

<b>Reference:</b>	19/02036/FUL	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	West Leigh	
<b>Proposal:</b>	Erection of dwelling house following demolition of existing (part-retrospective)	
<b>Address:</b>	228 Highlands Boulevard, Leigh-On-Sea, Essex	
<b>Applicant:</b>	Mr Richard Chalmers	
<b>Agent:</b>	Mr Oliver Beacham	
<b>Consultation Expiry:</b>	19th December 2019	
<b>Expiry Date:</b>	6th February 2020	
<b>Case Officer:</b>	Robert Lilburn	
<b>Plan Nos:</b>	17.102-01, 17.102-02, 17.102-03, 17.102-04, 17.102-05, 17.102-06, 17.102-07, 17.102-08 D, 17.102-09 D, 17.102-10 D, 17.102-11 D, 17.102-12 D, 17.102-13 D, 17.102-14 D, 17.102-15 D, 17.102-16 D, 17.102-17 D	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



## **1 Site and Surroundings**

- 1.1 The application site is occupied by the remains of a former detached single storey dwelling located on the south-west side of Highlands Boulevard, together with a side extension which has been subject of planning enforcement enquiries and remains unauthorised.
- 1.2 The application site is within a residential setting, consisting of mainly large, traditional two storey dwellings. The prevailing characteristic is of dwellings rendered externally in white render with some red brick and red roof tiles, although these are not the exclusive range of finishes locally.
- 1.3 The application site is not within a Conservation Area. Prittle Brook runs directly under the site. However, it is located within Flood Zone 1 and this part of Prittle Brook is not identified as a statutory 'main river' by the Environment Agency.

## **2 The Proposal**

- 2.1 The proposal is for the erection of a two-storey detached dwelling house with accommodation in the roof space. The dwelling would incorporate five bedrooms. These would each be double or twin sized rooms. The proposed gross internal area of the dwelling would be some 369sqm.
- 2.2 The proposed dwelling would have a pitched roof reaching an overall height approximately corresponding to the two storey dwellings at either side. The eaves height of the proposed dwelling would also correspond approximately to the neighbouring dwellings, noting that there are changes in ground levels to either side. The proposed dwelling would have a footprint to match that of the previously existing building, together with an additional single storey side and rear element.
- 2.3 The proposed development would result in a dwelling of a contemporary appearance featuring large expanses of glazing, white render walls with lead and cedar cladding aluminium windows and slate roof tiles. It would have a pitched roof design with gabled front and rear projections.
- 2.4 The development would retain a dual (in/out) vehicular access and space for at least two off-street car parking spaces to the front of the proposed dwelling.
- 2.5 As noted above, the application has been submitted following planning enforcement enquiries. This application is assessed without prejudice to these enquiries and solely on the merits of the proposal.
- 2.6 Planning permission was previously granted for extensions to the original dwelling to create a building of similar character, appearance and scale to that now proposed. The main difference with the current application is that it relates to the erection of a new dwelling house following demolition of the former. The current proposal also includes an additional window on the north elevation adjacent to the front of the garage, and some internal reconfiguration that does not materially affect the overall scheme.
- 2.7 The application is accompanied by a Planning Supporting Statement.

### **3 Relevant Planning History**

- 3.1 19/01666/AD: Application for approval of details pursuant to conditions 4 (Material Samples) of planning permission 19/00685/FULH dated 04/06/19. Refused due to quality of information provided.
- 3.2 19/00685/FULH: Demolish existing garage and utility to side, erect single storey side extension, erect first floor extension to form two storey dwelling house with habitable accommodation in roof, juliette balcony to rear and alter elevations (Amended Proposal) (Part-Retrospective). Approved.
- 3.3 18/01298/FULH: Erect first floor extension to form two storey dwelling house with habitable accommodation in roof, recessed balcony to rear and alter elevations (Amended Proposal). Approved.
- 3.4 18/00090/FULH: Erect first floor extension to form two storey dwelling house with habitable accommodation in roof, recessed balcony to rear and alter elevations. Refused for reasons relating to street scene and impacts on neighbours.

