

<b>Reference:</b>	22/01629/FUL	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Blenheim Park	
<b>Proposal:</b>	Erect two storey rear extension and form new second floor to main building with roof terrace to form a further 3no. self-contained flats with associated parking, bin and cycle store (Amended Proposal)	
<b>Address:</b>	995 - 1003 London Road, Leigh-on-Sea, Essex, SS9 3LB	
<b>Applicant:</b>	Mr Richard Schofield on behalf of Cycles UK	
<b>Agent:</b>	SKArchitects	
<b>Consultation Expiry:</b>	22.09.2022	
<b>Expiry Date:</b>	04.11.2022	
<b>Case Officer:</b>	Oliver Hart	
<b>Plan Nos:</b>	771-P01 Rev F; 771-P02 Rev E; 771-P03 Rev D	
<b>Supporting information:</b>	Planning Design and Access Statement	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b> subject to conditions	



## 1 Site and Surroundings

- 1.1 The application site is located on the northern side of London Road on the corner of Grasmear Avenue. The site is currently occupied by a cycling shop to the ground floor, and three residential flats to the first floor. The wider mixed-use terrace is finished externally in white render. It is flat roofed and finished with decorative parapet detailing and other elements reminiscent of the art-deco era.
- 1.2 To the rear of the site is a grassed area and car parking for the other commercial units in the block accessed via a dropped kerb from Grasmear Avenue. The streetscene along this part of London Road is characterised by commercial units to the ground floor and residential above typically 1.5 – 3 storeys in height. This is inclusive of the new three storey development comprising nine flats nearing completion opposite at 840-846 London Road approved under application 20/00707/FUL.
- 1.3 The area has a town centre character on London Road, with residential uses on upper floors and side streets like Grasmear Avenue. There are no specific policy designations affecting the site.

## 2 The Proposal

- 2.1 Planning permission is sought to erect a two-storey rear extension and form a new second floor to the main building to create three (3no.) additional self-contained flats with associated parking, bin and cycle stores to the rear.
- 2.2 The two-storey rear extension would measure some 10.1m deep along Grasmear Avenue, 7.4m high and 6.7m wide. The proposed new second floor which has dual frontage along both London Road and Grasmear Avenue is some 21m wide, 11m in maximum depth (to the rear of the wrap around element along Grasmear Avenue) and 11.4m in maximum height (to top of the parapet).
- 2.3 The proposed internal floorspaces of the flats are set out below:

Flat	Internal Floorspace	National Standards	Technical
1 (Ground Floor)	45sqm (1 person)	39sqm (1 person)	
2 (First Floor)	45sqm (1 person)	39sqm (1 person)	
3 (Second Floor)	113sqm (6 persons)	95sqm (6 persons)	

- 2.4 A private roof terrace some 21sqm in area is proposed to serve flat 3. Ground floor amenity areas some 9.5sqm in area serving flats 1 and 2 are also shown on submitted plans.
- 2.5 To the rear of the site 5 parking spaces are to be laid out, as well as refuse and cycle storage and areas of soft landscaping. The planning agent has specified that 3 of the spaces will serve the existing flats, 1 of the spaces will serve the commercial unit, and the final space will be provided for the proposed 3-bed/6-person unit. Access to the new units will be via an existing building entrance fronting Grasmear Avenue.
- 2.6 Also proposed is a living green roof over the proposed flat roof of the development.

### **3 Relevant Planning History**

- 3.1 21/01900/FUL- Erect two storey rear extension and form new second floor to main building with green roof and roof terrace to form 5no. self-contained flats with associated parking, bin and cycle store- Withdrawn
- 3.2 16/00469/AD- Application for approval of details pursuant to condition 5 (Waste Storage) and 6 (Noise Insulation) of planning application 13/00215/FUL dated 30.4.2013- Granted
- 3.3 13/00215/FUL- Erect two storey rear extension- Granted

### **4 Representation Summary**

#### **Call-in request**

- 4.1 The application has been called in to Development Control Committee by Councillor Boyd.

