

<b>Reference:</b>	20/00544/FUL	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Milton	
<b>Proposal:</b>	Erect attached two storey building to rear to form nine-bedroom rehabilitation accommodation, layout associated amenity space.	
<b>Address:</b>	48 Argyll Road, Westcliff-On-Sea, Essex	
<b>Applicant:</b>	Dr B Bekas	
<b>Agent:</b>	Mr Colin Stone of Stone Me Ltd	
<b>Consultation Expiry:</b>	21st May 2020	
<b>Expiry Date:</b>	31st July 2020	
<b>Case Officer:</b>	Spyros Mouratidis	
<b>Plan Nos:</b>	1825 05A, 1825 08a, 1825 09	
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>	



## **1 Site and Surroundings**

- 1.1 The application site is located on the south-western side of London Road and is currently occupied by a single-storey, flat-roofed, rear extension to 48 Argyll Road with the rest of the hardsurfaced site being used as a car parking area. The property at 48 Argyll Road, which is used as a GP surgery, is under the same ownership but the main building is not included within the application site. There is on site provision of five parking spaces and an access ramp to the GP surgery. The ground on site slopes upwards towards the south-east.
- 1.2 London Road in this area has a mixture of uses with a town centre character, offering a vibrant street scene with active frontages. Argyll Road is predominantly a residential street with two-storey buildings with traditional gabled roofs and bays. No planning-related designations affect the application site or the area.

## **2 The Proposal**

- 2.1 Planning permission is sought for the partial demolition of the existing single storey rear extension to 48 Argyll Road and the erection of a two-storey, semi-detached building to be used as a specialist nine-bed, in-house detox and rehabilitation facility. The building is proposed to be two-storey in nature with two front projecting gabled features measuring up to 8.9m in height, 11.6m in depth and 13.3m in width with the main part of the building measuring 11.3m wide by 6.1m deep. The surface finishes proposed are face brickwork and smooth render on the walls, plain tiles to the roof and uPVC windows and doors. A pedestrian access is proposed to be located to the front of the building. To the rear it is proposed to form a yard to be used as amenity space. No parking would be provided on site. The application is supported by a Design and Access Statement.

## **3 Relevant Planning History**

- 3.1 The proposal was informed by detailed pre-application advice. Other than that, there is no relevant planning history.

## **4 Representation Summary**

- 4.1 The application has been called in for consideration by the Development Control Committee by Councillors George and Nevin.

### **Public Consultation**

- 4.2 Twenty-five (25) neighbouring properties were consulted and a site notice was displayed. Eighty-five (85) representations, including a petition with forty-nine (49) signatories, objecting to the application have been received and are summarised as follows:

- The proposal would be out of character in the area and overcrowding of the site.
- Impact in neighbours' residential amenity in relation to noise and disturbance, overlooking and creation of an overbearing environment.
- Inadequate parking provision on site and poor parking conditions in the area.
- The location is not appropriate for this development.
- Loss of existing GP surgery.
- Crime rates and anti-social behaviour, including drug dealing, will increase as a result of the proposal and the area will decline further.

- Residents will be fearful to leave their homes.
- The application was publicised during the lockdown and consultation was inadequate.
- Impact on workers within the health and care sectors who live in the area and would need to face the patients they work with near their homes.
- The proposal will not contribute to the economic growth of the area.
- There is already a detox centre in the area.
- Trespassing on neighbouring property.
- Inadequate waste management.

4.3 The comments have been taken into consideration and those relevant to planning matters are discussed in the relevant sections of the report. Other than the reasons stated in section 9 of this report the objecting points raised by the representations are not found to represent material reasons for recommending refusal of the planning application in the circumstances of this case.

4.4 One (1) representation supporting the application has been received and is summarised as follows:

- The proposal will help and look after people and the applicant deserves support.

