

<b>Reference:</b>	20/00423/FUL	
<b>Ward:</b>	Prittlewell	
<b>Proposal:</b>	Raise ridge height, erect part one, part two and part three storey rear extension with dormers to rear and roof lights to front, convert dwellinghouses into 6 self-contained flats, install layout parking, cycle storage, bin stores and amenity space (Amended Proposal).	
<b>Address:</b>	22 - 24 St Benet's Road, Southend-On-Sea, Essex, SS2 6LF	
<b>Applicant:</b>	Mr Paul Miller	
<b>Agent:</b>	BDA Architecture	
<b>Consultation Expiry:</b>	01.04.2020	
<b>Expiry Date:</b>	03.07.2020	
<b>Case Officer:</b>	Scott Davison	
<b>Plan Nos:</b>	18.150/01 Rev B; 18.150/02 Rev B; 18.150/03 Rev B; 18.150/04 Rev D; 18.150/05 Rev D; 18.150 06 Rev D; 18.150 07 Rev C; 18.150/08 Rev C; 18.150/09 Rev C; 18.150/10 Rev D; 18.150/11 Rev C.	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



## **1 Site and Surroundings**

- 1.1 The subject building is a pair of two-storey semi-detached dwellings within a residential area. The application form states the existing use is as three vacant C3 units. Whilst it was not subject of an express planning permission, or otherwise formally legally tested, it has become apparent that No.24 has been converted into two self-contained flats and this appears from Valuation Office Records to be a long-standing arrangement of over four years' duration.
- 1.2 The existing building is finished externally in white painted render and roof tiles with two-storey bays and gable features above to the front elevation. There is a historic two storey flat roof rear extension projection to the rear of No.22 for which no planning records exists. There is an existing garage to the rear of the site and an access to the garage side of No.24 that runs parallel to the shared boundary with No.28. Boundary treatments include low fences to the front and higher fencing to the rear gardens. There are several single storey outbuildings located to the rear of the buildings and the amenity space to the rear of the site is overgrown.
- 1.3 The immediate surroundings in St Benet's Road, St Marys Road and Priory Avenue are characterised predominantly by modestly scaled two storey semi-detached and terraced dwelling houses. Immediately to the south of the site is a pair of bungalows. To the rear (eastern) boundary of the site, is a mix of single and two storey detached and semi-detached dwellings. To the north of the site are two storey semi- detached dwellings. To the southern end of St Benet's Road is a small parade of shops and the site is approximately 150m north west of Prittlewell railway station.
- 1.4 The host building is not listed and is not located within a conservation area although the northern boundary is the Prittlewell Conservation Area is some 80m south of the site on the northern side of East Street. The site is not subject to any specific policy designation.

## **2 The Proposal**

- 2.1 Planning permission is sought to raise the ridge height of the building and to erect part one, part two and part three storey rear extensions with a dormer and balconies to the rear, to install roof lights to the front and to convert the extended building into 6 self-contained flats and to layout parking and cycle storage facilities. An existing garage would be demolished.
- 2.2 The external finishes proposed would include render, brickwork and vertical architectural cladding to the walls, tiles and single ply membrane to flat roofs, upvc and PPC aluminium doors and windows.
- 2.3 One of the existing dwellings has a flat roof two storey rear projection. Part of this 7.5m deep 6.5m high projection would be demolished. The single storey extensions would project to a maximum depth of 6.4m. The first and second floor gabled extensions would project to a maximum depth of some 3.7m. The pitched roof would be increased in height by 0.6m in order to accommodate the extensions. A flat roof dormer is also proposed in the rear slope which would integrate with the gabled roof. It would measure some 7m wide, 2.6m high and would project some 3.2m

2.4 The submitted details indicate that the proposed accommodation would comprise the following:

Flat A 52 sq.m 1b 2p at ground floor  
Flat B 50 sq.m 1b 2p at ground floor  
Flat C 61.4sq.m 2b 3p at ground floor  
Flat D 54sq.m 1b 2p at first floor  
Flat E 77 sq.m 3b 4p at first floor  
Flat F 50 sq.m 1b 2p at second floor

2.5 A single communal amenity space measuring some 19sqm would be provided to the rear of the building. The submitted floor plans show two first floor flats and the second floor flat would have individual rear facing balconies and two of the ground floor flats would have rear facing windows with Juliette balconies.

