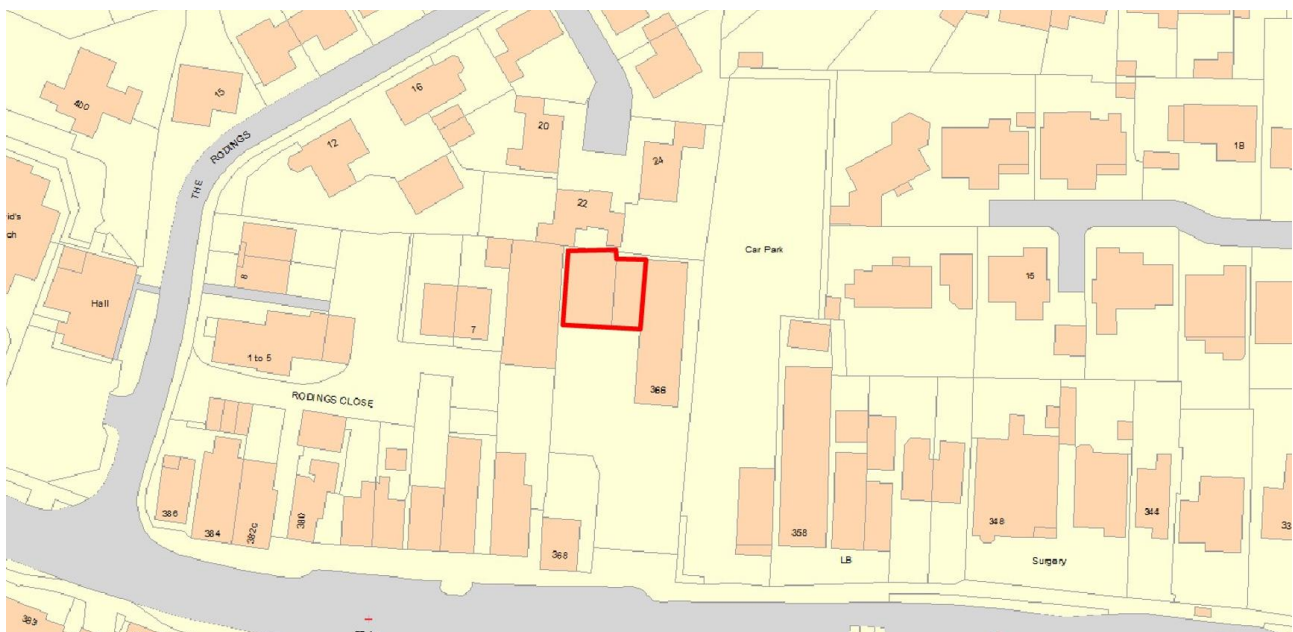






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Reference:	21/02450/FUL	7
Application Type:	Full Application	
Ward:	Eastwood Park	
Proposal:	Change of use from storage/distribution (Class B8) to tyre sales and fitting (Class Sui Generis)	
Address:	366 Rayleigh Road, Eastwood, Essex	
Applicant:	Karsaz Hassan	
Agent:	Nicholas Kingsley Smith of Kingsley Smith Solicitors LLP	
Consultation Expiry:	10th February 2022	
Expiry Date:	9th March 2022	
Case Officer:	Robert Lilburn	
Plan Nos:	Location Plan, Site Plan	
Supporting Document:	Supporting statement re tyre sales and fitting at 366 Rayleigh Road, Eastwood, Essex	
Recommendation:	REFUSE PLANNING PERMISSION; AUTHORISE ENFORCEMENT ACTION	



1 Site and Surroundings

- 1.1 The application form identifies the site address as Kays Tyres, 366 Rayleigh Road. The submitted plans and street numbering identify the site inconsistently with previous applications made for both 364 Rayleigh Road and 366 Rayleigh Road, which show the identified site as no.364 Rayleigh Road and the neighbouring unit as no.366.
- 1.2 Applications 21/00902/FUL and 20/01895/FUL, presented to Development Control Committee in July 2021, indicated the present application site as no.364 and the neighbouring unit as no.366.
- 1.3 The matter has been raised with the applicant and representations from the applicant taken into account. On that basis, the application is assessed as applied-for, and given the subject land and building are shown clearly on the submitted plans, it is considered that the matter does not prejudice the accurate assessment of the application in its planning merits.
- 1.4 The application site is located on the northern side of Rayleigh Road. The subject of the application is an adjoined single-storey brick-built flat-roofed unit, with attached semi-enclosed bay. At the time of application, it is understood that the bay was of varying wall heights, covered by a monopitch roof to form a single storey building of makeshift appearance. It has been described in previous applications as a warehouse building.
- 1.5 It has been found on site visit that since the determination of the previous application in July 2021, the semi-enclosed bay has been enclosed with brick infill and corrugated sheeting. An industrial-style door has been fitted. Together with much of the remainder of the frontage this has been painted blue.
- 1.6 Tyre sales and fitting have been carried out at the site and this is subject to ongoing planning enforcement investigation. The site's frontage, not within the submitted site edged red, is used for vehicle sales, for which there is no record of planning permission
- 1.7 The site is set within hardstanding and car parking, combined with the boxing gym at no.366, and bordered with wooden and palisade fencing to neighbouring commercial yards to the west. A public car park is to the east. The site backs directly on to the dwellings and private amenity spaces at nos.22-24 The Rodings. Ground levels rise immediately at the north border of the site to the dwellings at The Rodings.
- 1.8 The Rayleigh Road frontage nearby is characterised by commercial uses with flats above. The subject building is located principally outside the secondary shopping frontage, however its access through the hard standing area is within the secondary shopping frontage as shown on the policies map of the Development Management Document. The site is located within flood zone 1.

