

Reference:	21/01341/FUL
Application Type:	Full Application
Ward:	Kursaal
Proposal:	Convert lower ground floor and ground floor self-contained flat and storage to 2no. self-contained flats, install access steps to lower ground floor to front
Address:	132 Southchurch Avenue Southend-on-Sea Essex SS1 2RP
Applicant:	Sehernaz Gungor
Agent:	Mr Ovunc Ozbaris
Consultation Expiry:	19.08.2021
Expiry Date:	08.10.2021
Case Officer:	Oliver Hart
Plan Nos:	Location Plan; SA062021-BP; SA062021-01; SA062021-02; SA062021-03; SA062021-04R2; SA062021-05; SA062021-06; SA062021-G
Recommendation:	GRANT PLANNING PERMISSION subject to conditions



1 Site and Surroundings

- 1.1 The application site contains a three-storey, mid-terrace property presently subdivided into two flats, with flat A's living accommodation spread over the ground and first floor and flat B's spread over the ground and lower ground floors. A storage area with an existing front window is noted to the lower ground floor level. No off-street parking is available at the application site.
- 1.2 The surrounding area is residential in character comprising other terraced dwellings of similar size, scale and design, some of which have been subdivided into flats, as well as larger flatted blocks to the north and south. This includes No's 130 and 134 Southchurch Avenue (either side of the application dwelling) where access to basement accommodation is provided by way of stairs leading from the front gardens.
- 1.3 The site is not subject of any site-specific planning policies.

2 The Proposal

- 2.1 The proposal seeks to convert the lower ground floor and ground floor self-contained flat and storage area comprising flat B, to 2no. self-contained flats, and to install access steps to the newly formed lower ground unit from the front garden. This would involve a degree of excavation works to be undertaken as the front garden is presently hard surfaced. Other alterations include the provision of a front door to the lower ground front access and the provision of windows to either side of the newly formed front door.
- 2.2 The submitted plans show that the newly formed flat at ground floor would be a 1-bedroom, 1-person unit with an internal floor area of 39sqm.
- 2.3 The lower ground floor flat would be a 1-bedroom, 2-person unit with its bedroom area some 17sqm in internal floor area. The total internal floor area of the lower ground floor flat would be some 64sqm.
- 2.4 The lower ground floor flat would have a private amenity area approx. 16sqm. There would be no private amenity space for the ground floor flat.
- 2.5 No off-street parking is proposed.
- 2.6 The application has been called into Development Control Committee by Cllr Dent.

3 Relevant Planning History

- 3.1 None.

4 Representation Summary

4.1 Public Consultation

18 neighbouring properties were notified and a site notice was posted. 2 letters of representation have been received which make the following summarised comments:

- Additional flat will exacerbate parking problems.
- The road is very transient with a lot of houses converted to flats. The upkeep and maintenance of the flats by landlords/management companies is poor.

- Proposal will devalue properties

[Officer Comment] All relevant planning considerations have been assessed within the appraisal section of the report. These concerns are noted and have been taken into account in the assessment of the application. The objections raised are not found to justify refusing planning permission in the circumstances of this case.

4.2 **Environmental Health**

No objection.

4.3 **Highways**

There are no highway objections to this proposal. Whilst no car parking has been provided for the dwellings the site is in a sustainable location with regard to public transport and cycle links.

The applicant should provide secure cycle parking for the development which should be conditioned.

It should be noted that future occupiers will not be eligible for a town centre or residential parking permit due to the lack of parking with the development.

5 **Planning Policy Summary**

5.1 The National Planning Policy Framework (NPPF) (2021).

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy); KP2 (Development Principles); CP1 (Employment Generating Development), CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance) and CP8 (Dwelling Provision).

5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM8 (Residential Standards), DM13 (Shopping Frontage Management outside the Town Centre) and Policy DM15 (Sustainable Transport Management).

5.4 Design & Townscape Guide (2009).

5.5 CIL Charging Schedule (2015).

5.6 Technical Housing Standards (2015).

5.7 The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)

6 **Planning Considerations**

6.1 The main considerations for this application are the principle of the development, design and impact on the character and appearance of the area, traffic and transportation, impact on residential amenity, future living conditions of occupants, CIL and RAMs.

