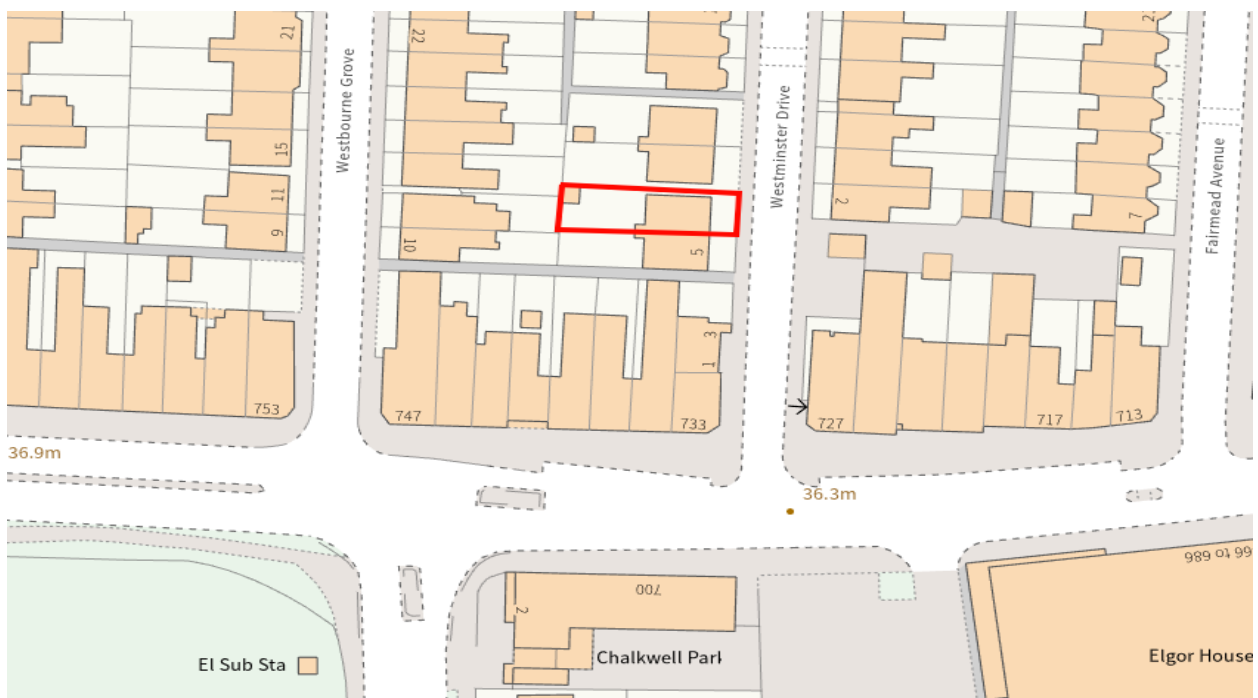


Reference:	24/00715/FUL	
Application Type:	Full Application	
Ward:	Westborough	
Proposal:	Change of use from Nursery (Class C2) to form two self-contained flats (Class C3) with separate access for flats, convert loft into habitable accommodation with front and rear dormers, rooflights to front elevation and provide associated amenity space to rear	
Address:	7 Westminster Drive, Westcliff-on-Sea, Essex, SS0 9SJ	
Applicant:	Mr Suneel Kumar Murari Setty	
Agent:	Mr Wilton Ndoro of Krystal Architecture Ltd	
Consultation Expiry:	5th June 2024	
Expiry Date:	26th July 2024	
Case Officer:	James Benn	
Plan Nos:	924-100; 924-102 Rev 02; 924-104 Rev 02; 924-105	
Additional information:	Design and Access Statement April 2024 - V2 by Krystal Architecture Ltd	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site contains a two-storey, semi-detached building on the western side of Westminster Drive. The surrounding area is predominantly residential in nature towards the north with mixed mainly commercial premises nearby to the south on London Road. The application building was most recently used as a day nursery.
- 1.2 The dwellings in the streetscene are similar in form, scale and traditional appearance. There are examples of front dormers.
- 1.3 The site is not within a conservation area or subject to any site-specific planning policy designations.

