

Reference:	23/00878/FUL	
Application Type:	Full Application	
Ward:	Leigh	
Proposal:	Convert existing building from five self-contained flats to 4 self-contained flats at first and second floors and one commercial unit to ground floor (Class E (c) Financial and professional services) and alterations to elevations, raise height and change of roof form, change of layout of car park to east of site including landscaping, refuse and cycle stores	
Address:	3A West Street, Leigh-on-Sea, Essex.	
Applicant:	Mr Graham Newton of Intext Properties	
Agent:	Mr Adam Webster of Webster Little Architects	
Consultation Expiry:	04.04.2024	
Expiry Date:	27.06.2024	
Case Officer:	Abbie Greenwood	
Plan Nos:	010_A_00_001 Rev 1, 010_A_00_050 Rev 1, 010_A_00_060 Rev 1, 010_A_00_100 Rev 1, 010_A_00_101 Rev 1, 010_A_00_102 Rev 1, 010_A_00_103 Rev 1, 010_A_00_200 Rev 1, 010_A_00_201 Rev 1, 010_A_00_210 Rev 1, 010_A_00_211 Rev 1, 010_A_00_300 Rev 1, 010_A_00_301 Rev 1, 010_A_00_302 Rev 1, 010_A_00_303 Rev 1, 010_A_10_050 Rev 2, 010_A_10_060 Rev 2, 010_A_10_100 Rev 2, 010_A_10_101 Rev 2, 010_A_10_102 Rev 2, 010_A_10_103 Rev 2, 010_A_10_200 Rev 2, 010_A_10_201 Rev 2, 010_A_10_210 Rev 2, 010_A_10_211 Rev 2, 010_A_1-300 Rev 2, 010_A_10_301 Rev 2, 010_A_10_302 Rev 2, 010_A_10_303 Rev 2.	
Additional information:	Design and Access Statement dated February 2024 CGI of Amended Scheme dated February 2024	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application concerns a two-storey building with rooms in the roof on a backland site to the rear of Broadway (south), west of West Street and east of Elm Road. The building is presently a residential flatted block comprised of 5 self-contained flats over three levels. There are parking spaces to the east and western side of the building. The site is accessed from West Street.
- 1.2 The surroundings are mixed in character, with two, three and four storey-built form along Broadway and Elm Road, comprised of retail and commercial units at ground floor level with some flats above. To the east of the site are two storey dwellings in West Street. To the north of the site is an area of open land used for parking. Immediately to the south of the site is the boundary of the Leigh Conservation Area. There are locally listed buildings to the south of the site at Nos 21-23 Broadway and No 9 Clements Arcade, Broadway. There are other locally listed and statutorily listed buildings further south, within the Conservation Area, including the Grade II* Listed St Clements Church which is on the southern side of Broadway and cannot be seen from the site. There is on street parking along Elm Road, Broadway, West Street and North Street and a public car park in North Street. The site is within Flood Zone 1 and is not subject to any other site-specific planning policy designations, lying adjacent to but outside of the Primary Shopping Frontage and the Leigh District Centre.

2 The Proposal

- 2.1 The proposal, which has been amended during the course of the application, is for the conversion of the existing two-storey block with rooms in the roof, containing 5 separate self-contained flats (4 x 1 bed 2 person and 1 x 2 bed, 4 person), into a 3 storey building with 4 self-contained flats (4 x 1 bed, 2 person) and one 94 sqm ground floor commercial unit with a Class E (c) (Financial and Professional Services) use. The roof of the building would be changed from a pitched roof with dormers, to a flat roofed building. The maximum height of the built form would increase by 0.2m from 9.3m to 9.5m. The gabled projection to the eastern side of the building would also be changed to a flat roof and would be the same height as the new flat roof.
- 2.2 There are six parking spaces currently linked to this building to its west and east and 5 other spaces (to its west) which are within the site but relate to other properties which share an access and are outside the scope of the proposed development. The proposal would provide a total of 5 parking spaces for the development, 4 to the east of the building and one in the north-western corner of the site. 4 spaces would be allocated to the four flats and one space would be allocated for the commercial unit.
- 2.3 Refuse and recycling stores would be provided within the building and secure cycle storage for the flats within the application site, to the east of the building. No amenity space is presently provided, and none is proposed for the residential flats.
- 2.4 The proposed external materials include painted brickwork with decorative bonding and aluminium windows and doors. A small area of landscaping is proposed to the east of the parking spaces, to the east of the site which can provide an opportunity for taller landscaping to soften the development.

