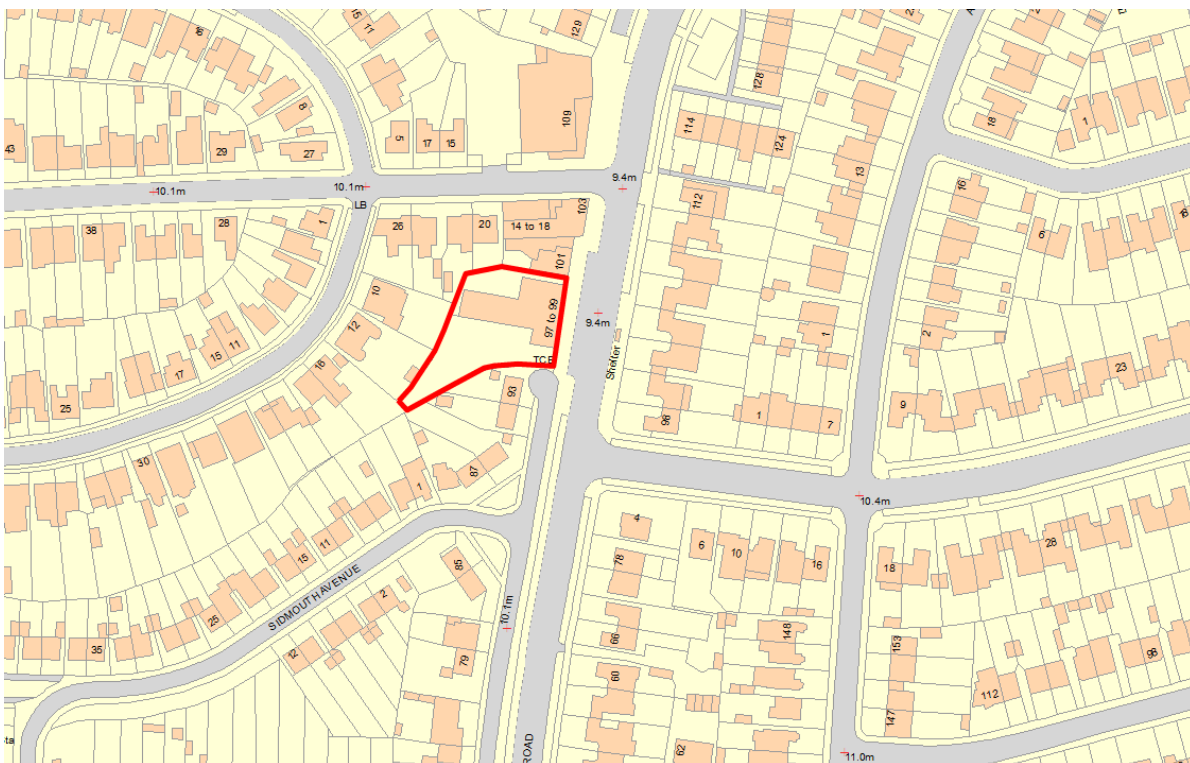


Reference:	19/01565/FUL	
Application Type:	Full Application	
Ward:	St Laurence	
Proposal:	Change of use of two ground floor shops (Class A1) to two self-contained flats (Class C3), install handrails to front and side and alter elevations	
Address:	Viscount House, 97 Rochford Road, Southend-On-Sea	
Applicant:	Mr Litman	
Agent:	Mrs Jahan of RD architecture Ltd.	
Consultation Expiry:	18th September 2019	
Expiry Date:	18th October 2019	
Case Officer:	Janine Rowley	
Plan Nos:	110 Revision P.2; 120 Revision P.1; 220 Revision P.3	
Recommendation:	GRANT PLANNING PERMISSION	



## **1 Site and Surroundings**

- 1.1 The application site is located on the west side of Rochford Road, outside of any primary and secondary shopping frontage. It contains a three storey building the ground floor, of which fronts Rochford Road was fitted out in shell form to create two commercial units (Class A1) with 14 flats above (07/00774/FULM). The two commercial units have remained vacant since construction.
- 1.2 The surrounding area is predominantly residential in character.
- 1.3 The site is not located within a conservation area or subject to any site specific planning policies.

## **2 The Proposal**

- 2.1 Planning permission is sought to change the use of the two ground floor shops (Class A1) to two self-contained flats (Class C3) including the installation of handrails to the front and side and alterations to the elevations.
- 2.2 The internal floorspace of flat 1 is 52.8sqm, with one 1 person bedroom. It would have an external terrace of 4.4sqm. Flat 2 has an internal floorspace of 42sqm, with one bedroom for a single person, and an external terrace of 3.8sqm.
- 2.3 A number of external changes are proposed to the fenestration replacing the commercial frontages with different window openings together and the handrails described above. The existing pedestrian access to the south of the building will be extended in width retaining the vehicle access width serving the parking area to the rear as 3.5m.
- 2.4 Access to the flats will be via Rochford Road. Refuse and recycling is provided within the flats. No parking is provided and no details of the cycle parking have been provided.