### **4 Representation Summary**

#### **Public Consultation**

- 4.1 7 neighbouring properties were notified and a site notice was posted. Two letters of representation have been received, and are summarised as follows:
- Encroachment of development over boundary with neighbour;
  - Accuracy of plans with respect to a proposed fence;
  - Appearance of development out of keeping in street scene.
- 4.2 These concerns are noted and where relevant to material planning considerations they have been taken into account in the assessment of the application. Those remaining are found not to represent a reasonable basis to refuse planning permission in the circumstances of this case.
- 4.3 The application has been called in to Development Control Committee by Councillor Evans.
- 4.4 **Leigh Town Council**  
*“The proposed design is incongruous to the street scene and fails to pay sufficient respect for the character and appearance of the avenue of houses built of similar styles from the 1930s. The design quality will not add to the overall quality of the area and does not respect the character of the site, its local context and surrounding in terms of its architectural approach, height, scale, materials and landscape setting. It certainly does not respond positively to local character and will not successfully integrate itself in a positive relationship with the surroundings”.*

### **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), 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), DM8 (Residential Standards), DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 Technical Housing Standards (2015)
- 5.6 CIL Charging Schedule (2015)

## **6 Planning Considerations**

- 6.1 The main considerations in relation to this application are the principle of the development, design, impact on residential amenity, standard of accommodation, traffic and transportation, sustainable construction and CIL (Community Infrastructure Levy).

## **7 Appraisal**

### **Principle of Development**

- 7.1 Government guidance contained within the National Planning Policy Framework (NPPF) encourages effective use of land (para.8) in particular previously developed land (para.117). Policy KP1 of the Core Strategy seeks sustainable development.
- 7.2 Policy CP8 of the Core Strategy supports the provision of dwellings on previously developed land. Subject to detailed considerations it is expected that intensification of the use of land will play a role in meeting the housing needs of the Borough. Policy DM7 of the Development Management Document states that the Council will look favourably upon the provision of family size housing on smaller sites.
- 7.3 Policy DM3 states that "*The conversion or redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal: (i) Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and (ii) Will not result in a net loss of housing accommodation suitable for the needs of Southend's older residents having regard to the Lifetime Homes Standards*".
- 7.4 The site is not located within a conservation area and there is no objection to the demolition of the former dwelling subject to the acceptability in design and character terms and with regard to accessibility.
- 7.5 Although the application is part-retrospective including the demolition of the building, it is considered that it is also relevant to consider the development in terms of the proposed infilling of what is now a vacant site in the street, between established buildings. In those terms the proposal is for an 'infill' form of development.

Policy DM3, which supports the efficient and effective use of land, states at section (2) that infill development will be resisted where the proposals:

1. Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or
2. Conflict with the character and grain of the local area; or
3. Result in contrived and unusable garden space for the existing and proposed dwellings.

7.6 With respect to paragraph (1) above, the impacts upon living conditions and the amenities of neighbours are assessed further below. With regard to paragraph (2) above, the building would be consistent with the linear formation of built form within the street scene. The proposal would re-use previously developed land in a situation appropriately integrated to the built environment. Turning to paragraph (3) the proposal would leave ample garden space consistent with the prevailing local grain.

#### Loss of bungalow – M4(2)

- 7.7 Policy DM3 also states at section (4) that “*the conversion or redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal: (i) Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and (ii) Will not result in a net loss of housing accommodation suitable for the needs of Southend’s older residents having regard to the Lifetime Homes Standards*”. It should be noted that the Southend Borough Council Housing Standards Policy Transition Statement (October 2015) states that with regard to this policy the Lifetime Homes Standard should be substituted by building regulation M4(2) ‘accessible and adaptable dwellings’.
- 7.8 No details have been provided alongside the application to confirm that the replacement dwelling would meet the criteria of building regulation M4(2). However, it is noted from the plans that step-free access to the dwelling and to all rooms on the ground floor, including kitchen, living areas, utility and WC is achievable. There would be scope within the ground floor for adaptation if necessary, given the space available. Subject to a condition requiring the development to be built in accordance with M4(2) no objection is raised on this basis.
- 7.9 Weight must also be given to the recent grant of planning permission (19/00685/FULH approved on 4 June 2019) for domestic extensions. Although it is considered that the building which would have been extended has been substantially demolished, and no longer exists to be extended, the planning policy considerations have not changed since that time. That proposal would have resulted in a similar development.
- 7.10 Subject to detailed considerations, which will be assessed further within this report, the principle of a dwelling on site is not objected to. Further assessment of the material considerations are below.