2.6 Six parking spaces would be provided within the curtilage of the site; five to the rear and one to the front of the building parallel to the highway. The front space would be parallel to the highway. External bicycle and refuse stores would be provided to the rear and flank of the building respectively.

2.7 This application follows the refusal of planning application Ref: 19/00075/FUL described as *Raise ridge height, erect part one, part two and part three storey rear extension with dormers to rear and roof lights to front, convert dwellinghouses into 6 self-contained flats, install layout parking, cycle storage, bin stores and amenity space (Amended Proposal)*. The application was refused for the following reasons:

*01. The proposed extensions would by reason of their size, siting and design be incongruous, poorly integrated, unsympathetic and overly dominant additions to the detriment of the character and appearance of the host property and the surrounding area including the rear garden scene. This would be unacceptable and contrary 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).*

*02. The proposed rear extensions, as a result of their height, design, size, rear extent and proximity to site boundaries, would appear as excessively dominant and visually overbearing features resulting in an unacceptable sense of enclosure to the neighbouring properties to the south of the site at 16 St Benet's Road to the detriment of their amenity. This would be unacceptable and contrary 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).*

2.8 An appeal against the decision to refuse the previous application was dismissed. The appeal decision is attached as Appendix 1. The main differences between the previously refused scheme and the proposed development are:

- An increase in the number of parking spaces from 5 to 6
- A reduction in the size of the rear dormer.

- A reduction in the depth of the ground, first and second floor rear projections
- A reduction in the size of the communal amenity area
- Change in the form of the extensions from a contemporary box shaped additions to a centrally located gabled extension.

### **3 Relevant Planning History**

- 3.1 18/01846/FUL Erect part one, part two and part three storey rear extension with dormers to rear and roof lights to front, convert dwellinghouses into 7 self-contained flats, layout parking and cycle store – Application Refused
- 3.2 19/00075/FUL Raise ridge height, erect part one, part two and part three storey rear extension with dormers to rear and roof lights to front, convert dwellinghouses into 6 self-contained flats, install layout parking, cycle storage, bin stores and amenity space (Amended Proposal). Refused, Appeal dismissed Ref: APP/D1590/W/19/3232695
- 3.3 A large two storey flat roof extension has been erected to the rear of No.22. Valuation Office Records indicate that No.24 has been subdivided into two flats, No.24 & 24a.

### **4 Representation Summary**

#### **Public Consultation**

- 4.1 Councillor David Garston has called the application in for consideration by the Development Control Committee.

17 neighbours have been notified and a site notice displayed. 5 letters of objection have been received and are summarised as follows:

- The proposal would overlook neighbouring properties to rear
- Overlooking results in an invasion of privacy
- Removal of existing garage and position of parking spaces will result in loss of enjoyment of neighbouring garden.
- Proposal would result in loss of outlook
- Proposal would still have a large number of windows resulting in a loss of privacy
- Proposal would be higher than neighbouring properties in St Benets Road and Priory Avenue
- Proposal would devalue neighbouring properties
- Harm to residential amenity

[Officer Comments The devaluation of property is not a material planning consideration. The other concerns are noted and those that relate to material planning considerations have been taken into account in the assessment of the application but are not found to represent a reason for refusal in the circumstances of this case]

## **Highways**

- 4.2 No objections

## **Environmental Health**

- 4.3 No objections

## **Parks**

- 4.4 No objections, subject to conditions requiring details of landscaping, tree protection measures and that removal of vegetation should occur outside of bird nesting season (March to August inclusive)

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework (NPPF) (2019)
- 5.2 National Design Guide (2019)
- 5.3 The Southend-on-Sea Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development Principles) CP3 (Transport and Accessibility) CP4 (Environment & Urban Renaissance) CP8 (Dwelling Provision)
- 5.4 The Southend-on-Sea Development Management Document (2015): Policies DM1 (Design Quality) DM2 (Low Carbon Development and Efficient Use of Resources) DM3 (The Efficient and Effective Use of Land) DM7 (Dwelling Mix) DM8 (Residential Standards) DM15 (Sustainable Transport Management)
- 5.5 The Southend-on-Sea Design & Townscape Guide (2009)
- 5.6 CIL Charging Schedule 2015
- 5.7 National Housing Standards 2015

## **6 Planning Considerations**

- 6.1 The main considerations are the principle of the development, design and impact on the character of the area, impact on neighbouring properties, living conditions for future occupiers, any traffic and transport issues and CIL and whether the proposal overcomes the previous reasons for refusal. The basis of decision made on the previously refused application and the subsequently dismissed appeal carry significant weight in the determination of this proposal as the relevant policy context and site circumstances have not altered materially in the interim.

