

<b>Reference:</b>	18/02171/FUL	
<b>Ward:</b>	Chalkwell	
<b>Proposal:</b>	Demolish existing chalet bungalow, erect one detached and two semi-detached dwellings with basement levels, layout parking to front and amenity space to rear.	
<b>Address:</b>	Dawnlea, Cliff Road, Leigh-on-Sea, Essex, SS9 1HJ	
<b>Applicant:</b>	111 Invest Ltd	
<b>Agent:</b>	Beresford & Barns Ltd	
<b>Consultation Expiry:</b>	03.01.2019	
<b>Expiry Date:</b>	08.02.2019	
<b>Case Officer:</b>	Charlotte White	
<b>Plan Nos:</b>	605-18 001, 605-18 102, 605-18 301 Rev. A, 605-18 003 Rev. A, 605-18 302 Rev. A, 605-18 303 Rev. A, 605-18 304 Rev. A, 605-18 305 Rev. A, 605-18 306 Rev. A, 605-18 101, 605-18 002 Rev, A, 605-18 307 Rev. A, 605-18 308 Rev. A, 605-18 309 Rev. A	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## **The Proposal**

- 1.1 Planning permission is sought to demolish the existing dwelling on the site and to construct three dwellings comprising one detached dwelling and a pair of semi-detached dwellings. 6 parking spaces are proposed which will be accessed using the existing cross over. The proposed dwellings are 2 storey in scale with rooms in the roof and basement accommodation and include front and rear gables.
- 1.2 The pair of semi-detached dwellings measure some 12m in width, with a maximum depth of some 14.4m and has a height of some 8.9m.
- 1.3 The detached dwelling measures some 6m in width, with a maximum depth of some 14.4m and a height of some 8.9m.
- 1.4 The layout of the proposed dwellings includes a cinema room and games room or gym at basement level, a lounge, stores, W.C and open plan kitchen, sitting and dining area at ground floor level, two bedrooms with en-suites and dressing rooms, a bathroom and store at first floor level and two bedrooms, one with en-suite and a store at second storey level.
- 1.5 The dwellings are to be constructed using facing brickwork, clay roof tiles and powder coated aluminium framed glazed windows. Details of the materials to be used have been submitted which indicates Autumn red brickwork, Antique clay classic roof tiles, silicone off white render, hardwood doors, Portland stone bay window columns and grey aluminium window and door frames (RAL7016). The access road will constitute a cobbled surface with the parking spaces finished in grasscrete.
- 1.6 The application has been submitted with an arboricultural impact assessment, planning statement and design and access statement.
- 1.7 Planning permission was previously sought under application reference 18/01555/FUL to demolish the existing dwelling and construct a terrace of 4 dwellings with basements and parking. However, this application was withdrawn after officers raised concerns relating largely to the design of the proposal.
- 1.8 Cllr Burzotta referred the application to the Development Control Committee.

## **2 Site and Surroundings**

- 2.1 The site is located on the corner of Upland Road and Cliff Road and is currently occupied by a detached 'L' shaped chalet-bungalow with roofspace accommodation and dormers. There are detached and semi-detached houses adjoining the site. Cliff Road and the site slopes up to the north. Adjoining to the north are Rose Martha Court, an elderly persons care home and the grounds of St Michael and All Angels Church and the garden of 5 Mount Avenue.

- 2.2 The site has no specific allocation within the Development Management Document's Proposals Map. The site is not located within a Conservation Area or subject to any other site specific designations.

### **3 Planning Considerations**

- 3.1 The main considerations in relation to this application are the principle of the development, design and impact on the character of the area, traffic and transportation issues, impact on residential amenity, living conditions, sustainable construction and CIL (Community Infrastructure Levy).

### **4 Appraisal**

#### **Principle of Development**

**National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2, CP4 and CP8, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).**

- 4.1 This proposal is considered in the context of the Borough Council policies relating to housing and design. Also of relevance are National Planning Policy Framework, Core Strategy Policies KP2, CP4 and CP8 and policies DM1 and DM3 of the Development Management Document.
- 4.2 Paragraph 124 of the National Planning Policy Framework 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."*
- 4.3 Paragraph 117 of the National Planning Policy Framework states *"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions."*
- 4.4 The site is located in an existing, established residential area and is occupied by a single dwelling. National and Local Planning Policy seeks the efficient use of land. There is therefore no objection to the principle of redeveloping the site to provide additional dwellings on the site, subject to other detailed considerations including design and the impact of the proposal on the neighbouring dwellings, as discussed below.