3 Relevant Planning History

- 3.1 The most relevant planning history for the determination of this application is shown on Table 1 below:

Table 1: Relevant Planning History of the Application Site

Reference	Description	Outcome
23/01663/PREAPF To secure improvements during current application	Conversion of existing building from five self-contained flats to provide 4 self-contained flats to first and second floors and one commercial unit to ground floor and alterations to elevations, raise ridge height and change of roof form, change of layout landscaping to car park to east of site, refuse and cycle stores - follow up to 23/00878/FUL	Advice Given
13/01545/FUL	Convert existing five flats into four two bed self-contained flats, extend first floor and form balconies at first and second floor, alter roof and elevations and form integral garage	Refused. Dismissed on appeal.
08/00077/NONDET	3A West Street And 9 - 11 Broadway Erect three storey extension to side and rear, redevelop ground floor arcade as eight retail units, alter shop front, convert first and second floors into four self-contained flats and 313m ² of office space and alter elevations. Raise roof of building at rear, convert into five self-contained flats, lay out parking court with roof terrace over and alter elevations (Amended Proposal)	Non determination appeal allowed.
07/01896/FUL	3A West Street & 9 - 11 Broadway Erect three storey extension to side and rear, redevelop ground floor arcade as eight retail units, alter shop front, convert first and second floors into four self-contained flats and 313m ² of office space and alter elevations. Raise roof of building at rear, convert into five self-contained flats, lay out parking court with roof terrace over and alter elevations (Amended Proposal).	Refused, but allowed on appeal.
03/01335/FUL	Raise pitched roof by 1m and extend with a gable and dormer window, convert altered storage and workshop building to 5 self contained flats (Class C3) and lay out five parking spaces, refuse storage and amenity space (Amended Proposal)	Refused, but allowed on appeal.

4 Representation Summary

Public Consultation

4.1 A site notice was displayed, and sixty-one (61) neighbours were twice notified of the application by letter including on the amended plans. Six (6) letters of objection were initially received from three (3) addresses and their contents are summarised as follows:

- Amenity concerns including loss of light, sense of enclosure and loss of privacy, noise and impacts of commercial unit.
- Cramming and overdevelopment.
- Concerns relating to the loss of residential units/converting residential into commercial when housing shortages.
- Concern over width of existing access and congestion within the site and damage to

neighbouring properties including to external pipes.

- Concern over fear of crime due to relationship of storage facilities to boundaries.
- Proposed development including the flat roof is out of character.
- Development increases height of building.
- Concerns relating to positioning of the bin store and smells. [**Officer Comment:** The refuse store has been relocated in the amended plans.]
- Concerns relating to commercial activity in this location and what the commercial use will be and how it will impact access to dwellings and safety.
- Problems during development stage and thereafter from noise, disturbance, parking of vehicles and access to the site.
- Concern over access to the site for emergency vehicles and construction vehicles.
- Concern that deliveries and refuse collection to the commercial unit will cause congestion.
- Covenants prevent commercial use on the site.
- Request decision is delayed to provide covenant/land registry information.

Two (2) further letters of representation were received in response to the amended plans consultation. These raised the following summarised issues:

- The amended scheme is much more attractive than the original design.
- Noise and disturbance and antisocial behaviour from the commercial unit depending on the use.
- The commercial parking space is not suitable for a commercial vehicle.
- Concern over impact on neighbours during construction.
- Too many flats in Leigh already and this is causing congestion and pollution and parking stress.
- Concern that deliveries and refuse collection to the commercial unit will cause congestion. Deliveries and collections should be timed controlled to minimise impact on neighbours.
- Location not suitable for a commercial use.
- A flat roof is out of character.

[**Officer Comment:** Issues relating to design, character and appearance, amenity and highway issues have been addressed within the report. There is no objection to the proposal from Essex County Fire Service. The site is already in use as residential accommodation. Covenants are not material planning considerations. The concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.]

