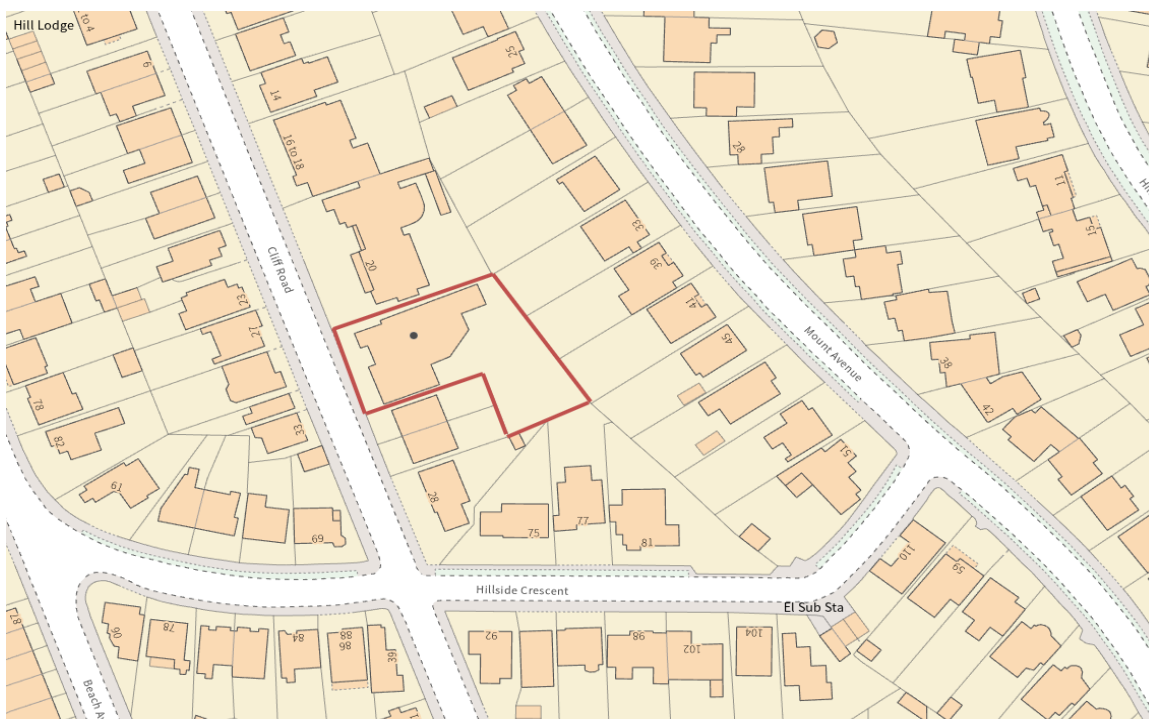


Reference:	23/00751/FUL	
Application Type:	Full Application	
Ward:	Chalkwell	
Proposal:	Erect two storey rear extension at lower ground and ground floor, increase height of existing rear extension, alter elevations	
Address:	Brambles Care Home, 22 Cliff Road, Leigh-on-Sea, Essex, SS9 1HJ	
Applicant:	Mr A Kandola	
Agent:	Mr Ian Stephenson of Stephenson	
Consultation Expiry:	16.06.2023	
Expiry Date:	20.10.2023	
Case Officer:	Oliver Hart	
Plan Nos:	23_041/01 Location and Block Plan; 23_041/03 Proposed Location and Block Plan; 23_041/03 Rev P05 Existing and Proposed Plans and Elevations	
Supporting Documents:	Justification Statement; Tree Survey and Arboricultural Impact Assessment by ROAVR Group	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1. Site and Surroundings

- 1.1. The application site is occupied by a four-storey detached property on the eastern side of Cliff Road. The building is used as a care home with 26 bedrooms, the majority of which benefit from an en-suite WC. The ground floor contains communal facilities. An internal lift serves the ground, first and second floors. The building's frontage is hard surfaced and used for parking for five vehicles. To the rear is a communal amenity space. Existing refuse storage is located to the northern flank of the application site. Land levels slope downwards from north to south across the site and also change in relation to gardens of houses to the east in Mount Avenue.
- 1.2. The wider surrounding area is residential in character. The site itself has no specific allocation within the Development Management Document's Proposals Map and is not subject to any planning policy designations. A group of TPO trees (TPO ref number: 2/1967) are noted to the site's eastern boundary.

