

<b>Reference:</b>	23/01191/FUL	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Blenheim Park	
<b>Proposal:</b>	Erect two storey rear extension and erect upward extension to form additional second floor to main building with roof terrace to provide four additional self-contained flats with associated parking, bin and cycle storage and alterations to elevations (Amended Proposal)	
<b>Address:</b>	995 - 1003 London Road, Leigh-on-Sea, Essex, SS9 3LB	
<b>Applicant:</b>	Mr Schofield	
<b>Agent:</b>	Mr Karl Smith of SKArchitects	
<b>Consultation Expiry:</b>	31.08.2023	
<b>Expiry Date:</b>	15.09.2023	
<b>Case Officer:</b>	Oliver Hart	
<b>Plan Nos:</b>	711-P01 Rev H; 711-P02 Rev G; 711-P03 Rev F	
<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 on the northern side of London Road, on the corner with Grasmear Avenue, and is 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 has a town centre character and is characterised by commercial units to the ground floor and residential units above, typically 1.5 – 3 storeys in height. This is inclusive of the new three storey development comprising nine flats at No 840-846 London Road approved under application 20/00707/FUL. Side streets like Grasmear Avenue are residential. No specific policy designations affect 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 4No 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, between 7.4m and 10.6m high (to the top of the parapet) and 6.5m wide. The proposed new second floor, which has dual frontage along both London Road and Grasmear Avenue is some 19.5m wide, 6.7m deep (to the rear of the main building fronting London Road) and 11.4m in maximum height (to the top of the parapet).
- 2.3 A separation of some 2.3m has been incorporated from the main rear wall of the proposed new second floor and the rear wall of the existing London Road frontage building.
- 2.4 The proposed internal floorspaces of the flats are set out below in Table 1.

**Table 1: Proposed and required floorspaces.**

Flat	Internal Floorspace	National Standards	Technical
Unit 1 (Ground Floor)	39sqm (1 person)	39sqm (1 person)	
Unit 2 (First Floor)	39sqm (1 person)	39sqm (1 person)	
Unit 3 (Second Floor)	50sqm (2 persons)	50sqm (2 persons)	
Unit 4 (Second Floor)	50sqm (2 persons)	39sqm (2 persons)	

- 2.5 Units 3 and 4 would be served by private terraced areas fronting London Road between 3.15sqm (unit 3) and 20sqm (unit 4).
- 2.6 To the rear of the site eight (8) parking spaces will be laid out. Four (4) of the spaces would be for the proposed flats, three (3) for the existing flats and one (1) for the commercial unit. Refuse and cycle storage are shown to the rear of the site. Also proposed are areas of living green roof over the flat roof areas of the development. Access to the new units will be direct from an existing access door along Grasmear Avenue, which is proposed to be enlarged and its design altered.

- 2.7 This application is an amended proposal following planning permission granted under reference 22/01629/FUL (the “2022 Permission”). The main differences between the 2022 Permission and current proposal are:
1. The change in the number and composition of units proposed, from 2no. x 1-bed, 1-person units and 1no x 3-bed 6-person unit (i.e. 3 new flats in all) to 2no. x 1-bed, 1-person units and 2no. x 2-bed, 2-person units ( i.e. 4 new flats in all);
  2. The increase in the number of parking spaces proposed, from five (5) to eight (8);
  3. The reduction in the width of the two-storey rear extension along Grasmear Avenue, from 6.8m wide to 6.5m wide.
- 2.8 This application also follows a recently refused application under reference 22/02368/FUL (the “2022 Refusal”). When compared with the 2022 Permission and the current proposal, the 2022 Refusal was for a development of five flats, a flat roofed ‘box’ element to the easternmost flank elevation fronting London Road of an increased width and, a new second floor of an increased depth; from 6.7m to 9m and associated omission of a formerly proposed maintenance strip along its northern edge.

### **3 Relevant Planning History**

- 3.1 22/02368/FUL (the “2022 Refusal”) - Erect two storey rear extension and form new second floor to main building with roof terrace to form a further 5no. Self-contained flats with associated parking, bin and cycle store (Amended Proposal) - Refused.  
Reasons for Refusal (summarised):

*01 The proposed development would, by reason of the size, scale, siting and design, of the new third storey lead to an unbalancing of the wider terrace, resulting in a form of development that would be out of keeping with and significantly harmful to the character and appearance of the building, the terrace and the surrounding area.*

*02 The proposed development would, by reason of the size and scale, bulk, siting and degree of elevation of the new third storey relative to No.10 Grasmear Avenue, result in significant harm to the residential amenity of the neighbouring occupiers by way of an overbearing impact on the setting and reasonable enjoyment of their rear garden environment. This harm cannot reasonably be overcome by conditions.*

- 3.2 22/01629/FUL (the “2022 Permission”) - 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) - Granted
- 3.3 The planning history of the site is an important and material planning consideration of significant weight. The 2022 Permission remains extant and implementable. This should carry significant weight in the determination of the current proposal.