#### **Public Consultation**

- 4.2 Twenty (20) neighbouring properties were consulted and a site notice was displayed. Representations from six (6) addresses have been received.

- 4.3 The objecting comments are summarised as follows:

- The proposal would appear obtrusive and would give rise to a sense of overbearing.
- Loss of light to neighbouring properties/garden areas
- Overlooking and loss of privacy concerns
- There is a lack of parking for flats and commercial premises in the immediate vicinity.
- Concerns with sustainable transport claims.
- Parking area unfeasible with limited turning space onto Grasmear Avenue
- Issue with refuse provision which is poor
- Concerns of anti-social behaviour to the rear of the site
- Proposal will lead to an unbalancing of the wider terrace
- Design concerns
- Surface water run-off and drainage concerns
- Lorries/servicing vehicles should not block the junction with Grasmear Avenue

- 4.4 The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report. The objecting points raised by the representations have been taken into account in the assessment of the proposal but are not found to represent justifiable reasons for recommending refusal of the planning application in the circumstances of this case.

#### **Environmental Health**

- 4.5 No objections subject to condition regarding construction management, refuse and recycling and noise impact survey.

## **Highways**

- 4.6 No objections – Access to the 5 off street parking spaces is via an existing accessway that also serves a number of properties with parking at the rear. The parking layout for the proposal ensures that vehicles can enter, manoeuvre and leave in a forward gear. The site also benefits from being in a sustainable location with regard to public transport with good links in close proximity. It is not considered that this proposal will have a detrimental impact on the local highway network.

## **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), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the Town Centre), DM15 (Sustainable Transport Management).
- 5.6 Southend-on-Sea Design and Townscape Guide (2009)
- 5.7 Technical Housing Standards Policy Transition Statement (2015)
- 5.8 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.9 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.11 Electric Vehicle Charging Infrastructure for new development (2021)

## **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, the standard of accommodation for future occupiers, the impact on residential amenity of neighbouring occupiers, any traffic and transportation issues, refuse and recycling storage, energy and water sustainability, water drainage and compliance with the Essex Coast RAMS SPD and CIL liability.

## **7 Appraisal**

### **Principle of Development**

- 7.1 Paragraph 119 of the NPPF states: “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.” Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes. Paragraph 86 (f) of the NPPF states that planning should “recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites”. Paragraph 120 (e) states that planning decisions should “support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.”
- 7.2 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the city. Similarly, the Council’s Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the city. 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.
- 7.3 Of the three new units created the proposal would result in 1 new dwelling that would be suitable for families which is a positive aspect of the development. The provision of additional housing carries 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 city.
- 7.4 The proposed development is acceptable in principle. Other material planning considerations are discussed in the following sections of the report.

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

- 7.5 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 Council’s Design and Townscape Guide also states that: “the Council is committed to good design and will seek to create attractive, high-quality living environments.” The Guide goes on to state that “The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant [...] the easiest option is to draw reference from the surrounding buildings.”
- 7.6 Having regard to the scale and varied heights of properties within the immediate vicinity, typically 1.5 – 3 storeys, the proposed increase in height is considered to suitably respect the height and scale of surrounding development.

