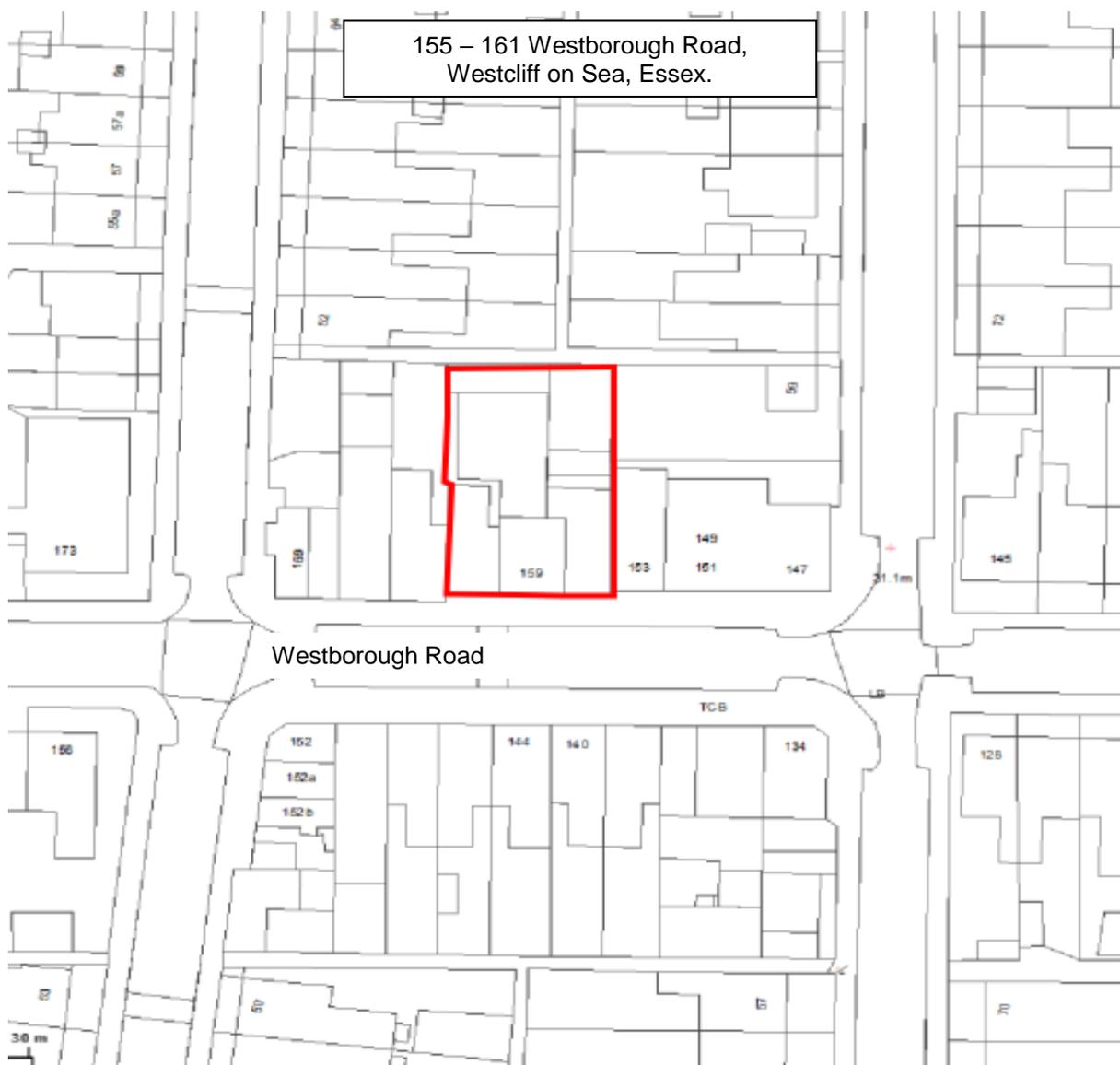


|                            |   |  |
|----------------------------|---|--|
| <b>Reference:</b>          | 19/00187/UNAU_B   |  |
| <b>Ward:</b>               | Westborough   |  |
| <b>Breaches of Control</b> | Without planning permission, the construction of a two storey rear extension. |  |
| <b>Address:</b>            | 155 – 161 Westborough Road, Westcliff on Sea, Essex.                          |  |
| <b>Case Opened:</b>        | 27 <sup>th</sup> June 2019  |  |
| <b>Case Officer:</b>       | Steve Jones   |  |
| <b>Recommendation:</b>     | <b>AUTHORISE ENFORCEMENT ACTION</b>   |  |