## **7 Appraisal**

### **Principle of Development**

- 7.1 The NPPF states at paragraph 11 that it presumes in favour of sustainable development. Sustainable development is defined at paragraph 8 of the NPPF in economic, social and environmental terms.
- 7.2 Policy KP1 of the Core Strategy seeks sustainable development. Policy KP2 requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood.
- 7.3 Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP8 requires that development proposals contribute to local housing needs.
- 7.4 Policy DM1 seeks design quality that adds to the overall quality of an area and respects the character of a site and its local context.
- 7.5 Policy DM3 seeks to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification
- 7.6 DM3 states that “The conversion of existing single dwellings into two or more dwellings will only be permitted where the proposed development:
- (i) Does not adversely impact upon the living conditions and amenity of the intended occupants and neighbouring residents and uses; and
  - (ii) Will not harm the character and appearance of the existing building or wider area; and
  - (iii) Will not lead to a detrimental change of a street’s function; and
  - (iv) Meets the residential standards set out in DM8 and the vehicle parking standards set out in Policy DM15”.
- 7.7 Policy DM7 states that the Council will look favourably upon the provision of family size housing on smaller sites. Policy DM8 says that the Council seeks appropriate flexibility and dimensions within the internal accommodation to meet the changing needs of residents. Policy DM15 states that development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. The Design and Townscape Guide seeks to promote a high quality of design in new developments.
- 7.8 The proposal would result in the conversion of a three bedroom dwellinghouse and two flats into six self-contained flats.

- 7.9 Policy CP8 of the Core Strategy identifies the need of 6,500 homes to be delivered within the whole Borough between 2001 and 2021. It states *“Residential development proposals will be expected to contribute to local housing needs; including affordable and special needs provision, and the sustainable use of land and resources. To achieve this, the Borough Council will: (2) resist development proposals that involve the loss of existing valuable residential resources, having regard to the limited land resources in the Borough, the need to safeguard an adequate stock of single family dwellinghouses and to protect the character of residential areas”*.
- 7.10 Paragraph 2.42 of Policy DM3 states: *“The conversion of existing dwellings can, where appropriately justified, be an effective way of meeting local housing demand and offer opportunities for enhanced sustainability through retrofitting, as set out within Policy DM2. Nonetheless, conversions of single dwellings to more than one self-contained unit can also give rise to a number of problems within an area. These include contributing to pressure on on-street parking capacity, changes in the social and physical character and function of an area. It is also important that conversions do not result in a poor quality internal environment that detrimentally impacts upon the intended occupiers’ quality of life”*.
- 7.11 Consistent with the basis of decision made on the previous application and subsequent appeal, albeit respectively for refusal/ dismissal, the principle of adding extensions to the existing dwellinghouses is acceptable and the site is sustainably located in a reasonably accessible location. The proposed conversion to six self-contained flats would involve the loss of a three bedroom dwellinghouse in an area with viable demand for single family dwellinghouses and this loss will need to be balanced against the provision of additional homes within the borough. The detailed design considerations will be discussed in detail below.