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

- 7.11 Paragraph 124 of the National Planning Policy Framework (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”.
- 7.12 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas.
- 7.13 The Design and Townscape Guide also states that “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments” and that “proposed development [should] make a positive contribution to the local area”. It states at Part 3.3 that “when designing a new building or extension it is important that the development integrates with existing buildings. This is best done by identifying the positive characteristics and relationships formed by the existing buildings e.g. frontage lines, height of ridges and eaves, proportions, materials etc, and respecting them in new development”.
- 7.14 In relation to infill development, at para.201 the Design and Townscape Guide states that “The size of the site together with an analysis of local character and grain will determine whether these sites are suitable for development. In some cases the site may be too small or narrow to accommodate a completely new dwelling (including usable amenity space and parking) and trying to squeeze a house onto the site would significantly compromise its design quality and be detrimental to neighbouring properties and local character. In these circumstances, unless an exceptional design solution can be found, infill development will be considered unacceptable”.
- 7.15 Furthermore para.202 of the Design and Townscape Guide states that “where it is considered acceptable in principle, the key to successful integration of these sites into the existing character is to draw strong references from the surrounding buildings. For example, maintaining the scale, materials, frontage lines and rooflines of the neighbouring properties reinforces the rhythm and enclosure of the street. This does not necessarily mean replicating the local townscape, although this may be an option”.
- 7.16 The application site is of a similar width to the neighbouring site to the south, and somewhat wider than the general size of dwelling plots elsewhere on Highlands Boulevard. It would be reasonably capable of accommodating a larger dwelling than the bungalow which previously occupied the site.
- 7.17 The proposed dwelling would be wider and deeper at ground floor than surrounding dwellings. This would correspond with the combined established built form at ground floor level, now demolished, and the previously-approved development of extensions in all other respects.

- 7.18 Within the street scene, the dwelling would correspond reasonably in alignment, form and scale to the neighbouring and surrounding two-storey buildings. By virtue of the detailed design, the roofspace accommodation and its front window would not undermine this harmonious visual relationship.
- 7.19 The proposed scale and design would pay sufficient regard to the surrounding built form. The eaves and ridge heights would be similar to neighbouring buildings, and the upper storey elements would be suitably proportioned. The roof form would be sympathetically designed.
- 7.20 The proposed single storey element would also be evident in the street scene. It would be relatively wide in proportion to the width of the main part of the building. However its detailed articulation to the front elevation and its modest height would allow it to appear appropriately integrated.
- 7.21 The proposed single storey element adds to the overall footprint, and is not materially harmful to the appearance of the resulting building, the street scene or the wider townscape.
- 7.22 The proposed materials would not in general be inconsistent with the surroundings or otherwise with a residential character. The development would significantly alter the existing building and is contemporary but the architectural references to the scale and form of neighbouring dwellings mean that it would not harm the character or the visual amenities of the surrounding area. As a new dwelling it is considered appropriate that samples of all proposed materials are submitted for approval and this can be secured by condition on any planning permission.
- 7.23 The overall design and impact on the character of the area, of a development with similar finished scale and appearance, was found to be acceptable under applications 18/01298/FULH and 19/00685/FULH. The proposal would correspond directly with the previously-approved scale and design. However taken on its own merits the proposal is considered acceptable and policy-compliant in regard to design and character.

### **Impact on Residential Amenity**

- 7.24 Paragraph 127 of the National Planning Policy Framework seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 7.25 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.
- 7.26 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*".