2 The Proposal

- 2.1 The description of proposed development within the application form submitted is a proposed change of use to tyre sales and fitting. The application form states that the change of use has not already started however at section 6 it describes the existing use as being the same use as proposed. So far as can be understood from the submitted information, the application is at least partly retrospective in relation to the use being

undertaken at the site. It is not considered that this affects the accurate assessment of the impacts of the development.

- 2.2 The operational development observed on site has not formed part of the application. The operational development does not accord with the plans which were submitted in application 21/00902/FUL, referred to below.
- 2.3 The submitted application form does not specify proposed hours of opening or employment relating to the proposal. The application identifies that some 100 tyres would be removed from the site by a registered recycling service per month.
- 2.4 The application has been submitted following refusal of planning permission at the site, described in that application as 364 Rayleigh Road. Application 21/00902/FUL for the "Change of use from storage/distribution (Class B8) to MOT Testing station and vehicle repair garage (Class B2) and alter front elevation" was refused on 23.07.2021 for the following reason:

01. Inadequate information has been provided to demonstrate that the proposed development would not result in significant and demonstrable harm to the residential amenity of neighbouring occupiers in terms of noise, disturbance and fumes. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP1, KP2, and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM11 of the Development Management Document (2015).

- 2.5 The current application is for tyre sales and fitting and does not include any operational development such as including the front elevation as previously proposed in the refused application 21/00901/FUL. The hours of operation in the previous application were described as 0800-1700 Monday to Saturday.
- 2.6 The application was called into Development Control Committee by Councillors Walker, Collins and Moring had the staff recommendation been for approval, but this report is brought to the Committee in any event, and as required by the Council's Constitution because enforcement authority is being sought.

3 Relevant Planning History

- 3.1 21/00902/FUL: Change of use from storage/distribution (Class B8) to MOT Testing station and vehicle repair garage (Class B2) and alter front elevation at 364 Rayleigh Road. Refused 23.07.2021.
- 3.2 20/01895/FUL: Change of use from storage/distribution (Class B8) to Boxing Gym (Class E) (Retrospective) at 366 Rayleigh Road. Approved 22.07.2021.
- 3.3 08/00504/FUL: Use Industrial unit (Class B8) and Retail unit(Class A1) as Car Wash and Valeting (Sui Generis). Withdrawn.
- 3.4 05/01691/FUL: Erect two storey building comprising ground floor retail unit (Class A1) and two self-contained flats with roof terraces at first floor level and lay out three parking spaces at rear. Approved.
- 3.5 04/01038/FUL: Demolish existing building and erect 2 storey building comprising ground floor retail unit (Class A1) and 1 self-contained flat to first floor (Class C3) (Amended

proposal). Approved.

- 3.6 04/00261/FUL: Erect 2 storey building comprising ground floor retail unit (Class A1) and 1 self-contained flat to first floor (Class C3). Refused.
- 3.7 00/00931/CLE: Motor and trailer repairs (Certificate of Lawful Use as Existing). Refused.
- 3.8 99/0207: Demolish building and erect single storey motorcycle sales unit (102m. square) to rear of 364 Rayleigh Road with associated forecourt sales area. Approved.
- 3.9 98/1081: Use part of building in storage use (class B8) for retail purposes (class a1). Approved.

4 Representation Summary

4.1 Public Consultation

16 neighbouring properties were notified and a site notice was posted. One letter of representation has been received and is summarised as follows:

- Industrial use is unacceptable in principle;
- Impacts of existing alterations on the appearance of the site and surrounding area;
- Impact of noise and disturbance on neighbouring residential occupiers within their dwellings and gardens;
- Inaccuracies and incorrect completion of application form;
- Limited employment benefits of the use;
- Fire safety concerns.

- 4.2 These concerns are noted and they have been taken into account in the assessment of the application. Other than as reflected in the reason for refusal at Section 9 of this report, the remaining grounds of objection have not been found to justify refusing planning permission in the circumstances of this case.

4.3 Environmental Health

No objection subject to noise mitigation measures, for which a condition is recommended.

4.4 Essex Fire Service

No objection.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generation), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance)
- 5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM10 (Employment Sectors), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the Town Centre), DM15 (Sustainable Transport Management)

5.4 CIL Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, impacts on the character of the area, the effects of the proposal on the amenities of neighbouring residential occupiers, any traffic and parking implications and CIL.

7 Appraisal

Principle of Development

- 7.1 The NPPF states that planning decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions in a way that makes as much use as possible of previously developed land.
- 7.2 Paragraph 81 of the NPPF states that: "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development".
- 7.3 Policies KP1, KP2 and CP4 seek to promote sustainable development. Policy KP2 seeks to direct the siting of development through a sequential approach. Policy DM3 seeks the efficient and effective use of land, provided it responds positively to local context and does not lead to over-intensification.
- 7.4 Policy CP1 states that "to promote economic regeneration, development will be expected to contribute to the regeneration and development of existing and proposed employment sites; the Town Centre and Seafront; existing industrial areas and other Priority Urban Areas".
- 7.5 Policy DM11 seeks to support the retention, enhancement and development of Class B uses within the Employment Areas and also states that: "Proposals for employment generating uses outside the Employment Areas (Policy Table 8) will be allowed where they do not impact upon the amenity of the surrounding uses and do not conflict with other development plan policies".
- 7.6 The site is not within an identified industrial area and is within a mixed area of residential and commercial uses. The site is not the sequentially most-preferable location for a commercial use of this nature.
- 7.7 As a small-scale development, it is considered that any impact to identified industrial areas would be negligible. The proposal would maintain a degree of employment at the site.
- 7.8 Publicly available photographs indicate that a tyre-related business was operating at the site in 2009. A vehicle hire business operated from the site around 2018, storing vehicles within the covered bay. No certificate of lawfulness has been applied for, or granted, to support a conclusion that tyre fitting has been carried on for over ten years, further to section 171b of the Town and Country Planning Act (1990).