### **4 Representation Summary**

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

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

## **Public Consultation**

4.2 Twenty (20) neighbouring properties were consulted, and a site notice was displayed. 4 No letters of objection have been received. Summary of comments:

- The proposal would give rise to a sense of overbearing
- Parking concerns
- Loss of light to neighbouring properties/garden areas
- Overlooking and loss of privacy concerns
- Design concerns
- Proposal will lead to an unbalancing of the wider terrace and will be out of keeping
- Delivery/servicing concerns to the rear of the site
- Over development of the site
- Litter/vermin/anti-social behaviour concerns

**[Officer Comment:]** 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**

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

### **Highways**

4.4 No objections. The site benefits from being in a sustainable location with regard to public transport and cycle links in close proximity. 8 No off street parking spaces are proposed along with secure cycle parking. The parking area is accessed via an existing accessway. The layout of the parking area would ensure that vehicles can manoeuvre effectively when using the bays. It is not considered that the proposal will have a detrimental impact on the local highway network.

### **London Southend Airport**

4.5 No objections.

## **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, compliance with the Essex Coast RAMS SPD and CIL liability. Also of note is the recent planning history at the site which has carried significant weight in the assessment of the application.

## **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 Whilst the proposal would not result in any dwellings suitable for families, the provision of additional housing carries significant weight in the assessment of the application, particularly in light of the NPPF's tilted balance, albeit the proposed amount of housing would not make a significant contribution towards the needs of the City.

- 7.4 Situated within a built-up area, extensions and alterations to the building are also acceptable in principle. The 2022 Permission is a realistic fallback position for the development of the site. This is a consideration to which significant weight should be attached as part of the detailed assessment.
- 7.5 Since the grant of the 2022 Permission and the assessment of the 2022 Refusal including those elements of the proposal which were found acceptable on their individual merits, the policy context remains the same and the principle of development was found in both instances to be acceptable. Overall, the principle of development is considered to remain acceptable subject to the detailed considerations in the following sections of this report.

### **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 Council's Design and Townscape Guide provide further details on how this can be achieved.
- 7.8 The design and impact on the character and appearance of the area of the scheme approved with 2022 Permission was found to be acceptable.
- 7.9 The built form housing the proposed four units is not materially different and is slightly smaller in scale than the built form housing the approved three dwellings in the 2022 Permission. Consequently, the increase in height in line with the 2022 Permission would continue to respect the height and scale of surrounding development.
- 7.10 As with the scheme approved with the 2022 Permission, this proposal would lead to an unbalancing of the wider terrace due to the part width form of the new third storey. Whilst this was recognised as, and remains, a less positive aspect of the scheme, it was previously found that there would be 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. This remains a consideration relevant to the current proposal. Within the existing elevational design there is a strong sense of order which results in a rhythm and pattern along the building's two street-facing elevations. As with the 2022 Permission, 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 much of the main flat roof of the third storey from public views.
- 7.11 No objections are raised to the design and character impact of the proposed two storey extension to the northern elevation which is unchanged compared to the 2022 Permission and 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 Grasmoad 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

Grasmead Avenue. Details of the external materials can be controlled by condition.

- 7.12 There are limited opportunities for landscaping on this site, but conditions can require details of soft and hard landscaping (inclusive of the rear curtilage).
- 7.13 Overall, similarly with the findings for the 2022 Permission, the amended proposal is considered to remain of an acceptable scale and to sufficiently reference the application property 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.
- 7.14 This amended 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 is 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 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.
- 7.16 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 Table 2.

**Table 2: Space Standards and proposed unit sizes**

	Area (m <sup>2</sup> )	Bedroom 1	Storage area (m <sup>2</sup> )
Standard for (one storey) 1-bed 1-person unit	39	7.5sqm/Wmin=2.15m	1
<b>Proposed (one storey) 1-bed 1-person units – Units 1 &amp; 2</b>	<b>39</b>	<b>7.5sqm/Wmin=2.4m</b>	<b>1</b>
	<b>39</b>	<b>7.5sqm/Wmin=2.8m</b>	<b>1</b>
Standard for (one storey) 1-bed 2-person unit	50	11.5m <sup>2</sup> Wmin=2.75m	1.5
<b>Proposed (one storey) 1-bed 2-person units – Units 3 &amp; 4</b>	<b>50</b>	<b>16.1sqm/Wmin=3.3m</b>	<b>1.5</b>
	<b>50</b>	<b>12.6sqm/Wmin=2.75m</b>	<b>1.5</b>

- 7.17 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.