## **1 Site and Surroundings**

- 1.1 This is a two storey end of terrace property located on the northern side of Westborough Road midway between Ramuz Drive and Brightwell Avenue. Originally two separate shops to the ground floor with flats above, the building was amalgamated into one unit relatively recently and during the current construction phase.
- 1.2 The character of the area is residential typified by two storey houses interspersed with commercial uses at ground floor level with flats above, including properties to the west of this site. To the east is a two storey building which has been converted from commercial use to residential use. Opposite the site are a mix of commercial use at ground floor with residential above and properties which previously operated as commercial units at ground floor level which have now been converted to residential use. To the west the attached building No 163 is in residential use comprising a two storey dwellinghouse. The rear of the subject building is visible from within the Ramuz Drive streetscene to the west
- 1.3 Planning permission was granted in 2014 (14/00379/FUL) for this conversion of the ground floor shops to form two self-contained flats, a two storey side and rear extension and to alter the first floor with balconies to an existing flat and to form an additional self-contained flat.' That permission created 4 flats in total. The approved two storey flat roofed rear extension was some 4.5 m deep and partially replaced built form comprising of an industrial style shed and a modest 1 ½ storey scale rear projection. A copy of the Officers report for the above approval is at Appendix A.

## **2 Lawful Planning Use**

- 2.1 The lawful planning use is for residential purposes comprising 4 self-contained flats within Class C3 of the Town and Country Planning Use Classes Order 1987 (as amended)

## **3 Relevant Planning History**

- 3.1 18/00812/FUL - Erect two storey side extension to development approved under planning permission 14/00379/FUL dated 06.08.2014 to form one self-contained flat with Juliette balcony at first floor, layout amenity space, parking and install refuse and cycle stores to rear. – Refused 14/09/2018
- 3.2 15/01523/FUL - Change of use of ground floor from shop (Class A1) to self-contained flats (Class C3), erect two storey side and rear extension, ground floor front extension to form 5 self-contained flats, layout parking, cycle and refuse store. Refused 14/12/2015
- 3.3 14/00379/FUL - Demolish existing workshop at rear of 155-161 Westborough Road, convert ground floor shops to form two self- contained flats, two storey side and rear extension and alter first floor with balconies to existing flat and form additional self-contained flat, install solar panels to roof, layout amenity space, bin and cycle storage and three parking spaces. – Granted 6/8/2014

- 3.4 11/00269/FUL - Demolish existing buildings 155-161 Westborough Road, erect one pair of semi-detached dwelling houses, lay out no.2 parking spaces at rear and enlarge existing vehicular access onto Westborough Road — Granted 14/07/2011.
- 3.5 07/01420/FUL - Demolish buildings, erect 2 storey building with roof accommodation, comprising commercial unit and five self-contained flats with access beneath; lay out parking spaces at rear with access onto Westborough Road — Refused. Dismissed on appeal (Dec 2008)
- 3.6 04/01351/FUL - Demolish buildings and erect a three storey block of 6 flats layout parking spaces and form vehicular access onto Westborough Road — Refused. Dismissed on appeal (May 2006)

#### **4. The alleged breach and the harm caused**

- 4.1 Extension of the building rearward by a further 4.2m beyond the 4.5m approved depth to give a total extension of 8.7m deep two storey in height with a flat roof is a material change from the 2014 approved plans and represents development requiring planning permission.
- 4.2 The unauthorised flat roofed two storey extension creates a built form which by reason of its scale, design and position lacks subservience to the main building. It appears as a dominant, bulky feature which although only partially visible from Westborough Road through the gap between this building and development to the east is also visible from the side street scene within Ramuz Drive to the west where its excessive scale, rudimentary design and dominance appears incongruous in the rear setting of these buildings fronting Westborough Road and materially at odds with the generally pitched roof form of surrounding mainly residential buildings. The unauthorised development causes material harm to the character and appearance of the building and the wider surrounding area on this basis.
- 4.3 The unauthorised extension is hard against the west site boundary shared with No' 163 Westborough Road which comprises a two storey dwellinghouse which the building subject of this report sits in a well formation. In the base of that recess the adjoining property contain ground and first floor rooms including a clear glazed primary first floor bedroom window and a clear glazed side facing kitchen window at ground floor. There is also a blocked up ground floor former habitable window and a side facing obscure glazed bathroom window to the first floor. The unauthorised extension by reason of its size, scale and position creates an excessively dominant feature causing a material worsening of those flats' daylight and outlook particularly to the first floor bedroom window in the base of the recess and creating an undue oppressive sense of enclosure for that house' rear garden setting.
- 4.4 The approved development included a rear car parking area to accommodate 3 vehicles with the remainder of the rear of the property to be formed as an amenity area for the 4 approved flats some 85sq m in size. The amenity area would be immediately to the rear of the authorised rear two storey extension. AS a consequence of the extension being built deeper it now covers the area proposed originally as amenity space and the rear of the site is now completely hard surfaced such that there is no external amenity space for occupiers of the flats.

This is materially harmful to the living conditions of future residents both through the absence of any external amenity space and also because the hard surface appears to enable vehicles to park and/or manoeuvre close to the main rear windows and French doors of the newly formed ground floor flats with resultant adverse impacts on their outlook and peaceful enjoyment.

- 4.5 Following unauthorised enlargement of the building rearwards the interior of the flats has been altered from the details shown in the approved plans. The flats' bed space capacity appears not to have altered but the internal arrangement has been reconfigured to increase the general circulation and lounge/ kitchen floorspaces.

