

Reference:	22/00002/FUL	
Application Type:	Full Application	
Ward:	Milton	
Proposal:	Change of use of existing building from retail (Class E) to dwellings (Class C3), erect two storey rear/side extensions with balconies to first floor rear, install dormer to rear and roof terrace, form 5no. self-contained flats with associated amenity space, cycle and refuse storage (Amended Proposal)	
Address:	172 - 174 London Road, Southend-on-Sea, Essex, SS1 1PH	
Applicant:	Mr Martin Saunders	
Agent:	Mr Jonathan McDermott of Town Planning Experts	
Consultation Expiry:	02.02.2022	
Expiry Date:	04.03.2022	
Case Officer:	Oliver Hart	
Plan Nos:	695-400; 695-401; 695-402; 695-403 Rev 03; 695-404 Rev 03	
Supporting information:	Design and Access Statement; Internal Daylight Assessment	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application relates to two, two-storey, terraced buildings on the south side of London Road currently occupied by commercial premises with a series of single, and two storey projections to their rear with garden beyond. 172 London Road is presently vacant. 174 London Road is still trading. The surrounding area is mixed, comprising predominantly commercial premises at ground floor with residential uses above.
- 1.2 The site is located within the Victoria Gateway Neighbourhood Policy Area of the SCAAP (Southend Central Area Action Plan). It is bounded to the rear by the Milton Conservation Area.

2 The Proposal

- 2.1 Planning permission is sought to change the use of No's 172 and 174 London Road from commercial to residential, and to erect two storey rear/side extensions and a dormer to the rear to provide 5no. flats.
- 2.2 The overall mix of the flats is:
 - Flat 1- 2bed 3-person unit – 61sqm internal floor area
bedroom 1- 12.1sqm; bedroom 2- 10sqm; storage area-1sqm
 - Flat 2- 2bed 3-person unit – 61.4sqm internal floor area
bedroom 1- 12.8sqm; bedroom 2- 9.8sqm; storage area-1sqm
 - Flat 3- 2bed 3-person unit – 64sqm internal floor area
bedroom 1- 12.1sqm; bedroom 2- 10sqm; storage area-1sqm
 - Flat 4- 2 bed 3-person unit – 65sqm internal floor area
bedroom 1- 11.5sqm; bedroom 2- 9sqm; storage area-1sqm
 - Flat 5- 2bed 3 person unit – 61sqm internal floor area
bedroom 1- 11.5sqm; bedroom 2- 9.1sqm; storage area-1sqm

- 2.3 Flats 1 and 2 would be accessed directly from London Road. Flats 3, 4 and 5 would also be accessed from London Road but via a separate entrance and a communal stair and landing.
- 2.4 The two-storey extension would be hip roofed and would extend centrally across the rears of both properties, measuring 7.8m in maximum height, 7.7m wide and 7.1m deep.
- 2.5 The dormer would be of flat roof 'box' design and would similarly extend across both roofscapes; some 8.8m wide, 3.1m deep and 1.9m high.
- 2.6 Proposed external alterations include infilling the front elevation with brick to match the first floor and replacing the existing shopfront with sliding sash windows and new front doors.
- 2.7 Private amenity spaces are proposed to each of the units as well as a communal area to the rear of the site for waste/cycle storage. No off-street car parking is proposed as part of the development.
- 2.8 This is an amended application following refusal of a previous scheme (Ref. 21/02051/FUL – the "2021 Application"). The 2021 Application was refused solely in relation to the living conditions of future occupiers.
- 2.9 The most notable amendments to this application are an alteration in the layout of flat 5 to increase the size of Bedroom 1, an increase of proposed internal storage space for all flats to 1sqm, as well as the submission of an internal daylight assessment. All other elements of the proposal, including the two-storey rear/side extensions, associated roof terraces and dormer to the rear remain unchanged.