- 7.27 The proposed first floor element would project beyond the rear of the neighbouring dwelling to the south-east, no.226 Highlands Boulevard, by some 7m. It would project beyond the main rear wall of the neighbouring dwelling to the north-west, no.232 Highlands Boulevard by some 8m, and beyond the rear of its side projection by some 11m.
- 7.28 The recessing of the first floor at rear, away from the south-east elevation, would result in a 2.5m depth of first floor extension relative to the rear face of no.226 within 1m of the boundary and within approximately 2.5m of the rear wall of no.226. There would then be a recessing away by approximately 2.7m with the further 4.2m of the first floor element projecting rearwards at that position.
- 7.29 There are habitable room windows at the rear of no.226, adjacent the boundary with the application site. A notional 45 degree rule of thumb indicates that the proposed development would not lead to a materially harmful degree of daylight loss to these windows given the proposed recessing. It is considered that this recessing together with the dropped ridge level along the rear projection, would be sufficient to preclude an overbearing visual impact or sense of enclosure to the rear of no.226.
- 7.30 With regard to the impacts of the proposed upper storeys towards no.232, it is noted that there are habitable room windows at the rear of the property. A notional 45 degree rule of thumb indicates that the proposed upper storeys would not lead to a materially harmful degree of daylight loss to these windows given the separation distance between the buildings.
- 7.31 The separation of the buildings would preclude an overbearing visual impact towards the rear of no.232. There would be a shadowing impact to the rear of no.232, as the application site is situated to the south-east. Given the length of the rear garden at no.232 and its otherwise relatively open aspect, it would only be shadowed for a short time of the day and it is considered that this would not be materially harmful. The impact of the similar development created by extensions was found to be acceptable under applications 18/01298/FULH and 19/00685/FULH and the impact of the dwelling now proposed is no greater and is therefore acceptable.
- 7.32 The proposal includes a Juliet balcony at the second floor rear. Although it would be closer to surrounding gardens than other rear windows due to the layout of the building, it would not be so close as to create an undue actual or perceived loss of privacy. Any views to the sides would be oblique and as such are considered not to be materially harmful. Any overlooking introduced by this feature would be consistent with a rear-facing window, and such an arrangement would conform to the prevailing pattern of development in the area, and that which was previously found acceptable under applications 18/01209/FULH, 18/01298/FULH and 19/00685/FULH.
- 7.33 The proposed upper floor side windows would serve stairs and bathrooms. The use of appropriately obscured glass would prevent a loss of privacy and can be controlled through a condition on any planning permission. It is considered that the configuration of ground floor windows shown would not be materially impactful given the existing arrangement.

- 7.34 The proposed southernmost flat roof area is shown to be a green roof. Its use as a balcony or roof terrace would harm neighbour amenities, and this can be controlled through a condition on any planning permission to prohibit such use and protect neighbour amenities.
- 7.35 The development would not result in built form over a single storey being located further in to the rear garden than the established dwelling, and given the distance of approximately 17 metres to the rear boundary and the orientation of dwellings within St David's Drive, it is considered that no material loss of amenity would be experienced by the occupiers of the neighbouring dwellings to the rear in terms of visual impact, a material loss of light or outlook or material loss of privacy. This was previously found acceptable under applications 18/01209/FULH, 18/01298/FULH and 19/00685/FULH.
- 7.36 Given the separation distances, and the detailed configuration of the proposed upper storey elements, the proposed development would not materially affect the light, outlook or privacy of any other neighbouring properties.
- 7.37 The additional impacts of the proposed development on neighbouring occupiers, also now taking into account the additional single storey element, are considered to be as follows:
- Visual impact, including any sense of enclosure or overbearing impact, of the proposed single storey element on no.232 Highlands Boulevard;
  - Overshadowing or loss of daylight as a result of the proposed single storey element to no.232 Highlands Boulevard;
  - Any cumulative impacts of the single storey element together with the upper floor extensions to no.232 Highlands Boulevard;
  - Any wider visual impact to other neighbouring occupiers surrounding the site.
- 7.38 The established relationship of the site to its surroundings, and most pertinently to no.232 Highlands Boulevard, is a material consideration. The existing relationship of the unauthorised single storey element to its surroundings (including no.232 Highlands Boulevard) does not carry weight in the assessment. It is noted that the former boundary wall, which measured some 1.8m in height adjacent the rearmost wall of no.232 Highlands Boulevard, has been demolished since the most recent grant of planning permission.
- 7.39 It is noted that the single storey element as proposed is different from that which has been built on site. As described above, part of the proposed single-storey element would be situated on the footprint of the former garage and utility room outbuilding which has also been demolished since the most recent grant of planning permission.
- 7.40 It would have a different roof configuration to the former outbuilding insofar as the portion closest to the southernmost elevation of number 232 would have a mono-pitched roof, the eaves of which are shown on the submitted plans to be some 0.25m lower than the former eaves line of the outbuilding. The rear-most portion of the single storey element would have a parapet flat roof which is shown on the submitted plans to be some 0.25m higher than the former eaves level.
- 7.41 In addition to those elements which would occupy the former footprint of the outbuilding, a further forward projection would be constructed to house a new garage. This would have a flat roof of some 3.2m height which would be equal to the former ridge of the outbuilding.