## **5 Background and efforts to resolve breach to date**

- 5.1 In June 2019 a complaint was received about alleged anti-social behaviour by builders at this site including removal of a boundary fence and the condition of the site having a negative impact on the visual amenity of the area.
- 5.2 In July 2019 Planning Enforcement Staff attended the site and spoke with the builders. It was noted that the rear garden area was full of builders rubble and waste and that the plans the builders were working to were dated 2018 whereas the planning approval was in 2014. It was also noted that the rear two storey extensions appeared to be materially deeper than that approved..
- 5.3 Enforcement staff engaged in conversation with the architect for the site due to the disparity between the approved drawings and the drawing being used on site. This necessitated a second site visit on 17<sup>th</sup> July 2019. It was established during this visit that the entire length of the building including a 600mm inset from the front boundary line, was 17.2m whereas the approved plans show a measurement of 13.0m. This indicates an unauthorised two storey flat roofed rear extension of some 4.2m depth.
- 5.4 On 17<sup>th</sup> July 2019 a formal letter was sent to the site owners as indicated from Land Registry records advising that the current building does not accord with the 2014 planning permission and is therefore unauthorised. In order to seek to regularise the breach of planning control the owner was advised that a retrospective planning application should be submitted.
- 5.5 In October 2019 the site owner contacted Enforcement Staff to advise that his architect would be on site the following week to do a full site survey with a view to submitting a planning application.
- 5.6 On 8<sup>th</sup> October 2019 the architect provided a scaled drawing which indicated the difference between the approved drawings and what has been built on site. Scaling off this drawing shows an unauthorised rear extension to measure some 3.9m in length. See Appendix 'B'
- 5.7 Despite a number of contacts with the architect since an application has still not been submitted nor any other efforts to regularise the unauthorised development. It is reported that the site is currently for sale.
- 5.8 Enquiries on 31<sup>st</sup> January 2020 with Companies House reveal that as of 7<sup>th</sup> January 2020 the company owners of the site were subject of an appointed receiver.

## 6 Appraisal and Policy Considerations

**National Planning Policy Framework (NPPF) (2019) ; Core Strategy (2007) Policies KP1, KP2, CP4 & CP8; Development Management Document (2015) Policies DM1, DM3, DM7 & DM15 and advice in the Southend Design and Townscape Guide (2009)**

- 6.1 The unauthorised developments and significance of the issues arising have been assessed against the following policy background :

The National Planning Policy Framework (NPPF) (2019)

- 6.2 Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development principles) CP3 (Transport and Accessibility) CP4 (Environment & Urban Renaissance) CP8 (Dwelling Provision)

- 6.3 Development Management Document (2015): Policies DM1 (Design Quality) DM3 (The Efficient and Effective Use of Land) DM8 (Residential Standards) and DM15 (Sustainable Transport Management)

Design & Townscape Guide (2009)

- 6.4 Paragraphs 124 and 127 of the National Planning Policy Framework seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- 6.5 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.

- 6.6 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”.

- 6.7 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”.

- 6.8 Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents. Further to this, from the 1st October 2015 the national Technical Housing Standards have been adopted and state that 39sqm internal floorspace per 1 bedroom (1 person) dwelling is required (reduced to 37sqm where there is a shower instead of a bath) to ensure the development is in line with planning requirements.

- 6.9 Policy DM8 of the Development Management Document states that all new dwellings must make provision for usable private outdoor amenity space for the enjoyment of intended occupiers. The Council's Design and Townscape Guide states that "Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development".
- 6.10 In summary the unauthorised development is poorly designed and due to its dominance and bulk harms the character and appearance of its surroundings. The resultant development fails to provide any external amenity space for any of the 4 flats within the building and the hardsurface brings parked and/or manoeuvring vehicles unduly close to the rear of the flats with no buffer between all of which is harmful to the living conditions of future occupiers. The unauthorised development also harms the amenity of occupiers of neighbouring development due to the size, scale and position of the unauthorised two storey extension.
- 6.11 Efforts to remedy the breaches of planning controls through attempts to contact the freeholder have not resulted in the submission of an amended scheme or the removal of any of the unauthorised development.
- 6.12 Given the nature and impact of the breach and the owner's failure to remove or otherwise regularise the unauthorised development it is considered to be necessary and proportionate for enforcement notices to be served.