- 7.9 Consistent with the findings in the previous application there is no objection to a commercial use in principle at this location, subject to detailed consideration of its impacts which are discussed below.

Design, Impact on the Character of the Area

- 7.10 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 in Policy DM1 of the Development Management Document. The Design and Townscape Guide states that “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”.
- 7.11 The established building has an industrial character and is set amidst commercial uses. The use would be reasonably commensurate with these characteristics. No operational development is proposed in the application. The proposal, as applied-for, would not significantly harm the character and appearance of the surroundings. Matters relating to the impact of the unauthorised operational development on the character of the site and its surroundings, which has not formed part of this planning application, are considered below.

Impact on Residential Amenity

- 7.12 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 “having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”
- 7.13 The rear part of the building sits adjacent the boundary of 22 The Rodings, the nearest residential property to the north of the application site. This dwelling sits on significantly higher ground than the subject building.
- 7.14 Other residential units in the vicinity of the site include 7 Rodings Close, some 13m to the west of the site and 370A Rayleigh Road, the upper floor flat, some 26m to the south of the building on site.
- 7.15 The principal impacts of the proposed use on neighbouring residential occupiers would be noise disturbance from equipment associated with tyre fitting. Historically there have been complaints arising from noise associated with the use of air compressor equipment at the premises. Records show that a Statutory Abatement Notice was served under section 80 of the Environmental Protection Act 1990 on 7/12/20.
- 7.16 The Council’s Environmental Health service has confirmed no objection to the application subject to noise mitigation details. Noise mitigation measures are recommended by condition.
- 7.17 The application has provided no details of equipment or potential mitigation measures. It is therefore not reasonable to approve the application with a condition requiring noise mitigation measures as the impacts have not been quantified, and proposed mitigation measures have not been identified.
- 7.18 It is therefore not clear that protection of neighbour amenities from harmful noise impacts can be reasonably achieved within the scope of details to be provided through a planning

condition. It is not clear that this matter could be reasonably overcome through restrictions on opening hours for example. A condition would therefore not be sufficiently precise and reasonable and would fail to meet the tests for planning conditions set out in Planning Practice Guidance.

- 7.19 The application has failed to reasonably demonstrate that the development maintains neighbour amenities, and it is therefore found unacceptable and in conflict with policy in this regard.

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 Assessed against parking standards, the maximum car parking standard required for storage uses is one space per 150sqm. There is no specified standard for sui generis uses. No parking is proposed. This is a negative aspect of the proposal, but as it may be expected that vehicles would enter the subject building for the tyre fitting service, no objection is raised. However the absence of demarcated external access and waiting provision, together with employee parking, are negative aspects of the application. The site is located on a bus route. The application form states there are no employees; the failure to specify the level of operations is a further negative element of the application, however accounting for the small scale of the site it is considered that operative parking would likely be reasonably accommodated either on the premises or on public car parking nearby. Two cycle parking spaces are required to meet the minimum standard. A condition could be imposed in this regard were the application otherwise acceptable. The access arrangements of the site would remain unaltered.
- 7.22 Subject to a condition, the proposal would be acceptable and policy compliant in this regard.

Community Infrastructure Levy (CIL)

- 7.23 As the proposal is for a change of use without the creation of additional floorspace or the creation of a residential unit, the development would not be CIL liable.

8 Summary of planning application

- 8.1 The development provides employment and economic activity. The character of the development is not harmful to the townscape. The application has not demonstrated to a reasonable degree that neighbour amenities would be maintained. No significantly harmful impacts with regard to traffic and parking have been identified. The limited benefits of the proposed development do not justify approval. The scheme fails to constitute sustainable development when considered in the round, has not overcome the earlier reason for refusal, and is found to be unacceptable and is therefore recommended for refusal.

9 Breaches of planning control

- 9.1 The current use on the site for tyre sales and fitting is an identified breach of planning control. As per the assessment above it is causing significant harm to residential amenity which is unacceptable and contrary to policy. It is found that the identified harm cannot reasonably be overcome by planning conditions based on the circumstances of the two applications so far considered and refused.
- 9.2 A further breach of planning control exists in respect of more recent physical alterations made to the premises. The semi-enclosed bay has been enclosed with brick infill and corrugated sheeting, and an industrial-style door has been fitted. Much of the frontage has been painted blue. This represents development requiring planning permission which has not been, obtained so it is unauthorised.
- 9.3 It is considered that the operational development impacts on the character and appearance of the site and surroundings. 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 in Policy DM1 of the Development Management Document. The Design and Townscape Guide states that “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”.
- 9.4 The infilled bay with metal sheeting is rudimentary and has a poor, appearance, including by reason of its extent and height within the mono-pitch roof arrangement. It is prominent in the Rayleigh Road street-scene and contrasts unfavourably with the houses behind. The part-corrugated cladding finish of the neighbouring low-rise unit to the west does not justify acceptance of the prominent, stark and obtrusive sheeting introduced, which is significantly harmful to the character and appearance of the street scene and wider area. Its harmful impact is accentuated by the blue finish. The blue painting of the brick on much of the remainder of the building is incongruous and harmful to the character and appearance of the building, street scene and wider area. The poor appearance is accentuated by the finishing of the roof at its junction with the sheeting and the angled downpipe. The industrial style door is acceptable.
- 9.5 The unauthorised operational development comprising the installation of corrugated sheeting and blue painted finish to the building are therefore considered unacceptable and contrary to policy with regard to design and character.
- 9.6 Given the nature and harmful impact of the breaches, as assessed above, and the owner’s failure to regularise the unauthorised development it is considered necessary and proportionate for an enforcement notice to be served in respect of the unauthorised use and operational development.
- 9.7 Members are recommended to AUTHORISE ENFORCEMENT ACTION to:
 - a) Cease operating as a tyre fitting unit;
 - b) Remove the corrugated sheeting and blue painted finish from the building;
 - c) remove from site all materials resulting from compliance with a) and b) above.
- 9.8 The authorised enforcement action to include (if/as necessary) the service of Enforcement Notices under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.
- 9.9 When serving an Enforcement Notice the Local Planning Authority must ensure a

reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the cessation of use as a tyre fitting unit and for removal of the unauthorised operational development.

