

Reference:	18/01812/FUL	
Ward:	Westborough	
Proposal:	Change of use of doctors surgery (Class D1) into six self-contained flats (Class C3), erect first floor extension, two storey front and rear extensions, single storey extension with terrace to rear at first floor level, install balcony to rear, terrace to front, cycle and refuse store to rear, layout parking to rear, amenity space to rear and side and alter elevations (Amended Proposal)	
Address:	258 Westborough Road Westcliff-On-Sea	
Applicant:	22nd Century Property Ltd	
Agent:	Phase 2 Planning	
Consultation Expiry:	01.11.2018	
Expiry Date:	13.12.2018	
Case Officer:	Rob Lilburn	
Plan Nos:	17.201/01 F Existing Ground and First Floor Plans 17.201/02 F Existing Front and Side Elevations 17.201/03 F Existing Rear and Side Elevations 17.201/04 F Proposed Ground and First Floor Plans 17.201/05 F Existing and Proposed Roof Plans 17.201/06 F Proposed Front and Side Elevations 17.201/07 F Proposed Rear and Side Elevations 17.201/08 F Location Plan and Proposed Site Plan 17.201/09 F Proposed Site Plan 17.201/10 E Proposed 3D Views 17.201/11 F Proposed M4(2) Plan 17.201/12 F Proposed Refuse Store and Collection 17.201/13 E Proposed Materials and Boundaries 17.201/14 F Proposed Landscaping Plan 17.201/15 E Proposed Landscaping Specifications 17.201/16 Proposed Bin and Cycle Stores	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to extend and remodel the existing buildings on site as part of a change of use from doctor's surgery (Use Class D1) to 6no. self-contained flats (Use Class C3), following demolition of the existing single storey extension.
- 1.2 The submitted drawings indicate that the extended building would be finished externally in white render with roof tiles, parapets and copings to match the existing two-storey building on the site. Some small areas of timber cladding are also included, specified as Western Red Cedar. Brick sections including the boundary wall would be red brick with grey mortar. Windows would be white UPVC to match existing. Boundary treatments would include low facing brick walls with black railings to the Tintern Avenue and Westborough Road elevations. Surfacing would utilise porous block paving of contrasting grey and red colours.
- 1.3 The extensions would be designed in a manner consistent with the 'main' two storey existing building on the site. This would include apex pitched roofs and large double height bay windows.
- 1.4 The proposed schedule of accommodation would be as follows:

Flat	Description	Gross Internal Area (GIA)	Private outdoor amenity space	Bedroom sizes
1	Ground 2 bed	61sqm (2 bed 3 person)	19sqm Courtyard	Single: 8.1sqm Double: 13.5sqm
2	Ground 1 bed	63sqm (1 bed 2 person)	14sqm Courtyard	Double: 21.3sqm
3	Ground 1 bed	63sqm (1 bed 2 person)	7.3sqm Courtyard	Double: 18.7sqm
4	First floor 2 bed	69sqm (2 bed 3 person)	10sqm Balcony	Single: 10sqm Double: 15.4sqm
5	First floor 1 bed	52sqm (1 bed 2 person)	6sqm Balcony	Double: 15.7sqm
6	First floor 1 bed	63sqm (1 bed 2 person)	6sqm Balcony	Double: 18.2sqm

- 1.5 As noted above, the development would include courtyard amenity spaces for the ground floor apartments and balcony amenity spaces for the first floor apartments. The submitted drawings indicate soft landscaping to several borders within the car park, and to the site frontage. A semi-mature tree within the site curtilage would be retained.
- 1.6 The development would be accessed by pedestrian users primarily via a front door to the principal elevation, or alternatively via the car park. The car park would be accessed from the existing crossing at Tintern Avenue, close to no.35 Tintern Avenue.
- 1.7 Six car parking spaces would be provided in the car park. Covered, enclosed refuse and cycle stores would be provided in the car park.
- 1.8 This application follows a previous application, 18/00391/FUL, for the change of use of doctors surgery (Class D1) into six self-contained flats (Class C3), erect two storey front and rear extensions, install balconies to rear, cycle store to side, bin store to rear, form layout parking to rear and alter elevations, which was refused for the following reasons:

"01. The proposed building would not incorporate a street-facing pedestrian entrance on to Westborough Road and would form an insufficiently active frontage to Westborough Road, commensurate with the size of the development. This represents poor design and would be harmful to the character and quality of the site, the street and surrounding area. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

