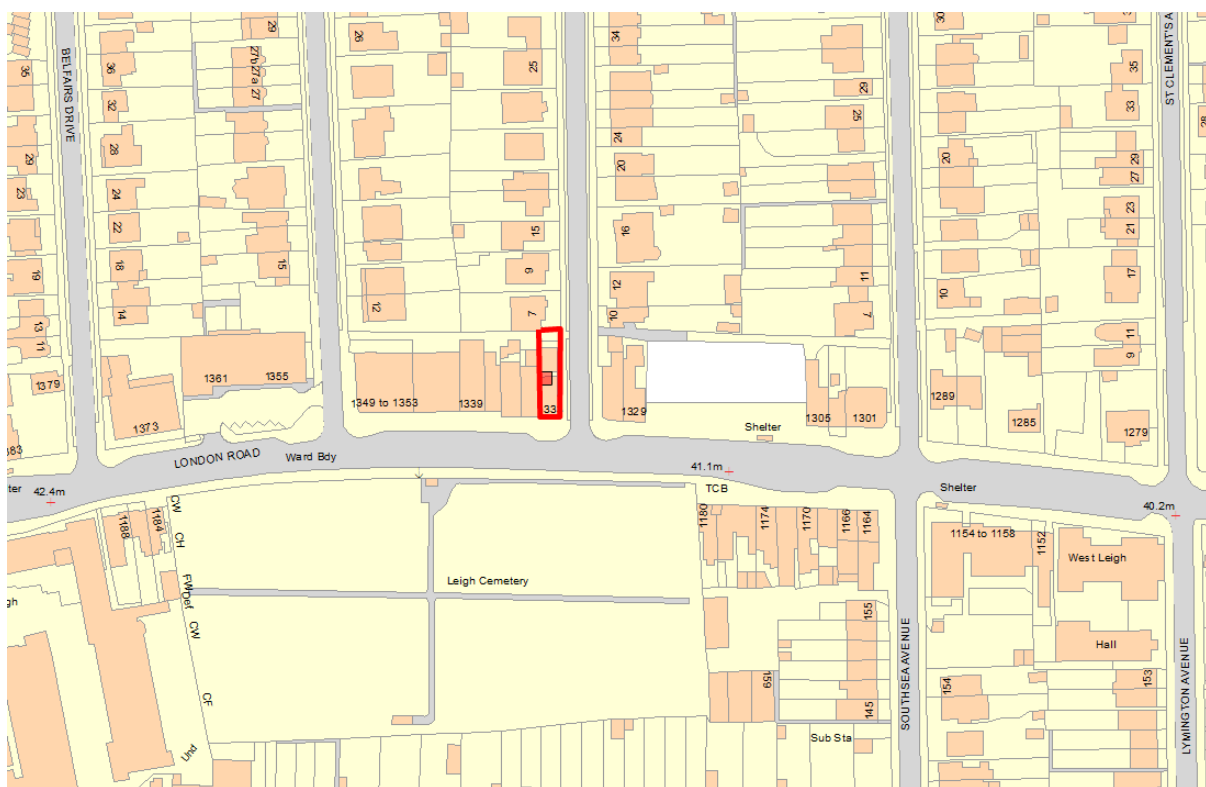


Reference:	19/00089/FUL
Ward:	Belfairs
Proposal:	Convert part of ground floor storage to rear (Class B8) and erect first floor rear extension to form one self-contained flat (Class C3) with balconies to side, alter elevations and layout parking space (Amended Proposal)
Address:	1333 London Road, Leigh-On-Sea, Essex, SS9 2AD
Applicant:	Property Point South East Ltd
Agent:	SKArchitects
Consultation Expiry:	07.03.2019
Expiry Date:	05.04.2019
Case Officer:	Charlotte White
Plan Nos:	493-P01 Rev. G and 493-P02 Rev. G
Recommendation:	GRANT PLANNING PERMISSION, subject to conditions