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

- 7.12 Paragraph 124 of the NPPF states that *“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”*. Paragraph 127 of the NPPF advises that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, and create places with a high standard of amenity for existing and future users.
- 7.13 Further to the NPPF, planning decisions should aim to ensure that new development establishes a strong sense of place, respond to local character and are visually attractive, while not preventing or discouraging appropriate innovation. The NPPF states that permission should be refused for development of poor design (paragraph 130). The National Design Guide sets out the characteristics of well-designed places and demonstrates what good design means in practice,

- 7.14 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.
- 7.15 The Design and Townscape Guide also confirms the commitment of the Council to good design and that it *“will seek to create attractive, high-quality living environments” and that “proposed development [should] make a positive contribution to the local area”*. At para.64 the above guide states that development should reflect the positive characteristics of its surroundings and extensions should integrate to their surroundings. Para.79 confirms the expectation that appropriate architectural language should be used reflecting the use of the building. Para.85 of the Guide establishes that appropriate scale, height and massing are essential to the successful integration of new development. Para.115 of the Guide seeks cohesive design which responds positively to local context.
- 7.16 The existing modest semi-detached buildings have the appearance and form of a short terrace and their appearance is characteristic of family dwellings in the local area. Consistent with the basis of the assessment leading to the previous decision the principles underpinning development plan policies and supplementary guidance relating to domestic extensions are considered relevant to this proposal.
- 7.17 There is an existing modest two storey flat roof extension to the rear of the application property which is functional in appearance and a long standing feature of the rear garden scene. A significant section of this existing rear extension would be demolished.
- 7.18 The proposal is comprised of part one, part two and part three storey flat and pitched roof rear extensions. There would be flat roof additions to the rear and single storey elements would project to a depth of 6.4m and the first and second floor levels to a maximum depth of 3.7m. The pitched roof of the existing building would be increased in height by 0.6m to accommodate the extensions. In contrast to the refused scheme which comprised a contemporary box type extension including a third storey extension some 10m wide at roof level, the scale and bulk of the part one, part two and part three extensions would be significantly reduced and better resolved.
- 7.19 Whilst the proposal would result in an increase in ridge height, given the reduction in the scale and bulk of the proposed extensions and the change in form of the extensions from a contemporary box type design to a mix of flat roof extensions with a more traditional gabled pitched roof extension, it is considered that the proposed extensions would integrate acceptably both as a group and with the existing building. There would be a reduction in the fenestration in the rear elevation notably at roof level in comparison with the refused scheme and whilst this is still an increase over and above the current situation, on balance this is considered acceptable on its merits.

- 7.20 It is considered that the proposed extensions would integrate satisfactorily with the character of the host building. It is not considered that the proposal would add excessive bulk to the building nor would it appear over dominant, or visually obtrusive. Nor would it disrupt the overall balance of the property, rear garden scene or the wider streetscene.
- 7.21 The proposal would introduce a single parking space to part of the frontage. A number of dwellings in the street are already paved over on their frontage. Whilst not a positive element of the scheme, an element of soft landscaping would be retained to the front of the site and on balance this hard surfaced area would not be significantly harmful to the street scene. Three of the car parking spaces to the rear of the site would be located on the site of the existing garage and an extensive section of the existing rear garden area would be given over to hardsurfacing. Paragraph 138 of the Design and Townscape Guide states that development should incorporate appropriate outdoor space as an amenity for occupiers and provide an attractive garden area. In comparison with the refused scheme there is a reduction in communal amenity space and a more extensive area of hard-surfacing to the rear of the building. This is considered to be a negative aspect of the scheme but taken in the round and balanced together with other considerations related to the proposal is considered to be acceptable in the circumstances of the proposal.
- 7.22 The proposed development would be finished in a mix of render, slate tiles and aluminium fenestration. The three storey pitched roof element projecting from the rear roof slope would be finished in slate. The materials proposed are not considered to be detrimental to the appearance of the building as a whole or the wider surrounding area. The matter of materials can be dealt with as a condition of any planning permission.
- 7.23 Taking into account the above, it is considered, on balance, that the proposal has overcome the previous reason for refusal and is acceptable and policy compliant in the above regards.

### **Impact on Neighbouring Properties**

- 7.24 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.
- 7.25 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.
- 7.26 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”.