- 7.18 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."
- 7.19 None of the units would be of family size (3 or more bedrooms). Units 3 and 4 would be provided with their own private roof terraces ranging in size from 3.1sqm-20sqm which is considered to be sufficient to reasonably meet their future occupiers' amenity needs. Units 1 and 2 would not be provided with their own external amenity spaces which represents a less positive aspect of the development to be weighed in the overall planning balance. Owing to the low-occupancy design of these two units 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 absence of provision is considered in this instance and in the round to be acceptable. This finding is consistent with those for the 2022 Permission.
- 7.20 As the proposal would not result in new-build development, namely it would be an extension to an existing building, compliance with building regulation M4 (2) is not a policy requirement.
- 7.21 Pedestrian access to the new residential units would be via an existing entry point fronting Grasmead 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.
- 7.22 Consistent with the findings for the 2022 Permission, 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 the matter of 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.
- 7.23 Overall, and taken in the round, it is considered that the amended proposal would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The amended proposal is acceptable and policy compliant in the above regards.

### **Impact on Residential Amenity**

- 7.24 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.
- 7.25 The nearest residential uses to the application site are the existing first floor flats within the footprint of the building and properties that bound the site to the north, including Nos. 10 Grasmead Avenue and 9 Birchwood Drive.



- 7.26 When the 2022 Permission was granted, it was found that the development of near identical form and scale would have an acceptable impact on the residential amenity of neighbours in all relevant regards. The only difference in this amended proposal is a reduction in the width of the two-storey rear extension along Grasmear Avenue, from 6.8m wide to 6.5m wide.
- 7.27 In line with the findings of the previous assessment for the 2022 Permission, the absence of windows within the adjacent flank wall of the nearest dwelling, No 10 Grasmear Avenue, is such that the proposed two-storey extension would not give rise to a loss of light or outlook. In addition, noting the retention of a 3.5m separation between the proposed two-storey extension and the neighbouring flank wall, it was found that the proposal would not give rise to a harmfully increased sense of enclosure or overbearing impact.
- 7.28 Regard is also had to the retention of 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 was found not to harm the amenity of the neighbouring occupants in any relevant regard.
- 7.29 Having regard to the north facing nature of the rear windows serving the existing first floor flats and the slightly splayed nature of the building line of the proposed 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.
- 7.30 The proposed roof extension would add scale and bulk to the application building but would not be any greater in height, linear extent or depth northward than the 2022 Permission. Whilst it was accepted there would likely be some impact on the closest private amenity space of the neighbouring dwelling, No 10 Grasmear Avenue, it was previously found that the significant separation involved (in excess of 16.5m) is such that the impact on amenity would not be so substantial as to justify the refusal of the application on this ground.
- 7.31 In terms of overlooking, new second floor north facing windows will serve either the communal hallway, a bathroom or as a secondary opening to a habitable room (serving Unit 4). On this basis, and consistent with the basis of the 2022 Permission, issues of overlooking can be satisfactorily dealt with by way of condition requiring obscurity and limited opening of these windows.
- 7.32 Whilst the proposed roof top terrace serving Unit 4 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 northern elevation. Consistent with the findings of the 2022 Permission, this is considered sufficient to preclude an intrusive degree of overlooking and to maintain neighbours' privacy to an acceptable degree.
- 7.33 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.
- 7.34 Having regard to the existing use of the rear access for vehicle access and egress, it was found in the 2022 Permission that the proposed vehicle access and parking arrangement would not give rise to undue additional noise and disturbance to the

occupants of No.10 Grasmead Avenue or any other nearby dwellings. Whilst the number of parking spaces provided would be increased from 5 to 8, the noise and disturbance impacts associated with the additional volume of cars is not considered to be so substantially different from the 2022 Permission as to cause any significantly harmful impact on the residential amenity of neighbouring occupiers.

- 7.35 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.
- 7.36 Overall, subject to conditions, the amended proposal is acceptable and policy compliant in the above regards.