#### **Children's Services and Public Health**

4.5 Object - There is no need for this provision in Southend. Children's facilities would not be mixed with adults. Normally, detoxification and rehabilitation would be carried out outside the community. The location of the site is close to areas of known substance use. The main service offered is an ambulatory detox programme.

#### **Parks**

4.6 No comments.

#### **Fire Brigade**

4.7 No objections.

### **5 Planning Policy Summary**

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

5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019)

5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP6 (Community Infrastructure).

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM9 (Specialist Residential Accommodation), DM11 (Employment Areas), DM15 (Sustainable Transport Management).

5.5 Design & Townscape Guide (2009)

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

5.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)

## **6 Planning Considerations**

- 6.1 The main considerations in relation to this application include the principle of the development, design and impact on the street scene and wider area, residential amenity for neighbouring occupiers, the amenities of future occupiers, traffic and parking implications, energy and water sustainability and whether the development would be liable for CIL.

## **7 Appraisal**

### **Principle of Development**

- 7.1 Paragraph 117 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Furthermore, policy DM3 of the Development Management Document stipulates that the Council will support development that seeks to optimise the use of land in a sustainable manner that does not lead to over-intensification, which would result in undue stress on local services and infrastructure.

### Erection of building

- 7.2 Policy DM3 of the Development Management Document states that: "All development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:
- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or
  - (ii) Conflict with the character and grain of the local area; or
  - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or
  - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees."
- 7.3 Criteria (i) and (iii) are discussed in detail in the relevant section of the report. In summary it is considered that the impact of the proposal on the residential amenity of neighbouring occupiers, including the impact on their garden space, would be detrimental to such a degree as to justify the refusal of the application for this reason. The proposed building would not conflict with the character and grain of the local area in line with criterion (ii). As the site is already hardsurfaced, there would be no loss of ecological assets in accordance with the stipulations of criterion (iv). While a level of built form would be acceptable in this location the principle of the erection of the building sought in this location is considered unacceptable.

### Provision of care facilities and specialist accommodation

- 7.4 Policy CP6 of the Core Strategy seeks to ensure the needs of all residents, including disabled and other vulnerable groups are met providing for health and social care facilities. Policy DM9 of the Development Management Document states that development proposals for specialist residential accommodation will be considered acceptable where each of the following criteria are addressed and it is demonstrated to the satisfaction of the Council that:

- i. there is a clearly identified need in Southend; and
- ii. there is no existing capacity for such facilities within Southend; and
- iii. it will not lead to an over concentration of similar uses that would be detrimental to the character of a residential area, residential amenity or will impact on the capacity of public services e.g. health and social care; and
- iv. it would not result in the loss of an existing use that makes an important contribution to other Council objectives, strategies and policies; and
- v. it is accessible to public transport, shops, services, community facilities, public open space and social networks appropriate to the needs of the intended occupiers.

7.5 The proposal would represent a new specialist in-house detoxification and rehabilitation facility in the Borough. It is intended to use the facility for children and adults in need. The submitted Design and Access Statement includes some evidence regarding the need for such facilities. However, the submitted evidence does not relate directly to the Borough. The Council's Children and Public Health Services advise that there is no identified need in the Borough for this facility and that there is an existing facility in Shoeburyness which is not used by the Council given that most cases are dealt with by the available ambulatory service. This ambulatory service allows for people in need for detoxification and rehabilitation to receive treatment at their homes. When a need of in-house facilities is identified, the cases normally are directed away from town centres and the community as these arrangements require more commitment from patients as per standard practice. On the basis of the submitted evidence it has not been demonstrated that there is an identified need in Southend for the proposal or that there is no existing capacity within other facilities in Southend. The proposal would fail to meet criteria (i.) and (ii.) stated above.