## **7 Recommendation**

- 7.1 Members are recommended to AUTHORISE ENFORCEMENT ACTION to;
- a) secure the removal of the 4.2m deep unauthorised two storey rear extension to comply with the plans approved under application ref 14/00379/FUL.
  - b) remove from site all materials resulting from compliance with a) above
- 7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.
- 7.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the removal of the unauthorised extension and enlarged hard surface area.
- 7.4 Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the local planning authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, and proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

Appendix A – Officers report 14/00379/FUL – Approved

|                             |  |
|-----------------------------|--|
| <b>Reference:</b>           | <b>14/00379/FUL</b>  |
| <b>Ward:</b>                | <b>Westborough</b>   |
| <b>Proposal:</b>            | <b>Demolish existing workshop at rear of 155-161 Westborough Road, convert ground floor shops to form two self- contained flats, two storey side and rear extension and alter first floor with balconies to existing flat and form additional self-contained flat, install solar panels to roof, layout amenity space, bin and cycle storage and three parking spaces.</b> |
| <b>Address:</b>             | <b>159 Westborough Road, Westcliff-on-Sea, Essex SS0 9JF</b>   |
| <b>Applicant:</b>           | <b>Mr M Bettis</b>   |
| <b>Agent:</b>               | <b>Mr J Franklin</b>   |
| <b>Consultation Expiry:</b> | <b>11th June 2014</b>  |
| <b>Expiry Date:</b>         | <b>12th June 2014</b>  |
| <b>Case Officer:</b>        | <b>Patricia Coyle</b>  |
| <b>Plan Nos:</b>            | <b>Drawings 1A ; 2; 3B; 4; 5; 6; 7; 8; 9</b>   |
| <b>Recommendation:</b>      | <b>GRANT PLANNING PERMISSION</b>   |

## **1 The Proposal**

- 1.1 This application proposes the demolition of the existing workshop, conversion of the existing ground floor shops into two flats, a two-storey side and rear extension and alterations to the existing flat to form an additional flat together with solar panels, amenity space, bin and cycle storage and three parking spaces.
- 1.2 This application proposes the loss of 135 sq.m of existing retail floorspace and the loss of 200 sq.m of light industrial use (within B1c Use Class).
- 1.3 The flats are proposed to each have 2 bedrooms. The proposed extension would be on two floors being 4.75m deep and 12.2m wide (extending out from the existing flank elevation by 1m) with a flat roof pitched roof with a ridge height of 7m above ground level (to match the existing). The first floor would be set in from the boundary with the attached property by 0.9m. It is proposed to provide Juliette balconies at first floor level to the lounge/kitchen of Flat 155D and bedroom 1 of flat 155C.
- 1.4 It is proposed to provide three parking spaces for the three new flats. None is currently provided for the existing flat and none is proposed for the 4th unit.
- 1.5 Solar panels are proposed to be located on the flat roof in three rows to provide 10% renewable energy for the flats.
- 1.6 Details of proposed cycle and refuse stores have been submitted indicating a cycle shed to the rear and refuse storage to the eastern side of the proposed amenity space. The amenity space would be approximately 90sq.m and would be accessible to all flats.
- 1.7 Planning application ref: 11/00269/FUL to demolish existing buildings 155-161 Westborough Road, erect one pair of semi-detached dwellinghouses, lay out no.2 parking spaces at rear and enlarge existing vehicular access onto Westborough Road was granted in 2011 (but recently lapsed and can no longer be implemented).

## **2 Site and Surroundings**

- 2.1 The application site is a two-storey end of terrace property located on the northern side of Westborough Road. The premises are vacant with the last use being a cleaning business. The site has an area of 0.042 hectares.
- 2.2 The site is rectangular in shape with boundaries with Westborough Road and a right of way to the rear, beyond which are dwellings to Ramuz Drive and Brightwell Avenue.
- 2.3 The character of the area is residential typified by two-storey houses interspersed with commercial uses at ground floor level with flats above, including properties to the west of the application site. To the east is a two-storey building which has been converted from commercial use to residential use. Opposite the site are a mix of commercial uses at ground floor with residential above, and properties with previously commercial ground floors which have now been converted to residential use.

- 2.4 While there is a vehicular access is currently taken from Westborough Road there are no parking spaces on site. This is similar to most residential properties in the immediate area where on-street parking is generally available.
- 2.5 The site is allocated within a Secondary Shopping Frontage as identified on the Borough Local Plan Proposal Map.

### **3 Planning Considerations**

- 3.1 The main issues to be considered are, the principle of residential redevelopment of the site, the design and impact of the development on the wider area, impact on the surrounding highways network, parking and servicing, impact on neighbouring development, flood risk, decontamination, impact on the natural environment and renewable energy.

### **4 Appraisal**

#### **Principle of development and loss of the commercial unit**

#### **Planning Policy: NPPF: Achieving Sustainable Development, Core Planning Principles, Section 1, DPD1 (Core Strategy) policies KP1, KP2 CP4, CP8 and BLP policies H5, H6, H7, H12, S5 & S9**

- 4.1 Policy KP2 of the Core Strategy states that development should “make the best use of previously developed land” and “respect, conserve and enhance the natural and historic environment”.
- 4.2 This approach is reiterated in Policy CP4 which states: “Development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.”
- 4.3 Policy CP8 of the Core Strategy identifies the number of dwellings the Council is required to deliver up to the year 2021. There is a particular need for family housing within the Borough which is reinforced by the Council’s emerging Development Management Document which identifies a shortage for this form of residential development. In line with Policy CP8, the proposal would provide additional dwellings. As two of the dwellings would have two bedrooms this would be suitable for families and would help to meet the identified shortage in family dwellings in the Borough.
- 4.4 Policy S9 identifies that the Council will seek to protect Secondary Shopping Frontages where these can be shown to contribute to the retail attraction of the town or provide valuable local services. Policy S5 indicates that within Secondary Shopping Frontages, subject to the provisions of S9, that uses other than A1, A2 and A3 will be considered on their own individual merits.
- 4.5 In 2011 permission was given for the demolition of the building and its replacement by residential development. It is considered that as the proposal would also provide dwellings that this type of residential redevelopment has previously been considered to be acceptable in principle at the application site.