This element would be situated at its nearest point some 0.9m from the southernmost rear elevation of number 232 where that property sits closest to the application site, and at its furthest point some 1.4 metres from the same boundary.

- 7.42 The forward projecting garage element would project some 5.7m in depth between the southernmost rear elevation of number 232 where it sits closest to the site boundary, and the former front of the outbuilding which has since been demolished. In this sense it would occupy the former gap between the former outbuilding and the southernmost rear elevation of number 232.
- 7.43 The submitted plans show that the garage element would be some 3.2m in height relative to the ground level identified at number 232. This would be some 1m higher than the former boundary wall which separated the properties, as it would be situated between 0.9m and 1.4m from that boundary.
- 7.44 A site visit and former approved plans in relation to works at number 232 indicate that the nearest door and window on the southernmost rear elevation of number 232 serves a domestic garage. The side windows at number 232 which comprise a standard window and a high level window, appear to serve an open plan kitchen-dining area which also benefits from rear facing windows.
- 7.45 On this basis it is considered that the principal impact to number 232 of the proposed single storey element would arise from the siting and height of the proposed garage. There is a drop in ground level towards no.232 of some 0.4m. It would project some 1m above the former wall height, matching the former outbuilding's ridge height. The 0.25 m additional projection of the rearmost flat roof portion of the side extension is considered to not have a materially harmful impact.
- 7.46 In light of the configuration of windows at the southernmost rear and side of number 232, it is considered that the proposed garage would have some additional impact on the side kitchen window in terms of its appearance, height and proximity. However notwithstanding the proposed exterior cladding this would not be to such a degree as to be materially harmful, given that these are shown on the earlier approved plans for no.232 Highlands Boulevard as secondary sources of light and outlook.
- 7.47 The development would increase the overall built form close to the boundary with no.232 Highlands Boulevard, to a total length of some 17.5m. However this would be in a stepped form. The projection beyond the rear elevation of no.232 Highlands Boulevard would be unchanged in length at some 10.2m; as noted above the roof configuration would preclude any new material impact as a result of this part of the single storey element compared to the outbuilding which has now been demolished.
- 7.48 The new single storey element which would add the new length close to the boundary with no.232, compared to the earlier situation with the outbuilding and boundary wall, would have a limited additional impact, given its height and position, coupled with the relationship to secondary windows at no.232 Highlands Boulevard.
- 7.49 The single storey element would be seen in the context of the upper storeys of the proposed dwelling which is not materially different to the extensions which have previously been found acceptable in the relationship to number 232. It is considered that the single storey element combined with the larger main part of the building would not have a materially harmful cumulative effect on neighbouring occupiers at number 232.

- 7.50 The single storey north side element is removed from neighbouring properties other than number 232 Highlands Boulevard such that it has no material impact upon them on any relevant regard.
- 7.51 Taking all material considerations into account, it is found on balance that the proposed development would not materially harm neighbour amenities, including any cumulative effect of the upper storeys and the single storey side and rear element. The proposal is acceptable and consistent with the above policies in this regard.
- 7.52 However, in the interests of neighbour amenities, given the resulting quantum of development on site compared to the established built form, it would be reasonable to remove the relevant permitted development rights by condition, namely those permitting extensions including roof extensions, and outbuildings.
- 7.53 The proposed development would not have a detrimental impact upon the amenities of any neighbouring occupiers and is acceptable and policy compliant in these regards, subject to the conditions recommended.

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

- 7.54 Policy DM1 of the Development Management Document requires that developments provide an internal and external layout that takes account of all potential users. Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents.
- 7.55 The new dwelling would have generously-sized rooms. It is considered that the proposed internal room sizes are sufficient to provide good living conditions for future occupiers. This is also the case for the external amenity space proposed.
- 7.56 The proposed floor area would significantly exceed the requirement of the National Housing Standards. The proposed individual bedrooms would exceed the minimum dimension requirements under the National Housing Standards. The dwelling would also benefit from adequate light, privacy and outlook conditions. The proposal is found to be acceptable and policy compliant in terms of the living conditions of future occupiers.
- 7.57 Policy DM8 of the Development Management Document requires adaptable and accessible dwellings. It states that all new dwellings should meet the Lifetime Homes Standards, which from the 1st of October 2015 have been substituted by Building Regulation M4(2).
- 7.58 No details have been supplied to demonstrate that the dwelling would be accessible and adaptable for all, contrary to the National Planning Policy Framework, Development Management Document (2015) Policy DM8 and the National Technical Housing Standards 2015. However this issue could be addressed through the use of planning conditions in this instance.
- 7.59 Refuse storage has not been indicated on the submitted plans. Secure cycle storage has not been shown on the submitted plans. The garden and curtilage are generously sized. It is considered that ample scope exists within the confines of the site for occupiers to deal with these matters successfully and conditions in these regards are unnecessary.