#### **Design and Impact on the character and appearance of the area.**

**National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009)**

- 4.5 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.6 Paragraph 124 of the National Planning Policy Framework 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.”*
- 4.7 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”*.
- 4.8 Policy KP2 of the Core Strategy states that new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of the Core Strategy requires that development proposals should *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 4.9 The existing site is occupied by a detached bungalow of no particular design merit, which fronts Upland Road. The existing site is dominated by the existing dwelling, its detached garage and large areas of hardstanding. This development would open up that vista and terminate it with soft landscaping which is positive.
- 4.10 The proposed dwellings are 2.5 storeys in scale. To the immediate west of the site is a pair of semi-detached chalet-style dwellings, further west are 2 to 2.5 storey detached dwellinghouses. To the immediate south of the site are 2 to 2.5 storey detached houses. The proposed dwellings would slightly exceed the height of the adjoining semi-detached pair of chalets to the immediate west of the site by some 0.3m and would not exceed the height of the detached dwelling beyond (No.7 Upland Road). As such, it is considered that the height, size and scale of the development is acceptable and would not appear unusual or out of keeping in the area.
- 4.11 The surrounding area is characterised by detached and semi-detached houses and as such there is no objection to the principle of constructing detached and semi-detached dwellings on this site. The density proposed is some 30dph (dwellings per hectare) which is not excessive or unreasonable and is not out of keeping with the density of the surrounding area. The widths and sizes of the existing dwellings in the surrounding area are mixed and are not consistent.

This proposal will add to this mix and would not be out of character with the size of the dwellings or the size of the plots in the nearby and surrounding area. The pair of semi-detached dwellings is located some 3.3m from the flank wall of No.11 and the detached dwelling would be located a minimum of some 1.9m from the eastern boundary of the site. A gap of 1m is provided between the proposed semi-detached and the detached dwelling proposed. Such separations are acceptable and would not be out of keeping with the surrounding area and provides an appropriate setting for the proposed dwellings and would not result in a cramped development.

- 4.12 The building line on the northern side of Upland Road is not consistent and the development would broadly adhere to the existing building line in this location. The parking area proposed is located to the front of the site and would be visible from Upland Road and Cliff Road, however, the parking spaces will be finished in grasscrete and the access road in cobbles, resulting in a softer frontage to the site. The parking area will also be significantly screened by landscaping and includes a focal tree (a cherry blossom) to provide a positive vista from Upland Road. As such, the siting of the development is considered acceptable and would not result in any harm to the character or appearance of the site or the wider surrounding area.
- 4.13 The design and access statement refers to the proposal as '*a traditionally referenced and subtly contemporary proposal...The proposal is to be unique and reflect elements of the locality whilst creating a high-quality redevelopment...*' The streetscene includes a mixture of dwelling designs with a traditional character. The front elevations are more traditional in appearance than the rear elevations and includes front gables which provide some interest to the front elevation and reflects the character of some of the existing dwellings in the surrounding area. The development seeks to use high quality materials that would be in-keeping with the surrounding area. As such the detailed design proposed is considered acceptable in this instance and would not result in any material harm to the character or appearance of the site or the wider surrounding area.
- 4.14 The application has been submitted with an arboricultural impact assessment which states that the proposal will require the removal of several small, low value trees and shrubs, however replacement trees and shrubs will be planted as part of the development. Tree protection measures can ensure third-party trees to the rear of the site are not affected during or after the development. The report concludes that if the proposal is implemented in accordance with the recommendations within the report, the trees and wider landscape will not be adversely affected by the proposal. The development is acceptable and policy compliant in this respect, subject to such a condition.
- 4.15 The design and access statement submitted states '*The proposal landscaping will introduce a strong green edge within the streetscene of Cliff Road which will add a buffer and further layering to the proposal....A large landscaped area will be introduced on the south eastern corner of the site and this will have feature tree in the centre to act as a focal point and to form a new vista along Upland Road.*'

Indicative soft landscaping details have been provided which indicate that significant soft landscaping will be provided at the front of the site which will soften the development and is positive. Subject to a condition requiring a full landscape condition in this respect, no objection is raised on this basis.