- 4.6 There is therefore no objection in principle to the loss of retail or business uses and the residential redevelopment of the application site.

### **Visual impact and impact on character of the area**

#### **Planning Policies: NPPF Sections 7 and 12, DPD1 Core Strategy Policy CP4, BLP Policies C2, C11, H5, H7 SPD1 Design and Townscape Guide.**

- 4.7 Policy CP4 of the Core Strategy states

*“Development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend” and “promoting sustainable development of the highest quality and encouraging innovation and excellence in design to create places of distinction and a sense of place”*

- 4.8 Policy C11 indicates that new buildings or extensions and alterations should be designed to create a satisfactory relationship with their surroundings in respect of form, scale, massing, height, elevations design and materials. This is detailed out in the SPD1.
- 4.9 The proposed 2-storey rear extension would have a depth of 4.75m and extend out from the existing side wall by 1m. It is considered that the rear extension would be acceptable in design terms as it would reflect the design of the existing building. It would not extend deeper than the adjoining outrigger and would be set in from the shared boundary with the attached building to the west such that it would have a similar appearance to this existing building. It is proposed that the extension would be in matching materials with the same parapet feature as the existing.
- 4.10 The proposed 2-storey side element is set well back from the public highway and would be limited in width. It is considered that it would appear subservient to the main building and would not have any material impact on visual amenity in the streetscene.
- 4.11 The new driveway leading to the parking area to the rear would be hardsurfaced and the area at the front would contain some landscaping.
- 4.12 It is proposed to provide a shared amenity space of 90sq.m. The amount of amenity space is considered acceptable in design/layout terms however details of the landscaping will need to be submitted. A suitable condition can be attached to any grant of planning permission.
- 4.13 Subject to conditions in relation to details of materials and finishes to be used on all elevations, including boundary and surfacing materials, the proposal is considered to form a satisfactory relationship with its immediate neighbours and is considered to be acceptable.

## **Traffic and Transport Issues**

**Planning Policies: NPPF: Section 4, DPD1 (Core Strategy) policies: KP1, KP2, KP3; CP3: BLP Policies: T8, T10, T11, T12, T13, SPD2**

### *Traffic generation*

- 4.14 The site is situated in a relatively sustainable location, close to local amenities and it is well located to encourage alternative modes of travel, benefitting from good local bus services and excellent pedestrian and cycle links for both commuting and leisure journeys.
- 4.15 The proposals would remove the existing commercial uses and the loading/unloading yard and provide an amenity area and 3 parking spaces. It is considered that the amount of traffic generated by the proposed development would be less than the existing uses and although the movement of three cars would be likely to be at different times of the day/week, it is not considered that there would be a materially greater impact and it is considered that there would not be an adverse impact on the free flow of traffic within the surrounding highway.

### *Parking*

- 4.16 There is no parking on site at present. 3 parking spaces would be provided to serve the development. Given the location close to facilities and public transport, the EPOA standards indicate this would give rise to a requirement for a maximum of 4 parking spaces. Given the existing situation it is considered that the provision of 3 spaces would be acceptable.
- 4.17 Access to, and the layout of, the car parking is considered to be acceptable.

### *Cycle parking*

- 4.18 It is proposed to provide cycle parking for 4 cycles. This would meet the EPOA Cycle parking standard and is considered to be acceptable.

### *Servicing*

- 4.19 Adequate refuse storage is shown to be provided and collection arrangements would be acceptable.

## **Impact on residential amenity**

**Planning Policies: NPPF: Core Planning Principles, Section 11, DPD1 (Core Strategy) policies, KP2, CP4; Borough Local Plan Policy H5**

- 4.20 There are currently no internal floorspace standards for new flats. The proposed flats range in size with the internal floor space for the ground floor 2-bed units being 55 sq.m and 51.25 sq.m and the first floor, 2-bed units being 55.5 sq.m and 63 sq.m. The emerging Development Management DPD Policy DM8 provides indicative minimum floor space standards for flats for 2 bed flats the minimum would be 57 sq.m. While only one of the four units would meet this minimum, two would be just below this indicative level, and it is nonetheless considered that the proposed flats would be of a layout and of sizes which would be acceptable for day-to-day living.