02. The proposed rear elevation would have a stark and utilitarian appearance, at a prominent corner site, a characteristic which would be magnified by the limited outdoor amenity space and opportunity for soft landscaping. This would be poor design, harmful to the character and quality of the site, the street and surrounding area. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

03. The proposed development would lead to an actual and perceived loss of privacy resulting from overlooking caused by the relationship of the proposed easternmost rear balcony with the windows on the rear projection of 35 Tintern Avenue and the rear garden of this building. This would harm the living conditions of occupiers therein, and is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04. The proposed dwellings would not each include suitable outdoor space for the reasonable use and enjoyment of the occupiers, and a number of the dwellings

would not each provide a sufficiently high standard of internal environment having regard to their layout, daylight and outlook. This would create a poor living environment for future occupiers of the development. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

05. The proposed bin store would be sited inappropriately distant from the highway with likely consequences including longer dwell times of waste and refuse vehicles within the street and potential for waste spills, to the detriment of the character and appearance of the site and the amenity of road users. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)".

1.9 The key differences between the application under consideration and the refused application 18/00391/FUL are:

- Introduction of a pedestrian entrance to the principal Westborough Road elevation;
- Formation of boundary treatments to form a defensible space to the Westborough Road frontage;
- Introduction of soft landscaping to borders and boundaries;
- Elevations reconfigured to soften the appearance of the south-east corner and rear elevation as seen from the south and Tintern Avenue;
- Introduction of tapered balcony parapet to the north elevation;
- Reconfiguration of amenity spaces in relation to accommodation type, leading to increased areas of amenity space for 2 bed 3 person units and linking smaller areas of amenity space to 1 bed 2 person units. One balcony and two courtyards have been enlarged;
- Bin store relocated close to the dropped kerb at the car park entrance on Tintern Avenue;
- Cycle store relocated into the car park;
- Porous paving to the car park.

1.10 The application has been called in to the Development Control Committee by Councillor Jones.

2 Site and Surroundings

2.1 The application site contains a two-storey building, which appears originally to have been one half of a pair of semi-detached dwellings. It has been extended unsympathetically with a single storey side extension to the west towards Tintern Avenue. These buildings face on to Westborough Road with a small forecourt area in front. A semi-mature tree is situated at what appears to be the outer edge of this forecourt where it joins the public highway.

2.2 At the rear is a large surface car park. Vehicular access is made via an existing crossover adjacent to no.35 Tintern Avenue.

- 2.3 The surroundings are almost exclusively residential in use, comprising terraced, semi-detached and detached dwellings, many of which have been converted into flats.
- 2.4 The site is not specifically identified on the proposals map of the Development Management Document.

3 Planning Considerations

- 3.1 The main considerations are the principle of the development, design and impact on the character of the area, impact on neighbouring occupiers, living conditions for future occupiers, any traffic and transport issues and CIL.

4 Appraisal

Principle of Development

National Planning Policy Framework (2018), Policies KP1, KP2, CP3, CP4, CP6 and CP8 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM2, DM3, DM7, DM8 and DM15 of the Southend-on-Sea Development Management Document (2015), and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 4.1 Government guidance contained within the National Planning Policy Framework (NPPF) encourages effective use of land (para.8) in particular previously developed land (para.117). The NPPF identifies three objectives of the planning system with regard to sustainable development: economic, social and environmental.
- 4.2 Policy KP1 of the Core Strategy seeks sustainable development. Policy KP2 requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood.
- 4.3 Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP8 requires that development proposals contribute to local housing needs.
- 4.4 Policy CP6 seeks to safeguard community facilities, and states that new development should demonstrate that it will not jeopardise the Borough's ability to improve the education attainment, health and wellbeing of local residents and visitors to Southend.
- 4.5 Policy DM1 seeks design quality that adds to the overall quality of an area and respects the character of a site and its local context. Policy DM3 seeks to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.
- 4.6 Policy DM7 states that the Council will look favourably upon the provision of family size housing on smaller sites. Through Policy DM8 the Council seeks appropriate flexibility and dimensions within the internal accommodation to meet the changing

needs of residents. Policy DM15 states that 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.