2 The Proposal

- 2.1 Planning permission is sought for a change of use from a day nursery (Use Class C2) to form two self-contained residential units (Use Class C3) with new separate accesses for the units to the front, to convert the loft into habitable accommodation with front and rear dormers and a rooflight to the front and to provide associated amenity space to the rear.
- 2.2 Flat No.1 would be a 1-bedroom, 2-person unit with a gross internal floor area (GIA) of some 51.3sqm. It would be on the ground floor only.
- 2.3 Flat No.2 would be a 3-bedroom, 4-person unit with a gross internal floor area (GIA) of some 101sqm. This would be a duplex flat set across the first floor and the newly formed second floor.
- 2.4 The submitted documents show that each unit would have its own separate rear garden for private external amenity in each case laid to lawn, replacing the existing hardsurface associated with the lawful nursery use. Flat 1 would have a rear garden some 38sqm which includes bike and bin store areas. Flat 2 would have a rear garden some 52.2sqm which includes bike and bin store areas. Flat 2 would have access to an existing first floor balcony to the front.
- 2.5 The Design and Access Statement states the proposed bike and bin stores would be timber slatted and 6 cycle parking spaces would be provided in total. No off-street car parking exists, or is proposed.
- 2.6 The proposed front dormer would have a dual-pitched roof and would be some 2.6m deep, 1.7m wide and 1.8m high. It would have a front facing window.
- 2.7 The proposed rear dormer would have a flat roof and would be some 3.9m deep, 2.7m high and 6.2m wide. It would have two rear facing windows.
- 2.8 The proposed external materials include dormer tiles to match the existing roof tiles, UPVC windows to match the existing and composite doors.
- 2.9 An existing chimney would be removed.

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
24/00625/FUL	Change of use from day nursery (Class C2) to dwellinghouse (Class C3)	Permission granted.
01/00172/FUL	Use part of school (Class C2) as dwelling house (Class C3) and erect fence to boundary between 7 and 9 Westminster Drive	Permission granted.

4 Representation Summary

Public Consultation

4.1 Eighteen (18) neighbouring properties were notified of the application by letter and a site notice was displayed. Twenty-four (24) letters of representation have been received. Summary of representations:

- Concerns over lack of parking. The development will worsen existing parking issues.
- Existing lack of parking and parking issues on the road and in the area.
- Residents often have difficulty finding parking and are having to park in neighbouring roads. This includes older and less mobile residents.
- Residents have safety concerns when walking to and from their cars.
- Having to park so far away is making car insurance difficult.
- There were parking issues during former nursery use.
- Inconsiderate parking.
- Traffic volume already too high.
- Nearby services and commercial premises use the road for parking.
- Rubbish issues on the road. Existing fly tipping issues.
- Local amenities (refuge/health/schools/transport) already at full capacity.
- Lack of infrastructure concerns.
- The existing infrastructure is crumbling. Sewers frequently blocked. Pavements are cracking due to parking on them.
- The general appearance of the area is getting worse.
- Already issues with anti-social behaviour from neighbouring properties/businesses.
- Many of the houses have already been converted into flats on the road.
- Detrimental to the street and the environment.
- The Design and Access Statement makes false claims about parking and the surrounding area. Requests supporting evidence.
- Adding more dwellings to the road is inconsiderate for the Council to allow.
- Residential amenity concerns including overlooking and loss of privacy to neighbours' properties.
- A family dwelling is supported but not a conversion to flats.
- There are other affordable flatted developments in the community.

[Officer comment: All relevant planning considerations have been assessed within the appraisal section of the report. These concerns are noted and they have been taken into account in the assessment of the application but were not found to justify refusing planning permission in the circumstances of this case.]

Early Years Team

4.2 No objections to the former nursery being made into a private dwelling. Though it is a shame the building will no longer be used as a nursery, it is understood there has been no interest.

Environmental Health

- 4.3 No objections subject to conditions relating to construction/demolition management, sound insulation and refuse and recycling and informatives relating to construction outside of normal hours, asbestos and stacking arrangements.

[Officer comment: Conditions are suggested at the last section of this report which are considered to pass the relevant tests of planning law, policy and guidance in the circumstances of this case. Sound insulation is a matter for building control.]

Highways

- 4.4 No objection. It is not considered that the proposal will have a detrimental impact on the local highway network. The site benefits from being in a sustainable location with regard to public transport with good links in close proximity. Secure cycle parking has also been provided.

Parks and Open Spaces

- 4.5 The parks department would recommend that a species rich lawn turf is used to encourage biodiversity and that any plant choices encourage pollinating insects.

[Officer comment: Full details of soft and hard landscaping can be secured by condition.]

5 Procedural matters

- 5.1 This application is presented to the Development Control Committee because it has been called in by Cllr Kinsella.

6 Planning Policy and Legislation 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), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 6.6 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM6 (Seafront), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).
- 6.7 The Southend-on-Sea Design and Townscape Guide (2009)
- 6.8 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.9 Southend-on-Sea Technical Housing Standards Policy Transition Statement (2015)
- 6.10 Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)
- 6.11 Electric Vehicle Charging Infrastructure for new development Supplementary Planning

Document (2021)

- 6.12 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 6.13 Town and Country Planning Act 1990 (as amended): 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, the design and impact on the character and appearance of the area, the residential amenity for future and neighbouring occupiers, traffic and parking implications, energy and water use sustainability, refuse and recycling storage, ecology and mitigation for impact on designated sites and CIL liability.