- 9.10 Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the Local Planning Authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, and proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

Equality and Diversity Issues

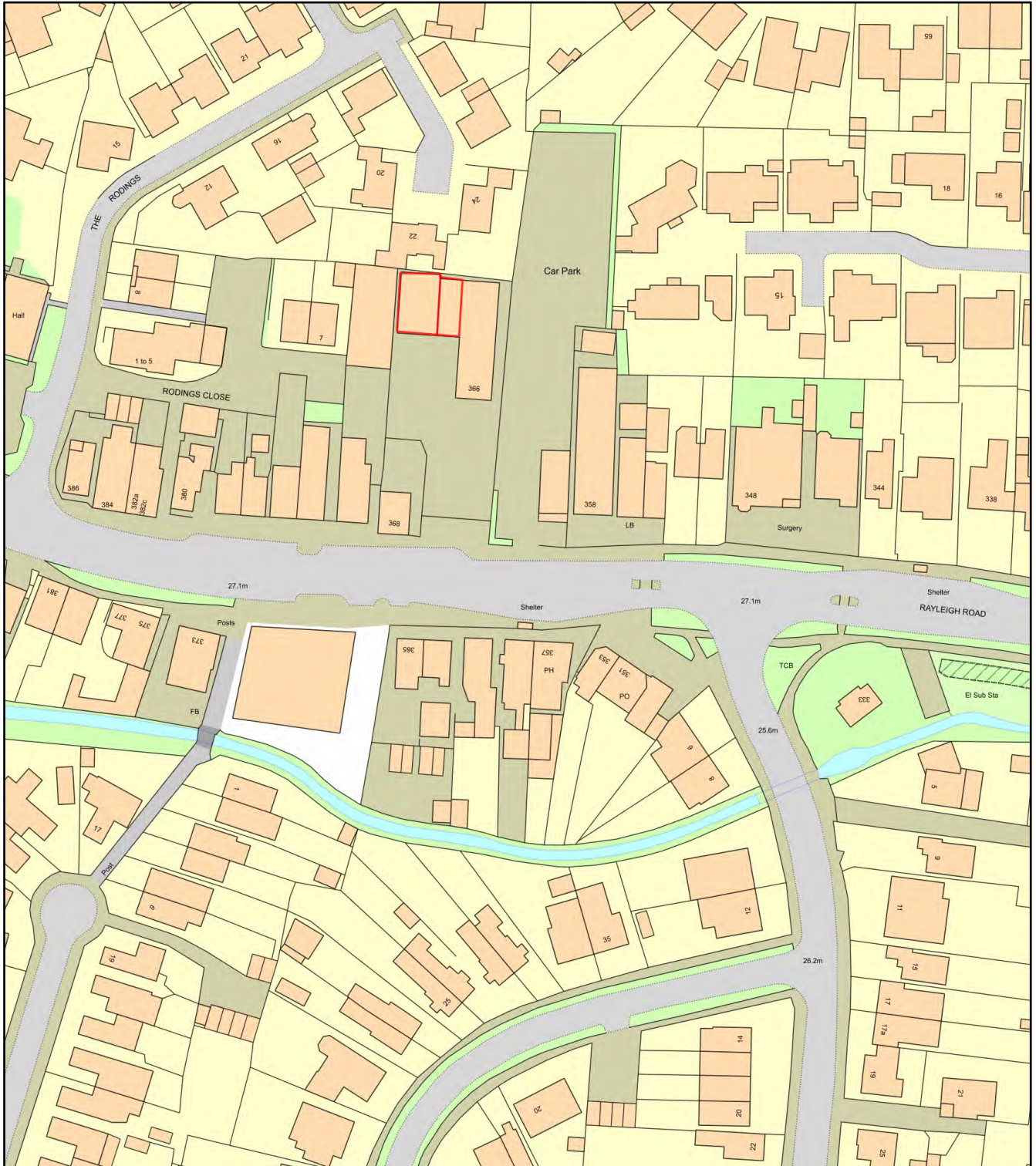
- 9.11 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, 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, the planning breaches 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.

REFUSE PLANNING PERMISSION AND AUTHORISE ENFORCEMENT ACTION

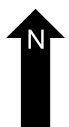
- 01 Inadequate information has been provided to demonstrate that the proposed development would not result in significant and demonstrable harm to the residential amenity of neighbouring occupiers including nos.22-24 The Rodings and 6-7 Rodings Close, in terms of noise disturbance. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP1, KP2, and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM11 of the Development Management Document (2015).**
- 10 Informatives:**
- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development.**
- 2 As the proposal is for a change of use without the creation of additional floorspace or the creation of a residential unit, the development would not be CIL liable.**

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Location Plan 366 Rayleigh Road SS9 5PT