7.6 Third parties advised that there is a similar facility in the vicinity of the site. This could not be established from available evidence and it is considered that the proposed development would not lead to overconcentration of facilities in the area. Furthermore, the proposal would not result in the loss of an existing important use. The partial demolition and change of use of the rear extension to the existing GP surgery would not be detrimental to the operation of the facility. It is noted that the location of the site is in an area with an acceptable level of services and facilities, including public transport and shops. The identified harm and conflict with the above mentioned criteria are not outweighed by the absence of conflict with criteria (iii.) to (v.). Given that the provision of the proposed facility in terms of its use is not adequately justified, the principle of the proposal is unacceptable and contrary to policy requirements. Other material planning considerations are discussed in the following sections of the report.

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

7.7 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that: "the Borough Council is committed to good design and will seek to create attractive, high-quality living environments."

- 7.8 Paragraph 124 of the NPPF states that: “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Policy DM1 of the Development Management Document states that all development should: “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”
- 7.9 Regarding the layout of development, as already discussed in previous sections of the report, the provision of an infill development would not be unacceptable in principle on this site. The grain of local development would not prohibit an infill development. The proposed building would respond positively to the constraints of the site and would follow the established notional building lines resulting in an acceptable layout. The scale of the proposed building would respect the scale of other development within the streetscene and would not appear out of place.
- 7.10 The form of the building would not be incongruous in the area. The use of front projecting gabled features to create interest is a traditional style of building. The proposed scheme has borrowed some visual cues and design features, including materials, from nearby buildings. The frontage of the proposed building would appear suitably defined and balanced. The proposed openings are well proportioned and would provide a satisfactory internal environment for users in terms of daylight, sunlight and outlook. The proposal would be of acceptable form and appearance. The choice of materials would also be a traditional combination and would be acceptable.
- 7.11 The indicative landscaping to the front would soften the appearance of the proposal. Details of species and maintenance, as well as details of the hard landscaping, including the boundary treatment of the site, could be secured by conditions were the application otherwise found to be acceptable. Overall, subject to conditions, the proposal would have an acceptable impact on the character and appearance of the area and would be policy compliant in the above regards.

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

- 7.12 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.
- 7.13 As already discussed in paragraph 7.10 of this report, all habitable rooms would have acceptable outlook and benefit from acceptable levels of daylight and sunlight. The building is shown to have step-free access and the internal dimensions of the ground floor appear to be suitable for wheelchair users in compliance with building regulation M4 (2). Were the application to be found otherwise acceptable, a condition could be imposed to secure compliance with building regulation M4 (2). The amenity provision to the rear of the building of some 37.5m<sup>2</sup> would be satisfactory for the type of accommodation proposed. Given that the proposed building would front London Road, sound insulation measures would need to be incorporated in the fabric of the building and its openings in order to avoid any materially harmful impact to future users.

A condition could secure details and implementation of such measures were the application otherwise acceptable. In the round, the proposal would, subject to condition, result in acceptable living conditions for future occupiers and would be in line with policy stipulations in these regards.

### **Impact on Residential Amenity**

- 7.14 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: “having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”
- 7.15 The proposed building would be up to 8.9m high, with the eaves being up to 6.3m above the lower part of the ground level on site, and would be located between 2m and 3.6m to the north of the amenity space of 46 Argyll Road and 3.3m to the east of the private amenity space of the flats at 402 London Road. The scale and bulk of the development coupled with its distance from the neighbouring properties would create an undue overbearing impact to neighbouring occupiers that would materially harm their residential amenity. Occupiers of these two properties would experience the creation of a detrimental sense of enclosure while the ground floor east-facing flat at 402 London Road would also experience a materially harmful loss of outlook. Whilst it is noted that a comparable relationship exists between the building at 2 Ceylon Road and its neighbours, this does not justify the identified harm when assessed on its individual merits.
- 7.16 Given the location of windows and distance from neighbouring properties, on balance, it is not considered that the proposal would cause any materially harmful overlooking or loss of privacy to any neighbouring property. Given the orientation of development, no materially harmful loss of daylight or sunlight has been identified. Concerns have been raised by third parties about noise and disturbance. Given the nature of use proposed it is not considered that the proposal would result in any detrimental increase in noise level in the area. It is noted that London Road is an area with high ambient noise levels. A condition to control the hours and method of construction could be imposed. In the round, the proposed development is unacceptable and contrary to policy in the above regards.

