

Reference:	19/00369/FUL	
Ward:	Blenheim Park	
Proposal:	Erect roof extension to existing mixed use building to form additional self-contained flat	
Address:	1053 London Road, Leigh-On-Sea	
Applicant:	TernRock Ltd	
Agent:	Studio:08 architecture + planning	
Consultation Expiry:	25.04.2019	
Expiry Date:	07.06.2019	
Case Officer:	Kara Elliott	
Plan No's:	2000.LP-01, 2000.P.29, 2000.EX.11, 2000.EX.12, 2000.P.12, 2000.P.23, 2000.EX.13, 2000.P.24, 2000.EX.14, 2000.P.25, 2000.EX.15, 2000.P.26, 2000.EX.16, 2000.P.27, 2000.EX.17, 2000.P.28,	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The site is located on the northern side of London Road at the junction with Recreation Avenue which formerly contained a vacant single storey building, last used as a car showroom.
- 1.2 Planning permission was granted (ref 17/01946/FUL) in February 2018 to demolish the existing commercial building and erect a part 1/part 2 storey mixed use building comprising of a ground floor retail unit (Class A1) and 3 self-contained flats. The development on site is substantially completed.
- 1.3 This location is made up of a mixture of commercial and domestic buildings of varying size, scale and appearance. The application site is not located within a designated Shopping Frontage area or Conservation Area.

2 The Proposal

- 2.1 Planning permission is sought for the addition of a second storey which would contain a 2 bed, 3 person unit.
- 2.2 The newly created second storey, two bedroom/three person unit, would have a floorspace of approximately 62m². Accommodation would consist of one double bedroom and one single bedroom, a lounge/kitchen/dining area, bathroom and storage. The flat roof addition would also feature a front terrace measuring approximately 6 square metres.
- 2.3 The addition would measure a total of approximately 2.75 metres in height, would span the depth of the existing building and would have large openings relating to the floors below. The second storey would be finished in dark grey vertical cladding.
- 2.4 No off street parking is proposed for the unit. A total of 6 off-street cycle spaces will be provided for the use of the proposed occupants and those of the first and second floors granted under the original permission.
- 2.5 The proposed development would not result in any changes to the lower floors of the building as granted planning permission under reference no. 17/01946/FUL.

3 Relevant Planning History

- 3.1 17/01271/FUL – Demolish existing commercial building and erect part 1/part 2 storey mixed use building comprising of ground floor retail unit (Class A1) and 3 self-contained flats (Class C3) – Refused, Appeal Dismissed.
- 3.2 17/01946/FUL - Demolish existing commercial building and erect part 1/part 2 storey mixed use building comprising of ground floor retail unit (Class A1) and 3 self-contained flats (Class C3) (Amended Proposal) – Granted.

4 Representation Summary

Consultation Responses

- 4.1 The application falls to be determined by the Development Control Committee at the request of former Councillor J Courtenay.

Highways & Transport

- 4.2 There are no highway objections to this proposal, the site benefits from being in a sustainable location with good links in close proximity. The application should provide secure cycle parking as part of the development to provide an alternative travel option. Future occupiers will not be eligible for parking permits within the local area due to the lack of parking provision.

Environmental Health

- 4.3 No objection. Assessed daylight and Sunlight report and considers the impact upon neighbours to be marginal and would not result in material harm.

London Southend Airport

No objection

Public Consultation

- 4.4 30 neighbours were notified and a site notice was displayed. 25 letters of representation have been received which raise objections on the following grounds;

Neighbour Amenity

- Loss of light;
- Loss of privacy;
- Loss of view;
- Noise disturbance;
- Safety concerns/antisocial behaviour;
- Impact on residents' amenity

Highways & Parking

- Lack of parking to serve the development;
- Increased highway safety concerns
- Increased traffic stress on the roads/area heavily parked;
- Emergency and large vehicles struggle to get down Recreation Avenue;
- Parking along the pavement currently takes place and unauthorised vehicles park in residential car park – the development will exacerbate this problem

Character & Appearance

- Height is out of keeping with neighbouring bungalow;
- Poor design and harmful to character and appearance of the site and area

Other

- Lack of street lighting;

- Concerns regarding 'piecemeal' way the development has evolved;
- Wind tunnel effect between buildings.

4.5 Officer Comment: These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

5 **Planning Policy Summary**

5

National Planning Policy Framework (2019)

5.1

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), 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), DM7 (Dwelling, Mix, Size, and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management)

The Design & Townscape Guide 2009

5.4

Technical Housing Standards – Nationally Described Space Standard (2015)

5.5

Community Infrastructure Levy Charging Schedule (2015)

5.6

6 **Planning Considerations**

6.1 The main considerations in relation to this application are the principle of the development, design and impact on the character and appearance of the area, traffic and transportation including parking, impact on residential amenity, standard of accommodation for the future occupiers and CIL contributions.