8 Appraisal

Principle of Development

- 8.1 Paragraph 97 of the NPPF states “To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community; c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs; d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.”
- 8.2 Policy CP6 states development proposals must contribute to improving the education attainment, health and wellbeing of local residents and visitors to Southend by safeguarding existing and providing for new cultural, recreation and community facilities. The proposal would result in the loss of a building with lawful use as a nursery.
- 8.3 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. These findings render Policy DM7 and the preferred mix of housing as out of date and confirm there is need for all dwelling types and sizes. 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.
- 8.4 For the proposed provision of housing the HDT and 5YHLS weigh in favour of the principle of this type of development. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise. The proposal would provide one, 3-bedroom dwelling which would be a suitable size for families and one smaller 1-bedroom dwelling.

8.5 The building was last occupied as a day nursery. The agent has advised by email that the former nursery closed in May 2023. The Council's Early Years Team have been consulted on the proposal and they have stated that there has been no interest in the site as a nursery and have raised no objection to the proposal. The surrounding area is mainly residential in character. The proposal would provide one, 3-bedroom dwelling which would be a suitable size for families for which there is clearly an identified need for and one smaller, 1-bedroom dwelling for which there is also a need. On this basis, and in the specific circumstances of this case, no objection is raised in principle to the loss of the nursery and change of use to two dwellings. It is also noted that there is an existing extant planning permission to change the use of the building from a day nursery to a dwelling (ref. 24/00625/FUL). Due weight must be given to that realistic fall back provision. No objection is raised in principle to extending and altering the existing building to provide the additional residential accommodation. In the round, the development is acceptable in principle, subject to the proposal appropriately addressing the relevant detailed planning considerations.

Design and Impact on the Character of the Area

8.6 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.

8.7 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 contribute 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.

8.8 There are examples of modestly scaled front dormers with dual-pitched roofs in the streetscene at No's 8-12 Westminster Drive. There are also examples of dormers in the streetscene to the south of the site. The proposed dormer would be similar in scale and roof form to those at No's 8-12. It would be set sufficiently within the front roof slope to appear reasonably incidental and subservient. Taking these matters into account, including the presence of similar front dormers which inform the character of the streetscene, it is not considered that the proposed front dormer would result in any significant harm in design terms.

8.9 There are examples of rear dormers in the rear garden scene mainly to the rear of the buildings along London Road to the south. The proposed rear dormer would be flat roofed and relatively large. However, it would be set adequately within the rear roof slope to appear sufficiently incidental. It would be removed from any clear public views and would have no material impact on the streetscene. Taking these matters into account, including that rear dormers are already a feature in the rear garden scene, it is not considered that the proposed rear dormer would result in any significant harm in design terms.

8.10 Many of the properties in this part of Westminster Drive have been subdivided into flats with separate entrance doors to the front including at No's 5, 15 and 17. On this basis, the proposed alteration to the front elevation to provide two separate entrance doors is considered acceptable in design terms.

8.11 The proposed rooflight is a modest alteration to the existing roof and would not result in any significant harm in design terms.

- 8.12 The proposed bike and bin stores would be in the rear garden where they would be removed from any clear public views and would not result in any significant harm in character and appearance terms. Modest indicative soft landscaping is shown in the rear gardens. No details have been submitted of landscaping for the frontage of the site which is currently hard surfaced with some soft landscaping and a store. Full details of soft and hard landscaping for the site can be secured by condition.
- 8.13 Subject to the described condition, 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 character and appearance of the site, the streetscene and the area more widely. The proposal is therefore considered to be acceptable and policy compliant in these regards.