- 4.7 The Design and Townscape Guide seeks to promote a high quality of design in new developments.
- 4.8 The proposal involves the loss of a community facility, as the D1 use would be replaced by dwellings. The principle of the loss of the D1 use has been established further to planning approval 17/00103/FUL, in which the change of use of the building to dwellings was granted planning permission.
- 4.9 The applicant in that instance provided evidence to demonstrate that the surgery that existed at the site was closed as part of a health service programme to close surgeries in preference for new facilities. For these reasons, it is considered that no objection should be raised to the principle of the change of use of the existing building.
- 4.10 The site is sustainably located in an accessible location in close proximity to shops, services and transportation. The proposal would add to the supply of housing, in the form of flats, at a location appropriately integrated to the urban area, and as such accords with Policies KP1 and CP8 of the Core Strategy.
- 4.11 The proposal would re-use previously developed land and intensify its use. Subject to the appropriateness of that intensification, in this regard the development would be acceptable in principle in light of Policy KP2 of the Core Strategy.
- 4.12 It is considered therefore that the principle of such a development at this location is acceptable as it is sustainable in broad terms. However, further detailed material planning considerations are discussed below.

Design and Impact on the Character of the Area

National Planning Policy Framework (2018), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 4.13 The National Planning Policy Framework requires new development to respond positively to its surroundings.
- 4.14 Paragraph 127 of the NPPF states that local planning authorities should aim to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 4.15 Paragraph 130 of the NPPF states that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.
- 4.16 The importance of good design is reflected in Policies KP2 and CP4 of the Core

Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas.

- 4.17 The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”* and that *“proposed development [should] make a positive contribution to the local area”*.
- 4.18 The proposed extensions would reflect the appearance and proportions of the existing original building on the site. It is considered that in principle this would be a positive response to the local character. The broad form and use of materials are considered acceptable.
- 4.19 The tree at the frontage would be retained, and the development layout would be configured so that the built form would be no closer to it than the existing, except for a short length of boundary wall. Subject to suitable tree protection measures this is considered acceptable in this instance, from a street scene and visual amenities point of view. No trees are proposed for removal from the site.
- 4.20 The applicant has proposed some shrub planting at the south end of the site, and introduced to the plans a low wall with railings to the Tintern Avenue car park boundary. This would soften the appearance of the car park and potentially improve this elevation of the site and its relationship to the street.
- 4.21 The development would present a reasonably active frontage on to Westborough Road, with a front door and habitable room windows to the street. Paragraph 131 of the Guide states that *“the focus of any new building must be the pedestrian, not the car and it is essential that the pedestrian entrance is clearly defined and visible from the public highway. Primary entrances are to be located on the street elevation, not at the rear or in the car park”*.
- 4.22 The surgery has at present an open, utilitarian car park at the rear. The proposal would occupy a large proportion of the site and would be relatively prominent on view from Tintern Avenue, but its scale would be consistent with the surrounding buildings. The introduction of new window openings and the limited use of cladding would add interest to the rear elevation where this was lacking in the recently refused application. The proposed materials, set out at paragraph 1.2 above, are considered acceptable.
- 4.23 The proposed surfacing, boundary treatments and limited soft landscaping would improve the appearance of the rear car park and the site as a whole. Although the degree of soft landscaping relative to the recently refused application is limited, this reflects the site constraints and the development would be reasonably consistent with the prevailing character of the surroundings.
- 4.24 It is considered therefore that the design of the development has overcome the previous reason for refusal in this regard and would be acceptable. The development would improve the quality of the site and maintain reasonably the character of the site surroundings. This is acceptable and in compliance with the objectives of the relevant development plan policies.

Impact on Neighbouring Occupiers

National Planning Policy Framework (2018), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 4.25 Paragraphs 124 and 127 of the National Planning Policy Framework seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 4.26 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 4.27 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight”.
- 4.28 The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”* and 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”*.
- 4.29 The proposed development could impact upon neighbouring occupiers around the site, by introducing new built form, windows, balconies and activity within close proximity. However the proximity proposed is within the parameters of the prevailing built form. Given the separation of the site from surrounding buildings and gardens, it is considered that no material degree of shadowing, sense of enclosure, loss of daylight or outlook would result.
- 4.30 The front ground and first floor windows, and the recessed balcony, would look out towards the dwellings and flats opposite at 309-313 Westborough Road in particular. This would not cause a material level of overlooking or a loss of privacy given the separation distance and the positioning across the street, within the public domain.
- 4.31 The first floor side windows would face towards the rear private amenity space of no.266 Westborough Road. One of these windows would be the sole source of light and outlook to a bedroom. Any views from the windows towards the private amenity space would be oblique and in any event would be across the public domain.
- 4.32 The proposed rear balconies would include side screens of over 1.7m in height to the east elevations above deck level and this is considered satisfactory from the point of view of preventing an increase in overlooking to the rear of no.256 Westborough Road and the side and rear of no.35 Tintern Avenue. There would be a lower parapet to the west end of the westernmost (rear) balcony to Flat 4 of some 1.35m in height. There would not be a material loss of privacy to the rear private

amenity space of no.266 Westborough Road given its distance some 15m away and positioned across the public domain.