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Metres



Plan Produced for: KA00731

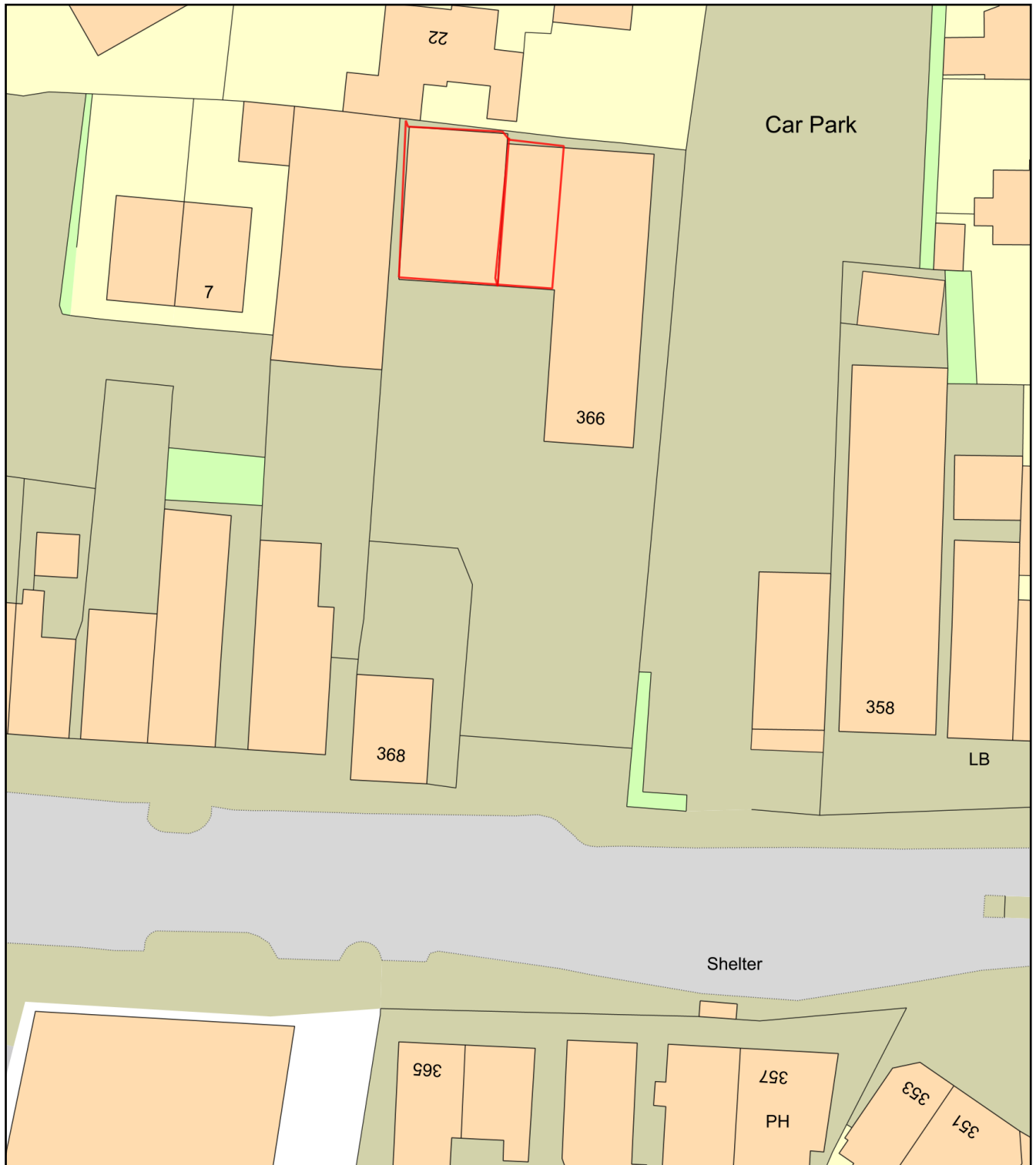
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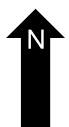
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Site Plan 366 Rayleigh Road SS9 5PT



0 20
Metres



Plan Produced for: KA00731

Date Produced: 26 Oct 2021

Plan Reference Number: TQRQM21299073212519

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Wide view of site from Rayleigh Road prior to external alterations. 368 Rayleigh Road at centre-left is an office.
There is a first-floor flat at 370 Rayleigh Road on far left



Site from entrance from Rayleigh Road, following external alterations.
Nos.22-24 The Rodings behind, dwellings at Rodings Close to left



Context view from Rayleigh Road



Neighbouring commercial unit to left, dwellings at The Rodings behind and Rodings Close on far left



View across site access and adjoining forecourt areas to low-rise neighbouring commercial unit and Rodings Close to west.
Application site is visible in blue. Tyre storage taking place outside the building.



Rear of neighbouring properties at nos.368-370 Rayleigh Road



Site is on left behind corrugated apex roof.
Nos.22 and 24 The Rodings centre and right



Site (top of roof visible centrally) viewed from public car park to east, with nos.22 and 24 The Rodings on right



Nos.24 and 22 The Rodings with site beyond (not visible in photo)



Nos.22-24 The Rodings to rear of site, with gym at right, prior to external alterations



Reference:	20/00009/UNAU_B	8
Ward:	Chalkwell	
Breach of Control:	Without planning permission the erection of first floor extensions to the rear	
Address:	84 - 90 The Ridgeway, Westcliff-On-Sea, Essex, SS0 8NU	
Case opened:	6 th January 2020	
Case Officer:	Hayley Thompson	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	

84 - 90 The Ridgeway, Westcliff-On-Sea, Essex, SS0 8NU



1 Site location and description

- 1.1 This report concerns a mid-terraced shop unit with two flats at first floor. The site is situated within a secondary shopping frontage facing The Ridgeway and close to Chalkwell railway station. The surroundings are otherwise residential in character.

2 Lawful Planning Use

- 2.1 The lawful planning use is for residential purposes within Class C3 at first floor and Class E (Commercial, Business and Service) at ground floor, as defined in the Town and Country Planning Use Classes Order 1987 (as amended). Prior approval has been granted for 2 additional flattened units at ground floor (Ref. 20/00571/PA3COU).

3 Relevant Planning History

- 3.1 21/01110/FUL - Erect first floor rear extensions with Juliette balconies and alterations to existing flank windows – Refused.
- 3.2 21/00982/FUL Install entrance doors and windows to ground floor side elevations (part-retrospective) – Approved.
- 3.3 20/01581/FUL Erect first floor rear extensions and raise roof height to match level of existing extension and alterations to existing flank windows (Part Retrospective) - Refused.
- 3.4 20/01425/FUL Alter and convert existing ground floor shop to reinstate as 2 shops (Class A1) with entrance to front (Part Retrospective) – Granted.
- 3.5 20/01074/FUL- Raise roof height to form new second floor and create no.2 self-contained flats, erect single storey rear extensions to flats at first floor, form roof terraces to rear at first and second floors, layout soft landscaping, bin store and cycle store (part retrospective) – Refused.
- 3.6 20/00571/PA3COU- Part change of use to rear of existing Shop (Class A1) into 2 self-contained flats (Class C3)(Prior Approval) - Approved.