- 7.60 The proposal is found to be acceptable and compliant with the objectives of the above-noted policies in regard to occupier amenities.

### **Traffic and Transportation Issues**

- 7.61 Policy DM15 of the Development Management Document (2015) states that new development will only be permitted if it makes provision for off-street parking in accordance with the adopted vehicle parking standards. For a dwelling of 2+ bedrooms, a minimum of 2 off-street parking spaces should be available.
- 7.62 The proposed development would continue to provide in excess of the parking standard and is therefore considered acceptable in these regards and policy compliant.

### **Sustainable Construction**

- 7.63 Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources. A minimum of 10% of the energy demands of the dwelling house, where feasible, should be provided by renewables in order to meet Policy KP2.
- 7.64 The submitted plans do not show details of on-site renewable sources. However these can reasonably be secured through a condition.
- 7.65 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). Specifications to ensure this requirement is achieved can be dealt with by condition.
- 7.66 It is considered, subject to conditions, that the proposal would be acceptable and compliant with the objectives of the above-noted policies in regard to sustainability.

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

- 7.67 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 369sqm, which may equate to a CIL charge of approximately £28441 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), 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 character and appearance of the application site, street scene and the locality more widely and the amenities of neighbouring occupiers. An acceptable standard of living conditions would result for future occupiers.

There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. This application is therefore recommended for approval subject to conditions.

## **9 Recommendation**

**GRANT PLANNING PERMISSION subject to the following conditions:**

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

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: 17.102-01, 17.102-02, 17.102-03, 17.102-04, 17.102-05, 17.102-06, 17.102-07, 17.102-08 D, 17.102-09 D, 17.102-10 D, 17.102-11 D, 17.102-12 D, 17.102-13 D, 17.102-14 D, 17.102-15 D, 17.102-16 D, 17.102-17 D.**

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

- 03 The roof of the building/extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by 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, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

- 04 The development shall only be carried out using external materials, samples and the specifications of which shall have previously been submitted to and approved in writing by the local planning authority. The development shall be carried out only in accordance with the approved details before it is occupied.**

**Reason: In the interests of visual amenity and to ensure that the appearance of the buildings makes a positive contribution to the character and appearance of the area, further to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

- 05** Hard and soft landscape works and boundary treatments shall only be carried out at the site in accordance with details to have been previously submitted to and approved in writing by the local planning authority. The approved boundary treatments and hard landscaping shall be installed prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development.

**Reason:** In the interests of visual amenity and neighbour amenities and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area, further to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

- 06** Notwithstanding the details shown on the approved plans, the proposed first floor flank windows, and second floor rooflights, on the north and south elevations shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level and shall be retained as such in perpetuity thereafter.

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

- 07** Prior to the first occupation of the dwelling hereby approved the car parking and turning area identified on the plans hereby approved shall be provided and made available for use by the occupants of the proposed dwelling and their visitors and shall be retained as such in perpetuity thereafter.

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

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

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

- 09 Notwithstanding the provisions of Classes A, B and E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory amendment, modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions shall be erected at the building hereby approved without the receipt of express planning permission.**

**Reason: To safeguard the amenities of neighbours and the character and appearance of the surrounding area in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

- 10 The development hereby approved shall be carried out in a manner to ensure the dwelling complies fully with Building Regulation M4(2) 'accessible and adaptable dwellings' before it is occupied.**

**Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework, Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

- 11 A scheme detailing how at least 10% of the total energy needs of the dwelling will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the dwelling.**

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

- 12 The development hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (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.**

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

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

## 10 Informatives

01. 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.
02. Notwithstanding the approved plans, no permission is hereby granted for the use of white cedar vertical Hardie plank cladding or white composite cladding on the proposed development.
03. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal ([www.planningportal.co.uk/info/200136/policy-and-legislation/70/community-infrastructure-levy](http://www.planningportal.co.uk/info/200136/policy-and-legislation/70/community-infrastructure-levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).