7 **Appraisal**

Principle of Development

National Planning Policy Framework (2019) (NPPF), Core Strategy (2007) Policies KP1, KP2, CP4 and CP8, Development Management Document (2015) Policies DM1, DM3, DM7, DM8 and the Design and Townscape Guide (2009)

7.1 The site is previously developed land and it is therefore relevant to Core Strategy policy CP8, which supports the provision of dwellings on such land; subject to detailed considerations where it is expected that the intensification of development will play a role in meeting the housing needs of the Borough.

7.2 Government advice currently states that all sites should be examined in order to determine their potential for redevelopment for residential purposes. It should also be noted that Government Policy is to maximise the use of urban land.

As such there is no objection to the broad principle of a new residential unit within this site. It is also important to note that the proposed development would not result in the loss of any primary shopping frontage in accordance with DM13 of the Development Management Document.

- 7.3 On this basis, subject to the detailed considerations that will be undertaken below, it is considered that the policy framework supports the broad principle of undertaking residential development at this site.
- 7.4 Further assessment of the material considerations are below.

Design and Impact on the Street Scene

National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management (2015) policies DM1, DM3, DM13 and the Design and Townscape Guide (2009).

- 7.5 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in the 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.”*
- 7.6 Paragraph 124 of the NPPF states that; *“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.”*
- 7.7 Policy DM1 states that all development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.
- 7.8 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”*.
- 7.9 The proposed second storey addition would result in an addition at 2.75 metres in height to the existing structure. It is considered that the proposed flat roof extension would not result in demonstrable harm to the character and appearance of the application site or the wider area due to its compatibility with surrounding development and its position within the site which is set in and which does not extend to the flank elevations of the existing building. At the time of granting permission previously, it was noted that the corner plot in which the development is located provides some flexibility for a slightly larger size, scale and bulk; without resulting in demonstrable harm to the existing building or the streetscene.

The proposed second storey addition is not considered to result in development which would appear overscaled or dominant in this location due to the presence of large scale development to the east. The materials proposed to be used would also assist in ensuring the addition does not dominate the building and would not result in demonstrable harm to the character and appearance of the building or the wider area.

- 7.10 In addition, the front terrace reflects that of the first floor terrace which provides familiarity and reference across all floors, as does the use of well-proportioned fenestration.
- 7.11 In light of the above, it is considered that the proposed development would, on balance, not be out of keeping with the urban grain in this location and would not have a detrimental impact on the character and appearance the existing building or the area more widely. The development is therefore acceptable in these regards and policy compliant.

Living Conditions for Future Occupiers / Amenity Space

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

- 7.12 Paragraph 17 of the NPPF states that *“planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*. It is considered that most weight should be given to the Technical Housing Standards that have been published by the government which are set out as per the below table;
- Minimum property size 1 bedroom (1 person) 37sqm-39sqm, 1 bedroom (2 persons) 50sqm, 2 bedroom (3 persons) 61sqm and 2 bedrooms (4 persons) 70sqm
 - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m²; 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.
- 7.16 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.

7.17 The proposed residential unit to the second floor would measure approximately 62m² in total and would be considered as acceptable for a two bedroom, three person dwelling. The unit would gain a good level of natural light and outlook and would benefit from a small terrace. The bedrooms would have floorspaces which are in compliance with the national standards which stipulates a minimum floorspace of 11.5m² for a double bedroom and 7.5m² for a single. The proposed development would not result in the reduction in size of the first or ground floor units. It is therefore considered that the proposed residential unit would provide suitable living accommodation for future occupants in line with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies DM1, DM3 and DM8 and the National Technical Housing Standards and advice contained within the Design and Townscape Guide.

7.18 The required amount of amenity space for a development will be determined on a site by site basis taking into account local parks and the constraints of the site. Developments that provide little or no private amenity space will only be acceptable in exceptional circumstances and will be required to justify their reasons. 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.

7.19 The roof terrace would provide an external amenity space for the new flat amounting to approximately 6m². It is considered that the roof terrace provides an acceptable standard of external amenity space for the proposed flat.

7.20 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. The ground floor flat which was part of the former application provides a unit which is compliant with the M4(2) standard with a step-free access to, from and within the ground floor dwelling. By reason of being a partial conversion it is considered that it would be unfeasible to require the whole development to accord with the abovementioned standards.

On this basis it is considered that the application should not be refused on the grounds that it has not been demonstrated that the development would accord with Part M of the Building Regulations.

- 7.21 For the reasons above it is considered that the proposed development would not result in overdevelopment of the site and would result in an acceptable standard of accommodation in compliance with the provisions of the National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3 and DM8 of the Development Management Document (2015) and advice contained within the adopted Design and Townscape Guide (2009). No objection was raised in relation to living standards at the time of the previous application.