Leigh Town Council

Comment on initial scheme:

- 4.2 Objection. The proposed development would result in the loss of residential housing in an area that is already in high demand for residential properties. It does not protect the amenity of the site for future occupiers and would have an adverse effect on the amenity of its immediate neighbours having regard to overbearing nature to those at No. 5 and 7 West Street. The addition of a commercial unit as the site of the application is not on a commercial road and is behind residential buildings, there has been no evidence provided that a need for a commercial unit is necessary and the increase of footfall for the commercial unit will cause harm to the residents in the area with concerns of parking and noise. The proposal is contrary to National and Local Planning Policies.

Highways

- 4.3 It is not considered that the loss of 1 car parking space will have a detrimental impact on the local highway network. On street parking with limited waiting restrictions are located in close proximity. Therefore, no highway objections are raised.

Essex County Fire Service

- 4.4 No objection. Access for Fire Service purposes is considered satisfactory subject to fire brigade and water supplies for firefighting purposes to the proposed development being fully compliant with Building Regulations Approved Document B, B5. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulations consultation stage.

Environmental Health

- 4.5 No objection - the proposal is for Class E(c) use only which is potentially less onerous than other E class uses and will operate normal hours and there is no intention for any plant. Conditions recommended relating to construction and demolition management, waste management, refuse and recycling and sound insulation. Informatives are recommended relating to construction outside normal hours and asbestos.

5 Procedural Matter

- 5.1 This application is presented to the Development Control Committee because it was called in by Councillor Mulroney and by former Councillor Wexham.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (NPPF) (2023)
- 6.2 Planning Practice Guidance (PPG) (2024)
- 6.3 National Design Guide (NDG) (2021)
- 6.4 Technical Housing Standards – Nationally Described Space Standards (2015)
- 6.5 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and CP8 (Dwelling Provision)
- 6.6 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM6 (Seafront), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM10 (Employment Sectors), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management)
- 6.7 Southend-on-Sea Design and Townscape Guide (2009)
- 6.8 Technical Housing Standards Policy Transition Statement (2015)
- 6.9 Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)
- 6.10 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)

- 6.11 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 6.12 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.13 Leigh Conservation Area Appraisal (2021)
- 6.14 Town and Country Planning Act 1990: Section 90A, Schedule 7A (Biodiversity Net Gain)

7 Planning Considerations

- 7.1 The main considerations in relation to this application are the principle of the development, impact on heritage assets, the design and impact on the character and appearance of the area, the residential amenity for future and neighbouring occupiers, traffic and parking implications, sustainability, refuse and recycling storage, RAMS and CIL liability.

8 Appraisal

Principle of Development

- 8.1 Paragraph 123 of the NPPF states: "*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, 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.
- 8.2 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role including residential development to be provided on previously developed land. The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City.
- 8.3 The existing development comprises 5 flats, 4 of which are described as 1 bedroom 2 person flats and 1 as a 2-bedroom, four person flat. Whilst there would be a reduction in the overall number of residential units by 1, three of the current 1 bedroom 2 person flats are some 43sqm, 46sqm & 49sqm so fail to meet the 50sqm minimum Nationally Described Space Standards (NDSS) for flats of this nature. Also, the two existing ground floor flats provide a poor-quality environment for occupants due to the limited outlook directly onto a car parking and the vehicular access. The proposed development would provide 4 fully compliant flats with an improved standard of accommodation overall. It is considered that, in this instance, the proposal to provide 4 good quality dwellings and the positive benefit of the commercial use adjacent to the district centre in place of 5 cramped dwellings, including the loss of one substandard dwelling, is acceptable in principle and will not have a harmful impact on the overall dwelling supply in the city. The proposal is therefore acceptable in this regard.
- 8.4 In terms of the provision of a commercial unit (use class E(c) Financial and Professional Services), Policy DM11 of the Development Management Document states that the Council will support the retention, enhancement and development of Class B uses (Use Class B is now incorporated within Use Class E of the amended Use Class Order) within employment areas. The proposed development is not within an employment area but would be used for purposes falling within Use Class E(c), (i) financial services, (ii) professional services (other than health or medical services), or (iii) any other services which it is appropriate to provide in a commercial, business or service locality.
- 8.5 Policy DM13 of the Development Management Document recognises that Leigh supports Southend Town Centre as a District Centre, providing a range of local comparison shopping,

convenience shopping and services to the neighbouring communities. The proposed Class E unit would have active frontages facing onto the service road and is to the rear of a primary shopping parade. Whilst small-scale in nature, the proposed development would result in the provision of an employment generating use. It would contribute to the provision of jobs and the local economy and it would maintain the vitality and viability of the adjoining District Centre and Primary Shopping Frontage whilst retaining residential provision adjacent to the Leigh District Centre. This is a material benefit of the proposal.