- 4.33 The easternmost balcony would however be situated some 11m from the rear projection of no.35 Tintern Avenue and its rear amenity space. The parapet would be of sufficient height and configuration as to prevent a material loss of privacy to no.35 provided the glazed section incorporates obscured glass. This can be secured as a condition on any planning permission. The position and character of use of the stairwell windows would not cause a material loss of privacy.
- 4.34 The use of the site for new dwellings would result in more people being present in proximity to neighbouring occupiers at different times of the day to the established use, and this might cause some limited additional noise disturbance in general. Furthermore, sound transmission as an issue is considered to be adequately addressed by building regulations and environmental health legislation in this instance. It is considered that the potential for any increased disturbance is unlikely to cause such harm to the amenities of nearby occupiers to an extent that would justify the refusal of the application on those grounds.
- 4.35 In the relatively built-up context of the site it is considered that the small number of additional occupiers would not be likely to result in significant additional noise – from within the building or from comings and goings –which might affect nearby residents to a degree that would cause material harm. This is particularly so for main daytime hours, bearing in mind the extant D1 (institutional) use of the existing vacant premises and the types and levels of associated traffic movement and parking which could occur.
- 4.36 It is considered that the proposed development would maintain the amenities of the neighbouring occupiers, and has overcome the previous reason for refusal in this regard. This would be acceptable and compliant with the objectives of the development plan policies.

Living Conditions for Future Occupiers

National Planning Policy Framework (2018), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015), The National Technical Housing Standards DCLG 2015 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 4.37 One of the core planning principles of the NPPF is that the planning system should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.
- 4.38 Policy DM1 of the Development Management Document requires that development provide an internal and external layout that takes account of all potential users. Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents.
- 4.39 Policy DM8 of the Development Management Document states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a

balcony or semi-private communal amenity space.

- 4.40 The Council's Design and Townscape Guide states: "Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development".
- 4.41 The internal sizes of the units are considered to be acceptable, complying with the National Technical Housing Standards. The habitable rooms would generally benefit from sufficient outlook and daylight conditions. In flats 3 and 6 there would in some instances be a reduced outlook to non-habitable rooms, however this would be well compensated by the more generously proportioned internal accommodation. The outlook to the bedrooms is satisfactory. On balance, the standard and layout of accommodation is therefore acceptable.
- 4.42 The site is in an area of predominantly family housing, which is fairly built-up with limited ready access to outdoor space. The nearest park is Chalkwell Park, and there is a play space at Fleetwood Avenue, both of which are over 500m from the site and require crossing busy roads to reach. This increases the importance of appropriate space standards.
- 4.43 In an area of close-knit family housing such as the application site, where larger flats might well be occupied by small families, outdoor space is particularly important. The private outdoor amenity space proposed to the 2-bed 3 person flats is considered to be adequate in terms of quality and quantity for users which could include small families. The flats with smaller areas of private amenity space would be 1-bed 2 person units and the quantum and quality of space would be within acceptable parameters, in particular given the large bedroom sizes and flat sizes which would conform with or exceed the adopted standards.
- 4.44 The proposed courtyard spaces and boundary and border landscaping would assist with enhancing the setting of the building, and contribute to the character of the immediate environs which are relatively built-up.
- 4.45 Policy DM8 of the Development Management Document states that all new dwellings should meet the Lifetime Homes Standards, which from the 1st of October 2015 have been substituted by Building Regulation M4 (2).
- 4.46 Part M4(2) of the Building Regulations adopted by the National Technical Housing Standards 1st October 2015 requires accessible and adaptable dwellings. Building regulations require 'reasonable provision' with reference to Part M4(2) on conversion schemes.
- 4.47 As a conversion, the limitations of the existing building are such that compliance with Building Regulation M4(2) may not be practical and therefore is not considered to bar a grant of planning permission in this instance. The applicant has indicated compliance with M4(2) where practical and this is considered acceptable.
- 4.48 Policies DM1 of the Development Management Document and CP6 of the Core Strategy seek to minimise crime and the fear of crime in new developments. The development includes the formation of new boundary detailing of low walls and railings and this is considered a positive feature in this regard.