- 4.21 Each flat would have front and rear windows with those flats to the east having windows to the flank wall. Given the separation distance to the eastern boundary and as there are no windows facing the application site, it is considered that this would provide reasonable outlook without resulting in any material harm by way of loss of privacy to existing occupiers. The first floor western elevation would have a single, obscure-glazed window to the flank elevation; given that it would be to a non-habitable room and obscured, it is not considered that this would result in any loss of privacy to existing occupiers.
- 4.22 The proposed amenity space of 90 sq.m, which would be directly accessible to all four flats, is considered to provide adequate space. If another parking space is required, this area would be reduced by at least 12 sq.m. It should be noted that whilst balconies are shown on the plans they are Juliette and do not provide any usable amenity space. Officers nonetheless consider that with suitable landscaping the amenity space would remain adequate for the proposed flat dwellers.
- 4.23 Policies H5 of the BLP and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers.
- 4.24 The attached property to the west in Westborough Road has a window in its rear elevation and also in the side elevation of the outrigger section. Those in the outrigger are obscure glazed and the proposed balconies are Juliette and also do not result in undue overlooking of adjoining properties. Given that the proposed extension is approximately 2m away and that the windows are to the north of the existing buildings which front onto Westborough Road, it is not considered that there would be any loss of outlook, or any harmful loss of light to these windows.
- 4.25 There is a small clear glazed window to the rear north-facing elevation of the adjoining property from which the proposed two-storey extension would be clearly visible. Given that the proposed extension would be over 4.5m deep it would be visible in views out of this window. Given that the proposed extension would be located about 1m from this north-facing window and that the existing outrigger has a similar impact, it is not considered that the proposal would result in material harm to this occupiers existing amenity.
- 4.26 The proposed two-storey extension would be located some 14m from the rear boundary with the right of way and 15m from the boundary with adjoining residential properties to the rear of the site. At this distance it is not considered that there would be any material harm to these adjoining occupiers which are located at 90 degrees to the application site.

### **Contamination**

#### **DPD1 (Core Strategy) policies: DPD1 (Core Strategy) policies KP2, CP4; BLP policy U2 Pollution Control.**

- 4.27 As a former print works there may be concern about possible contamination of the site. A suitable condition can be attached to require mitigation of any contamination in relation to the finding of contamination during construction works.

## **Sustainable Construction**

### **Planning Policy: NPPF Achieving sustainable development, Section 10 DPD1 (Core Strategy) policies: Key Policies: KP2, KP3, CP4, CP8;BLP Policy C11**

4.28 Policy KP2 sets out development principles for the Borough and states that:

“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 SPD 1 Design and Townscape Guide, wherever feasible. How the development will provide for the collection of re-usable and recyclable waste will also be a consideration.....”

.....development proposals should demonstrate how they incorporate ‘sustainable urban drainage systems’ (SUDS) to mitigate the increase in surface water runoff...”

4.29 The applicant has submitted a roof plan showing PV cells would be provided. Officers are satisfied that the required levels can be achieved and a condition to this effect has been recommended.

4.30 The proposal will result in the significant reduction of hardstanding/built form across the site and introduce a soft landscaped amenity space. It is considered that it would therefore result in an overall reduction in the rate and volume of runoff discharged from the site in comparison to the current development. Therefore the development is considered to comply with policy KP2.

## **5.0 Conclusion**

5.1 The principle of loss redevelopment of existing retail/employment uses to provide three additional flats is considered to be acceptable. The design of the development and its impact on the streetscene is acceptable. Traffic generated by the development would not have an adverse impact on the surrounding highway network and parking provision on the site is considered adequate taking into account the existing use. The amenities of neighbouring properties will not be adversely affected by the development and indeed the impact should be less than that associated with the former uses. Therefore the development is considered to comply with Development Plan Policy and is acceptable.

## **6. Planning Policy Summary**

6.1 National Planning Policy Framework: Achieving sustainable development, Policies: 1.Building a strong, competitive economy; 4.Promoting sustainable transport; 7.Requiring good design; 8. Promoting healthy communities

6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling provision)

6.3 BLP Policies; Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations, C14 (Trees, Planted Areas and Landscaping), H5 (Residential Design and Layout Considerations), H7 (formation of self-contained flats), T1(Priorities), T8 (Traffic Management and Highway Safety), T11 (Parking Standards), T12 (Servicing Facilities); T13 (Cycling and Walking), U2 (Pollution Control).

6.4 SPD1 Design and Townscape Guide

6.5 EPOA Vehicle Parking Standards

## **7.0 Representation Summary**

### **Design and Regeneration**

7.1 No objections to the principle or the design of the front elevation as is considered to have a positive relationship to the existing building. It would be preferred if the flat roof side extension were omitted although it is noted that it is quite far back into the site. If retained the roof detailing should match that of the existing. Refuse and cycle are acceptable

Please condition: Hard and soft landscaping; Boundaries; Materials to match existing or to be agreed; 10% renewables

### **Environmental Health**

7.2 No comments received

### **Parks**

7.3 No comments received

### **Highways and Transport**

7.4 The proposal create an additional 3 flats with allocated parking is not considered to have an adverse impact upon the highway network. The site does benefit from being in a sustainable location with regard to public transport. The change of use would result in a reduction in vehicle movements associated with the current use. The existing flat does not have any parking currently so there is no change in that arrangement the proposal also has allocated cycle parking to encourage alternative modes of transport. Therefore no highway objections are raised.