- 8.6 Overall, it is therefore considered that the principle of extensions and alterations to the building to form a residential led mixed use development with an element of commercial is acceptable subject to the following detailed considerations.

Design and Impact on the Character of the Area and impact on designated and non-designated heritage assets including the Leigh Conservation Area and nearby locally listed buildings.

- 8.7 In determining this application, the Council has a statutory duty under sections 69 and 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which state that special attention should be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas.
- 8.8 Paragraph 131 of the NPPF states that: *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 8.9 Paragraph 205 of the NPPF states: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*
- 8.10 Paragraphs 207 and 208 of the NPPF state: *“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”* *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*
- 8.11 Policy KP2 of the Core Strategy states that new development should: *“respect the character and scale of the existing neighbourhood where appropriate.”* Policy CP4 of the Core Strategy requires that development proposals should: *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development and respecting the scale and nature of that development.”*
- 8.12 Policy DM1 of the Development Management Document states that all development should: *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”*
- 8.13 Policy DM3 advises that; *‘Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area*

through:

- (i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building, and ensures successful integration with it; and*
- (ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*
- (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area.'*

- 8.14 Policy DM5 of the Development Management Document states: "Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal and will be resisted where there is no clear and convincing justification for this."
- 8.15 The application site abuts the northern boundary of the Leigh Conservation Area with a rear parade of shops on the northern side of Broadway. The form and character of neighbouring development on the northern side of Broadway includes three and four storey buildings to the south and two storey buildings to the west and east in Elm Road and West Street. There are locally listed buildings to the immediate south of the site, within the Conservation Area.
- 8.16 The existing building dates from the early C20 and was originally a brick warehouse style building but it has been substantially altered since this time including a gabled extension to its east side, rendering of the brick work and installation of an irregular arrangement of modern windows including 3 large roof enlargements, two as windowed dormers and one without any windows. Overall, the building's current appearance is poor and it does not make a positive contribution to the setting of the nearby Leigh Conservation Area or locally listed buildings or the area generally.
- 8.17 The proposal seeks to remodel the building by exposing the original brickwork and extending upwards at the eaves to ridge height to form a flat parapet roof and through the introduction of higher quality and more considered fenestration. The new brickwork at the upper level will include patterned bonding to provide additional articulation to the elevations. The old and new brickwork will be painted white to ensure a coherent appearance whilst ensuring that the brick texture and patterning is maintained. The enhanced finish and this level of articulation of the remodelled development will be more suited to this sensitive site which is close to heritage assets.
- 8.18 The development overall will remain 3 storeys and will not be materially taller than the existing configuration, but it will be infilled at eaves level to create a flat roofed building, increasing its overall scale. This will give it a different style and shape. This will not be out of character or scale in this location as there are a range of large flat roofed extensions up to 4 storeys in height to the rear of properties in the Broadway close to the site. The proposal will not appear out of place in this context and has the potential to uplift the character of this backland area in the process.
- 8.19 The proposal introduces a commercial unit at ground floor which is more suited to the setting within a parking area which has no privacy. There is also a small area for landscaping next to the boundary of No 3B West Street which can be planted with small trees improving the setting of the building and the outlook for both residents and existing neighbours. Details of this can be controlled by condition.

- 8.20 Overall, it is considered that the design is a significant upgrade on the existing over extended, rendered appearance of the building and would have a positive impact on the character of the area and setting of the nearby designated and non-designated heritage assets. The proposal is therefore acceptable and policy compliant in this regard.

Amenity Impacts

- 8.21 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.