1 The Proposal

- 1.1 Planning permission is sought to convert part of the ground floor storage area and erect a first floor rear extension to form one self-contained flat (Class C3) with a balcony and Juliette balcony to side and layout a parking space to the rear.
- 1.2 The proposed extension would have a depth of some 9.4m, a width of some 5.4m and a height of some 7.9m. The extension has been designed with a dual pitched roof and is of a fairly traditional design. A first floor balcony serving the lounge/diner/kitchen is proposed on the eastern elevation measuring some 3.3sqm. A Juliette balcony is proposed to the eastern elevation serving the bedroom.
- 1.3 Parking is provided within the rear of the building for the parking of one vehicle. Cycle and refuse storage is provided to the rear/side. The proposal will utilise the existing vehicular crossover from Tankerville Drive.
- 1.4 The proposed development would provide a 1 bedroom, 1 person unit, with the bedroom, by reason of its size (some 10sqm) constituting a single occupancy room. The proposed flat measures some 37.5sqm.
- 1.5 The application follows a number of previous refusals for larger developments, as detailed in the planning history section of this report. It should be noted that following prior approval in 2016 under reference 16/02245/PA3COU, one ground floor studio flat has been implemented which changed the use of part of the ground floor shop (Class A1) to one self-contained flat. There is also an existing second floor flat within the building with some 60sqm of internal floorspace.
- 1.6 Most recently planning application reference 18/01781/FUL was refused for a similar proposal to convert part of the ground floor storage area to the rear and to erect a first floor rear extension to form one self-contained flat with balconies to the side, alter the elevations and to lay out a parking space. This application was refused for the following reason:
- 1.7 *The proposed development would, by reason of the limited internal size of the dwelling proposed, result in a poor quality living environment for future occupiers. This is unacceptable and would be contrary to National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the National Technical Housing Standards (2015).*
- 1.8 The main changes now proposed include:
 - Increase the depth of the rear addition by some 0.4m.
 - Internal layout of the proposed flat has been altered and the bedroom has been reduced in size from double to single occupancy.
- 1.9 An appeal against the refusal of planning permission under reference 18/00903/FUL has recently been dismissed. That proposal was to convert part of the ground floor storage area to the rear and to erect a first floor rear extension to form one self-contained flat with balcony to the side, parking to the rear and new vehicular access. That application was refused for the following reasons:

1. The proposed development by reason of its poor design, height, size, scale, bulk and poor relationship with the existing building would appear out of keeping and incongruent in its setting and would therefore result in demonstrable harm to the character and appearance of the site, streetscene and wider area. This is contrary to the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).
 2. The proposed development would, by reason of the limited internal size of the dwelling, result in poor quality living environment for future occupiers. This would be contrary to National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3 and DM8 of the Development Management (2015) and National Technical Housing Standards (2015)
- 1.10 In dismissing the appeal, the Inspector upheld the second reason for refusal, concluding *'future occupiers of the proposed dwelling would not have satisfactory living conditions having particular regard to the size of the dwelling and outdoor amenity space.'* The Inspector did not uphold the Council's first reason for refusal, concluding that *'the proposal would not harm the character and appearance of the area.'* A copy of that appeal decision is at Appendix 1 to this report.

2 Site and Surroundings

- 2.1 The site contains an existing two storey building with a commercial unit to the ground floor front of the site and residential flats to the rear of the ground floor and at first floor level (the lawful use of the commercial unit to the front of the site is for Class A1 retail purposes). The site is located on the northern side of London Road at its junction with Tankerville Drive. Opposite the site is Leigh Cemetery and the surrounding area to the east and west of the site contains commercial premises to the ground floor with residential flats above. To the rear of the site is Tankerville Drive, characterised by two storey residential properties. There are street trees within Tankerville Drive.
- 2.2 The site is not the subject of any site specific policy designations.