7 **Appraisal**

Principle of Development

- 7.1 Government guidance contained within the National Planning Policy Framework (NPPF) encourages effective use of land in particular previously developed land.
- 7.2 Policies KP1, KP2 and CP4 of the Core Strategy (2007) seek to promote sustainable development, including directing the siting of development through a sequential approach, minimising the use of 'greenfield' land. Policy CP4 seeks the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.
- 7.3 Policy CP8 requires that development proposals contribute to local housing needs. It identifies housing targets for Southend and requires the provision of not less than 80% of residential development on previously developed land.
- 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. Policy DM3 of the Development Management Document (2015) seeks the efficient and effective use of land, provided it responds positively to local context and does not lead to over-intensification.
- 7.5 Para 80 of the Design & Townscape Guide ('the Guide') states that proposed accommodation mixes should reflect the local character.
- 7.6 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the Borough. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the Borough. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.
- 7.7 While the proposal would not result in any dwellings suitable for families, the provision of additional housing carries significant weight, particularly in light of the application of the tilted balance, albeit the proposed amount of housing would not make a significant contribution towards the needs of the Borough.
- 7.8 For this reason, no objection is raised to the principle of subdivision to create an additional lower-level occupancy unit subject to accordance with other material planning considerations, including character, residential amenity, standard of accommodation and highways impacts which are assessed below.

Design and Impact on the Character of the Area

- 7.9 Paragraph 126 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".
- 7.10 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.

- 7.11 Policy DM1 seeks development that adds to the overall quality of the area and respects the character of the site, its local context and surroundings in terms of its architectural approach.
- 7.12 Policy DM3 seeks development that responds positively to local context. It also states that alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area.
- 7.13 The Design and Townscape Guide also states that “*the Borough Council is committed to good design and will seek to create attractive, high-quality living environments*”.
- 7.14 To facilitate the proposed subdivision works, access steps to the newly formed lower ground unit are proposed to be installed from the front garden. As the front garden is presently hard surfaced, this which would require a degree of excavation works to be undertaken. Other alterations to the front of the property include the provision of a front door to the lower ground as well as the provision of windows to either side of the newly formed front door. Submitted plans show that the windows would match existing windows to the front elevation of the application dwelling.
- 7.15 Having regard to comparable forms of development within the terrace (at No’s 130 and 134 Southchurch Avenue) and noting that the works would be partly set at a lower level, thereby reducing their visual impact in the streetscene, it is considered that the design, size, siting and scale of the development proposed is acceptable, and would not result in any significant harm to the character and appearance of the site, the terrace or the area more widely.
- 7.16 The other works associated with the subdivision of the property are internal and have no material external design or character impacts.
- 7.17 The proposal is therefore considered acceptable and policy-compliant in the above regards.

Impact on Residential Amenity

- 7.18 Paragraph 130 of the National Planning Policy Framework seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.19 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.
- 7.20 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*”.
- 7.21 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*”.
- 7.22 The external alterations proposed, on account of their limited scope and position within

the front garden, are not considered to detrimentally impact the receipt of light or outlook for any neighbouring properties. In addition, the new openings to the front at lower ground level are such that the proposal is not considered to result in any overlooking or loss of privacy concerns.

- 7.23 Having regard both to the size of the existing unit (2bed 4 person) and the limited size of the proposed units (1 bed 1 person and 1 bed 2 person), it is not considered that potential noise and disturbance from occupants and visitors would give rise to materially elevated levels of activity over and above the existing use such as to create material harm for surrounding properties. The provision of adequate insulation between the new residential units and the existing residential units either side would be a matter to be addressed under Building Regulations.
- 7.24 On this basis, it is considered that the development is acceptable and policy compliant in the above regards.

Standard of Accommodation

- 7.25 The National Planning Policy Framework seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It is considered that most weight should be given to the Technical Housing Standards that have been published by the government and which are set out below.
- 7.26 The proposed ground floor 'studio' flat would be capable of providing accommodation for single occupancy only, given the studio style layout of the proposed unit. The submitted plans show that the internal floorspace of the proposed studio flat would be some 39 sqm which accords with the technical housing standards (1b 1p flat) and would provide acceptable living conditions for future occupiers.
- 7.27 The submitted plans show that the lower ground floor would be capable of accommodating 2 persons on account of the size of the bedroom area (some 17sqm). The submitted plans show that the internal floorspace of the lower ground floor unit would be some 64sqm.
- 7.28 The technical housing standards state that the minimum property size for residential units shall be as follow:
- Minimum property size for a 1 bedroom, 1 person flat over 1 storey is 39 square metres. A 1-bedroom, 2-person flat over one storey is 50sqm.
 - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5sq.m for a single bedroom with a minimum width of 2.15m and 11.5 sq.m. for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
 - Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- 7.29 Weight should also be given to the content of policy DM8 which states the following standards in addition to the national standards.
- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided

for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.