Residential Development

Impact on neighbours in West Street to the East

- 8.22 The east elevation of the building is some 12.3m from the rear garden boundary of No's 3 and 3b West Street and adjoins the rear garden boundary of No 5 West Street and is some 17m from the properties themselves. The proposal has two staircase windows on its east side at the upper levels. The existing building also has two staircase windows at the upper levels on the eastern elevation although these are located further south on the building than the current proposal. The submitted drawings confirm that these will be obscure glazed with one opening casement only on the right side which opens away from the neighbour so that views are only possible towards the rear of buildings in Broadway. Taking into consideration the existing arrangement, the positioning, and the measures taken to prevent outlook over neighbouring gardens this is considered acceptable and can be controlled by condition.
- 8.23 The proposal seeks to amend the form of the existing building such that it would be 3 full storeys in height some 9.5m high. The existing building has a similar overall maximum height albeit with a pitched roof not a flat roof as currently proposed. It is considered that 17m is significant separation to ensure that this would not result in an overbearing relationship to the rear windows or most private sitting out areas of the dwellings in West Street. It is also noted that the proposed site plan shows two small trees in the landscaping area to the north of the cycle store to add an additional layer of screening to this relationship. This would be to the benefit of the scheme in terms of neighbour relationships and setting and can be agreed by condition. Overall, it is considered that the proposal would have an acceptable impact on the amenities of neighbours in West Street in all relevant regards.

Impact on neighbours to the west in Elm Road

- 8.24 The proposal would be 10m from the west boundary adjoining properties in Elm Road. The closest property in Elm Road, No 22-24 is in commercial use. This is considered to be an acceptable relationship. The proposal would be 15.9m from the nearest residential boundary in Elm Road and some 25m from the dwelling itself. There are therefore no concerns in relation to the impact on neighbours in Elm Road in any relevant amenity regards.

Impact on neighbours to the south in Broadway including Clements Arcade

- 8.25 The existing building is some 6.1m from the first floor terrace to the rear of. No 9-11 Broadway and 9.3m from its habitable room windows. The relationship between the buildings is oblique.
- 8.26 Planning application 13/01514/FUL which sought to extend and convert the building into four flats was refused and then dismissed on appeal due to the impact on that terrace. However, that application included an extension with amenity terraces on the west side of the existing

building which was found to result in a loss of privacy. The current proposal has no such extension or terrace. It does amend the elevational design and form of the building, but the windows are in similar locations to the existing windows and the change in height is not significant taking into consideration the existing dormers on this side. The proposal therefore effectively maintains the existing relationship with this neighbour which is acceptable.

Impact on neighbours to the north

8.27 Windows are proposed in the north facing elevation at ground, first and second floor level. The existing north elevation only contains two windows at ground level. The north elevation overlooks a private parking area and beyond the area to the north of the site is open and does not contain any residential or commercial development. The new windows would not result in any harmful impacts in terms of overlooking and loss of privacy.

Residential Summary

8.28 Due to the distances and relationships involved, no other neighbours' amenity would be materially impacted by the development.

8.29 So overall, the residential part of the proposal would have an acceptable impact on neighbours' amenity in all relevant regards.

Commercial Development

8.30 The use sought is class E (c) financial and professional services only, an office use. This is not likely to require any noisy machinery or frequent deliveries or collections such that it would harm the amenities of neighbours. Deliveries and collections can be controlled by condition.

8.31 Subject to this condition and a condition requiring obscure glazing and limited opening for the upper floor windows on the east elevation, it is considered that the proposal would have an acceptable impact on neighbours' amenity in all relevant regards.

Standard of Accommodation

8.32 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.

8.33 All new homes are required to meet the NDSS Standards in terms of floorspace, bedroom size and storage size. The required sizes are shown in the table below.

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		

8.34 Bedrooms are required to be a minimum of 11.5sqm and 2.75m wide for doubles and a minimum of 7.5 sqm and a minimum of 2.15m wide for singles.

8.35 The proposed flat and bedroom sizes are as follows:

	Flat Size	Bedroom Size	Storage
First Floor South 1 bed 2 person	54sqm	11.5 sqm Width 2.9m	1.5 sqm
First Floor North 1 bed 1 person	45 sqm	10 sqm Width 2.9m	1 sqm
Second Floor South 1 bed 2 person	54sqm	11.5 sqm Width 2.9m	1.5 sqm
Second Floor North 1 bed 1 person	45 sqm	10 sqm Width 2.9m	1 sqm

8.36 Unlike the existing arrangement, all proposed flats would meet the relevant minimum NDSS standards in terms of GIA and bedroom total floor area and the proposed habitable rooms would receive acceptable levels of daylight and sunlight and would have acceptable outlook.