2. The Proposal

- 2.1. Planning permission is sought to erect a two-storey extension (at lower ground and ground floor level) to an existing two storey addition to the rear of the property. Other alterations include an enlargement of the roof form of that existing two storey addition, from a hipped roof 4.9m high (above ground level), to a parapet flat roof 5.8m high.
- 2.2. The existing rear addition is some 6m deep and 4.8m wide with accommodation at lower ground and ground floor level. The proposed development would be the same depth but would increase the width of the existing structure to 8m. The enlargements would enable the provision of one additional en-suite bedroom at lower ground level and an additional kitchen area at ground level.
- 2.3. Finishing exterior materials are render and fenestration to match the existing.
- 2.4. Other alterations include the provision of three new openings to the existing ground floor bedroom (room 3). No other alterations are proposed.
- 2.5. An Arboricultural Impact Assessment has been submitted in support of the application.

3. Relevant Planning History

- 3.1. 22/00841/FUL- Convert existing residential home (Class C2) into 9no. self-contained residential units (Class C3) with associated parking- Granted. This approved development has not been commenced.
- 3.2. 22/01093/TPO- Reduce 2 Oak Trees (T1 and T2) to rear by 3m and general maintenance (Works to a tree covered by a Tree Preservation Order)- Granted
- 3.3. 16/00732/TPO- Prune one Oak tree to rear (Works to a tree covered by a tree preservation order)- Granted
- 3.4. 15/00444/FUL- Demolish existing conservatories and external staircase, erect replacement conservatory and external staircase to rear, dormers to front, side and rear elevations and alter roof to form additional accommodation, layout hardstanding at lower ground level rear- Granted

4. Representation Summary

Call-in request

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

Public Consultation

- 4.2. Nineteen neighbours were notified and a site notice was displayed. Two letters of objection have been received. These are summarised below:

- Amenity concerns; loss of privacy and overlooking.
- Concerns about increasing capacity of care home.
- Design concerns; out of keeping in the area.
- Query whether the applicant will still be able to implement an earlier permission for Change of Use of the care home to flats.
[Officer Comment: The applicant has 3 years to implement the previous permission from the date of issue of the decision notice (28.07.2022)]
- Car parking concerns
- Noise and disturbance concerns from construction

[Officer Comments]: The concerns in the above representations are noted and where they refer to material planning considerations they have been taken into account in the assessment of the application. They have not been found to represent reasons justifying refusal of planning permission on those grounds in the circumstances of this case.

Highways

- 4.3. No objection.

Environmental Health

- 4.4. No objections subject to conditions relating to refuse and recycling details, and construction hours and declaration of any potential contamination.
[Officer Comment: There is no previous use associated with the site that would render a contamination condition a reasonable requirement for this proposal]

Adult Social Care

- 4.5. No objection.

Arboricultural (Tree) Officer

- 4.6. No objections. If the proposed plan is adhered to then it is considered that any damage to the roots of trees T1 and T2 (English Oak Trees) would be minimised.

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. Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance) and CP6 (Community Infrastructure).
- 5.4. Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM9 (Specialist Residential Accommodation) and DM15 (Sustainable Transport Management).

- 5.5. Southend-on-Sea Design and Townscape Guide (2009)
- 5.6. Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.7. Waste Storage, Collection and Management Guide for New Developments (2019)

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 impact on residential amenity of neighbouring occupiers, any traffic and transportation issues, trees and CIL liability.