### **Public Consultation**

7.5 16 Neighbours were consulted, a site notice displayed and press notice published. 4 letters (including Westborough Community Association) were received raising the following objections

- Overdevelopment in an overly dense ward
- The 10% flats to dwellings rule would be broken
- Increase in rubbish resulting in landfill sites reaching capacity
- Insufficient cycle and refuse storage
- Increase in traffic accidents

- Loss of light/natural light due to the proposed rear extension
- Loss of privacy
- Insufficient amenity space
- Insufficient parking resulting in flat dwellers parking in side roads
- Westborough Road is a one-way street and construction traffic and works will affect neighbours
- Unacceptable increase in density resulting in detrimental impact on the residential area
- The proposal would set a precedent to increase dwellings reducing existing environmental quality in an area which is already at saturation point
- Previous applications for 6 and 5 units have been refused and this 4 unit scheme remains unacceptable
- Sewage pipes would have increased blockages
- Unacceptable noise from car traffic and future occupiers
- Businesses are needed, not flats
- Someone will make money from the development
- An alternative scheme might be better
- The flats might not be affordable

7.5 The application has been called in to Committee by Councillor Velmurugan.

## **8 Relevant Planning History**

11/00269/FUL - Demolish existing buildings 155-161 Westborough Road, erect one pair of semi-detached dwellinghouses, lay out no.2 parking spaces at rear and enlarge existing vehicular access onto Westborough Road – granted 14.07.2011.

07/01420/FUL - Demolish buildings, erect 2 storey building with roof accommodation, comprising commercial unit and five self contained flats with access beneath; lay out parking spaces at rear with access onto Westborough Road – Refused. Dismissed on appeal (Dec 2008)

04/01351/FUL - Demolish buildings and erect a three storey block of 6 flats layout parking spaces and form vehicular access onto Westborough Road – Refused. Dismissed on appeal (May 2006)

## **9 Recommendation:**

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

**01 The development hereby permitted shall begin not later than 3 (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: Drawings 1A ; 2; 3B; 4; 5; 6; 7; 8; 9**

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

**03 No development shall take place until samples of the materials to be used on all the external elevations, and on all external surfaces have been submitted to and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C111, and SPD1 (Design and Townscape Guide).**

**04 The development shall not be occupied until hard and soft landscaping has been carried out in accordance with details to be submitted and approved in advance by the Local Planning Authority. If any trees are removed or found to be dying, severely damaged or diseased within 3 years; of planting them, they must be replaced with trees of a similar size and species.**

**Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the Local environment and biodiversity in accordance with DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C11 and C14, and SPD1 (Design and Townscape Guide).**

**05 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved unless otherwise agreed in writing by the local planning authority. These details shall include, for example:-**

- i. proposed finished levels or contours;**
- ii. means of enclosure;**
- iii. car parking layouts;**
- iv. other vehicle and pedestrian access and circulation areas;**
- v. hard surfacing materials;**
- vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);**
- vii. proposed and existing functional services above and below ground (e.g. drainage power,**
- viii. communications cables, pipelines etc. indicating lines, manholes, supports.);**
- ix. retained historic landscape features and proposals for restoration, where relevant.**

**Soft landscape works shall include trees, shrubs, hedging and grassed areas.**

**Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the Local environment and biodiversity in accordance with DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C11 and C14, and SPD1 (Design and Townscape Guide).**

**06 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.**

**No development shall take place until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.**

**Details of any floodlighting shall be submitted to and approved in writing by the local planning authority before ^IN;. Development shall be carried out in accordance with the approved details.**

**No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before ^IN;. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.**

**Reason: In the interests of visual amenity in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) policy KP2 and CP4, Borough Local Plan 1994 policy C14, and SPD1 (Design and Townscape Guide).**

**07 3 car parking spaces shall be provided prior to first occupation of the development and shall thereafter be permanently retained for the parking of vehicles of occupiers or their visitors unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To ensure that satisfactory off-street car is provided for people using the development in the interests of amenity and highways efficiency and safety, in accordance with DPD1 (Core Strategy) 2007 policy KP2, Borough Local Plan 1994 policy T8 and T11, and SPD1 (Design and Townscape Guide).**

**08 No part of the development shall be occupied until 4 bicycle parking spaces have been provided in accordance with plan No 8 and the spaces shall be permanently maintained thereafter unless otherwise agreed in writing by the local planning authority.**

**Reason: To ensure that satisfactory off-street bicycle parking is provided in the interests of sustainability, amenity and highways efficiency and safety, in accordance with DPD1 (Core Strategy) 2007 policy KP2, Borough Local Plan 1994 policy T8 and T11, and SPD1 (Design and Townscape Guide).**

**09 No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the**

site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

**Reason:** To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with the National Planning Policy Framework (NPPF) and DPD1 (Core Strategy) 2007 policy KP2.