Amenity Impacts

- 8.14 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.
- 8.15 The proposal would change the occupancy profile of the building. Given the nature of the proposal, which is to create two dwellings in the former nursery building comprising one, 3-bedroom unit and one, 1-bedroom unit, in a built-up, mainly residential area, where many of the buildings have already been subdivided into flats, it is not considered that it would result in any significantly harmful noise and disturbance impacts to neighbouring occupiers over and above the existing situation or which would be significantly harmful in their own right.
- 8.16 The proposed front and rear dormers would be situated within the footprint of the existing roof such that they would not significantly harm the amenity of neighbouring occupiers having regards to loss of outlook, loss of light, undue sense of visual enclosure, dominance or overbearing impacts.
- 8.17 The proposed front dormer window would look out into the street which is already open to public views. The proposed rear dormer's windows would be situated at least some 12.5m from the rear garden boundary to the west shared with No's 12 and 14 Westbourne Grove which have been subdivided into flats. This separation distance is considered sufficient to prevent any significantly harmful overlooking and loss of privacy to these neighbouring occupiers or any other neighbouring occupiers in Westbourne Grove. In the round, it is not considered that the proposed front and rear dormers would significantly harm the amenity of neighbouring occupiers in any relevant regards.
- 8.18 Due to the position of the rooflight in the roof and to the front which is already open to public views, it would not harm the amenity of neighbouring occupiers in any relevant regards.
- 8.19 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 relevant regards. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Standard of Accommodation

- 8.20 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.
- 8.21 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage size. The required size for the type of units proposed and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on the table below:

Table 1: Space Standards and Proposed Dimensions

	Area (m²)	Bedroom 1	Bedroom 2	Bedroom 3	Storage area (m²)
Standard for 1 storey 1b, 2p	50	11.5m ² Wmin=2.75m	N/A	N/A	1.5
Standard for 2 storey 3b, 4p	84	11.5m ² Wmin=2.75m	7.5m ² Wmin=2.15m	7.5m ² Wmin=2.15m	2.5
Flat No.1 - Proposed 1 storey 1b, 2p	51.3	11.8m² Wmin = 3.7m	N/A	N/A	1.8
Flat No.2 - Proposed 2 storey 3b, 4p	101	15.8m² Wmin = 3.2m	9.3m² Wmin = 2.4m	7.5m² Wmin = 2.3m	2.5

- 8.22 The proposed units would meet or exceed the minimum space standards in terms of the overall floor areas, the bedroom floor areas and the built-in storage areas.
- 8.23 All habitable rooms would receive adequate daylight and sunlight and would have adequate outlook.
- 8.24 Building Regulation M4(2) cannot be a strict policy requirement for works on existing buildings so the proposal is acceptable in these regards.
- 8.25 Policy DM8 states that new dwellings should make provision for usable private outdoor amenity space for the enjoyment of intended occupiers.
- 8.26 The private external amenity spaces for each of the dwellings would be of an acceptable size and shape to meet the amenity needs of future occupiers for the level of occupancy proposed. They would be accessible via the side access and the ground floor flat would have direct access. Given there is a degree of overlooking of residential rear gardens in the surrounding area from existing upper floor neighbouring windows, it is not considered that the proposed ground floor flat's garden would be unduly overlooked by the first floor flat. Full details of boundary treatments, subdivision of the garden and hard and soft landscaping can be secured by condition.

- 8.27 Subject to the described conditions, it is considered that the proposal would provide acceptable living conditions for future occupiers. It would therefore be acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 8.28 Paragraph 115 of the NPPF states 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."
- 8.29 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document states that 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.
- 8.30 Policy DM15 of the Development Management Document states 1-bedroom dwellings and 2+ bedroom flats should be served by a minimum of one off-street car parking space and a minimum of one secure and covered cycle space per dwelling. 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 sets out the maximum parking standards for the lawful nursery use which is 1 space per full-time staff member and waiting facilities where appropriate.
- 8.31 Third party concerns have been raised over parking issues in the road and surrounding area. The site does not have any existing off-street car parking and there would have been a notional parking demand associated with the lawful day nursery use depending on the number of staff employed. No off-street car parking is proposed which is a reduction of two off-street car parking spaces when assessed against standards. The site is 43m away from London Road, in a sustainable location with regard to public transport with good links in close proximity, including within walking distance bus routes on London Road to the south and Chalkwell Railway Station further south. The submitted Design and Access statement states that 6 cycle parking spaces will be provided which is 4 spaces above policy requirements. These cycle parking spaces would provide the option of sustainable transport to future occupiers along with the good public transport links nearby. It is also noted that the extant permission ref. 24/00625/FUL for a single dwelling has the same minimum policy requirement of 2 off-street parking spaces (two spaces per house) and reliance on no off-street car parking as was found acceptable in the decision made for that application. On this basis and bearing in mind the notional parking demand associated with the lawful day nursery use which would likely involve at least two staff (thereby creating an associated notional parking demand of at least two spaces), it is not considered that the proposal will have a detrimental impact on the local highway network in this regard. For example, the most recent Council records show that the former nursery had 6 members of registered staff although the full time equivalent figure, which would be used as the basis for parking space calculation, is not known. In any event however the Council's Highways Officer has raised no objection in all relevant respects.
- 8.32 A bike store is shown in the rear garden on the submitted site plan and the Design and Access Statement states that it would be timber slatted. No details of the dimensions have been submitted. Therefore, it is considered necessary and reasonable to impose a condition requiring full details, including dimensions, of the enclosed cycle storage to

be submitted.