7. Appraisal

Principle of Development

- 7.1. The proposed development enlarges an existing two-storey addition and results in the provision of an additional bedroom at the care home, increasing the total number of bedrooms from 26no. to 27no. Additional kitchen facilities would also be provided. The justification statement states the application has been submitted following a growing demand for the services.
- 7.2. The proposal represents an alteration and improvement related to the operation of an existing adult care home facility. Strategic support is given generally to such Community Infrastructure proposals by Policy CP6 of the Core Strategy. Policy DM9 of the Development Management Document similarly supports such specialist residential accommodation proposals subject to detailed impact considerations.
- 7.3. The net gain of 1 resident enabled by the proposal is not considered to conflict materially with the purpose or objectives of Policy DM9 in relation to identified need or existing capacity. Adult Social Care have not objected to the proposal.
- 7.4. On this basis, the proposal is considered to be 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. 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.
- 7.6. 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 contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape Guide provide further details on how this can be achieved.
- 7.7. The proposal would enlarge the existing two storey rear addition from 4.9m high (above ground level), 6m deep and 4.8m wide, to 5.8m high, 6m deep and 8m wide. The roof form would also be extended and enlarged from a hipped roof to a parapet flat roof.

- 7.8. Owing to the extensive changes in ground level across the site (levels fall significantly to the rear boundary and also fall to the south), the lower level of the extension would be partially subterranean and the upper level would align with the existing ground floor. Views of the structure would be possible from neighbouring rear gardens immediately to the east (Mount Avenue), from the neighbouring care home site to the north and from neighbouring properties to the south. There would be no publicly available views of the extension. Revisions were secured during the course of the application and amended plans were received which incorporated parapet wall detailing to the flat roof and a new complementary fenestration arrangement.
- 7.9. When viewed in the context of the application site, the proposed extension is considered to represent a modest addition that would remain subservient to surrounding built form having regard to its size and scale. The application building has had a series of extensions that, over time, have eroded the building's original character with a number of different roof forms and exterior materials within which context it is considered that the parapet roof form would not cause any significant visual harm.
- 7.10. On this basis, and subject to conditions, the development is considered to be acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.11. 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.
- 7.12. The area of the proposed extension is bounded by Adalia Care Home within Cliff Road to the north and by No's 31, 33 and 39 Mount Avenue to the east. With regards to the elevation facing Adalia Care Home, only the overall height of the existing projection would be enlarged by some 0.9m. Built form would not project any closer to this shared boundary. On this basis, it is not considered that the proposed enlargement would result in a dominant or overbearing impact or result in unacceptable overshadowing or a significantly harmful loss of light and outlook to neighbouring occupants.
- 7.13. Two new openings are proposed to the northern elevation facing Adalia Care Home. These openings would provide a new outlook to the existing bedroom 3 and are considered to provide potential for overlooking of the garden area belonging to Adalia Care Home. In weighing up the impact from overlooking, regard is had to the communal nature of that adjoining care home garden and to the presence of dormer windows within Bramble Care Home that overlook that garden area at present and in addition, to the significant number of windows within Adalia Care Home looking out onto the rear garden area such that it is reasonably considered that a mutual degree of overlooking for residents exists at present. Therefore, the addition of windows to the northern elevation of the extension would not introduce a significantly harmful degree of overlooking, such that the impact in these circumstances is considered acceptable.
- 7.14. With regard to the impact on properties along Mount Avenue, No.33 is positioned directly to the rear of the existing two storey hipped roof rear addition. At present, the existing hipped roof extends some 1m above the line of the fencing on the boundary with No.33. The proposal would see this increased to approx.2m. Although it would increase in extent, the built form would not project any closer to No.33's rear boundary fencing, a

distance of some 4.5m. A separation in excess of 25m to the rear of the No.33 would be maintained. Given both these factors and how the development would be viewed against the backdrop of the existing built form, it is not considered that the proposed enlargement would result in a dominant or overbearing impact or result in unacceptable overshadowing or a significantly harmful loss of light and outlook to those neighbouring occupants.