3 Planning Considerations

- 3.1 The main planning considerations for this application include the principle of the development, design and visual impact in the streetscene, standard of accommodation for future occupiers, potential impact on neighbouring occupiers, traffic and transportation issues, sustainable development, CIL (Community Infrastructure Levy) and whether the previous reasons for refusal and/or dismissal of the appeal have been satisfactorily overcome. Since determination of the most recent planning refusal, the National Planning Policy Framework has been updated and re-issued (2019). It is not considered that the policy framework has materially altered in respect of the proposal.

4 Appraisal

Principle of Development

National Planning Policy Framework (NPPF) (2019), Core Strategy (2007) Policies KP1, KP2, CP1, CP2, CP4 & CP8, Development Management Document (2015) Policies DM1, DM3, DM11 and DM15 and the Design and Townscape Guide (2009)

- 4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework and Core Strategy Policies KP2, CP4 and CP8. Paragraph 117 of the NPPF states *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*
- 4.2 Paragraph 124 of the NPPF states; *"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this."*
- 4.3 Policy DM3 of the Development Management Document states: *"Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:*
- (i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building and ensures successful integration with it; and*
 - (ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*
 - (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area."*
- 4.4 Whilst the description states that the development would result in the change of use of a B8 use, it is considered that the rear storage area to the ground floor is ancillary to the commercial use of the ground floor (the authorised use for which is retail) and is not a separate B8 use. Therefore, consistent with the basis of determining the previously refused application, and the findings of the appeal, there is no requirement to consider the principle of loss of a separate employment generating B class use under Policy DM11.
- 4.5 The provision of additional dwellings is considered acceptable in principle, subject to compliance with other relevant planning policies and guidance. Furthermore, the principle of the development was considered acceptable at the time of the previous applications and it is not considered that there are any new material considerations or policies which alter this conclusion.

- 4.6 There is no objection in principle to the introduction of residential accommodation and extending the building, subject to the scheme satisfying each of the materials considerations detailed below.

Design and Impact on the Street Scene

National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document policies DM1 and DM3 and the Design and Townscape Guide (2009)

- 4.7 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.”*
- 4.8 Paragraph 124 of the NPPF states; *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.”*
- 4.9 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”*.
- 4.10 Policy KP2 of Core Strategy states new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of 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”*.
- 4.11 London Road is generally characterised by a fine grain of traditional buildings, mostly of two storeys abutted together to form terrace blocks. The buildings are of mixed designs but within the individual street blocks is an element of consistency in style although there are, in places, variations in the heights of the buildings. Despite this mix of styles and heights, the fine grain of the buildings is a key characteristic of the street.
- 4.12 The proposed extension has been designed with a dual pitched roof which is complementary in appearance, subservient to the main building and subservient to the existing rear outrigger. The development is considered to be satisfactorily in-keeping with the existing building.

- 4.13 The fenestration proposed on the Tankerville Drive elevation lacks some cohesion, however, the existing fenestration in the host building is already not aligned and as such it is considered that this part of the development would not result in any material harm to the character and appearance of the building or the surrounding area. Whilst the rear garage door proposed would be visible from Tankerville Drive, given the character and appearance of the existing rear elevation of the application building it is not considered that this part of the proposal would impact on the character and appearance of the building and the surrounding area materially more than the existing situation. As such, on balance, it is considered that the development is of an acceptable overall design that would not result in any material harm to the character and appearance of the host building or the wider surrounding area. It is also noted that the Inspector did not uphold the Council's reason for refusal relating to design in application reference 18/00903/FUL.
- 4.14 The development is located close to a street tree in Tankerville Drive. To ensure the development does not adversely impact the health of the street tree, which would be detriment to the character and appearance of the area, a condition shall be imposed on any grant of consent requiring tree protection details. Subject to such a condition no objection is raised on this basis.
- 4.15 The development is acceptable and policy compliant in the above regards.

Living Conditions for Future Occupiers

National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM8, the Design and Townscape Guide (2009) and the National Technical Housing Standards (2015).

- 4.16 Paragraph 127 of the NPPF states that planning policies and decisions should *“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...”* 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 sizes for 1 bedroom, 1 person units with a shower room of 37sqm.
 - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m; and 11.5m² 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.