3 Relevant Planning History

- 3.1 The 2021 Application (21/02051/FUL) - Change of use of existing building from retail (Class E) to dwellings (Class C3), erect two storey rear/side extensions with balconies to first floor rear, install dormer to rear and roof terrace, form 5no. self-contained flats with associated amenity space, cycle and refuse storage – Refused.

Reason for Refusal:

Flat 5 would fail to provide a bedroom with sufficient floor area to meet the minimum bedroom size standards as set out in the Technical Housing Standards for a double room so would result in an inadequate standard of accommodation detrimental to the amenities of its future occupiers. In addition, in the absence of a daylight and sunlight assessment demonstrating otherwise, it is reasonably considered that the limited outlook and light available to the single bedroom areas for all proposed flats and absence of sufficient integrated internal storage would result in an inadequate standard of accommodation detrimental to the amenities of these flats' future occupiers. This is unacceptable and contrary to the National Planning Policy Framework (2021), the advice contained within the Technical Housing Standards – Nationally Described Space Standard document (2015) and Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of Development Management Document (2015).

172 London Road

- 3.2 21/01468/PA3COU - Change of use from shop (Class A1) to 2 self-contained flats (Class C3), convert roofspace into habitable accommodation, alter elevations (Prior Approval) - Refused

174 London Road

- 3.3 21/01469/PA3COU - Change of use from shop (Class A1) to 2 self-contained flats (Class C3), convert roofspace into habitable accommodation, alter elevations (Prior Approval) – Refused

- 3.4 The planning history of the site is a material planning consideration of significant weight. The current proposal would result in identical built form to that proposed in the refused 2021 application where no objection to the design and character impacts, the residential amenity impacts nor the sustainability or highways impacts were raised. These findings hold significant weight in the determination of the current application.

4 Representation Summary

Call in

- 4.1 The application has been called in by Councillor George.

Public Consultation

- 4.2 10no. neighbouring properties were consulted and a site notice was displayed. Representations from 7 addresses (12 representations) have been received.

- 4.3 The objecting comments are summarised as follows:

- Parking concerns.
- Council should be promoting small business
- Development will have a detrimental impact on the wider shopping area
- Amenity concerns relating to loss of privacy
- Lighting report inaccurate
- Living conditions for future occupiers will still be substandard due to poor light/outlook.
- Design concerns with size/scale of the rear dormer
- Query with accuracy of the application form

[Officer Comment]: All relevant planning considerations have been assessed within the appraisal section of the report. These concerns are noted and where they relate to planning concerns, have been taken into account in the assessment of the application. The points of objection raised in representations are not found to represent justifiable reasons for refusing permission in the circumstances of this case.

Highways

- 4.4 No objection.

5 Planning Policy Summary

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

- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Technical Housing Standards – Nationally Described Space Standards (2015)
- 5.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 5.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management).
- 5.6 Southend Central Area Action Plan (SCAAP) (2018): Policy PA8 (Victoria Gateway Neighbourhood Policy Area Development Principles)
- 5.7 Design & Townscape Guide (2009)
- 5.8 Technical Housing Standards Policy Transition Statement (2015)
- 5.9 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.10 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.11 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.12 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are whether the application has overcome the previous reason for refusal in relation to living conditions for future occupiers following submission of an Internal Daylight Assessment and alterations to the internal layout of flat 5.
- 6.2 A comparable scheme considered under the 2021 Application was assessed against the same policy background (noting the recent publication of NPPF (2021) and that there have been no material changes in the site circumstances in the interim). It is not considered that the latest NPPF has introduced any new considerations relevant to this application. That earlier proposal was found to be acceptable in other regards subject to conditions, including in terms of the principle of the development, design and character impacts including the character and appearance of the Milton Conservation Area, the impact on neighbours, the impact on highways and parking conditions of the area, refuse and recycling storage, energy and water sustainability, RAMS payment and CIL liability. The current application is also considered to be acceptable in these regards, including the requisite RAMS fee having been paid. The findings for the above considerations are discussed in the officer's report for the 2021 Application appended to this report as Appendix 1. These findings are relevant and do not need to be repeated.