- 7.7 The proposed development leads to an unbalancing of the wider terrace due to the part width form of the new third storey. This is considered a less positive aspect of the scheme however, in this instance, due regard is had to the continuation of the detailing to the front façade which characterises the terrace and which helps to create layering and visual interest to the application site. Within the existing elevational design there is a strong sense of order which results in a rhythm and pattern along the two street facing elevations. The additional storey follows the lower fenestration and is well ordered, with repeated brick detailing and horizontal banding which help to soften the envelope, height and scale of the additional built form. Moreover, the stucco detailing would hide the main flat roof of the third storey from public views.
- 7.8 No objections are raised to the design and character impact of the proposed two storey extension to the northern elevation which would accord suitably with the size and scale of the parent building. Its parapet flat roof and fenestration detailing would integrate well with those of the host building and its position, set along the same building line as the elevation fronting Grasmear Avenue, further aids its integration. Regard is further had to the negative visual impact of the existing parcel of land which creates a weak street frontage. In comparison, the development will better enclose the return frontage to Grasmear Avenue. Details of the external materials can be controlled by condition.
- 7.9 There are limited opportunities for landscaping on this site, but conditions can require details of soft and hard landscaping (inclusive of the rear curtilage and the living green roof). The living green roof is considered a positive aspect of the development.
- 7.10 Overall, the proposed development is considered to be of an acceptable scale and which sufficiently references the application property, so providing continuation of the architectural features that characterise the wider terrace, including parapet roof detailing, style and size of windows and floor heights which suitably reflect and align with the main building.
- 7.11 The proposal is therefore considered not to be significantly harmful to the character and appearance of the site, streetscene or wider surrounding area in which case it would be acceptable and policy compliant in the above regards.

### **Standard of Accommodation and Living Conditions for Future Occupiers**

- 7.12 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 upon 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.
- 7.13 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 and proposed unit sizes**

	Area (m <sup>2</sup> )	Bedroom 1	Bedroom 2	Bedroom 3	Storage area (m <sup>2</sup> )
Standard for (one storey) 1 bed 1 person	39	7.5m <sup>2</sup> Wmin=2.15m	N/A	N/A	1
Standard for (one storey) 3 bed 6 person	95	11.5m <sup>2</sup> Wmin=2.75m	11.5m <sup>2</sup> Wmin=2.55m	11.5m <sup>2</sup> Wmin=2.55m	2.5
Proposed (one storey) 1-bed 1-person; Flats 1 & 2	45	8.1m <sup>2</sup> Wmin=2.4m	N/A	N/A	1
Proposed (one storey) 3-bed 6-person; Flat 3	113	14.7m <sup>2</sup> Wmin=3.8m	13.9m <sup>2</sup> Wmin=4.2m	13m <sup>2</sup> Wmin=4m	3

- 7.14 As noted in table 2, all the proposed units would meet or exceed the NDSS. It is considered that all habitable rooms would benefit from satisfactory levels of outlook and daylight.
- 7.15 In relation to the provision of amenity space Policy DM8 states that all new dwellings should: “Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated.”
- 7.16 Flat 3, which would be of family size, would have its own 21 sqm private roof terrace which is considered to be sufficient to reasonably meet its future occupiers’ amenity needs. Flats 1 and 2 would be provided with their own external amenity spaces each some 9.5sqm. These would not be of high-quality owing to their position (the amenity space serving Flat 1 would be provided as a ribbon like space along the back edge of the Grasmoad Avenue frontage and the amenity space for Flat 2, a unit at first floor level, would be within the rear forecourt area at ground floor level). Neither provision is a strong element of the proposal. Nevertheless, the spaces would each serve as a notional amenity facility. Owing to the low-occupancy design of these two flats, coupled with their location close to a range of amenities where the case for insisting on a dedicated, conventional amenity space for such type of flats is not considered to be strong in any event, this proposed provision is considered, on balance, to be sufficient to reasonably meet the amenity needs of those two flats’ future occupiers. In the event this provision were considered to be unacceptable, the deficiency would then need to be weighed as part of the overall planning balance having regard to all the material planning considerations, including the creation of additional housing for the City, as explained at paragraph 8.2 of this report’s conclusions.
- 7.17 As the proposal would not result in new-build development (i.e. it is an extension to an existing building), compliance with building regulation M4(2) is not a policy requirement.

- 7.18 Access to the new residential units would be via an existing entry point fronting Grasmear Avenue. This existing opening would be enlarged and a new canopy formed over the entrance, designed to complement the architectural style of the main building and on this basis, no objection is raised to this arrangement.
- 7.19 Having regard to the presence of neighbouring first floor dwellings that bound the application site, it is not considered that 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 concerns with respect to the application site's position adjacent to London Road, a busy road. A condition to require appropriate noise mitigation measures such as acoustic glazing is recommended to deal with this.
- 7.20 Overall, and taken in the round, it is considered that the proposal would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The proposal is acceptable and policy compliant in the above regards.