- 8.33 Subject to the described condition, the proposal is acceptable and policy compliant in the above regards.

Refuse and Recycling

- 8.34 The Council's Waste Storage, Collection and Management Guide for New Developments provides guidance on waste stores. It does not prescribe a space standard for the provision of a single dwelling, although at paragraph 8.1 it states that waste should be kept in an enclosure.
- 8.35 A bin store is shown in the rear garden of each unit on the submitted site plan and the Design and Access Statement states that it would be timber slatted. No details of the dimensions have been submitted. Therefore, it is considered necessary and reasonable to impose a condition requiring full details, including dimensions, of enclosed refuse and recycling storage to be submitted.
- 8.36 Subject to the described condition, the proposal is acceptable and policy compliant in the above regards.

Sustainability

- 8.37 Policy KP2 of the Core Strategy states; "All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources" and that "at least 10% of the energy needs of a new development should be provided by renewables in order to meet Policy KP2." No details of renewables have been submitted. Full details can be secured by condition.
- 8.38 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). This can be secured by condition.

Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS)

- 8.39 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). 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.
- 8.40 Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD) which was adopted by Full Council in October 2020 requires that a tariff of £163.86 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 8.41 The applicant has made the relevant payment and the proposed development is therefore acceptable and compliant with the adopted RAMS Supplementary Planning Document (SPD).

Biodiversity Net Gain

- 8.42 Under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) Biodiversity Net Gain (BNG) is mandatory from 12 February 2024 for major schemes and 2 April 2024 for small sites. Schedule 14 of the Environment Act sets out that a general 10% BNG condition applies automatically to all planning permissions (except those exempt from BNG requirements). BNG is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.
- 8.43 The development does not impact a priority habitat and impacts less than 25 sqm of onsite habitat and 5ms of linear habitats such as hedgerows. The development would therefore be subject to the BNG de minimis exemption and is exempt from BNG requirements. The proposal's introduction of green lawns and landscaping in place of the existing rear hardscape associated with the lawful nursery use would be broadly beneficial in the above regards.

Community Infrastructure Levy (CIL)

- 8.44 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development is situated in CIL charging zone 3 and includes a gross internal floor area of approximately 159sqm, which may equate to a CIL charge of £13,979.77 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

Equality and Diversity Issues

- 8.45 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

- 8.46 For the reasons outlined above the proposal, which reinstates the building to a residential use and provides much needed housing in the City, including a family sized unit, 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.

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: 924-100; 924-102 Rev 02; 924-104 Rev 02; 924-105.

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** No development above ground level shall take place unless and 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 landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not be limited to:

- i. means of enclosing and subdividing the site including any gates or boundary fencing;
- ii. hard surfacing materials;
- iii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and;
- iv. details of measures to enhance biodiversity within the site.
- v. details of any permeable paving or other sustainable drainage measures to be implemented.

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 in writing by the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping are implemented pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

- 04** A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority under the terms of this condition and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development and in accordance with the agreed details.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007), Development Management Document (2015) Policy KP2 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

- 05** Prior to occupation of the development hereby approved 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 (lppd) (110 lppd when including external water consumption), including measures

of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be installed in the development hereby approved and be retained in perpetuity thereafter.

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

- 06 Hours of 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 or Public 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 (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

- 07 Prior to the first occupation of the development hereby approved, full details (including scaled elevations) shall be submitted to and approved in writing by the Local Planning Authority identifying the provision of secure and covered refuse and recycling storage and secure and covered cycle storage for a minimum of 2no. bicycles (1 per dwelling) for the approved development at the site. The approved refuse, recycling and cycle 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 thereafter 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 (2023), 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).

Informatives

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

Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

- 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.
- 3 If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used.

If the Regulatory Services Team become aware of any works that are highly likely to cause a nuisance they can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence.

The application form and guidance is available on the Southend-on-Sea City Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea City Council for details.

- 4 Prior to any alterations to the existing building 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
- 5 The applicant should check the room layout of existing dwellings that will be above or below the proposed and ensure that the stacking arrangement compliments this. If this is not the same as those proposed in the application additional sound insulation may be required in the ceiling in order to protect against noise from the normal use of the dwellings in the block due to conflicting activities e.g. sleep and living spaces. The applicant should be aware of this as should complaints arise when it is occupied because of this Southend-on-Sea City Council cannot require action under other primary legislation it has i.e. for statutory nuisance.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations,

including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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.