## **3 Relevant Planning History**

- 3.1 Demolish buildings, erect part two/ part three storey block comprising 14 flats and two commercial units to ground floor, layout 14 parking spaces, amenity areas and refuse store- Refused (06/00862/FUL)
- 3.2 Demolish buildings, erect part two/ part three storey block comprising 14 flats and two commercial units to ground floor, layout 14 parking spaces, amenity areas and refuse store (Amended Proposal)- Refused (07/00774/FULM) Allowed at appeal.
- 3.3 Demolish buildings, erect part two/part three storey block comprising 14 flats and two commercial units to ground floor, layout 14 parking spaces, amenity areas and refuse store (Application to extend the time limit for implementation following planning permission 07/00774/FULM allowed on appeal dated 14.08.2008)-Planning Permission Granted (11/01005/EXTM).
- 3.4 Change of use of ground floor shops (Class A1) to two self-contained flats (Class C3)(Prior Approval)- Prior Approval Refused (19/01137/PA3COU)

## **4 Representation Summary**

#### **4.1 Public Consultation**

41 neighbouring properties were consulted and a site notice was displayed. Three letters of representation have been received raising the following objections:

- Impact on parking unacceptable
- Customers park in the laybys to the front of the site
- New flats require more parking spaces
- Building works will affect health
- Loss of retail uses when more retail is needed

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. Where appropriate, these issues are discussed in greater detail in subsequent sections of this report.

4.2 Councillor Flewitt has requested this application be dealt with by Development Control Committee and has objected to the application on parking and infrastructure grounds.

#### **4.3 Highways Team**

No objections.

#### **4.4 Environmental Health**

No objections.

### **5 Planning Policy Summary**

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure) and CP8 (Dwelling Provision)

5.3 Development Management Document (2015): Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), and DM15 (Sustainable Transport Management)

5.4 Design & Townscape Guide (2009)

5.5 National Technical Housing Standards (2015)

5.6 Waste Storage, Collection and Management Guide for New Developments (2019)

5.7 CIL Charging Schedule (2015)

### **6 Planning Considerations**

6.1 The main considerations in relation to this application are the principle of development, design, impact on the street scene, residential amenity for future and neighbouring occupiers, traffic and parking implications, and Community Infrastructure Levy (CIL).

## 7 Appraisal

### Principle of Development

- 7.1 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 uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*
- 7.2 Policy KP2 of the Core Strategy requires that *"all new development contributes to economic, social, physical and environmental regeneration in a sustainable way"* and seeks to *"make the best use of previously developed land, ensuring that sites and buildings are put to best use"*. Policy CP8 of the Core Strategy identifies the need for 6,500 homes to be delivered within the whole Borough between 2001 and 2021. Policy CP8 also requires the provision of not less than 80% of residential on previously developed land.
- 7.3 Policy DM3 of the Development Management Document promotes *"the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity."*
- 7.4 The redevelopment of the site would result in the reuse of brownfield land which is in accordance with National and Local Planning Policy and seeks to provide additional housing for which there is an identified need in this area and as such there is no objection to the principle of the proposal on this basis.
- 7.5 The site has no specific allocation within the Core Strategy and Development Management Document. The development would result in the loss of two commercial units amounting to 96.3sqm of retail floorspace. This does not conflict with planning policy in principle in this location and the principle of forming two residential units is acceptable subject to other material planning considerations discussed in detail below.

### Design and Impact on the Character of the Area

- 7.6 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."*
- 7.7 Paragraph 124 of the National Planning Policy Framework 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.'*
- 7.8 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 In the Council's Development Management Document Policy DM1 states that 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."*
- 7.10 The existing building is three storeys with flats behind the commercial unit shells on the ground floor, and on the first and second floors. The two commercial units are currently boarded up but the 2007 planning permission allowed on appeal included glazed shopfronts. To enable the conversion to residential at ground floor the proposal includes residential windows openings, handrails to the front and side of the building and formation of terraces to the north and south of the building with soft planting to the front. The fenestration is consistent with the upper floors and would not harm the character and appearance of the existing building or wider streetscene. No objection is raised to the siting of the external terraces and hand rails in design terms and the soft landscaping to the front of the site is welcomed enhancing the street frontage. Subject to such a condition to ensure the materials match the existing building and control over the details of the soft landscaping details no objection is raised on this basis.
- 7.11 The development is acceptable and policy compliant in the above regards.

### **Living Conditions**

- 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:
- 7.13 Minimum property size for residential units shall be as follow:
- 1 bedroom (1 space) 37sqm if a shower room, 39sqm if bathroom
  - 1 bedroom (2 bed spaces) 50sqm
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5sqm for a single bedroom with a minimum width of 2.15m; and 11.5sqm 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.
- 7.14 The following is also prescribed:
- 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.