### **Impact on Residential Amenity**

- 7.21 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."
- 7.22 The nearest residential uses to the application site are the existing first floor accommodation within the footprint of the building and is bounded to the north by No's 10 Grasmear Avenue and 9 Birchwood Drive.
- 7.23 Having regard to the impact of the two-storey extension towards adjoining properties to the north, there are no windows in the main flank wall of the nearest property, No 10 Grasmear Avenue which face towards the application site such that it is not considered the proposed two storey extension would give rise to a loss of light or outlook. In addition, noting the retention of a 3.5m separation between the proposed extension and the neighbouring flank wall, it is not considered the proposal would give rise to a harmfully increased sense of enclosure or overbearing impact.
- 7.24 Regard is also had to the significant separation between the proposed two-storey extension and the rear boundary line of No 9 Birchwood Drive (some 19m), such that this element of the proposal is not considered to harm the amenity of the neighbouring occupants in any relevant regard.
- 7.25 Having regard to the north facing nature of the windows of the flats at first floor level and the slightly splayed nature of the building line of the extension (extending) away from these windows, it is not considered there would be any significant adverse overshadowing impacts to these openings, nor is it considered there would be a harmful degree of inter-looking between units.
- 7.26 Whilst the proposed roof top garden serving Flat 3 has the potential to give rise to overlooking of neighbouring private rear amenity spaces to the north, 2m high privacy screening is proposed to the north and east elevations.



This is considered sufficient to preclude an intrusive degree of overlooking and to maintain neighbours' privacy to an acceptable degree. In terms of an increase in noise and disturbance, it is not considered that the proposed use of the terrace would increase this noticeably above that experienced from the usual residential activity within a typical rear garden setting or to such a degree that would significantly harm the residential amenity of the neighbouring occupiers in any relevant regard.

- 7.27 The proposed roof extension would add to the scale and bulk of the application building. In terms of outlook, sense of enclosure and dominance, given the distance of the proposed extension from its neighbours and noting a gradual slope in ground level toward the northern boundary, it is likely that some impact will be caused to the closest private amenity space of the neighbouring dwelling, No 10 Grasmear Avenue. However, in this instance, noting the significant separations involved (in excess of 15m to the neighbouring flank boundary), it is not considered on balance that the impact on amenity would be so substantial as to justify the refusal of the application on this ground.
- 7.28 In terms of overlooking, new first floor north facing windows will serve either the communal hallway, a bathroom or as a secondary opening to a habitable room (serving Flat 3). On this basis, issues of overlooking can be dealt with by way of condition requiring obscuring and limiting opening of these windows.
- 7.29 Having regard to the existing use of the rear access for vehicle access and egress, it is not considered the proposed vehicle access and parking arrangement would give rise to undue additional noise and disturbance to the occupants of No.10 Grasmear Avenue or any other nearby dwellings.
- 7.30 Conditions to control the hours of construction and to require a construction method statement are recommended in order to avoid significant harm to the residential amenity of neighbours during the construction period. The Council's Environmental Health service has raised no objections on this basis.
- 7.31 Overall, on balance and subject to conditions, the proposal is acceptable and policy compliant in the above regards.

### **Traffic and Transportation Issues**

- 7.32 The NPPF states (para 111) that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe."
- 7.33 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. Residential vehicle parking standards may be applied flexibly where the development is proposed in a sustainable location with frequent and extensive links to public transport. The EVCI SPD stipulates that car parking spaces are fitted with charging infrastructure.