- 4.17 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 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² 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.
- 4.18 The proposed dwelling constitutes a 1 bedroom, 1 person unit measuring 37.5sqm which accords with the technical housing standards. The bedroom is some 10sqm and is of an acceptable size for a single occupancy room. The development is acceptable and policy compliant in this respect and has overcome the previous reason for refusal on this basis.
- 4.19 All habitable rooms will be provided with windows to provide adequate levels of light, outlook and ventilation. The development is acceptable and policy compliant in this respect.
- 4.20 Part M4 (2) of the Building Regulations adopted by the National Technical Housing Standards 1st October 2015 requires the need to provide accessible and adaptable dwellings. It is not considered reasonable to enforce building regulation M4(2) given the proposal is for an extension to the existing building. This did not form a reason for refusal of earlier proposals.
- 4.21 A 3.3sqm side balcony is proposed which is considered sufficient given that the proposed flat constitutes a 1-bedroom, 1 person unit. Concerns were previously raised due to the lack of outside space proposed and the Inspector previously raised concerns regarding the size and nature of the balcony proposed. However, the flat has been reduced to a 1-bedroom, 1 person unit, and therefore, on balance, and mindful of the access to a range of amenities locally, it is considered that the balcony proposed would be sufficient for any future occupiers on the site and no objection is raised on this basis.

- 4.22 The proposed development would provide adequate living conditions for any future occupiers of the site and is acceptable and policy compliant in this respect. The amended proposal has overcome the previous concerns raised in this respect.

Highways and Transport Issues

National Planning Policy Framework (2019), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design and Townscape Guide (2009).

- 4.23 The existing site is served by a vehicle crossover to the rear of the site adjoining an access road serving the rear of properties fronting London Road. The existing site does not currently benefit from off street parking and there is a single storey rear extension for storage that serves the retail unit.

- 4.24 Policy DM15 of the Development Management Document states:

“5. All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.

Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity”.

- 4.25 The existing ground floor commercial unit would not benefit from any off-street parking, however this is an existing situation. The existing storage to the rear of the site will be removed. The proposed development will provide one off street parking space for the proposed flat, accessed via the existing vehicle crossover. Vehicle tracking has been shown on the plans to demonstrate that vehicles can enter and exit the parking space. The Councils Highways Team has assessed the development and raises no objection on safety grounds.
- 4.26 The proposed parking space would meet the parking requirement for the proposed flat of 1 parking space per flat. Whilst no parking is provided on site for the existing commercial and residential uses of the building, this is the existing situation and consideration is given to the location of the application site which is well-served by sustainable transport options which do not rely on the use of a private motor car. In consideration of availability of local services and facilities within walking distance of the site and good public transport options, it is considered that on balance, the development is unlikely to cause additional on street parking to the detriment of highway safety or the local highway network. This was the basis of parking not being a reason for refusal of the previous proposals.
- 4.27 The development is therefore acceptable and policy compliant in this respect.

- 4.28 The refuse store is proposed to the rear of the site, fronting Tankerville Drive. It is not clear from the information submitted which units the refuse store will serve, however, a condition can be imposed on any grant of consent in this respect. Subject to a condition requiring full details of the refuse and recycling storage and for this to be provided for all occupiers of the site, no objection is raised on this basis.

Cycle storage

- 4.29 2 cycle spaces are proposed to the rear of the site. The cycle parking provision for the new dwelling is policy compliant. However, no details have been provided to establish how cycle parking for the existing commercial and residential unit on site would be provided as a result of the proposed development. A condition can be imposed on any grant of consent in this respect, should the application be found to be otherwise acceptable.

Impact on Residential Amenity

National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Development Management (2015) Policies DM1, DM3 and DM8 and Design and Townscape Guide (2009).