- 7.15. One new opening is proposed to the eastern elevation facing towards No.33's rear boundary which would provide an additional outlook to the existing bedroom 3. This has the potential to give rise to overlooking of the garden area at No.33 Mount Avenue where currently there is none. To mitigate the potential harm, a condition is recommended requiring this window be obscure glazed. As the two new north facing windows would be clear glazed as explained in paragraph 6.13 above, the internal environment and outlook for future occupiers of room 3 would be satisfactory.
- 7.16. The proposed extension is sufficiently removed from any other neighbouring properties so as to not give rise to any harmful amenity impacts. It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard.
- 7.17. Noting the historic care home use of the site, it is not considered the modest increase in room capacity would result in significantly different noise and disturbance impacts. No plant or other external equipment is proposed as part of the development. In the interests of neighbours' amenity a condition is recommended to prevent the flat roof areas of the proposed development being used in future as balconies, terraces etc without planning permission having first been obtained.
- 7.18. Subject to conditions, the proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Traffic and Transportation Issues

- 7.19. 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."
- 7.20. The existing site has five off street parking spaces to the front of the building. The space standards for C2 uses including care homes are a maximum of 1 space per resident staff + 1 space per 3 bed spaces/dwelling units. The proposal includes an additional room at the site and would generate a notional maximum parking requirement of 9 car parking spaces (27 bed capacity divided by 3). The existing arrangement is less than this.
- 7.21. The site is in a sustainable location with regard to public transport including Chalkwell Rail station. On this basis and noting that the development results in a single net additional room, it is not considered that the proposal will have a significantly detrimental impact on the local highway network.
- 7.22. No objection is raised by Highways.
- 7.23. The proposal is therefore acceptable and compliant with the relevant policies in these regards.

Other Matters

Trees

- 7.24. The proposal would be constructed in close proximity to the group of trees to the eastern flank boundary of the site covered by TPO 2/1967.
- 7.25. An Arboricultural Impact Assessment has been submitted with the proposal which identifies that the only trees potentially affected by the development are English Oak trees denoted as T1 and T2. The Arboricultural Impact Assessment contains tree protection measures to ensure the health of these trees is maintained. The Council's tree officers have reviewed the report and state that the measures proposed cover all of the areas for tree protection. They state that if the proposed tree protection measures are adhered to then any damage to the roots of trees T1 and T2 would be adequately minimised. They state further that the area of the root protection zone that is being eaten in to is near to hard surfacing and so there is less likelihood of finding any active roots.
- 7.26. On this basis, and subject to conditions including adherence to the tree protection measures identified, the development is considered to be acceptable and policy compliant in the above regards.

Equality and Diversity

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

Community Infrastructure Levy (CIL)

- 7.28. The proposed development equates to less than 100sqm of new floorspace. As such, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

Conclusion

- 7.29. For the reasons outlined above the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

8. Recommendation

- 8.1. GRANT PLANNING PERMISSION subject to the following conditions:**

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 23_041/01 Location and Block Plan; 23_041/03 Proposed Location and Block Plan; 23_041/03 Rev 05 Existing and Proposed Plans and Elevations

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

03 Before the development hereby approved is first used the materials used on the external surfaces of the development must match those used on the external surfaces of the existing building. Parapet coping shall only be installed in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, and advice contained in the Southend-on Sea Design and Townscape Guide (2009).

04 The roof of the building/extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the Local Planning Authority. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring residential properties, 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) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

05 The development hereby approved shall be carried out from its outset solely in accordance with the Arboricultural Method Statement contained within the Tree Survey and Arboricultural Impact Assessment by ROAVR Group issued 07.09.23 hereby approved.

Reason: This condition is needed to safeguard the preserved trees and so protect their contribution to the character and appearance of the surrounding area in accordance with the National Planning Policy Framework (2021), Policies DM1 and DM3 of the Development Management Document (2015), Policies KP2 and CP4 of the Core Strategy (2007) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

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

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

06 No external plant equipment or machinery associated with the development hereby approved shall be installed or operated at the site unless a noise impact assessment (conducted out by a competent person) has previously been carried out, submitted to and approved in writing by the Local Planning Authority. The assessment must be made using the appropriate standards and methodology for the noise sources and the relevant best practice. The plant equipment shall thereafter be implemented in full accordance with the details and mitigation provided in the approved Noise Impact Assessment before it is first brought into use and shall be maintained as such in perpetuity thereafter.

Reason: In the interest of the residential amenity of neighbouring and 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).

07 The proposed window in the ground floor east facing elevation of the development hereby approved to serve bedroom 3 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 advice in the Southend-on-Sea Design and Townscape Guide (2009).

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:

01 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

02 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.