- 7.27 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 “extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties”.
- 7.28 In regard to the nearest properties to the east (rear) of the site, the single and two storey rear extensions would project to a maximum depth of 6.4m rearward from the main rear elevation of the building. This would not be any deeper than the existing two storey rear projection however this does not contain any rear facing windows. The separation distance of the development from the rear boundary to no’s 15, 17 and 19 Priory Avenue would be some 11m. The three storey element of the rear extension would project rearwards to a depth of 3.7m.
- 7.29 Given the separation distance to the rear boundary on balance it is not considered that the proposal would give rise to detrimental overbearing, dominant impacts resulting in a sense of enclosure or a material loss of daylight, overlooking or loss of privacy for the occupiers neighbouring properties to the north-east.
- 7.30 With regard to the relationship with the nearest property to the south-east of the site at No.16 St Benet’s Road, the section of the existing two storey extension, closest to the boundary would be demolished reducing the depth of the ground floor projection from 7.5m to a maximum depth of 6.4m. The ground floor extension nearest to the southern boundary with No.16 would be set some 1m in from the shared boundary and would be set some 2.5m from the flank elevation of No.16. The appeal inspector found that the impact of the ground floor extension on No.16 would not be acceptable given that it projected to a depth of 7.5m beyond its rear and would be set some 1m from the boundary. In comparison, this element of the current proposal would project rearwards beyond No.16’s rear elevation by some 4m. As a revision made to the proposal during its processing the currently proposed ground floor extension would then step in some 2.5m from the shared boundary and then rearwards by a further 2.4m. The flank elevation of the first floor extension nearest to No.16 would project rearwards to a depth of 3.7m at first floor level and would be set some 2.5m in from the shared boundary. The extension at second floor level would sit some 6m from the boundary with No.16. These relationships are considered not to be materially harmful to the amenity of occupiers of the neighbouring dwelling. A rear dormer is proposed which would be set in from the side of the roof by some 2m. The flank elevation of the proposed extensions would contain a number of opening windows some of which appear to be high level. There is a window serving a first floor bedroom which would face southwards. This room is dual aspect and subject to a condition requiring obscure glazing for this flank window, it is not considered that new windows in the flank and rear elevation would result in a loss of privacy or overlooking to the properties to the south-east which would be any worse than the relationships that already exist.

- 7.31 On balance it is considered that the impact of the extended built form would be within acceptable limits and would overcome the previously identified harm in terms of a sense of enclosure. The proposal would remove the existing two storey projection and the total depth of the proposed first and second floor extensions would be reduced from 7.5m by some 3.8m. Given the separation distance from the southern boundary and the pitched roof form of the first and second floor extensions it is considered that the proposal would overcome the previous reason which stated that the cumulative impacts of the increased ridge roof height and rear extensions would be overbearing and dominant, resulting in an unacceptable sense of enclosure for the neighbouring property to the south-east. It is not considered that the impact on light at this property is such that a refusal on that basis would be justified. It is therefore considered that the proposed development has overcome the previous reason for refusal concerning the impact on the amenities of that neighbouring property.
- 7.32 The proposal would introduce extensions projecting to a maximum depth of 6.4m and a maximum height of 9m. With regard to the relationship with the nearest property to the north of the site, No.28 St Benet's Road, the nearest part single storey extension would be some 3.5m from the shared and the nearest part two storey extensions would be some 4.3m off the shared boundary with No.28 and the roof slope would be pitched away from the boundary. The flank elevation of the extensions would contain a single high level window opening at ground floor level. It is not considered that new windows in the flank and rear elevation would result in a material loss of privacy or overlooking to the properties to the north. Given the distance between the proposed extensions and that neighbouring dwelling, it is considered on balance that the development would not have materially harmful overbearing impacts to the neighbouring properties to the north or result in unacceptable loss of light or outlook.
- 7.33 It is not considered that the increase in ridge height, which is proportionally small, would be materially harmful to the amenities of properties to the west of the site in any regard.
- 7.34 There is an existing three car garage in the rear garden adjacent to the rear boundary. This would be removed and replaced with three open parking spaces. It is not considered that the introduction of an open car parking area would have significantly and materially harmful impacts on neighbouring occupiers using their private amenity space. The proposed development would have a total of five rear parking spaces, opposed to four in the previously refused scheme. These would be accessed by an existing access and the comings and goings of vehicles using the access road and the rear area was not considered to be materially harmful to the character and appearance of the application site. Introduction of one additional rear space in this current proposal would not result in significantly different impacts than those previously found acceptable in the previous application and appeal decision. The site would have a small amount of amenity space that potentially could be used by the occupiers of the six flats and resulting in levels of activity over and above what might be expected at a single dwelling. Given the provision of balconies to three of the flats, on balance, it is considered the amenity space is unlikely to be intensively used by the occupants of the flats and would not therefore impact harmfully on the ability of neighbouring occupiers to enjoy their rear gardens.