- 4.16 As such it is considered that, subject to conditions, the proposed development is of an acceptable overall design that would result in no material harm to the character or appearance of the site or the wider surrounding area. The development is acceptable and policy compliant in the above regards.

### **Living Conditions for Future Occupiers**

#### **National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1, DM3, DM8 and the National Technical Housing Standards (2015)**

- 4.17 It is considered that most weight should be given to the Technical Housing Standards that have been published by the government which are set out as per the below table:

- Minimum property size for a 6 bedroom, 8 person, 3 storeys dwellinghouse is 130 square metres.
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a single bedroom with a minimum width of 2.15m; and 11.5m<sup>2</sup> for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

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

- Provision of a storage cupboard with a minimum floor area of 1.25m<sup>2</sup> should be provided for 1-2 person dwellings. A minimum of 0.5m<sup>2</sup> storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.

- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
  - Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.
- 4.19 The proposed dwellings would significantly exceed the minimum size requirements of the Technical Housing Standards, the bedrooms proposed are of adequate sizes and adequate built-in storage is provided. The development is acceptable and policy compliant in this respect.
- 4.20 The basement rooms would be provided with limited light, ventilation and outlook by reason of the limited windows proposed. However, this is not uncommon for basements and it is noted that these rooms are proposed to be used as a cinema room and games room or gym which are spaces that require less natural light and outlook. The second storey front bedroom will only be served by a roof light but this is not an uncommon arrangement and would not result in material harm to the living conditions of the future occupiers of the development. All other habitable rooms will be provided with sufficient windows to provide sufficient light, ventilation and outlook. On balance, the proposal is therefore acceptable and policy compliant in this respect.
- 4.21 In relation to amenity space, 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”.*
- 4.22 Each dwelling will be provided with a private rear garden area ranging from some 98sqm to some 150sqm. The gardens proposed are of usable sizes and shapes. The proposal would therefore provide adequate outside amenity space for the future occupiers of the site. The proposal is therefore acceptable and policy compliant in this respect.
- 4.23 Refuse storage and recycling should not be visible from the streetscene and as such, it should be located either internally to the development or to the rear of the property, to minimise the adverse visual impact. Subject to a condition requiring full details in this respect no objection is raised on this basis.
- 4.24 Policy DM8 of the Development Management Document states that all new dwellings should meet the Lifetime Homes Standards, which from 1<sup>st</sup> October 2015 have been substituted by building regulation M4(2).

These include step-free access to the dwelling and any associated parking space, a step-free access to a WC and any private outdoor space, accessible accommodation and sanitary facilities for older people or wheelchair users and socket outlets and other controls reasonably accessible to people with reduced reach.

- 4.25 The Design and Access Statement submitted states *'The plan form offers accommodation that can be adapted to have an entrance level that is fully wheelchair accessible should the owner's requirements change as they progress in years and the ceilings and walls being of sufficient structural integrity to allow for hoists etc...'* The design and access statement confirms that the layouts have been designed to comply with Part M of the Building Regulations and that each house is *'classified as accessible and adaptable.'* The Planning Statement submitted confirmed that *'The proposal will achieve Part M4(2).'* Subject to a condition in this respect, no objection is therefore raised in this regard.
- 4.26 As such it is considered that the proposed development would provide adequate living conditions for future occupiers of the site in accordance with National and Local Planning Policy. It is therefore acceptable and policy compliant in these regards.