7 Appraisal

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.1 Delivering high quality homes is a key objective of the NPPF and is reflected in Policy DM8 of the Development Management Document. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact on the living conditions and amenity of existing and future residents or neighbouring residents. Policy DM1 requires developments to provide an internal and external layout that takes account of all potential users. Policy DM8 requires new dwellings to comply with the residential space standards, to be flexible to meet the changing needs of residents and ensure the provision of outdoor amenity space.
- 7.2 The 2021 application was refused on grounds of unacceptable living conditions due to the following issues:
- Flat 5 would have failed to provide a bedroom with sufficient floor area to meet the minimum bedroom size standards for a double room;
 - In the absence of a daylight and sunlight assessment demonstrating otherwise, it was considered that there would have been limited outlook and light available to the single bedroom areas for all proposed flats; and
 - There would have been insufficient integrated internal storage space.
- 7.3 To overcome these concerns, the applicant has submitted an Internal Daylight Assessment, re-configured flat 5 to enlarge Bedroom 1 and incorporated internal storage of 1sqm to all flats.
- 7.4 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes. The required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on the table below:

Table 1: Space Standards

	Area (m ²)	Bedroom 1	Bedroom 2	Storage area (m ²)
Standard for (one storey) 2 bed 3 person	61	11.5m ² Wmin=2.75m	7.5m ² Wmin=2.15m	2

- 7.5 All the flats proposed would now meet the minimum overall space requirements in so far as they relate to total floor area, and the size requirements for a double and single bedroom. The integrated storage areas proposed at 1sqm would still be undersized in relation to the required standard however, the additional 1sqm required could be easily accommodated within the proposed layout (e.g. within the living area) and a condition to that effect can achieve the required degree of provision.

Daylight, Sunlight and Outlook from Habitable Rooms

- 7.6 All the main bedrooms would continue to benefit from satisfactory outlook and daylight levels. An Internal Daylight Assessment report has been submitted in respect of all the single (second) bedrooms following an earlier refusal on this basis.
- 7.7 The Assessment concludes that using the Average Daylight Factor (ADF), all the

surveyed bedrooms would meet the minimum standards prescribed by BS8206:2. This is a positive of the proposal. Whilst there is concern with respect to the prospective outlooks for the second bedrooms arising from their L-shaped layout and position within a well, due regard is had to the findings of the Internal Daylight Assessment and the size of the second bedrooms which exceed the minimum internal standards. Regard is also had to the recent appeal decisions at Viceroy House and Suffolk House which highlight the significant emphasis placed on the need for housing in the Borough by the Planning Inspectorate such that schemes with living conditions comparable with those proposed in this instance were deemed acceptable. On this basis and on balance, it is not considered that the potential harm identified to the occupants of the single rooms would be so significant as to tilt the balance against the provision of housing.

M4 (2) – Accessibility

- 7.8 The proposal involves the conversion of an existing property, not the erection of a new building. Policy DM8 states that accessibility for all new dwellings should be of a standard of Building Regulation M4 (2) but in line with 2021 Application, this is not applicable to changes of use or extensions of existing buildings, as is the case here.

Amenity Provision

- 7.9 All units would benefit from some level of amenity space. The amenity spaces are sufficiently screened from the highway, are adequately distanced from adjacent buildings and are of sufficient sizes to reasonably meet the needs of occupiers of the proposed dwellings.

Noise and Disturbance

- 7.10 Having regard to the presence of neighbouring first floor dwellings that bound the application site, it is not considered nearby ground floor commercial uses would give rise to significantly harmful degrees of undue noise and disturbance that would be to the significant detriment of the amenities of the future occupiers. However, a condition to require appropriate noise mitigation measures such as acoustic glazing, are suggested. Environmental Health have raised no objection to the development subject to such a condition.
- 7.11 The provision of adequate insulation between the proposed residential units would be a matter to be satisfactorily addressed under Building Regulations.