- 4.30 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 4.31 The proposed development would be located approximately 3.85m from the rear of the site and the south side elevation of No. 7 Tankerville Drive. Due to its overall height and size, it is not considered that the proposed development would result in a detrimental loss of amenity to the occupants at 7 Tankerville Drive by way of a loss of light, or dominant, overbearing impacts or an unacceptable sense of enclosure. Whilst a rear window is proposed facing No.7, this is a secondary window to a bedroom and could therefore be conditioned to be obscure glazed with limited openings to prevent any material overlooking or loss of privacy without harming the internal bedroom environment were the proposal otherwise acceptable. Due to the orientation and relationship between No. 7 Tankerville Drive and the proposed development, the scheme would be visible from the south-east corner of the neighbouring dwelling. However, this part of 7 Tankerville Drive contains a garage and garage door as well as a small secondary window, therefore, for the above reasons, it is considered that the impacts upon the amenities of the neighbouring occupiers would not result in material harm. It is also relevant that no objection was raised on this basis under the previous applications.
- 4.32 It is not considered that the proposed development will result in a material loss of privacy or overlooking to the amenities of any other residential occupiers given the overall separation distance to the nearby residential occupiers.

- 4.33 It is therefore considered that the proposal would not have a detrimental impact upon the amenities of any neighbouring occupiers and the proposal is acceptable and policy compliant in the above regards.

Sustainable Construction

National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2 and Policy DM2 of the Development Management Document (2015) and the Design and Townscape Guide (2009)

- 4.34 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 the Design and Townscape Guide”.

- 4.35 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design. No information has been submitted in this respect. Subject to a condition in this regard no objection is raised on this basis.
- 4.36 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 (lpd) (110 lpd 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. Whilst details have not been submitted for consideration at this time, this can be dealt with by condition.

Community Infrastructure Levy (CIL) Charging Schedule.

- 4.37 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 52sqm, which may equate to a CIL charge of approximately £1,272.00 (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 It is considered, having taken all material planning considerations into account that the proposed development would comply with the Development Plan. The development is of an acceptable design, would have no material adverse impact on the adjoining residents, and provides adequate living conditions and adequate parking provisions for any future occupiers of the site. The proposal has overcome the previous concerns raised and is recommended for approval, subject to conditions.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2019)
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), Policy CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and CP8 (Dwelling Provision).
- 6.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM8 (Residential Standards) and DM15 (Sustainable Transport Management)
- 6.4 The Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule (2015)
- 6.6 National Housing Standards (2015)

7 Representation Summary

Leigh Town Council

- 7.1 The Committee resolved to object as it is an overdevelopment of the existing building and contrary to Policy DM3 in that it will adversely impact upon the amenity of neighbouring residents and it will harm the character and appearance of the wider area.

There is also some concern that the two existing flats are currently listed on Air BnB which is an intensification of the use. If an additional flat was listed on Air BnB it would cause additional parking issues with guests coming and going, in an area already suffering from parking stress.

Officer comment: The application seeks planning permission for a C3 dwellinghouse, not an Air BnB. Any breaches in planning control can be referred to the Planning Enforcement Team for separate investigation.

Highways Team

- 7.2 The previous highway comments for application 18/01781/FUL are still valid.

1 car parking space has been provided for the dwelling as well as secure cycle parking. The parking space will be accessed via the existing vehicle crossover. The site benefits from being in a sustainable location with regard to public transport with good links in close proximity.

- 7.3 Given the above information and that contained within the application there are no highway objections raised.

Councillor Aylen and Councillor Dear have called the application in for consideration by the Development Control Committee.