#### **Traffic and transportation**

**National Planning Policy Framework (2018); Core Strategy (2007) Policies KP2, CP4, CP3; Policy DM15 of the Development Management Document (2015) and the Design and Townscape Guide (2009).**

- 4.27 Policy DM15 of the Development Management Document sets standards for a minimum of 2 parking spaces for a 2+ bedroom dwellinghouse. The proposal seeks to provide 2 parking spaces per dwelling to the front of the site. The access to the parking spaces ensures manoeuvrability. As such the parking provisions and parking arrangements are considered acceptable and policy compliant. The Highways Team have commented that the development would result in an increase in vehicle movements, but this would not have a detrimental impact upon the public highway. The development is considered to result in no harm to highway safety. The development is acceptable and policy compliant in this respect.
- 4.28 In terms of cycle parking, the design and access statement submitted indicates that secure bicycle storage areas will be provided for each dwelling. Limited details have been submitted in this respect, however, a condition can be imposed on any grant of consent requiring full details in this respect.
- 4.29 Subject to conditions, the development is acceptable and policy compliant in the above regards.



## Impact on Residential Amenity

### **National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009)**

- 4.30 Policies DM1 and DM3 of the Development Management Document and Policy 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. Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of overbearing, pollution and daylight and sunlight. A proposed development will need to consider its potential impact upon neighbouring properties and the surrounding area. Policy DM1 of the Development Management requires that all development should (inter alia):

*“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight;”*

- 4.31 Given the orientation of the proposed development, the front windows proposed would front onto the flank elevation of No.2 Cliff Road which is at a lower ground level than the application site. The windows proposed in the front elevation would be located some 13.2m from the southern boundary of the site and would be some 15.8m from the flank wall of No.2 Cliff Road. Some of the proposed windows would be part screened from view by the existing garage at No.2 Cliff Road. Given this degree of separation, on balance, it is considered that the proposal would not result in any material overlooking or loss of privacy to the occupiers of No.2 Cliff Road.
- 4.32 The ground floor rear windows would be located a minimum of some 11.5m from the rear boundary of the site and the first floor windows would be located a minimum of some 13m from the northern, rear boundary of the site. The site backs onto a small part of the rear garden area of Rose Martha Court, as well as St Michael and All Angels Church and Church Hall and the rear part of the garden at No.5 Mount Avenue. Given this degree of separation, the juxtaposition of the development and existing properties, and given the established uses to the rear of the site, it is considered, on balance, that the proposal would not result in any material overlooking or loss of privacy to the adjoining premises to the rear of the site.
- 4.33 Limited side windows are proposed. Return windows to the square bay windows on the front elevation are proposed. A condition can be attached to any grant of consent requiring these side windows to the front bays to be obscure glazed with limited openings to prevent any material overlooking or loss of privacy to the adjoining dwellings and to prevent undue interlooking

between the proposed dwellings. The side windows proposed to the rear glazed, ground floor dining room projections could be materially screened by standard boundary treatments and as such would not result in any material overlooking or loss of privacy to the adjoining residents.

- 4.34 Subject to a condition, it is therefore considered that the proposal, on balance, would not result in any material overlooking or loss of privacy to the adjoining residents.
- 4.35 The proposed dwellings would be located some 13.2m from the southern boundary of the site and some 11.5m from the northern boundary of the site. Given this degree of separation it is considered that the development would not result in any undue dominance, an overbearing impact, loss of light and outlook or a material sense of enclosure to the adjoining dwellings to the south and north of the site. It is also noted that the existing building and garage at the site are located closer to No.2 to the south than the proposed buildings.
- 4.36 The detached dwelling would be located between 1.9m and 4.2m from the eastern boundary of the site. The dwellings would not extend the entire width of the garden at the adjoining dwelling to the east: No.7 Mount Avenue and given the depth and significant size of the garden at No.7, with the proposed dwellings located approximately 25m from the rear of the dwelling at No.7, on balance, it is considered that the development would not result in any undue dominance, an overbearing impact, loss of light and outlook or a material sense of enclosure to the adjoining dwellings to the east.
- 4.37 The dwelling to the immediate west of the site is No.11 Upland Road. The proposed dwellings have been designed to not extend beyond the rear wall of the dwelling to the west and would not extend significantly beyond the front wall of the dwellings to the west. As such given the position of the proposed dwellings in relation to the dwellings to the west, it is considered that the development would not result in any undue dominance, an overbearing impact, or a material sense of enclosure to the adjoining dwellings to the west. No.11 has an existing side dormer and window facing the application site. The proposed dwellings would be located further back in the plot than the existing dwelling and as such this window would result in some loss of light and outlook. From the representations received it is apparent that this window serves a habitable bedroom. The proposed dwelling would be located some 3.3m from the flank wall of No.11. The rear part of the semi-detached pair would clip a notional horizontal 45 degree guideline projected from this side window, but would conform with the notional vertical 45 degree guideline. The rear part of the dwelling has been designed with a gabled roof that slopes away from No.11. As such, whilst the development would result in some limited loss of light and outlook to the first floor side window at No.11, given the location of the development and the design of the dwellings, on balance, it is not considered that this would result in such a level of loss of amenity in the living conditions of the occupiers of No.11 in terms of material loss of light and outlook as to warrant a reason for refusal on this basis.