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

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

-Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development and suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.

- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

- 7.30 The floor area of the proposed units meets the adopted space standard requirements. It is also considered that the flats would have satisfactory outlook and daylight levels and means of access, including the new stairwell access proposed to the front garden. Storage has also been accommodated within both flats that accords with the requirements outlined above.
- 7.31 A private amenity area has been retained for exclusive use by the occupants of the lower ground unit (approx.16sqm). The ground floor 'studio' unit would not have any external amenity space which is a less positive aspect of the scheme. Having due regard to the type of accommodation proposed in this instance, together with the urban characteristics of the area and the proximity to the seafront area, on balance, no objection is raised to the proposal on this basis.
- 7.32 Facilities for refuse storage are not shown on submitted plans. There is provision available for the siting of such a store in the rear private amenity area for the lower ground floor flat for an external store and final details could be secured via condition. No such rear external amenity area exists for the ground floor flat such that the only area available is the front garden. Whilst a less positive aspect of the scheme, due regard is had to the limited size of the unit (single person occupancy) such that the amount of refuse produced is likely to be modest following weekly collection. In addition, it is considered scope remains within the front garden for the presence of a discretely designed refuse store, details and the location of which can be secured via condition.
- 7.33 In summary, it is considered that, subject to conditions, the proposed new units offer a suitable standard of amenity for future occupiers. The proposal is therefore acceptable and policy compliant in this regard.

Traffic and Transportation Issues

- 7.34 Policy DM15 of the Development Management Document requires at least one parking space per flat but 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.

This is considered to be a sustainable location where such relaxation is justified.

- 7.35 Highways do not object. Details of secured cycle storage for the occupants of the flats and their location can be secured via condition.
- 7.36 It is considered on this basis that the proposal would be acceptable and policy compliant on highways and parking grounds.

Energy and Water Sustainability

- 7.37 Policy KP2 of the Core Strategy states; "All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources" and that "at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)". The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design.
- 7.38 No information has been submitted in relation to the provision of renewables on site. However, given that the proposal relates to the conversion of an existing building, it is not considered reasonable to require the proposal to accord with these standards in this instance.
- 7.39 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 (lppd) (110 lppd when including external water consumption). Such measures will include the use of water efficient fittings and appliances and. Whilst limited details have been submitted for consideration at this time, this can be dealt with by a condition.

Recreational disturbance Avoidance Mitigation Strategy (RAMS).

- 7.40 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 7.41 Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The adopted RAMS Supplementary Planning Document (SPD), (October 2020) requires that a tariff of £127.30 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. This payment has been completed and the proposal is considered to be acceptable and policy compliant in this regard.

Community Infrastructure Levy (CIL)

- 7.42 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.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposal would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and on the character and appearance of the application site, street scene and the locality more widely. There would be no adverse traffic, parking or highways impacts. Living standards for future occupiers are satisfactory. This proposal creates new housing. Therefore, if any harm were identified it would be necessary to demonstrate that in reaching the decision an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the National Planning Policy Framework is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework taken as a whole. In this case no harm which would outweigh the benefits of the scheme have been identified. This application is recommended for approval subject to conditions.

9 Recommendation

MEMBERS ARE RECOMMENDED TO GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall begin no later than three years from the date of this decision

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; SA062021-BP; SA062021-01; SA062021-02; SA062021-03; SA062021-04 R2; SA062021-05; SA062021-06; SA062021-G

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

- 03 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 and made available for use 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 (2021), Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice

contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 04** Prior to the first occupation of the development hereby approved, full details of external refuse, recycling and secure, covered bicycle storage facilities belonging to the ground floor and lower ground flats shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development hereby approved those facilities shall be provided and made available for use at the site in accordance with the approved details and retained for the lifetime of the development.

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 (2021), 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).

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

10 **Informatives**

- 1** 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.
- 2** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.