7.35 It is considered that the proposed development has overcome the second reason for refusal on the previous application and the concerns of the Inspector in the appeal decision. The proposal is therefore acceptable and policy compliant in the above regards.

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

7.36 The National Planning Policy Framework (Paragraph 127) states that “Planning policies and decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”. Policy DM1 of the Development Management Document requires that development should 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. It is considered that most weight should be given to the National Technical Housing Standards that have been published by the government which are set out as per the below table:

Minimum property size for residential units shall be as follows:

- Two-bed, three-person flat – 61sqm; 1 storey
- One-bed, two-person flat – 50sqm; 1 storey
- Three bed, four person flat – 74 sqm; 1 storey

- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5 sqm for a single bedroom, with a minimum width of 2.15m and 11.5 sqm for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.

- Floorspace with a head height of less than 1.5m should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.

- A minimum ceiling height of 2.3m shall be provided for at least 75% of the Gross Internal Area.

The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25 sqm should be provided for 1-2 person dwellings. A minimum of 0.5 sqm storage area should be provided for each additional bedspace.

- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.

- Storage: Suitable, safe cycle storage with convenient access to the street frontage.

- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home.

- Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.

- 7.37 The proposed floor areas would exceed the dimensions required under the National Housing Standards. Room sizes would meet the relevant standards and adequate lighting and ventilation would be achieved in the layout shown.
- 7.38 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations. As the proposed development is comprised of extensions and the conversion there is no requirement for the development meet part M4 (2) of the building regulations.
- 7.39 Policy DM8 of the Development Management Document states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space.
- 7.40 The proposal would have a 19sqm single outdoor amenity space which would be smaller than the 24 sqm shown in the previously refused proposal. The proposed amenity space would provide an average of 3sqm per flat. This space would be located in a similar location to that of the refused scheme to the rear of the site flanked by car parking spaces and overlooked by the windows in the rear elevations of the building. In the appeal decision, the Inspector did not specifically comment on the acceptability or otherwise of the communal amenity space. The amenity space is not ideally positioned as it is separated beyond the car parking layout. The plans also show an outdoor amenity space to the front of the building but this would not be sufficiently screened or private to be considered as usable amenity space. A characteristic of the site surroundings is one of family dwellings with reasonably sized garden spaces and the proposal would not make such a provision in a manner consistent with the local character. However having regard to the generally spacious nature of the flats' internal floorspaces and the provision of external balconies for three of the flats, the amenity space provision viewed in the round is not considered on its own to be a sufficient reason to refuse the application on that basis.

Refuse storage has been shown on the submitted plans to the flank of the dwelling. Details of this could be secured through a condition on any grant of planning permission.

- 7.41 It is considered that the development is acceptable and policy compliant and in the above regards.

### **Traffic and Transport Issues**

- 7.42 Policy DM15 of the Development Management Document requires that all development should meet the minimum off-street parking standards and as such, one parking space would be required for each proposed flat. Policy DM15 also states that "Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context."

- 7.43 The proposal includes six off-street parking spaces for the proposed 6 flats which would accord with the minimum standards as set out above. Five of these spaces would be to the rear of the site and one to the front. The site is in a reasonably accessible location with regard to public transport with good links in close proximity and secure cycle parking has also been provided. The site is located in close proximity to Prittlewell Station. The Council's Highway team have not objected to the proposal. The provision of 6 off street parking spaces for 6 dwellings is therefore considered acceptable. It is not considered that the proposal will have a detrimental impact upon the public highway.
- 7.44 A cycle storage area has been shown on the submitted plan. Further details of secure cycle storage would be required and can be secured as a condition of any planning permission.
- 7.45 It is considered that the current proposal is acceptable and policy compliant in the above regards.

### **Sustainability**

- 7.46 Policy KP2 of the Core Strategy 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 the Design and Townscape Guide".
- 7.47 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, this could be secured as a condition of any planning permission.
- 7.48 A condition can be attached to any planning permission, requiring energy efficient design measures, water efficient design measures and permeable surfacing, for example. The proposals are considered acceptable with reference to these matters.