It is also noted that the position of the dwellings further back in the plot than the existing dwelling could be positive to the level of light received to the front windows at 11 Upland Road.

- 4.38 In terms of noise and disturbance the proposal seeks to provide 2 net additional dwellings in a residential area. Given the scale and nature of the proposal it is considered that the development would not result in any material additional noise and disturbance over and above the existing situation. Concerns have been raised that the parking area adjacent to No.2 would result in noise and disturbance to the occupiers of No.2, however, given the relatively limited scale of the parking provision (6 spaces) and given that the area adjacent to No.2 is already used for parking purposes, it is considered that the parking provisions proposed would not result in material harm to the occupiers of No.2 in terms of additional noise and disturbance and no objection is raised on this basis.
- 4.39 Subject to conditions it is therefore considered, on balance, that the proposal would not result in any material harm to the residential amenity of the adjoining residents and is therefore acceptable and policy compliant in this respect.

### **Sustainable Development**

**National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, the Design and Townscape Guide (2009).**

- 4.40 Policy KP2 of the Core Strategy states:

*“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 Design and Townscape Guide”.*

- 4.41 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design. The design and access statement submitted indicates that the proposal will include the provision of onsite renewables in the form of roof mounted photo-voltaic panels. Subject to a condition attached to any grant of consent in this respect, no objection is raised on this basis.
- 4.42 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. The design and access statement submitted states *'the developed design includes the use of water efficient measures such as restrictors on taps, dual flush toilets and water saving shower heads. The proposal will also include rainwater harvesting in the form of water butts to allow for gardens to be irrigated without the need to use fresh water.'* Subject to a condition requiring the development to be undertaken in accordance with the above requirement, if otherwise found acceptable, no objection is raised on this basis.

- 4.43 Subject to conditions the development is acceptable and policy compliant in the above respects.

### **Community Infrastructure Levy (CIL) Charging Schedule.**

- 4.44 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 some 762sqm, which may equate to a CIL charge of approximately £24,125.08 (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.

### **Other issues**

- 4.45 The majority of the neighbour comments received have been considered in the main report. Structural impacts, impacts on bats and any impact on streams under the site would be covered by separate Legislation.

### **Conclusion**

- 4.46 It is considered, having taken all material planning considerations into account, including the representations received, that, on balance, the proposed development would comply with the Development Plan. The development is of an acceptable design, would, on balance, have no material adverse impact on the adjoining residents, and provides adequate living conditions and adequate parking provisions for future occupiers of the site. The proposal is therefore recommended for approval, subject to conditions.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework (2018).

- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility) CP4 (The Environment and Urban Renaissance) and CP8 (Dwelling provision).
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM8 (Residential Standards), DM15 (Sustainable Transport Management).
- 5.4 Design & Townscape Guide (2009)
- 5.5 Community Infrastructure Levy (CIL) Charging Schedule

## **6 Representation Summary**

### **Traffic and Transportation**

- 6.1 There are no highway objection to this proposal. 2 parking spaces per dwelling is policy compliant. The parking layout ensures that vehicles can manoeuvre effectively within the site. Whilst there will be an increase in vehicle movements as a result of the development over the existing use it is not considered that the application will have a detrimental impact upon the public highway.