4 The alleged planning breach and the harm caused

- 4.1 Two first floor rear extensions have been erected without planning permission. The extensions each measure 3.4m deep, 2.7m high and 2.5m wide. They are combined with an existing rear outrigger, resulting in an overall 8.8m wide rear projection.
- 4.2 It was found through determination of three planning applications seeking in various ways to retain the extensions, either as they are built or with modification, that by reason of their design, form and size they appear as an incongruous feature and would not be subservient to the main building resulting in significant harm to the character and appearance of the host building.
- 4.3 It has also been found that the degree of projection of the first-floor rear extension beyond the nearest first floor rear habitable room window at the flat above No.92 results in a demonstrable loss of outlook, light and overshadowing (particularly in the morning hours) to neighbouring habitable room windows, and an unacceptable sense

of enclosure and dominant impacts to the occupiers of that property, significantly harmful to their residential amenity. The side facing windows to the west facing flank elevation of the first-floor rear extension give rise to actual and perceived overlooking and a material loss of privacy to neighbouring habitable accommodation to the detriment of neighbours' residential amenity.

- 4.4 There is a concrete slab with brick course to the rear of the ground floor which is shown as a patio on plans approved under application 21/00982/FUL and was constructed without planning permission and is not permitted development.
- 4.5 Separate to the above it has been identified that there are some other current breaches related to the development being undertaken on the rear ground floor following the prior approval for two flats. The new flat on the western side (nearest to No.92) has been completed and appears occupied. It has not been ascertained whether the approved flat on the eastern side (to 80/82) has been built out and occupied.
- 4.6 A door opening on the rear elevation of the ground floor (west) has, at the time of report preparation, not been filled in to comply with plans approved under application 21/00982/FUL in association with the conversion of the two ground floor flats.
- 4.7 Conditions 3 & 4 for the prior approval, reference 20/00571/PA3COU, to part change the use of the existing ground floor commercial unit into two flats required that, prior to occupation, refuse and waste & cycle stores be provided and made available for use on site. At the time of report preparation these have not been provided and a breach of condition notice can separately be served under delegated powers should compliance not be achieved within a reasonable timeframe.
- 4.8 In February 2022 it has been noted that a detached structure has been constructed in the rear garden which will form part of the ongoing enforcement investigation.

5 Background and efforts to resolve breach to date

- 5.1 In January 2020 an enforcement case was raised regarding the alleged unauthorised rear extensions that had been constructed.
- 5.2 A site visit was undertaken in February 2020 to view the development and letters were sent to relevant parties advising on the breach of planning control.
- 5.3 Three successive planning applications, references 20/01074/FUL, 20/01581/FUL and 21/01110/FUL were subsequently submitted seeking to retain the unauthorised extensions in varying capacities and have included other proposed works.
- 5.4 The most recently submitted application, reference 21/01110/FUL, sought to retain the first floor rear extensions as built but with proposed alterations to the finished materials. This application was refused on two grounds and the officer's report is appended to this report as Appendix A.
- 5.5 The applicant and agent have been contacted regarding the outstanding breaches relating to the first floor rear extensions, raised patio and the breach of condition regarding conditions 3 and 4 of the prior approval application.

- 5.6 In January 2022 an appeal was submitted in relation to application 21/01110/FUL which is currently in progress. No planning permission to retain any of the unauthorised developments discussed has been granted.

6 Harm caused by the breach as assessed against relevant planning policies and justification for enforcement action

- 6.1 The appended officer's report for planning application 21/01110/FUL sets out fully the basis for refusal of planning permission due to the identified harm caused by the two unauthorised first floor rear extensions. The policy context has not changed materially in the interim in any relevant regards.
- 6.2 Taking enforcement action in this case may amount to an interference with the owner/occupier's human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area.

Equality and Diversity Issues

- 6.3 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 enforcement case and preparing this report, had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the recommended enforcement action will not conflict with the Council's statutory duties under this legislation.

7 Recommendation

- 7.1 Members are recommended to AUTHORISE ENFORCEMENT ACTION to
- a) require the removal of the unauthorised first floor rear extensions
 - b) require the removal of the unauthorised patio
 - c) remove from site all materials resulting from compliance with (a) and (b) above.
- 7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.
- 7.3 When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the above works.

Appendix 1 – Officer's report 21/01110/FUL

Reference:	21/01110/FUL
Ward:	Chalkwell
Proposal:	Erect first floor rear extensions with Juliette balconies and alterations to existing flank windows (Part Retrospective) (Amended proposal).
Address:	84 - 90 The Ridgeway, Westcliff-On-Sea, Essex, SS0 8NU
Applicant:	Dr Aval
Agent:	Mr Maz Rahman
Consultation Expiry:	29.06.2021
Expiry Date:	20.07.2021
Case Officer:	Scott Davison
Plan Nos:	112 P2, 410.P2, 411.P2 & 412 P1
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The application relates to a mid-terraced shop unit with two flats at first floor and approval granted for 2no. additional flatbed units at ground floor (Ref. 20/00571/PA3COU). It is situated within a secondary shopping frontage facing The Ridgeway. The building has an art deco-style facade with a relatively modern shop front at ground level and an undercroft access leading to the rear, which is gated at the eastern end of the premises.
- 1.2 The site is located close to Chalkwell railway station. The surroundings are otherwise residential in character.
- 1.3 The roads in the immediate surroundings are subject to waiting restrictions, demarcated by yellow lines. Bollards prevent vehicular access and egress onto the pavement at this location. On-street parking is available within the vicinity; much of this is subject to time limits.
- 1.4 The site is identified on the policies map of the Development Management Document as located within a secondary shopping frontage. The site is not located within in a conservation area and the subject property is not a listed building. The site is located within flood zone 1.
- 1.5 Council tax records indicate that there is self-contained residential accommodation at first floor of the building, comprising two flats. Publicly available photograph records show that the ground floor shop use is long-established. The works to convert the rear of the ground floor into two separate flats has commenced and the

western flat is now occupied.