### **Community Infrastructure Levy CIL Charging Schedule 2015**

- 7.49 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 application site is located within Zone 1 therefore a CIL rate of £25.69per sq.m is required for the proposed development.

The proposed development equates to 121sqm of new residential floorspace which may equate to a CIL charge of approximately £3108 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the “in-use building ” test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would, on balance, be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would provide satisfactory internal living conditions for future occupiers. The limited provision of external amenity space is not a positive aspect of the scheme but given the conclusions in the previous application and the appeal decision it is not considered harmful so as to justify a reason for refusal on this basis. The proposal would have an acceptable impact on the amenities of neighbouring occupiers, highway safety and parking and the character and appearance of the application site, the street scene and the locality more widely. The provision of additional housing is considered to be a public benefit of the scheme which has been weighed in the balance of material factors. It is considered that the proposal overcomes the previous reasons for refusal and the application is recommended for approval subject to conditions on balance.

## **9 Recommendation**

- 9.1 **Members are recommended to: GRANT PLANNING PERMISSION subject to the following conditions:**

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

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

- 02 **The development shall be carried out in accordance with the approved plans: 18.150/01 Rev B; 18.150/02 Rev B; 18.150/03 Rev B; 18.150/04 Rev D; 18.150/05 Rev D; 18.150 06 Rev D; 18.150 07 Rev C; 18.150/08 Rev C; 18.150/09 Rev C; 18.150/10 Rev D & 18.150/11 Rev C.**

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

- 03 **Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than for demolition works until samples of the materials to be used in the construction of the external elevations of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out and completed in full accordance with the approved details before it is occupied.**

**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 the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and advice contained within the Design and Townscape Guide (2009).

- 04** The development shall not be occupied until 6 car parking spaces have been provided at the site and made available for use in accordance with drawing, together with properly constructed vehicular access to the adjoining highway, all in accordance with the details shown on approved plan 18.150/10/rev D Proposed Site Layout Plan. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.

**Reason:** To ensure that adequate car parking is provided and retained to serve the development in accordance with Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15.

- 05** Prior to the first occupation of the dwellings hereby approved full details of refuse, recycling and secure, covered bicycle storage facilities at the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the dwellings hereby approved, refuse, recycling and bicycle storage facilities shall be provided and made available for use at the site in accordance with the approved details and retained in perpetuity thereafter.

**Reason:** In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework, Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

- 06** Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works to be carried out at the site must be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works shall be carried out and completed in accordance with the approved details prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. The details submitted shall include, but not limited to:-

- i.** means of enclosure, of the site including any gates or boundary fencing;
- ii.** car parking layouts;
- iii.** other vehicle and pedestrian access and circulation areas;
- iv.** hard surfacing materials;
- v.** details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- vi.** details of measures to enhance biodiversity within the site;

**Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.**

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

- 07 A scheme detailing how at least 10% of the total energy needs of the dwellings hereby approved 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 their first occupation. This provision shall be made for the lifetime of the development.**

**Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007).**

- 08 Water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems shall be installed prior to the first occupation of the development hereby approved and retained in perpetuity.**

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

- 09 Construction and demolition works (including the unloading and loading of associated materials) associated with this permission shall only take place between the hours of 0800 and 1800 Monday to Friday 0800 and 1300 Saturday and not at all on Sundays or Bank Holidays.**

**Reason: In the interests of the character and amenity of the area in accordance with Policy DM1 of the Development Management Document.**

- 10 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:**

- i. the parking of vehicles of site operatives and visitors**
- ii. loading and unloading of plant and materials**
- iii. storage of plant and materials used in constructing the development**
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate**
- v. wheel washing facilities**

- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

**Reason:** To minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with National Planning Policy Framework, Core Strategy (2007) policies KP2 and CP4; and Development Management Document (2015) policies DM1 & DM3.

- 11** The new first floor windows in the southern flank elevation facing No.16 St Benets Road shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

**Reason:** To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings, in accordance with the National Planning Policy Framework, Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and advice contained in The 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.

#### **Informative**

**01.** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).

**02. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.**