- 7.34 Assessed against parking standards, the minimum car parking requirements for flats is one space per unit and one cycle parking space per unit. The proposal would provide 5no. off-street car parking spaces (as revised during the course of the application, now 4.8m deep by 2.7m wide) and 6no. cycle spaces within the rear curtilage of the site. 1no. of the car parking spaces would be for the new 3 bed/6 person flat, 3no. car parking spaces would serve the existing flats at the site and the final space would serve the commercial unit. Existing plans detail the commercial unit is served by 3no. Sheffield cycle stands on the London Road frontage and these would be retained as part of the development.
- 7.35 Whilst the parking provision falls below the minimum policy requirement, the site benefits from being in a sustainable location with regard to public transport with good links in close proximity. On this basis and having regard to NPPF paragraph 111 quoted at paragraph 7.32 above and the single occupancy of the flats, it is not considered that this proposal will have a detrimental impact on parking conditions, highway safety or the local highway network. Highways officers have not objected to the scheme on this basis.
- 7.36 Concerns have been raised in third party representations about the proposed access arrangements. Highways officers have assessed the scheme and raise no objections in this regard. In their consultation response, Highways officers state that the parking layout for the proposal ensures that vehicles can satisfactorily enter, manoeuvre and leave in a forward gear. Whilst the manoeuvre space forward of the parking spaces is not the usual required 6m (on site this is actually between 5.5m and 5m), regard is had to the nature of the development on private land, so not harming the public highway and that the parking spaces are each wider than the required 2.4m so assisting increased manoeuvrability for vehicle accessing and egressing the site. Overall, the parking arrangement is considered acceptable in this particular instance.
- 7.37 In line with the council's recently adopted EV charging schedule for new dwellings, a condition will also be attached requiring all resident parking spaces be fitted with EV charging points.
- 7.38 Overall, there would be no significant harm caused to the parking conditions, traffic or highway safety of the area. The proposal is acceptable and policy compliant in the above regards.

### **Refuse and Recycling Storage**

- 7.39 The submitted plans show an area of waste storage to the rear of the site comprising 2no. 1100L Eurobins and 2no. additional 140L wheelie bins. According to the Council's Waste Storage and Management Guidance, these should be stored within an enclosure.
- 7.40 Whilst the waste capacity is acceptable for the quantum of development, the proposed waste storage arrangements do not accord with this requirement and at present are a negative aspect of the proposal. It is considered that there is scope within the wider site boundary to provide policy compliant waste storage facilities and this can be required by condition to achieve policy compliance.
- 7.41 Refuse and recycling storage/collection arrangements for the commercial premises would remain unchanged.

- 7.42 Subject to imposition of the above conditions the proposal is acceptable and policy compliant in the above regards.

### **Flooding and surface water drainage**

- 7.43 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The proposal would be erected on top of existing impermeable areas and subject to a condition requiring permeable hardstanding be incorporated to the proposed rear parking area, would not significantly increase the runoff of surface water. It is expected that the development would be connected to the sewer system.
- 7.44 The development would be acceptable and policy compliant in these regards.

### **Energy and Water Sustainability**

- 7.45 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”. The same policy requires all new development to provide “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, appliance and water recycling systems such as grey water and rainwater harvesting”.
- 7.46 No information has been provided regarding proposed renewable energy to demonstrate how the proposal meets the 10% policy requirement or how it would achieve the required maximum water usage. However, it is considered that the requirement for renewable energy and restrictions on water usage can be controlled with conditions provided any such externally mounted technologies respect the character and appearance of the building and wider area.
- 7.47 This aspect of the proposal is, therefore, considered to be acceptable and policy compliant in these regards, subject to conditions.

### **Ecology - Essex Coast RAMS**

- 7.48 The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast 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 Essex Coast RAMS SPD, which was adopted by the Council on 29 October 2020, requires that a tariff of £137.71 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.

- 7.49 The applicant has paid the relevant tariff. The development would offer suitable mitigation of the in-combination effect of the net increase of three dwellings on habitats and species. The development is acceptable and in line with policies in this regard.