### **Environmental Health Team**

- 6.2 Recommended conditions:
1. Construction hours shall be restricted to 8am-6pm Monday to Friday, 8am to 1pm Saturday and not at all on Sundays or Bank Holidays.
  2. During any construction and demolition there shall be no burning of waste material on site. **[Officer comment: this is covered under separate legislation.]**

### **Public Consultation**

- 6.3 A site notice was displayed and 16 neighbour letters were sent out.

13 letters of objection have been received which make the following summarised comments:

- Residential amenity concerns including impact on and loss of amenity, overlooking and loss of privacy. Over-glazing of rear elevation causing design and overlooking issues. Loss of light and daylight and shading as a result of the bulk, height and close proximity of the development. Overbearing and dominating flank walls. Loss of outlook, sunlight and daylight to eastern side windows at 11 Uplands Road and blocking light to hallway, main bedroom and main bathroom. Size and bulk would dominate rear aspects of No's 7 and 9 Mount Avenue and result in a loss of outlook and would be enclosing and resulting in a cramping effect on No's 7 and 9. Loss of light to gardens and dwellings including kitchen and orangery. Noise and disturbance to No.2 due to vehicles manoeuvring. Extra noise.

Dominating views. Overlooks Church amenity area frequently used by young children which raises safeguarding issues and overlooks Church's pre-school garden. Loss of enjoyment of home. Loss of view. Loss of vegetation will reduce privacy and the loss of the garage will result in loss of secluded garden. Security risk to No's 7 and 9 Mount Avenue due to side doorway entrance at detached dwelling. Loss of trees and shrubs would impact the character of the area.

- Highway and Transport concerns including, inadequate car parking provisions and negative impact on parking. Visitors will put pressure on existing parking issues in the area. Commuters park in the road already. Increase traffic. Highway safety concerns due to corner being narrow with steep camber. Dangerous for construction and delivery vehicles. Excessive traffic on a difficult street junction.
- Impact on character of the area; including out of character and looks like a terrace. Inappropriate design. Out of character in terms of height and appearance. Fully glazed rear gables are an inappropriate design in this location. Fails to respect the established character. Does not maintain the quality of the area. Contrary to spatial pattern of the existing development and removes the bungalow that terminated the view along Upland Road creating a gap in the streetscene and would be dominated by a car park. Height and narrow frontage would be out of keeping. Roof lights are not a characteristic of Cliff Road. Prominent blank side wall facing Upland Road. Remove landscape setting at No.11. Density is out of keeping and exceeds that in the locality resulting in a cramped development. Impact upon appeal of house, enjoyment of house and general quality of life.
- Overdevelopment. Second floor accommodation is inappropriate.
- Structural impacts to adjoining dwellings and basements could impact neighbouring dwelling's structures. Basement is unnecessary. Basement rooms could be used as bedrooms. Increased load on existing drainage infrastructure.
- Disturbance to local residents from lorries and construction noise. This will be made worse due to basement construction. Water stream under properties could be redirected/distributed. Building works will impact commuters, refuse collectors and ambulances. Damage to roads and path. Developer profits.
- Will not be affordable family homes. Gardens are too small for family houses.
- Loss of and damage to wildlife habitat including bats and loss of natural features.
- Main concerns raised to 18/01555/FUL have not been addressed.
- Poor standard of amenity for new occupants. No refuse or cycle amenities.
- Contrary to National and Local Planning Policy.
- Covenants restricting development of the land for multiple occupancy.

The concerns raised are noted and they have been taken into account in the assessment of the proposal. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

## **7 Relevant Planning History**

- 7.1 18/01555/FUL – Demolish existing chalet bungalow and erect four dwellings comprising of 4no. terraced houses with basement level, layout parking and amenity space – application withdrawn.
- 7.2 89/0957 – Erect single storey side extension and detached garage to side – planning permission granted.
- 7.3 85/1412 – Erect two storey extension at side with dormers on north and south elevations and screened balcony over existing flat roof area at rear – planning permission granted.
- 7.4 85/0464 – Erect two storey extension at side with dormers on north and south elevations – planning permission granted.