7.15 Both flats proposed satisfy the minimum sizes required by the technical housing standards and the bedrooms are of acceptable sizes. The proposal is therefore acceptable and policy compliant in this respect.

7.16 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.

7.17 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 a conversion of the existing building.

7.18 A 4.4sqm terrace area is proposed to serve flat 1 and 3.8sqm to flat 2. Taking into account that these are not designed for family sized households and that there is access to a range of amenities locally, no objection is raised.

7.19 The proposal would provide adequate living conditions for future occupiers of the site and is acceptable and policy compliant in this respect.

### **Impact on Residential Amenity**

7.20 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.

7.21 Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 requires that all development should amongst other

things:

*“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;”*

- 7.22 The nearest residential properties outside the site are no. 93 Rochford Road to the south and the first floor of 101 Rochford Road to the north. Given the proposal is to convert the existing retail units at ground floor and the only external change is to introduce replacement glazing to the existing shopfront, handrails and formation of two terrace areas it is not considered the proposed development would result in material harm to the surrounding residents by way of material loss of light, or dominant, overbearing impacts or an unacceptable sense of enclosure. It is not considered the external terrace area to serve the flats to the north and south of the building would result in unacceptable noise levels to immediate neighbours taking into account the commercial premises to the north of the site and separation distance to the flank elevation of no. 93 Rochford Road and the relationship with other existing dwellings in the site.
- 7.23 It is not considered that the proposed development will result in material harm to the amenities of any other residential occupiers in any regard.
- 7.24 The proposal is therefore acceptable and policy compliant in the above regards.

### **Traffic and Transportation Issues**

- 7.25 A vehicle crossover to the south of the site leads to 14 parking spaces serving the existing flats. The commercial premises to the front of the site do not have any off street parking other than a 4 parking layby to the front of the site for both parking for the shops and unloading and loading of deliveries.
- 7.26 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”.*
- 7.27 The maximum standards set by the Development Management Document require 1 space per 20sqm for Class A1 retail use and a minimum of 1 space per 1 bedroom dwelling (so 2 required). The existing retail floorspace to be lost at ground floor is 96sqm equating to a maximum 5 parking spaces when assessed against the above standards.
- 7.28 The development was allowed at appeal. In paragraph 14 of the appeal decision (APP/D15900/A/08/2067017) the Inspector concluded with respect to the retail uses in terms of parking provision:

*“There is no parking proposed for the commercial units on the site. However, there would remain 4 spaces within the lay-by which could accommodate some customer parking.*

*The Council state that this may not be sufficient for customers and staff of the commercial units. Even if the residential use or the commercial use of the site were to give rise to parking on the surrounding roads, the appellant has demonstrated that there is considerable capacity on surrounding roads to safely accommodate it. The Council does not seek to challenge the appellant's evidence in this respect and I also conclude that in the event that overspill parking did take place it would be of a limited amount and could be done so safely and without detriment to neighbouring residents".*

- 7.29 The site is considered to be located in a sustainable location with access to a number of bus services and within reasonable walking distance of Southend Airport train station. On balance, taking into account the modest capacity of the proposed flats and their location, it is not considered that parking conditions or highways safety would be materially harmed. Highways have raised no objection to the proposal.

### **Community Infrastructure Levy (CIL)**

- 7.30 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 94.6sqm, which may equate to a CIL charge of approximately £2314.06 (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.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. On balance, there would be no harmful traffic, parking or highways impacts caused by the proposed development. This application is therefore recommended for approval.

## **9 Recommendation**

### **9.1 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 solely in accordance with the approved plans: 110 Revision P.2; 120 Revision P.1; 220 Revision P.3.**

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



**development plan.**

- 03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.**

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

- 04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development shall not be first occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority details of hard and soft landscaping for the site. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the treatment of all hard and soft surfaces and all means of enclosing the site.**

**Reason: In the interests of visual amenity, and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).**

- 05 All planting in the approved landscaping scheme shall be carried out within the first available planting season following first occupation of the development. Any shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority. Hard landscaping and means of enclosure shall be implemented in full accordance with the approved scheme prior to first occupation of any part of the development hereby approved.**

**Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

- 06 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 for the dwellings hereby approved. The approved cycle parking and refuse and recycling storage shall be provided in full and made available for use by the occupants of the approved dwellings prior to the first occupation of the dwellings 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 (2015).**

- 07 Hours of construction related to the development hereby approved shall be restricted to 8am - 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.**

**Reason:** In the interests of the amenities of neighbouring residents in accordance with the National Planning Policy Framework (2019), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide, (2009).

- 08** Prior to 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 (2019), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Councils Design and Townscape Guide (2009).

**Informatives:**

- 1** Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a CIL Liability Notice for the applicant's attention and any other person who has an interest in the land. This contains details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at: [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)
- 2** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.