- 4.49 Given the established residential location it is considered that no further details are required with reference to noise insulation, for example.
- 4.50 Refuse storage has been shown on the submitted plans. The proposed waste store would satisfactorily meet the requirements of the Council's waste storage and collection guidance.
- 4.51 It is considered that the proposal has overcome the previous reasons for refusal in regard to living conditions and would on balance be acceptable in this regard. The proposal is considered acceptable and policy compliant with respect to living conditions for future occupiers.

Traffic and Transport Issues

National Planning Policy Framework (2018), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 4.52 Policy DM15 of the Development Management Document requires that all development should meet the minimum off-street parking standards and as such, one parking space would be required for each dwelling in the proposed development.
- 4.53 The applicant has shown on the submitted plans that one car parking space would be available for each proposed dwelling. This would be compliant in quantity and size with the number of spaces required under the adopted parking standards appended to Policy DM15.
- 4.54 The development would provide satisfactory off-street parking, and is therefore acceptable and policy compliant in this regard.
- 4.55 Secure cycle storage has also been indicated on the submitted plans, and this is considered acceptable and policy compliant.

Sustainable Construction

National Planning Policy Framework (2018), Policy KP2 of the Core Strategy (2007), Policy DM2 of the Development Management Document (2015) and the Design and Townscape Guide (2009)

- 4.56 Policy KP2 of the Core Strategy states that "All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. 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), such as those set out in SPD 1 Design and Townscape Guide".
- 4.57 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption).

Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.

- 4.58 The applicant has indicated notionally where renewable technologies could be fitted. A condition has been recommended to be attached to any planning permission, requiring energy efficient design measures, water efficient design measures and permeable surfacing, for example. The proposals are considered acceptable with reference to these matters.

Community Infrastructure Levy CIL Charging Schedule 2015

- 4.59 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 includes a gross internal area of 416.5sqm, which may equate to a CIL charge of approximately £3888 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the "in-use building" test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

5 Conclusion

- 5.1 Having taken all material planning considerations into account, it is found that the proposed development has overcome the earlier reasons for refusal and would be acceptable and compliant with the objectives of the relevant development plan policies and guidance on balance. The proposal by reason of its design would maintain the character and quality of the area. The proposal would offer a suitable standard of living for future occupiers, and would acceptably maintain neighbour amenities. It would be acceptable from a traffic and highways point of view. It is concluded that the proposal represents an acceptable redevelopment of the site.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2018)
- 6.2 The Southend-on-Sea Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development Principles) CP3 (Transport and Accessibility) CP4 (Environment & Urban Renaissance) CP6 (Community Facilities) CP8 (Dwelling Provision)
- 6.3 The Southend-on-Sea Development Management Document (2015): Policies DM1 (Design Quality) DM2 (Low Carbon and Efficient Use of Resources) DM3 (The Efficient and Effective Use of Land) DM8 (Residential Standards) DM15 (Sustainable Transport Management)
- 6.4 The Southend-on-Sea Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015
- 6.6 National Housing Standards 2015

7 Representation Summary

Highways

- 7.1 There are no highway objections to this proposal the application provides 6 car parking spaces 1 for each dwelling which meets current policy standard. Cycle parking and refuse storage has also been provided and are policy compliant. Consideration has been given to the previous use which had the potential to generate a considerable number of traffic movements. The proposed use would represent a vehicle trip reduction when assessed against the previous use.

Waste Management

- 7.2 No objections.

Public Consultation

- 7.3 18 neighbours have been notified and a site notice posted on site. 6 letters of representation have been received:

- Inadequate parking;
- Most households have more than one vehicle, extra burden on already limited parking in the area;
- Stress associated with having to park remotely from own home due to parking pressures especially late at night;
- Harm to highway safety, including that car park will not be used properly due to its size and users will be at risk of accident from speeding cars using Tintern Avenue as a rat run;
- Additional parking pressures already from nearby flat conversions and a proposal for a seven-bed HMO opposite the site with limited parking;
- Over-development of the site, and this has not changed from the earlier refused application;
- Lack of amenities and services locally, including schools, and health services for the additional occupiers, affecting existing residents' provision;
- Cost of waste management and issues with managing rubbish;
- Increased risk of sewer blockages;
- Possible overdevelopment of the site with associated issues with Anglian Water;
- Increase in general noise level to the ward;
- Not enough outdoor amenity space or landscaping;
- The design unacceptable, including balconies is out of keeping with prevailing character;
- A block of flats is out of keeping;
- Harm to character and appearance of area;
- Overlooking and loss of privacy from windows and balconies;
- Loss of quiet enjoyment of homes nearby, and associated impacts on amenities of occupiers and the area;
- Questions of fire safety for those in the top floor;
- The development is a money-making exercise and not planned for the needs of the community;
- More social housing is required, not private flats, and housing for the elderly;
- The area needs family homes and affordable housing and not flats;
- Inadequate conditions and amenity for future occupiers;
- Harm to neighbour amenity.

7.4 These concerns are noted and where relevant to material planning considerations they have been taken into account in the assessment of the application. Those remaining are found not to represent a reasonable basis to refuse planning permission in the circumstances of this case.

8 Relevant Planning History

8.1 18/00391/FUL: Change of use of doctors surgery (Class D1) into six self-contained flats (Class C3), erect two storey front and rear extensions, install balconies to rear, cycle store to side, bin store to rear, form layout parking to rear and alter elevations. Refused.

8.2 17/00416/AMDT: Application to vary condition 02 (Parking) and 06 (Use Class) (Minor Material Amendment of planning application 85/1636, use dwellinghouse as doctors dated 11.03.1986). Refused.

8.3 17/00103/FUL: Change of use from Doctors Surgery (Class D1) into two dwellings (Class C3), alter elevations and layout parking, bin stores, cycle parking and amenity areas. Approved.

8.4 85/1636: Use dwelling house as doctors surgery and erect single storey side extension. Approved.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

01. The development hereby permitted shall begin not later than three years from the date of this decision.

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 17.201/01 F, 17.201/02 F, 17.201/03 F, 17.201/04 F, 17.201/05 F, 17.201/06 F, 17.201/07 F, 17.201/08 F, 17.201/09 F, 17.201/10 E, 17.201/11 F, 17.201/12 F, 17.201/13 E, 17.201/14 F, 17.201/15 E, 17.201/16, and additional materials specifications in the letter from BDA ref. 17.150/DC.

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

03. The proposed balustrade to the south elevation of the balcony at the rear of Flat 6 shall be provided in full as shown on the approved plans before the dwelling is occupied, at a height of 1.7m above finished floor level and shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and shall be retained as such in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 04.** From the commencement of the works associated with the implementation of this consent through to their completion the tree within the site near the junction of Westborough Road and Tintern Avenue shall be protected in full accordance with the requirements of British Standard 5837:2012.

Reason: In the interests of visual amenity and to maintain the positive contribution made by the established tree to the character and appearance of the area. This is as set out in the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 05.** The approved hard landscaping works including boundary treatments shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping is implemented pursuant to Policy DM1 of the Development Management Document and Policy CP4 of the Core Strategy.

- 06.** Prior to the first occupation of the flats hereby approved the car parking shown on the plans hereby approved shall be provided and made available for use by the occupants of the proposed dwellings and thereafter be retained as such in perpetuity.

Reason: To ensure the provision of adequate car parking in accordance with the National Planning Policy Framework, Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 07.** Prior to the first occupation of the flats hereby approved the refuse store and cycle storage shown on the plans hereby approved shall be provided and made available for use by the occupants of the proposed dwellings and thereafter be retained as such in perpetuity.

Reason: To ensure the provision of adequate car parking in accordance with the National Planning Policy Framework, Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 08.** A scheme detailing how at least 10% of the total energy needs of the buildings will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to first occupation. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Southend-on-Sea Core Strategy (2007), and Policy DM2 of the Southend-on-Sea Development Management Document (2015).

- 09.** 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 (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, before it is occupied.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 10.** Construction hours for the development hereby approved shall be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To protect the environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 11.** Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development hereby granted consent shall not be occupied or brought into use unless and until plans are submitted to the Local Planning Authority and approved in writing which clearly specify all the windows and other openings within the development that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight (or other similar)

opening and the manner and design in which these windows and openings are to be implemented. The development hereby permitted shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use and shall be permanently retained as such thereafter.

Reason: To protect the privacy and environment of future occupiers, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

10 Informatives

- 01.** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.
- 02.** The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.
- 03.** 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.