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

- 7.50 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 includes a net gain internal floor area of 314sqm, which may equate to a CIL charge of approximately £6180.31.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is concluded that subject to compliance with the suggested 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 living conditions of future occupiers, the character and appearance of the area, the highway safety, traffic and parking conditions in the area and drainage. On balance and subject to conditions, the proposed development would also be acceptable in terms of its impact on the amenity of neighbouring occupiers. Conditions can deal with energy and water sustainability. The development offers suitable mitigation for its in-combination effects to protected ecology sites.
- 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 city 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 **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 approved shall be carried out in accordance with the approved plans: 771-P01 Rev F; 771-P02 Rev E; 771-P03 Rev D**

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

**03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than demolition or site preparation works, unless and until full details and specifications of the materials to be used for all the external surfaces of the approved extensions at the site including facing materials, roof detail, windows, doors, fascia and soffits have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in full accordance with the approved details before the dwellings hereby approved are first occupied.**

**Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).**

**04 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, a soft landscaping scheme including full details of the living green roof, shall be implemented in line with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The soft landscaping scheme shall be implemented, completed and maintained thereafter in full accordance with the approved details.**

**Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement details approved under the scope of this planning condition.**

**Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).**

**05 The development hereby approved shall not be occupied until and unless a hard landscaping scheme has first been carried out and implemented solely in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The hard landscaping scheme shall include details of materials to be used on hardsurfacing as well as elevations and details of materials for any boundary treatment of the site, including boundaries within the site, and the details of the**

covered and secure cycle parking spaces.

**Reason:** In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 06** Notwithstanding the information submitted with this application, prior to the first occupation of the development hereby approved, full details (including elevations) shall be submitted to and approved in writing by the Local Planning Authority identifying the provision of secure and enclosed refuse and recycling storage for the approved development at the site. The approved refuse and recycling storage shall be provided in full and made available for use by the occupants of the approved dwellings prior to the first occupation of the dwellings hereby approved and shall be retained as such for the lifetime of the development.

**Reason:** In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

- 07** No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust, dirt, mud being carried onto the road and noise during construction
- vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- viii) details of the duration and location of any noisy activities.

**Reason:** A pre-commencement condition is justified in the interest of the residential amenity of nearby 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).

- 08** Construction and demolition works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Bank and Public Holidays.

**Reason:** In the interest of the residential amenity of nearby 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).

- 09** Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the dwellings hereby granted planning permission shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, obscenity, materials and location of all privacy screens to be fixed to the building, including on the proposed external terraces. Before the development hereby approved is occupied, the privacy screens shall be installed in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

**Reason:** In the interests of the residential amenity of future occupiers and adjoining residents and the character and appearance of the area 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 advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 10** Prior to the first occupation of the residential units hereby approved, no less than six covered and secure cycle parking spaces shall be provided for the future occupiers of the new flats and made available for use on site. The cycle parking spaces shall be retained for the benefit of the future users and occupiers of the approved development and their visitors for the lifetime of the development.

**Reason:** To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15.

- 11** Prior to the first occupation of the residential units hereby approved, no less than five car parking spaces shall be provided and made available for use on site by occupiers/users/visitors of the three existing flats (one space each), the existing commercial unit (one space), and the new 3 bed/6 person flat hereby approved shown on drawing no. 771-P02 Rev E (one space). All parking spaces shall be fitted with an active electric vehicle charging point prior to first occupation of the development hereby approved. The car parking spaces shall be retained for the benefit of the future users and occupiers and visitors to the approved development and the three existing flats for the lifetime of the development.

**Reason:** To ensure the provision of adequate vehicle parking in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15 and the Electric Vehicle Charging Infrastructure for new development SPD (2021)

- 12** Prior to occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented

on site in accordance with the agreed details. The agreed measures shall be maintained on site as approved thereafter.

**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, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 13** The dwellings hereby approved shall incorporate 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 (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.

**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, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 14** The second floor rear windows in the north flank elevation of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above the internal floor level of the room or area served before the development is occupied and shall be retained as such in perpetuity thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

**Reason:** 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 advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 15** 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).

**Positive and proactive statement:**



The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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.

**Informatives:**

- 1** Please note that the development which is 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](mailto: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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://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 will 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 city.