Access

- 7.12 The access arrangements directly from London Road are considered to be acceptable.
- 7.13 Overall, it is considered that the proposal would, on balance, result in suitable standard of accommodation for future occupiers. The proposal is therefore acceptable and compliant with the relevant policies in these regards.

Other Matters

Equality and Diversity

- 7.14 The Equality Act 2010 (as amended) imposes important duties on public authorities in

the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Community Infrastructure Levy (CIL)

- 7.15 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development is situated in CIL charging zone 1 and includes a gross internal floor area of approximately 312.4sqm, which may equate to a CIL charge of £8002.25 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, including the basis of the 2021 permission, it is concluded that, subject to compliance with the recommended conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local and national policies and guidance. The proposal is acceptable in principle and it would have an acceptable impact on the character and appearance of the area, the highway and parking conditions in the area and the neighbour amenity impact. On balance, the proposed development would also be acceptable in terms of its living conditions for future occupiers. Conditions can deal with energy and water sustainability.
- 8.2 This proposal creates new housing. Therefore, if any harm is identified, including in those areas for judgement identified within this report's analysis of the proposal, 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 such 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 NPPF is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole. The proposal would make a contribution to the housing needs of the borough which must be given increased weight in the planning balance, albeit the weight to be attached to this would not be so significant in this instance in view of the level of occupancy and number of units involved. This application is recommended for approval subject to conditions.

9 Recommendation

- 9.1 **GRANT PLANNING PERMISSION subject to the following conditions**

1. **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.

2. **The development hereby approved shall be carried out in accordance with the approved plans: 695-400; 695-401; 695-402; 695-403 Rev 03; 695-404 Rev 03**

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

3. **Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing dwelling. This applies unless differences are shown on submitted plans.**

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy 2007, Policy DM1 and DM3 of the Development Management Document 2015 and the Design and Townscape Guide 2009.

4. **Prior to occupation of the development hereby approved, details of energy efficiency and other sustainability measures, including the provision of at least 10% of the development hereby approved's energy needs being provided from renewable sources, shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be carried only in accordance with the agreed details.**

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4 and the guidance contained within the Design and Townscape Guide (2009).

5. **Prior to occupation of the development hereby approved, water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be installed in the development hereby approved and be retained in perpetuity thereafter.**

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Councils Design and Townscape Guide (2009).

6. **Prior to occupation of the development hereby approved, details of secure, covered cycle and refuse storage for the flats shall be submitted to and approved in writing by the local planning authority. The agreed details shall be implemented and made available for use before the flats are first occupied and shall be**

permanently retained for occupiers of the development thereafter.

Reason: In order to protect the character and visual amenities of the area and the environment for residents and provide sustainable modes of transport in accordance with of the Council's Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) policies DM1, DM3 and DM15.

7. Hours of construction works associated with this consent shall be 8am - 6pm Monday to Friday, 8am - 1pm Saturday. No works shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and The Design and Townscape Guide (2009).

8. Prior to occupation of the development hereby approved, adequately glazed windows shall have been installed for all habitable rooms in the front elevation of the development (windows to meet Specification RW 35) to mitigate Road Traffic Noise from London Road.

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

Informatives:

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

Appendix 1 – Previous Officers Report

Reference:	21/02051/FUL
Application Type:	Full Application
Ward:	Milton
Proposal:	Change of use of existing building from retail (Class E) to dwellings (Class C3), erect two storey rear/side extensions with balconies to first floor rear, install dormer to rear and roof terrace, form 5no. self-contained flats with associated amenity space, cycle and refuse storage
Address:	172 - 174 London Road Southend-on-Sea Essex SS1 1PH
Applicant:	Mr Martin Saunders
Agent:	Mr Jonathan McDermott of Town Planning Experts
Consultation Expiry:	18.11.2021
Expiry Date:	17.12.2021
Case Officer:	Oliver Hart
Plan Nos:	695-400; 695-401; 695-402; 695-403 Rev 02; 695-404 Rev 02;
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The application relates to two, two-storey terraced buildings on the south side of London Road currently occupied by commercial premises with a series of single, and two storey projections to their rear with garden beyond. 172 London Road is presently vacant. 174 London Road is still trading. The surrounding area is mixed, comprising predominantly commercial premises at ground floor with residential uses above.
- 1.2 The site is located within the Victoria Gateway Neighbourhood Policy Area of the SCAAP (Southend Central Area Action Plan). It is bounded to the rear by the Milton Conservation Area.

2 The Proposal

- 2.1 Planning permission is sought to change the use of No's 172 and 174 London Road from commercial to residential, and to erect two storey rear/side extensions and a dormer to the rear to provide 5no. flats.
- 2.2 The composition of the flats is:
- Flat 1- 2bed 3-person unit
bedroom 1- 12.1sqm; bedroom 2- 10sqm
 - Flat 2- 2bed 3-person unit
bedroom 1- 12.8sqm; bedroom 2- 9.8sqm
 - Flat 3- 2bed 3-person unit
bedroom 1- 12.1sqm; bedroom 2- 10sqm
 - Flat 4- 2 bed 3-person unit
bedroom 1- 11.5sqm; bedroom 2- 9sqm
 - Flat 5- 2bed 3 person unit
bedroom 1- 10.3sqm; bedroom 2- 9.5sqm
- 2.3 Flats 1 and 2 would be accessed directly from London Road. Flats 3, 4 and 5 would also be accessed from London Road but via a separate entrance and a communal stair and landing.
- 2.4 The two-storey extension would be hip roofed and would extend centrally across the rears of both properties, 7.7m wide and 7.1m deep.
- 2.5 The dormer would be of flat roof 'box' design and would similarly extend across both roofscapes; some 8.8m wide, 3.1m deep and 1.9m high.
- 2.6 Proposed external alterations include infilling the front elevation with brick to match the first floor and replacing the existing shopfront with sliding sash windows and new front doors.
- 2.7 Private amenity spaces are proposed to each of the units as well as a communal area to the rear of the site for waste/cycle storage. No off-street car parking is proposed as part of the development.

3 Relevant Planning History

172 London Road

- 3.1 21/01468/PA3COU- Change of use from shop (Class A1) to 2 self contained flats (Class C3), convert roofspace into habitable accommodation, alter elevations (Prior Approval)- Refused

174 London Road

- 3.2 21/01469/PA3COU- Change of use from shop (Class A1) to 2 self contained flats (Class C3), convert roofspace into habitable accommodation, alter elevations (Prior Approval)-

Refused

4 Representation Summary

Public Consultation

4.1 10 neighbouring properties were consulted and a site notice displayed. No letters of representation have been received.

Environmental Health

4.2 No objections subject to conditions relating to acoustic glazing.

Highways

4.3 No objections. Secure cycle parking has been provided. Future occupiers will not be eligible for a town centre or residential parking permit.

5 Planning Policy Summary

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

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

5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance) and CP8 (Dwelling Provision).

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), DM10 (Employment Sectors), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management).

5.5 Design & Townscape Guide (2009)

5.6 Technical Housing Standards Policy Transition Statement (2015)

5.7 Southend Central Area Action Plan (SCAAP) (2018): Policy PA8 (Victoria Gateway Neighbourhood Policy Area Development Principles)

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

5.9 Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)

6 Planning Considerations

6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the streetscene and wider area, impact on residential amenity, living conditions for future occupiers, any traffic and transportation issues, sustainable design and CIL and RAMS considerations.