2 The Proposal

- 2.1 The application seeks retrospective planning permission to retain two first floor rear extensions with Juliette balconies and alterations to existing flank windows and flank elevations proposed.
- 2.2 The first-floor rear extensions have already been constructed and this aspect of the application is retrospective in nature. They each measure 3.4m deep, 2.7m high and 2.5m wide and combined with the outrigger, there would be an 8.8m wide rear projection. The submitted plans show the rear facing elevation of the extensions, each have folding bi-folding doors with 3 panelled windows with fanlights on each of the flank elevations. It is proposed to inset obscure glazing to the windows in the flank elevations. These extensions facilitate enlarged habitable accommodation for the existing first floor flats to be used as dining rooms.
- 2.3 This application follows the refusal of application Ref: 20/01581/FUL described as *Erect first floor rear extensions and raise roof height to match level of existing extension and alterations to existing flank windows (Part Retrospective)*. The application was refused for the following reasons:

01 The proposed first floor rear extensions, by reason of their significant size and scale and detailed design, fail to suitably integrate to the host building and appear as visually prominent and incongruous features harmful to the character and appearance of the existing building and the wider surrounding area. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019); Policy CP4 of the Core Strategy (2007); Policies DM1 and DM3 of the Development Management Document (2015); and the advice contained within the Design and Townscape Guide (2009).

02 The proposed first floor rear extension adjacent to the west flank boundary with No.92 The Ridgeway would, by reason of the increased size and scale of built form, projection beyond the rear of the first floor flat above No.92 The Ridgeway and incorporation of a series of side windows adjacent to the shared flank boundary, result in a material loss of light, overshadowing, outlook, loss of privacy and an unacceptable sense of enclosure to neighbouring first floor rear habitable accommodation. This harm to the neighbours' amenity is unacceptable and contrary to the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and the advice contained with the Design and Townscape Guide (2009).

- 2.4 The main differences between the refused scheme and the development proposed are:
- The proposal seeks to retain the first-floor rear extensions as built but plank cladding on the side elevations would be replaced with render.
 - The previous application sought to increase the height of the extensions by 0.2m to match the height of the existing first floor outrigger forming one continuous roof.
 - It is proposed to use obscure glazing in windows on the flank elevations of the extensions as opposed to the use of an applied obscure film on the refused scheme.
 - Juliette balconies are now proposed to the rear elevations.

3 Relevant Planning History

- 3.1 21/00982/FUL Install entrance doors and windows to ground floor side elevations (part-retrospective) Approved
- 3.2 20/01581/FUL Erect first floor rear extensions and raise roof height to match level of existing extension and alterations to existing flank windows (Part Retrospective). Refused.
- 3.3 20/01425/FUL Alter and convert existing ground floor shop to reinstate as 2 shops (Class A1) with entrance to front (Part Retrospective). Granted
- 3.4 20/01074/FUL- Raise roof height to form new second floor and create no.2 self-contained flats, erect single storey rear extensions to flats at first floor, form roof terraces to rear at first and second floors, layout soft landscaping, bin store and cycle store (part retrospective). Refused
- 3.5 20/00571/PA3COU- Part change of use to rear of existing Shop (Class A1) into 2 self-contained flats (Class C3)(Prior Approval). Approved.

Enforcement History

- 3.6 20/00009/UNAU_B Single Storey Rear Extension

4 Representation Summary

Public Consultation

- 4.1 14 neighbouring properties were notified, and 1 letter of representation has been received. It is summarised below:
- Amenity concerns; the glass structure has already been constructed and results in a loss of privacy, overlooking and amenity of the occupiers of adjoining properties. The use of obscure glazing would not overcome these concerns.

[Officer comment]: The concerns raised are acknowledged and have been taken into assessment of the application.

Environmental Health

- 4.2 No objection

Essex Fire

- 4.3 No objection

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019).
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), Policy CP3 (Transport and Accessibility) CP4 (Environment and Urban Renaissance)

- 5.3 Development Management Document (2015) Policy DM1 (Design Quality), Policy DM3 (Efficient and Effective Use Of Land) & DM15 (Sustainable Transport Management).
- 5.4 Design & Townscape Guide (2009).
- 5.5 CIL Charging Schedule 2015.
- 5.6 Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) (2020).

6 Planning Considerations

- 6.1 The main considerations for this application are the principle of the development, design, the impact on the character and appearance of the area, traffic and transportation, impact on residential amenity, and Community Infrastructure Levy (CIL) considerations and whether the development overcomes the previous reasons for refusal. The principle of the development, considerations regarding, traffic and highways issues and whether the development would be liable for CIL were considered within the 2020 application were found to be acceptable. Given the similarities between this proposal and the previously determined application the application is considered acceptable in these regards.

7 Appraisal

- 7.1 The proposal is considered in the context of the NPPF and Policies KP2, CP4 & DM1 which addresses design quality. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. Since the refusal of the previous application, the RAMS Supplementary Planning Document (SPD) has been adopted however it is not considered that this alters the findings on the principle of development. Consistent with the basis of previous planning decisions for the site, the proposal is considered to be acceptable and policy compliant in this regard subject to the development being in accordance with the considerations set out below.