### **Traffic and Transportation Issues**

- 7.37 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."
- 7.38 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 Electric Vehicle Charging Infrastructure for new development SPD stipulates that car parking spaces are fitted with charging infrastructure.
- 7.39 Assessed against parking standards, the minimum car parking requirements for flats under Policy DM15 is one space per unit and one cycle parking space per unit. Policy DM15 also states that residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.
- 7.40 The proposal would provide eight (8) off-street car parking spaces and eight (8) cycle spaces within the rear curtilage of the site. Three (3) car parking spaces would serve the three (3no) existing first-floor flats at the site, four (4) car parking spaces would be allocated to the four (4no.) proposed units and one (1) space would be reserved for the commercial unit. Each of the units would be served by one cycle parking space. Existing plans detail the commercial unit is served by 3no. Sheffield cycle stands on the London Road frontage and these would be unchanged by the development.
- 7.41 The car parking and cycle parking provision therefore meets the minimum policy requirement, and this is a positive element of the scheme. Highways officers do not object to the scheme.
- 7.42 No objections have been raised in relation to the layout of the parking area by Highways officers who are confident the layout ensures that vehicles can manoeuvre effectively when using the bays. Overall, the parking arrangement is considered acceptable in this particular instance.

- 7.43 In line with the council's recently adopted EV charging schedule for new dwellings, a condition is attached requiring all resident parking spaces be fitted with EV charging points.
- 7.44 Overall, it is considered that 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**

- 7.45 The submitted plans show an area of waste storage to the rear of the site comprising 2No 1100L Eurobins (one for general waste and one for recycling) each of the existing and proposed units) within an enclosure, although elevation plans have not been provided. The form and capacity provided would accord with guidance outlined in the Council's Waste Storage and Management Guide.
- 7.46 Refuse and recycling storage/collection arrangements for the commercial premises would remain unchanged, namely provision of bin storage will continue internally within the unit.
- 7.47 Subject to imposition of a condition requiring details of the elevation to be submitted and agreed, the proposal is acceptable and policy compliant in the above regards.

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

- 7.48 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. Consistent with the basis of decision for the 2022 approved scheme and similarly subject to a condition requiring permeable hardstanding to be incorporated to the proposed rear parking area, the development would not significantly increase the runoff of surface water. It is expected that the development would be connected to the sewer system.
- 7.49 Subject to that condition the amended proposal would be acceptable and policy compliant in these regards.

### **Energy and Water Sustainability**

- 7.50 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 (lpd) (110 lpd 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".
- 7.51 No information has been provided regarding proposed renewable energy to demonstrate how the amended proposal meets the 10% policy requirement or how it would achieve the required maximum water usage. As with the approved 2022 scheme the requirement for renewable energy and restrictions on water usage can reasonably be controlled with conditions provided any such externally mounted technologies

respect the character and appearance of the building and wider area.

- 7.52 This aspect of the amended proposal is, therefore, considered to be acceptable and policy compliant in these regards, subject to conditions.

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

- 7.53 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 £156.76 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 7.54 The applicant has paid the relevant tariff. The development would offer suitable mitigation of the in-combination effect of the net increase of four dwellings on habitats and species. The development is acceptable and in line with policies in this regard.

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

- 7.55 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 amended development includes a net gain internal floor area of 237sqm, which may equate to a CIL charge of approximately £6,471.92. 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, it is concluded that subject to compliance with the suggested conditions, the proposed amended 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 when assessed on its individual merits it is found to have an acceptable impact on the living conditions of future occupiers, the character and appearance of the area, and the highway safety, traffic and parking conditions in the area. Subject to conditions, the proposed development would also be acceptable in terms of its impact on the amenity of neighbouring occupiers. Conditions can satisfactorily deal with energy, water sustainability and drainage. The development offers suitable mitigation for its in-combination effects to protected ecology sites. Furthermore, when considering the acceptability or otherwise of this amended proposal's impacts the Local Planning Authority is obliged to give significant weight to the 2022 Permission which is considered to represent a realistic fall-back position for the development at this site.
- 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 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: 711-P01 Rev H; 711-P02 Rev G; 711-P03 Rev F**

**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 eight covered and secure cycle parking spaces shall be provided and made available for use on site (1No space for each of the existing and proposed flats and 1No for the commercial unit). 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 eight car parking spaces shall be provided and made available for use on site by occupiers/users/visitors of the three existing flats (three spaces total), the existing commercial unit (one space), and the four proposed units (four spaces) hereby approved and shown on drawing no. 771-P02 Rev G. 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, the existing commercial unit 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 (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 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-facing 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).

- 16 Prior to the first use of the development hereby approved, drainage infrastructure for the development including the built form and the rear parking area subject of this permission, shall have been installed at the site in full accordance with details of surface water attenuation, based on Sustainable Drainage Systems principles, which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The drainage infrastructure shall be maintained as approved on site for the lifetime of the development thereafter.

Reason: To ensure the approved development does not increase flood risk at the site or elsewhere in accordance with National Planning Policy Framework (2021) and Core Strategy (2007) Policies KP1 and KP2.

**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.**