7 Appraisal

Principle of Development

- 7.1 The site is within the built-up area and close to town centre services and transport links.
- 7.2 The application site is not within a designated shopping frontage or centre. As such there is no requirement to maintain a specific level of retail use or active frontage at ground floor. In respect of shopping policy, there is therefore no objection to the loss of commercial, business or service use and frontage at this location.
- 7.3 The proposal results in loss of potential employment-generating space. By virtue of their size, the units are considered a small-scale employment-generating use. The current uses fall within Class E and is not one of the B Class employment generating uses which are the focus of Policy DM11 objectives. It is considered unreasonable to object to the proposed change of use on this basis.
- 7.4 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough. Policy CP8 also expects 80% of residential development to be provided on previously developed land. 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 HDT and 5YHLS weigh in favour of the principle of the development, particularly in light of the tilted balance in favour of sustainable residential development as required by paragraph 11 of the NPPF. The proposal would create an increase of five dwellings each of three person, two bedroom capacity which is a limited contribution to the housing supply of the Borough.
- 7.5 Situated within the built-up area, extensions and alterations to the building are also acceptable in principle. Overall, the principle of development is acceptable subject to the details of the proposal considered below.

Design and Impact on the Character of the Area

- 7.6 Local and national planning policies and guidance seek to ensure that new development is well designed. 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.
- 7.7 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contributes positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape guide provide further details on how this can be achieved.
- 7.8 The rear boundary of the application site marks the start of the Milton Conservation Area which extends towards the south. Section 72(1) of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. In accordance with this, Policy DM5 of the Development Management Document states the Council has a statutory duty to preserve or enhance their character and

appearance, and regard will be had to the impact of the proposed development on the adjacent conservation area.

- 7.9 The proposed external changes include removal of the existing shopfront and infilling with face brick, windows and new front doors which is considered to be in keeping with the character and appearance of the application property and would contribute satisfactorily to the streetscene. Details of materials can be controlled by a planning condition.
- 7.10 The two-storey rear extension is of significant size and scale however, its set down from the ridge of the existing roof and hip roofed form are considered to reduce its scale, bulk and prominence in the rear garden scene to an acceptable degree. No public views would be possible within the main streetscenes around the site. Noting the proposed use of matching materials (which could be secured via condition were the proposal otherwise acceptable) and the presence of single, and two storey rear projections of varying form and design within the wider terrace, no objections are raised on its character impact including its impact as seen from within the Conservation Area to the south, in which the impact would be neutral.
- 7.11 The dormer proposed is of significant width however, its position set up from the eaves, set down from the ridge and retention of separation to either flank roof slope are such that the resultant built form is considered to sit sufficiently well in the space available and positioned behind the two storey extension, it would appear as a relatively low impact feature in the rear garden scene and Conservation Area views from the south. The use of matching materials would sufficiently mitigate any design concerns further. Regard is also had to the presence of a large flat roofed box dormer within the wider terrace such that this dormer is not considered to appear as an unduly incongruous feature. For the reasons outlined above, the dormer and extension proposed are considered to have neutral impacts which would preserve the character, appearance and setting of the adjacent Milton Conservation Area to an acceptable degree.
- 7.12 No objection is raised to the proposed installation of roof lights to the front roof slope which are discreet in visual impact.
- 7.13 Whilst contrived in their form and design, no objection is also raised to the proposed first floor rear balconies nor the roof terrace which are also considered to be discreet in visual impact, including as viewed from the adjacent Conservation Area.
- 7.14 The proposal is therefore acceptable and policy compliant in the above regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.15 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.

Space Standards

- 7.16 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage size which in the context of this application are as follows:

Floorspace

- Requirement for a single-storey, two-bed (three-person) unit is 61sqm.

The minimum standards for bedrooms are shown below:

- Master - min area 11.5 sqm, min width 2.75m
- Double - min area 11.5sqm, min width 2.55m
- Single - min area 7.5 sqm, min width 2.15m

Storage

- Requirement for minimum 2sqm for a single storey two-bed (three-person) unit.