**10** Prior to first occupation of the development sustainable drainage shall be installed within the development in accordance with details which shall have previously been submitted to and approved by the Local Planning Authority.

**Reason:** In order to ensure a satisfactory standard of sustainable drainage in accordance with DPD1 (Core Strategy) 2007 policy KP2.

**11** Demolition or construction works shall not take place outside 8am – 6pm Mondays to Fridays and 8am – 1pm on Saturdays and at no time on Sundays or Bank Holidays

**Reason:** To protect residential amenity and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5 and U2.

**12** During construction and demolition there shall be no burning of waste material on the site.

**Reason:** To protect residential amenity and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Borough Local Plan 1994 policy H5 and U2.

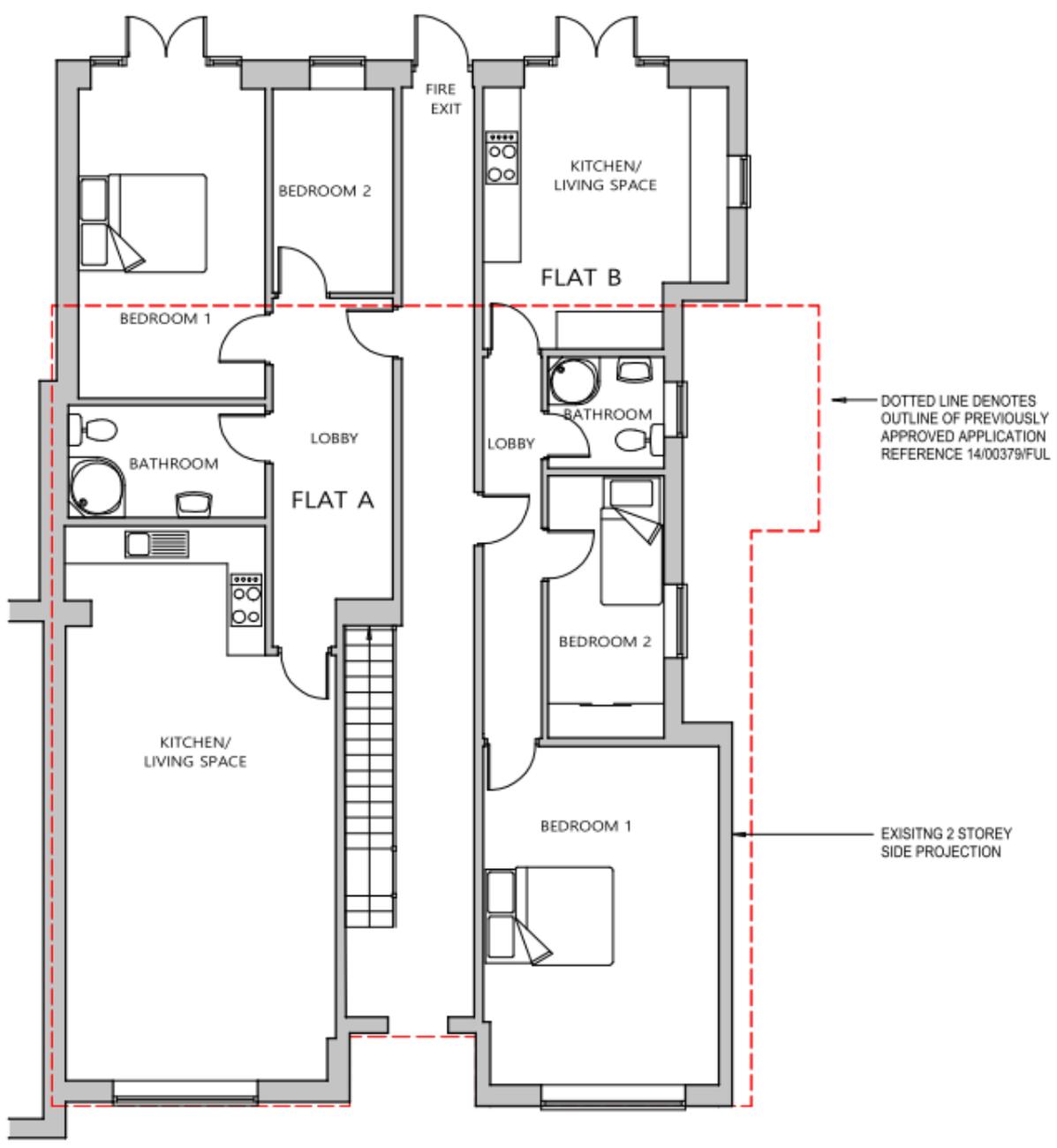
**13** Before the development hereby permitted is begun a scheme for generating 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources (as defined in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007) or any subsequent version) shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

**Reason: To ensure that the environmental sustainability features detailed in the application are provided in the development to minimise its environmental impact through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) policy KP2 and CP4, and SPD1 (Design and Townscape Guide).**

### **Informatives**

**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.**

Appendix 'B' – Approved plan and 'as built' plan overlaid



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G  
OUND FLOOR PLAN