### **Traffic and Transportation Issues**

- 7.17 Policy DM15 of the Development Management Document states: “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 policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.
- 7.18 The proposal does not include any provision for parking and would result in the loss of five existing spaces. Although not a formal arrangement, it is understood that the existing spaces were used by patients of the existing GP surgery. The parking standards require a maximum of one space for the proposed use and four spaces for the GP surgery. The surgery benefits from two spaces accessible on Argyll Road.

The applicant claims that the site benefits from being in a sustainable location and that patients who would use the facility are not anticipated to drive due to their circumstances. However, there is limited justification regarding the parking needs for employees in the facility and the lost spaces for the GP surgery. Whilst it is accepted that London Road is indeed sustainable, with access to bus routes and within reasonable walking distance from Westcliff train station, it is not considered that sufficient justification has been provided to ensure that the proposal would not have a detrimental impact on the highway safety or free flow of the highway network of the area. No cycle parking provision is shown on site. This could be secured by condition. The proposal is unacceptable and contrary to policy in the above regards.

### **Energy and Water Sustainability**

- 7.19 Policy KP2 of the Core Strategy requires that: “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)”. Policy DM2 of the Development Management Document states that: “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”. This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.20 No information has been provided regarding proposed renewable energy to demonstrate how the proposal meets the 10% policy requirement. However, it is considered that the requirement for renewable energy and restrictions on water usage could be controlled with conditions provided any such externally mounted technologies respect the character and appearance of the area if the proposal were otherwise found to be acceptable. This aspect of the proposal is therefore considered to be acceptable and policy compliant in this regard, subject to conditions.

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

- 7.21 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application may also be CIL liable.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that the proposed development is unacceptable and contrary to local and national planning policies. The proposal has failed to demonstrate that there is local need for the proposed use, it would result in material and detrimental harm to the residential amenity of neighbouring occupiers in terms of loss of outlook, creation of sense of enclosure and overbearing relationship and it has not been demonstrated that there would be adequate parking provision on site to avoid a potential materially harmful impact on highway safety and free flow of traffic on the adjacent highway network. The benefits of the proposal, including the provision of the specialist in-house detoxification and rehabilitation facility, a community based facility to support vulnerable members of the society, would not outweigh the significant and material harm and conflict with policy identified. The application is, therefore, recommended for refusal.

## **9 Recommendation**

### **9.1 REFUSE PLANNING PERMISSION for the following reasons:**

- 01** A local Southend need for the proposed use has not been clearly identified in the submission and it has not been demonstrated that there is no capacity within similar existing facilities in the Borough. No benefits which outweigh this harm have been advanced. This application is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP1, KP2, CP4 and CP6 of the Southend-on-Sea Core Strategy (2007), and Policies DM3 and DM9 of the Southend-on-Sea Development Management Document (2015).
- 02** The proposed development, by reason of its size, scale and location, would result in material harm to the residential amenity of neighbouring occupiers in terms of an overbearing effect and sense of enclosure at 46 Argyll Road and properties at 402 London Road and a loss of outlook for the ground floor occupiers at 402 London Road. This is an unacceptable form of development which is contrary to the National Planning Policy Framework (2019); Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).
- 03** The submission fails to demonstrate that the proposed development would not result in a potentially materially harmful additional on-street parking and traffic in an area of existing parking stress where there are limited opportunities for on-street parking, to the detriment of highway safety and free flow of traffic. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP1, KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

#### **Informatives:**

- 1** Please note that this application would have been liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore, if an appeal is lodged and subsequently allowed the CIL liability will be applied. Any revised application may also be CIL liable.