7.17 All the flats proposed would meet the minimum overall space requirements. However, bedroom 1 within flat 5 at 10.3sqm would fall significantly below the requirement for a Master bedroom and consequently, would lead to a detrimental impact on the amenity of its future occupants. Moreover, it has not been detailed on submitted plans that integrated storage areas would be made available for any of the units (the requirement is for 2sqm). Given the size and disposition of the units proposed it is not clear that this could necessarily be provided in any or all cases. In this respect, it is not considered that a planning condition would sufficiently address this concern in all regards. This is considered a negative of the scheme that would compromise the future living arrangements of occupants.

Daylight, Sunlight and Outlook from Habitable Rooms

7.18 It is considered that all the main bedrooms would have satisfactory outlook and daylight levels. Concern is raised with regards to the receipt of light to all the single (second) bedrooms within the proposed development on account of the following: the position of windows at flats 1, 2, 3 and 4 positioned within deep and narrow well arrangements (surrounded on either side by 2 storey development); and in relation to flat 5, the provision of only a single roof light. In the absence of a daylight and sunlight assessment, and given the circumstances of the development, it has not been reasonably demonstrated that the proposed second bedrooms would achieve an adequate level of light or benefit from a sufficient outlook and objection is raised on this basis.

M4 (2) – Accessibility

7.19 The proposal involves the conversion of an existing property, not the erection of new dwellings. Policy DM8 states that accessibility for all new dwellings should be of a standard of optional requirement M4 (2) of the Building Regulations but this optional requirement is stated not to be applicable to changes of use, as is the case here.

Amenity Provision

7.20 All units would benefit from some level of amenity space. The amenity spaces are sufficiently screened from the highway, are adequately distanced from adjacent buildings and are of sufficient sizes to reasonably meet the needs of occupiers of the proposed dwellings.

Noise and Disturbance

7.21 Having regard to the presence of neighbouring first floor dwellings that bound the

application site, it is not considered nearby ground floor commercial uses would give rise to significantly harmful degrees of undue noise and disturbance that would be to the significant detriment of the amenities of the future occupiers. Environmental Health have raised no objection to the development subject to a condition requiring acoustic glazing to the proposed front windows.

- 7.22 The provision of adequate insulation between the proposed residential units would be a matter to be satisfactorily addressed under Building Regulations.

Access

- 7.23 The access arrangements directly from London Road are considered to be acceptable.
- 7.24 Overall, it is considered that the proposal would result in substandard accommodation for future occupiers and would be detrimental to their living conditions. The proposal is therefore unacceptable and contrary to relevant policies in these regards.

Impact on Residential Amenity

- 7.25 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.26 The proposal is bounded by first floor residential accommodation at No.170A London Road to the east and by No.174B London Road to the west. Both of these properties have deep part single/part two storey rear projections.
- 7.27 The positioning of the dormer within the confines of the rear roof slope is such that this element of the proposal would not have a detrimental impact on the amenities of the neighbouring occupiers. The dormer would provide potential for overlooking of rear gardens of adjoining neighbouring properties including those along Park Terrace (south) however, there is already an existing degree of overlooking at present which is representative of the levels of amenity generally enjoyed in this rear garden environment. On this basis, it is not considered that the proposed dormer would give rise to a material increase in overlooking or loss of privacy to these neighbouring properties beyond existing levels, nor to an unacceptable degree. The proposed rooflights face into the public domain with no adverse impact on residential amenity.
- 7.28 The two-storey extension would not project beyond the rear elevation of No.170A such that it is not considered to give rise to any significantly detrimental impacts in any regard. The proposed extension would project some 4m beyond the rear elevation of No.174B however, the window in closest proximity to the application site serves a bathroom and is obscure glazed. This constitutes non-habitable accommodation the protection which can be afforded to the light of which is limited in planning terms. The depth of the extension together with the degree of separation from the shared boundary and position adjacent to non-habitable accommodation is such that it is not considered to result in a significantly harmful impact on the residential amenity of the occupants at No.174B by way of overshadowing, a material loss of light and outlook nor an increased sense of

enclosure. The proposal is therefore considered to be acceptable and policy compliant in these regards.