8.37 The Council has no adopted standards for amenity space provision but Policy DM8 states, “*Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances.*” No private amenity space is provided for the proposed flats, however, no amenity space is provided to the existing flats. Also, there is no scope for amenity space to be added at ground level. However, all proposed flats would have Juliette balconies which is positive. Taking all these factors in the round, it is considered that the building’s quality of residential accommodation overall would be improved. Regard is also had to the constraints of the site and the characteristics of the district centre environment, which includes a higher density of development and other flats without amenity space. The proposed accommodation is considered acceptable in the circumstances of this case.

8.38 Only use Class E (c), office use, is sought and the proposal does not include any plant for this unit. This would be compatible with residential development and planning conditions can be used to control that use and any future proposals for plant such as air conditioning. Servicing, delivery and collection times can also be controlled by conditions to ensure they do not harm residential amenity. Environmental Health have requested a condition requiring sound insulation between the floors to be agreed, however, in this instance, given the nature of the use proposed and the absence of any plant it is considered that this be adequately covered by Building Regulations and a planning condition would be unreasonable. The proposal is therefore acceptable and policy compliant in the above regards.

8.39 The submitted plans shown separate refuse stores for both the residential and commercial uses in convenient locations. The proposal is policy compliant in this regard.

8.40 Policy DM8 requires all dwellings in new buildings to meet Building Regulations M4(2) to ensure that are accessible however, this is a conversion scheme, so this requirement does not apply.

8.41 Overall, it is considered that the proposal would provide an acceptable standard of living accommodation and is policy compliant in all relevant regards subject to the described conditions.

Traffic and Transportation Issues

8.42 The NPPF states (paragraph 115) 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.*”

8.43 Policy CP3 of the Core Strategy seeks to improve highway safety and accessibility. Policy DM15 of the Development Management Document states: “*All development should meet the parking standards (including cycle parking) set out in Appendix 6. 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.” Policy DM15 requires a minimum of 1 parking space to be provided per flat and a maximum of 1 parking space per 40 sqm for offices. The office space is 94sqm so the maximum parking requirement for this would be 3 spaces.

- 8.44 The site is in a sustainable location, adjoining the district centre and within walking distance of Leigh Station and bus services that run through the district centre. Five parking spaces would be provided for the proposed development including four for the residential flats (one per flat) and one for the proposed commercial unit. The commercial space will be accessed via a fob to the existing security gate which is on land belonging to the applicant. The number of spaces proposed is in accordance with Policy. The Highway team have not raised any objections.
- 8.45 The proposal would result in the loss of 1 existing parking space to the east of the site. This is necessary to ensure adequate vehicle manoeuvring space is provided for the remaining spaces and to enable access to the waste store. The number of flats would reduce by one as part of this proposal so the number of parking spaces for the flats in this area would remain policy compliant.
- 8.46 Concerns have been raised by third parties about the access of these spaces via the existing narrow vehicular access between 1 and 3 West Street, particularly commercial vehicles which may be larger than cars. The existing flats have parking in this location so there is no change to the current arrangement in this regard. The commercial use is office based only so is unlikely to require larger commercial vehicles or frequent deliveries. The Design and Access Statement submitted confirms that waste collections for the commercial unit and the flats will be carried out from West Street, continuing the arrangement which is currently in place for the existing flats. This is considered to be compatible with the constraints of the site. It is also noted that the area surrounding the site is already used for parking and overall, as a result of the development, there will be 1 less parking space so the number of vehicles using this access will be reduced compared to the existing situation. Highways have raised no concerns in this regard.
- 8.47 Residential (1 space per flat) and commercial (1 space) cycle storage facilities are indicated on the plans and full details of this can be secured by condition. No details of electric vehicle charging facilities have been provided, however, as no additional residential units are proposed this is not a policy requirement.
- 8.48 Given the tight nature of the site and proximity of neighbours it is reasonable to require a Construction Management Plan to be submitted and agreed by the LPA prior to commencement of the development. This can be secured by condition.
- 8.49 Overall, the proposal is considered acceptable and policy compliant in the above regards subject to the described conditions.