Impact on Neighbouring Properties

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

- 7.22 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 7.23 The proposed second storey addition would not project further in any direction than that of the existing building and is stepped back from the margins of the existing building. A Daylight and Sunlight report accompanies the application which concludes that the proposed addition would only result in 'minor effects' on the amenities of the neighbouring occupiers. It is considered that the proposed development would, as a result of its size and design, have no material harmful impact on the amenities of the occupants of neighbouring properties as a result of dominance or an overbearing impact, a sense of enclosure or loss of light.
- 7.24 The proposed roof terrace for the second floor would overlook London Road and is approximately 12.5 metres to the adjacent upper flat to the east therefore would not result in any material harm through perceived or actual overlooking or a loss of privacy. The proposed terrace is largely screened by the existing development and is set to the east and at a height which would not result in material harm from overlooking or an actual or perceived sense of a loss of privacy to the occupiers of the bungalow to the west, no. 1055 London Road.
- 7.25 The development is found to be acceptable and policy compliant on neighbour amenity grounds in all relevant regards.

Traffic and Transportation 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 advice in the Design and Townscape Guide (2009).

- 7.26 The adopted Vehicle Parking Standards are expressed as a maximum and state that one space should be provided per unit. No off-street parking is proposed to serve the dwelling. Policy DM15 of the Development Management Document allows for flexibility in its application of the policy and states that the residential vehicle parking standards may be relaxed 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.
- 7.27 A previously refused scheme for this site was appealed. In dismissing the appeal the Inspector considered the parking issues at the application site and considered that no substantive evidence demonstrated parking stress in this location and due to the availability of public transport options and accessibility the numerous services and facilities along London Road, there was sufficient justification to apply the parking standards flexibly.
- 7.28 The previous application for the three original units built on site was approved without off-street parking. At the time of granting permission it was considered that whilst this would result in a shortfall against the parking standards, the location of the application site is well-served by sustainable transport options which do not rely on the use of a private motor car. In particular, the proposed units are unlikely to be occupied by large families and in consideration of availability of local services and facilities within walking distance of the site, the previous use of the site, good public transport options and the benefit of providing sustainable development, it was considered that on balance, the provision of no on-site parking was acceptable. Furthermore, the Council's Highways Engineer did not object to the absence of off-street parking.
- 7.29 Taking into account the above, it is considered that the additional flat without on-site parking, would be a minor addition of residential accommodation which would not result in material harm to highway safety. Furthermore, a total of 6 off-street secure cycle parking spaces are located at the site for the use of the future occupiers.
- 7.30 The Council's Highways officer does not object to the proposal.
- 7.31 In terms of waste, there is sufficient space within the existing waste storage facilities to accommodate the needs of the additional flat.

Sustainable Development

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

7.32 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”.

7.33 The application does not include specific details to demonstrate that it would meet the 10% renewable energy requirements in accordance with Policy KP2 of the Core Strategy. It is considered that further details can be dealt with by condition.

7.34 Policy DM2 of the Development Management Document identifies the need for increased water efficiency measures to be integrated into new developments to take account of the water resourcing issues identified in Essex. An appropriate condition can be imposed.

7.35 CIL Charging Schedule 2015

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 62sqm, which may equate to a CIL charge of approximately £4478.26 (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.

Conclusion

8
8.1 Having regard to all material considerations assessed above, it is considered that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local development plan policies and guidance as well as those contained within the National Planning Policy Framework. The proposed development would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site and the locality more widely. The proposal would not result in any adverse impact on highways safety and it provides adequate amenities for its future occupiers. This application is therefore recommended for approval, subject to conditions.

9 Recommendation

Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions;

1. The development hereby permitted shall begin no 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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2000.LP-01, 2000.P.29, 2000.EX.11, 2000.EX.12, 2000.P.12, 2000.P.23, 2000.EX.13, 2000.P.24, 2000.EX.14, 2000.P.25, 2000.EX.15, 2000.P.26, 2000.EX.16, 2000.P.27, 2000.EX.17, 2000.P.28.

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

3. The external materials used for the development hereby permitted shall match those of the lower floors, with the exception of the wall cladding of the second storey details of which shall be agreed in writing by the local planning authority prior to its installation. The development shall be carried out only in accordance with the approved details.

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

4. Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

5. Prior to the occupation of the development hereby approved details of energy efficiency and other sustainability measures, including the provision of at least 10% of the development hereby approved energy needs being provided from renewable sources, shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be carried only in accordance with the agreed details.

Reason: To minimise the environmental impact of the development

through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework, Core Strategy (2007) policy KP2 and CP4, and the Design and Townscape Guide (2009).

6. With the exception of the second storey front balcony hereby permitted as shown on drawing no's 2000.P.29, 2000.9.23, 2000.P.25, 2000.P.26, 2000.P.27, the roof of the first floor shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has first been obtained from the Local Planning Authority. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and the guidance contained within the Design and Townscape Guide (2009).

7. Water efficient design measures as 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 shall be installed prior to the first occupation of the development hereby approved and retained in perpetuity.

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 guidance within the Design and Townscape Guide (2009).

8. Prior to first occupation of the development hereby granted, secure, covered refuse and recycling storage areas and cycle parking to serve the development shall be provided in accordance with approved plan no.2000.EX.11 and these facilities shall be permanently retained as such thereafter.

Reason: To ensure that adequate cycle parking and waste storage is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Document (2015).

INFORMATIVE

- 1. 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.**
- 1. 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.**

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.