- 7.29 Whilst it is considered that the proposed first floor rear balconies belonging to flats 3 and 4 may give rise to some actual and perceived overlooking of neighbouring private amenity space on account of their projection into the rear garden area, it is considered that such harm could be overcome by installation of obscure glazed privacy screening to either flank elevation adjacent to the shared boundaries with No's 170A and 174B. That could be controlled by planning condition were the proposal otherwise acceptable.
- 7.30 It is considered the proposed roof terrace would have an acceptable amenity impact on account of its elevated position and absence of adjacent neighbouring habitable accommodation.
- 7.31 Subject to conditions therefore, the proposal is acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.32 Policy DM15 of the Development Management Document requires all development to provide adequate parking and sets a minimum parking standard of 1 parking space per dwelling in this location. 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. No parking is proposed for the development however, this location is highly accessible and is located within reasonable walking distance of Southend Central and Victoria Railway Stations plus main bus links. Public car parks are also located in close proximity. It is therefore considered to be a sustainable location and it is considered that zero parking can be justified in this instance.
- 7.33 Secure and enclosed cycle parking for 5no. bicycles is shown to the rear of the application site. The capacity and form of provision is considered to be acceptable. Highways have raised no objection. Subject to a condition controlling the cycle provision the proposal is acceptable and policy compliant in the above regards.

Waste

- 7.34 Secure and enclosed waste storage is shown to the rear of the application site. The capacity and form of provision is considered to be acceptable. Subject to a condition controlling the refuse/recycling provision, the proposal is acceptable and policy compliant in the above regards.

Sustainability

- 7.35 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.

7.36 No information has been provided regarding proposed renewable energy to demonstrate how the proposal meets the 10% policy requirement. By reason of the development being a conversion it is considered that it would be unfeasible to require accordance with the abovementioned energy requirement. It is considered however that the requirement for restrictions on water usage could feasibly be incorporated into the development and can be controlled with a condition. This aspect of the proposal is therefore considered to be acceptable and policy compliant in this regard, subject to conditions.

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) and Ecology.

7.37 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. 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 RAMS Supplementary Planning Document (SPD) which was adopted by Full Council in 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.

7.38 The payment has been made and the proposal is therefore policy compliant in that regard.

Community Infrastructure Levy (CIL)

7.39 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 allowed the development will be CIL liable. Any revised application may also be CIL liable.

8 Conclusion

8.1 Having taken all material planning considerations into account and for the reasons outlined above, it is found that the proposed development would be unacceptable and contrary to the objectives of the relevant development plan policies and guidance. The identified harm is not outweighed by public benefits including the proposal's limited provision of additional housing. The proposed development is unacceptable and fails to comply with planning policy. The application is therefore recommended for refusal.

9 Recommendation

9.1 **REFUSE PLANNING PERMISSION for the following reason:**

01 Flat 5 would fail to provide a bedroom with sufficient floor area to meet the minimum bedroom size standards as set out in the Technical Housing Standards for a double room so would result in an inadequate standard of accommodation

detrimental to the amenities of its future occupiers. In addition, in the absence of a daylight and sunlight assessment demonstrating otherwise, it is reasonably considered that the limited outlook and light available to the single bedroom areas for all proposed flats and absence of sufficient integrated internal storage would result in an inadequate standard of accommodation detrimental to the amenities of these flats' future occupiers. This is unacceptable and contrary to the National Planning Policy Framework (2021), the advice contained within the Technical Housing Standards – Nationally Described Space Standard document (2015) and Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of Development Management Document (2015).

Informatives:

- 1 Please note that this application would be 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 would also be CIL liable.**