Public Consultation

- 7.4 A site notice was displayed and 9 neighbours notified of the proposal. 10 letters of objection have been received which make the following summarised comments:

- Parking concerns. Does not add any additional parking and loses existing parking. Proposed parking area is inaccessible, impractical and unusable and therefore likely to be used for storage, not parking and may cause damage to adjoining wall. On-street parking causes greater risk to pedestrians. Occupiers park on double yellow lines. On-street parking blocks driveways. Will bring additional parking to an already busy area. Will increase congestion. Highway safety concerns.
- Concerns relating to access for emergency vehicles.
- Residential amenity concerns including loss of light and overlooking from the first floor rear window. Loss of privacy.
- Poor living conditions for future occupiers.
- Current apartments are used for rental on a nightly basis via AirBnB and booking.com. Proposal doesn't therefore provide additional housing.
- Would not use bike store due to inaccessibility and nature of nightly rentals.
- Does not benefit the local community.
- Bin store is not large enough for existing waste, without adding an additional apartment.
- Storage area lost is needed for the commercial premises.
- Deeper than the previous application.
- Will impact waste collection and other businesses here.
- Not clear how sewerage will be disposed of.
- Would set a precedent.
- Existing small ground floor apparently does not comply with current living conditions. Would be more beneficial to improve this and the current parking on the site rather than overdevelop the site.
- No space for this development to go ahead.
- Add to litter issue.
- Scope for criminal activity. Would create an out of sight pocket for antisocial behaviour.
- No more capacity for further building work in the area.
- Negative environmental impact.

Officer comment: 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. The concerns relating to the use of the existing flats have been reported to the Planning Enforcement Team for investigation.

8 Relevant Planning History

- 8.1 02/00969/FUL - Erect single storey rear extension, lay out one parking space to rear and erect 1.8 metre high timber fence to side boundaries – Planning permission granted.
- 8.2 16/02245/PA3COU - Change of use of part of ground floor shop (Class A1) to one self-contained flat (Class C3)(Prior Approval) - Prior approved granted.
- 8.3 17/00303/FUL - Erect part three/part four storey rear extension, form third and fourth floors to form six self-contained flats, alter elevations, layout parking and bin store and form vehicular access onto Tankerville Drive – Planning permission refused.
- 8.4 17/01703/FUL - Erect three storey rear extension, form third floor to form five self-contained flats, alter elevations, layout parking and bin store and form vehicular access onto Tankerville Drive (Amended Proposal) – Planning permission refused.
- 8.5 18/00903/FUL - Convert part of ground floor storage to rear (Class B8) and erect first floor rear extension to form one self-contained flat (Class C3) with balcony to side, layout parking space and install vehicular access on to Tankerville Drive – Planning permission refused and appeal dismissed.
- 8.6 18/01781/FUL - Convert part of ground floor storage to rear (Class B8) and erect first floor rear extension to form one self-contained flat (Class C3) with balconies to side, alter elevations, layout parking space and install vehicular access on to Tankerville Drive (Amended Proposal) – Planning permission refused.

9 Recommendation

9.1 MEMBERS ARE RECOMMENDED TO GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The development shall be carried out in accordance with the approved plans: 493-P01 Rev. G and 493-P02 Rev. G**

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

- 03 No development above ground level shall take place until samples of the materials to be used on all the external elevations have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before it is occupied.**

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

- 04 Prior to the first occupation of the dwelling hereby approved, 1 off street car parking space shall be provided at the site as shown on Drawing No. 493-P02 Rev. G. The approved parking space shall thereafter be retained in perpetuity only for the parking of vehicles in connection with the dwelling hereby approved.**

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

- 05 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).

- 06 Prior to the first 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, Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Councils Design and Townscape Guide (2009).

- 07 Prior to the first occupation of the dwelling 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 for the existing and proposed commercial and residential units on the site.**

The approved cycle parking and refuse and recycling storage shall be provided in full and made available for use by the occupants prior to the first occupation of the dwelling hereby approved and shall 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.

- 08 The first floor north facing window in the development hereby approved shall 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 first 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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and The Design and Townscape Guide (2009).

- 09 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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and The Design and Townscape Guide (2009).

- 10 Notwithstanding the information submitted with the application, no development shall be undertaken unless and until details of tree protection measures for the street tree to the side of the site in Tankerville Drive have been submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved tree protection measures throughout the construction phase of the development.**

Reason: This pre-commencement condition is needed 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).

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.

Informative

- 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 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.**