## **8 Recommendation**

### **8.1 GRANT PLANNING PERMISSION, subject to the following conditions:**

- 01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.**

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

- 02 The development shall be carried out in accordance with the approved plans: 605-18 001, 605-18 102, 605-18 301 Rev. A, 605-18 003 Rev. A, 605-18 302 Rev. A, 605-18 303 Rev. A, 605-18 304 Rev. A, 605-18 305 Rev. A, 605-18 306 Rev. A, 605-18 101, 605-18 002 Rev, A, 605-18 307 Rev. A, 605-18 308 Rev. A, 605-18 309 Rev. A**

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

- 03 Notwithstanding the information submitted with the application, no development above ground level shall take place until samples of the materials to be used on all the external elevations of the dwellings have been submitted to and approved in writing by the local planning authority. The development shall only be carried out and completed in accordance with the approved details.**

**Reason: To safeguard the character and appearance of the surrounding area in accordance with policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).**

**04 No development above ground level shall take place until full details of both hard and soft landscape works and boundary treatments to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works and boundary treatments shall be carried out and completed prior to first occupation of the development hereby approved and the soft landscaping works within the first planting season following first occupation of the development. These details shall include, for example:-**

- i. proposed finished levels or contours;**
- ii. hard surfacing materials and means of enclosing the site;**
- iii. details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established, and details of measures to enhance biodiversity within the site.**

**Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the proposed development in accordance with Policies DM1, DM3, DM5 and DM8 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).**

**05 Prior to the first occupation of the dwellings hereby approved, 6 off street car parking spaces shall be provided and made available for use at the site as shown on Drawing No. 605-18 002 Rev. A. The approved parking spaces shall thereafter be retained in perpetuity only for the parking of vehicles in connection with the use of the approved dwellings by their occupiers and visitors.**

**Reason: To ensure the adequate provision of parking at the site in accordance with policy DM15 of the Development Management Document (2015).**

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



**Reason:** In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007), Development Management Document (2015) Policy KP2 and the Design and Townscape Guide (2009).

- 07** 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 (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 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 (2018), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Councils Design and Townscape Guide (2009).

- 08** The development hereby approved shall be carried out in a manner to ensure that the dwellings comply with Building Regulation part M4(2) 'accessible and adaptable dwellings' before they are brought into use and first occupied.

**Reason:** To ensure the residential unit hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and Design and Townscape Guide (2009).

- 09** Prior to the first occupation of the dwellings hereby approved, details shall be submitted to and approved in writing by the local planning authority identifying the provision of covered and secure cycle parking and refuse and recycling storage at the site. The approved cycle parking and refuse and recycling storage shall be provided in full and made available for use by the occupants of the dwellings prior to the first occupation of the dwellings hereby approved and be retained as such in perpetuity.

**Reason:** To ensure the provision of adequate cycle parking and refuse storage in accordance with policies DM3, DM8 and DM15 of Development Management Document.

- 10 All first floor side windows to the front bays 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 fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level before the development is occupied and shall be retained as such in perpetuity thereafter. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.**

**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 (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and The Design and Townscape Guide (2009).**

- 11 Hours of 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 (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and The Design and Townscape Guide (2009).**

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any order revising or re-enacting that Order with or without modification, no development shall be carried out on the new dwellinghouse within Schedule 2, Part 1, Classes A, B, C or E of that Order.**

**Reason: To safeguard the character and appearance of the area and in the interest of the residential amenity of the adjoining residents in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).**

- 13 The development hereby approved shall be undertaken and completed in accordance with the recommendations and tree protection details contained within the approved arboricultural impact assessment and method statement dated 20<sup>th</sup> November 2018 (reference TH1739/B) or any other arboricultural impact assessment and method statement previously submitted to and approved in writing by the local planning authority.**

**Reason: To safeguard the character and appearance of the surrounding area in accordance with policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).**

- 14 No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be fully adhered to throughout the construction period. The Statement shall provide, amongst other things, for:**

- i) the parking of vehicles of site operatives and visitors**
- ii) loading and unloading of plant and materials**
- iii) storage of plant and materials used in constructing the development**
- iv) the erection and maintenance of security hoarding**
- v) measures to control the emission of dust and dirt during construction**
- vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.**

**Reason: This pre-commencement condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

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

#### **Informatives**

- 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](http://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.**