Design and Impact on the Character of the Area

- 7.2 Paragraph 124 of the NPPF states *‘the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. 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. Being clear about design expectations and how these will be tested, is essential for achieving this.’*
- 7.3 Policy KP2 of the Core Strategy advocates the need for all new development to *“respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design”*. Policy CP4 of the Core Strategy states *“development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.”*

- 7.4 Policy DM1 of the Development Management Document states that all 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”*.
- 7.5 The Design and Townscape Guide states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.” Paragraph 348 of The Design and Townscape Guide under the heading of Rear Extensions, it is stated that “whether or not there are any public views, the design of the rear extensions is still important and every effort should be made to integrate them with the character of the parent building, particularly in terms of scale, materials and the relationship with existing fenestration and roof form.”*
- 7.6 The first-floor rear extensions have already been constructed and combined with the existing outrigger span virtually the full width of the rear elevation projecting to a depth of some 3.5m. It is not proposed to increase in the height of the roofs of the extensions to match the height of the existing central outrigger and the use of render would be an improvement over the plank cladding. The development would still retain the appearance of a single design feature at first floor level and would have lightweight design with large folding doors to the front and large window openings to the flanks. Given the significant size and scale of the first-floor rear extensions, this has resulted in boxy additions to the rear elevation of the building at first floor level. Consistent with the basis of previous planning decisions for the site, the first-floor extensions would by reason of their design; form and size appear as an incongruous feature and would not appear subservient to the main building resulting in material harm to the character and appearance of the host building. The proposal therefore fails to overcome reason one of the previously refused application.
- 7.7 The development provides additional living space for the occupants of the first-floor flats. The extensions are described as dining rooms and are not considered to have a negative impact on the living conditions for the occupants of those flats. The provision of additional living accommodation for each flat does not outweigh or overcome the concerns as outlined within the report.
- 7.8 It is considered that the development is unacceptable and would fail to comply with policy in the above regards.

Impacts on Residential Amenity

- 7.9 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 7.10 Paragraph 343 (Alterations and Additions to Existing Residential Buildings) of The Design and Townscape Guide states 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.” Paragraph 349 states: “Rear extensions can sometimes adversely affect neighbouring properties through overlooking and blocking of light. The design should therefore ensure that these are kept within reasonable limits. Each application will be assessed on a site by site basis. Extensions on the boundary can have a significant effect on the neighbouring property and may not be considered appropriate”.

- 7.11 Adjoining properties to the application site comprise commercial units at ground floor (a shop at No.92 and a physiotherapist at No.80-82). Both neighbouring properties have residential units at first floor level.
- 7.12 The first-floor rear extension would not project beyond the rear of the attached neighbour (No.82) to the extent that it would have a harmful impact on neighbouring habitable room windows. It is considered that the development would not result in an unacceptable sense of enclosure or dominant impacts to the occupiers of that property that would be harmful to their amenity.
- 7.13 The degree of projection of the first-floor rear extension beyond the nearest first floor rear habitable room window at the flat above No.92 The Ridgeway results in a demonstrable loss of outlook, light and overshadowing (particularly in the morning hours) to neighbouring habitable room windows, and an unacceptable sense of enclosure and dominant impacts to the occupiers of that property, harmful to their amenity. The side facing windows to the west facing flank elevation of the first-floor rear extension give rise to actual and perceived overlooking and a material loss of privacy to neighbouring habitable accommodation. The submitted plans state that the fanlights are above 1.7m in height and that obscure glazing would be inserted into the side facing windows. No details of the glazing have been submitted to demonstrate that an acceptable degree of opacity to the windows i.e., Level 4 on the Pilkington Levels of privacy or equivalent. This could be dealt with by condition however the obscurity of the side facing windows would not address the issue of the perceived overlooking that would occur from these windows given the relationship with neighbouring properties.
- 7.14 It is considered that the development fails to overcome the second reason for refusal of application 20/01581/FUL and is therefore unacceptable and would fail to comply with policy in the above regards.

Community Infrastructure Levy

- 7.15 The proposed extension(s) to the property equate to less than 100sqm of new floorspace therefore the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)

- 7.16 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation.

This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD) adopted in October 2020, requires that a tariff of £127.30 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.

- 7.17 No RAMS tariff is required in this instance as no additional dwellings are proposed beyond those already exist.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that the proposed development would be unacceptable and contrary to the objectives of the relevant development plan policies and guidance. The rear extensions appear visually prominent and incongruous features harmful to the character and appearance of the existing building and fail to integrate acceptably with the host dwelling. The rear extension would cause an undue sense of enclosure and material loss of privacy for the occupiers of the first floor flat at No's 92 The Ridgeway, materially harmful to their amenity. For the above reasons, the proposal has not fully addressed the previous reasons for refusal and fails to comply with the development plan and is unacceptable and the benefits of the proposal do not outweigh the material harm identified. The application is therefore recommended for refusal.

Recommendation

9

REFUSE PLANNING PERMISSION for the following reasons:

- 01 The proposed first floor rear extensions, by reason of their significant size and scale and design, fail to suitably integrate to the host building and appear as visually prominent and incongruous features harmful to the character and appearance of the existing building and the wider surrounding area. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019); Policy CP4 of the Core Strategy (2007); Policies DM1 and DM3 of the Development Management Document (2015); and the advice contained within the Design and Townscape Guide (2009).**
- 02 The first floor rear extension adjacent to the west flank boundary with No.92 The Ridgeway would, by reason of the increased size and scale of built form, projection beyond the rear of the first floor flat above No.92 The Ridgeway and incorporation of a series of side windows adjacent to the shared flank boundary, result in a material loss of light, overshadowing, outlook, perceived loss of privacy and an unacceptable sense of enclosure to neighbouring first floor rear habitable accommodation. This harm to the neighbours' amenity is unacceptable and contrary to the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and the advice contained with the Design and Townscape Guide (2009).**

Appendix 2 – Site photographs

Site photograph taken 16th February 2022



Site photographs taken July 2021