Sustainability

- 8.50 Sustainable development is a key objective of the NPPF.
- 8.51 Policy KP2 of the Core Strategy requires that: “at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources).” Policy DM2 of the Development Management Document states that: “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions.” This

includes energy efficient design and the use of water efficient fittings, appliances, and water recycling systems such as grey water and rainwater harvesting.

- 8.52 No details have been provided but this can be secured by condition. The proposal is acceptable and policy compliant in this regard, subject to these conditions.

Ecology and Recreational disturbance Avoidance Mitigation Strategy (RAMS)

- 8.53 The proposal would not result in the loss of local ecological assets including wildlife habitats and significant or protected trees.
- 8.54 This application is exempt from Biodiversity Net Gain requirements as it was submitted prior the relevant requirements coming into effect for this type of development.
- 8.55 The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). Any new residential development has the potential to cause disturbance to European designated sites. The proposal would not result in a net increase in residential dwellings so would not be liable for a RAMS payment.

Community Infrastructure Levy (CIL) and

- 8.56 The proposal results in less than 100sqm of additional floorspace and 1 less residential unit. It is therefore not liable for a CIL payment.

Equality and Diversity Issues

- 8.57 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.

Conclusion

- 8.58 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would provide a good standard of accommodation and have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely, including the nearby heritage assets. There would be no harmful traffic, parking or highways impacts caused by the proposed development. The loss of one substandard dwelling at this town centre site is not significant and is clearly outweighed by the improved standard of accommodation overall plus other benefits of the development noted in the report. This application is therefore 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 shall only be undertaken in accordance with the following approved plans: 010_A_00_001 Rev 1, 010_A_00_050 Rev 1, 010_A_00_060 Rev 1, 010_A_00_100 Rev 1, 010_A_00_101 Rev 1, 010_A_00_102 Rev 1, 010_A_00_103 Rev 1, 010_A_00_200 Rev 1, 010_A_00_201 Rev 1, 010_A_00_210 Rev 1, 010_A_00_211 Rev 1, 010_A_00_300 Rev 1, 010_A_00_301 Rev 1, 010_A_00_302 Rev 1, 010_A_00_303 Rev 1, 010_A_10_050 Rev 2, 010_A_10_060 Rev 2, 010_A_10_100 Rev 2, 010_A_10_101 Rev 2, 010_A_10_102 Rev 2, 010_A_10_103 Rev 2, 010_A_10_200 Rev 2, 010_A_10_201 Rev 2, 010_A_10_210 Rev 2, 010_A_10_211 Rev 2, 010_A_1-300 Rev 2, 010_A_10_301 Rev 2, 010_A_10_302 Rev 2, 010_A_10_303 Rev 2.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015).

- 03** Before the development hereby approved is first occupied or brought into first use, the materials for the external surfaces of the extensions and alterations hereby approved, including the brick infill bonding patterns and signage, shall be as set out on approved plan references 010_A_10_300 Rev 2, 010_A_10_301 Rev 2, 010_A_10_302 Rev 2 and 010_A_10_303 Rev 2 or in accordance with any other alternative materials, details of which shall have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

Reason: To safeguard the visual amenities, character and appearance of the area including the nearby Leigh Conservation Area in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009), National Design Guide (2021) and Leigh Conservation Area Appraisal (2021).

- 04** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no new windows, doors or Juliette balconies shall be installed at the site unless and until full product details for the proposed aluminium windows including colour and detailed design drawings showing the window reveals and fixing of the Juliette balconies within the reveals at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in accordance with the approved details before it is first occupied, or brought into first use.

Reason: To safeguard the visual amenities, character and appearance of the area including the adjacent Leigh Conservation Area, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009), National Design Guide (2021) and the Leigh Conservation Area Appraisal (2021).

- 05** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works except for demolition works shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard and soft landscaping works shall be carried out prior to first use or first occupation of the development hereby approved.

The details submitted shall include, but not be limited to:

- i) Full details of any replacement hardsurfacing or boundaries.
- ii) Full details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification and landscaping management plan.
- iii) Details of measures to enhance biodiversity within the site.

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as agreed with the Local Planning Authority under the terms of this condition.

Reason: In the interests of the visual amenities, character and appearance of the area including the adjacent Leigh Conservation Area and to ensure a satisfactory standard of landscaping pursuant to Policies DM1 and DM5 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007), and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2021).

- 06 No externally mounted extraction or ventilation plant or equipment including ducting, flues, ventilation grilles, fans and air conditioning units shall be installed on or in association with the development hereby approved without express planning permission having first been obtained from the Local Planning Authority.

Reason: In the interests of the residential amenity of the future and nearby residents and in the interests of visual amenity and to ensure that the building makes a positive contribution to the character of the area including the adjacent Leigh Conservation Area. This is as set out in the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice in the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2021).

- 07 Prior to the occupation of the development hereby approved, full details of the proposed first and second floor windows on the east elevation shall be submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate the use of obscure glazing (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and restricted north side hinged opening only as shown on plan reference 010_A-10_302 Rev 2. 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. The windows shall be implemented in full accordance with the agreed details and retained as such for the lifetime of the development.

Reason: To protect the privacy and environment of people in proposed and neighbouring residential properties, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 08 The 5 car parking spaces and the associated vehicular access for the spaces to have access from the public highway, shown on approved plan 010_A_10_060 Rev 2 shall be provided and made available for use at the site prior to the first occupation or first use of the development hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces

in connection with the occupiers of the development hereby approved and their visitors.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

09 A) The development hereby approved shall not be first occupied or brought into first use unless and until the refuse and recycling stores to serve the development as shown on approved drawing 010_A_10_100 Rev 2 have been provided at the site and made available for use by users and occupiers of the development in full accordance with the approved plans. The approved refuse and recycling facilities shall be permanently retained thereafter and used only for the approved purpose.

B) Notwithstanding the details submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into first use until and unless a Waste Management Plan and Strategy, setting out the waste management and collection arrangements for the development, including vehicle loading position, frequency and timings of refuse and recycling collection is implemented in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be managed in accordance with the approved Waste Management Plan and Strategy prior to its first use or first occupation and shall be retained as such for the lifetime of the development thereafter.

Reason: To ensure that satisfactory refuse and recycling facilities are provided in the interests of highway safety and visual amenity and to protect the character and appearance of the surrounding area including the adjacent Leigh Conservation Area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007), Policies DM1, DM5 and DM15 of the Development Management Document (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009) and Leigh Conservation Area Appraisal (20210).

10 Notwithstanding the plans submitted and otherwise approved, the development hereby approved shall not be first occupied or brought into first use until and unless secure, covered cycle storage has been provided at the site in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved cycle storage shall be made available for use by the occupants of the commercial and residential development hereby approved prior to its first use. The cycle storage shall be retained as such for the lifetime of the development thereafter.

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

11 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority under the terms of this condition. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide 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 including contact details (including out of hour contact details) that are to be displayed on the hoardings;
- (v.) A Noise and Dust Management Plan - measures to control the emission of noise and dust and dirt during demolition and construction. This should make reference to current guidance on the Assessment of Dust from Demolition and Construction - Institute of Air Quality Management or an acceptable equivalent;
- (vi.) A scheme for recycling/disposing of waste resulting from demolition and construction works. No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- (vii.) Measures to mitigate noise disturbance during the development.

Reason: This pre-commencement condition is required to minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policies DM1 and DM3.

- 12** A scheme detailing how at least 10% of the total energy needs of the development hereby approved will be supplied, using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation or first use of the development hereby approved. This provision shall be made for the lifetime of the development.

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 (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

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

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 14** The use of the ground floor commercial area shall be solely used within Use Class E (c) as defined within the Town and Country Planning (Use Classes) Order 1987 as amended and shall not be used for any other purpose, nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provisions equivalent to those Classes in any statutory instrument revoking and re-enacting these Orders.

Reason: To determine the scope of the permission in the interest of the character and functionality of the area and the amenities of the building's residential occupiers and surrounding residential dwellings in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 15 Construction hours for the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 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:

- 01 You are advised that as the proposed development 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 the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil) 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.
- 03 Asbestos - Prior to any alterations to the existing buildings an appropriate Asbestos survey of the buildings should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care.
- 04 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER'.