

Reference:	17/00908/FUL	
Ward:	Chalkwell	
Proposal:	Demolish former nursing home and erect eight dwellings comprising of three blocks, layout 16 parking spaces, amenity space to rear, form hard and soft landscaping and install two vehicular accesses onto First Avenue	
Address:	Chaltonholme, 1 - 3 First Avenue, Westcliff-on-Sea, Essex SS0 8HS	
Applicant:	Childs Property Limited	
Agent:	SKArchitects	
Consultation Expiry:	06.07.2017	
Expiry Date:	04.08.2017	
Case Officer:	Janine Rowley	
Plan Nos:	P01 Revision A Site and Block Plans; P02 Revision D Site Plan; P04 Houses 1-3 Floor Plans; P05 Houses 1-3 Floor Plans and Typical Section; P06 Houses 4-6 Floor Plans; P07 Houses 4-6 Floor Plans and Sections; P08 Houses 7-8 Floor Plans; P09 Houses 7-8 Floor plans and sections; P10 Houses 1-3 External Elevations; P11 Houses 4-6 External Elevations; P12 Houses 7-8 External Elevations; P21 Street Elevations Proposed; P31 Houses 1-3 Part M Compliance; P32 Houses 1-3 Part M Compliance; P33 Houses 4-6 Part M Compliance; P35 Houses 7-8 Part M Compliance; P40 External Finish Materials; P10 Typical Front Elevation details House 1 (example), P50 Site Arrangement Details	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission sought to demolish the existing buildings previously used as a nursing home and erect eight dwellinghouses comprising of three blocks, layout of 16 parking spaces, amenity space to the rear of the dwellings, soft landscaping and installation of two vehicular accesses onto First Avenue.
- 1.2 Houses 1-3, would front First Avenue. Plots 1 and 2 will include two new vehicle crossovers measuring 3.4m in width. The block of houses 1-3 would have an overall width of 16.5m by 15.7m in depth and 6.7m high to the eaves rising to 11.2m to the height of the roof.
- 1.3 Houses 4-6, would front Crowstone Avenue and is the middle block of the proposed development to the northeast of plots 1-3. The three houses would have an overall width of 17.4m by 10.4m-12m in depth and 6.7m high to the eaves rising to an overall height of 11.1m.
- 1.4 Houses 7-8 are located adjacent to the northern boundary abutting the railway. The width of the pair of semi-detached properties are 11.8m wide x 12m deep and 6.7m high to the eaves rising to an overall height of 11.1m.

1.5 The internal floorspaces of the proposed dwellinghouses are as follows:

- House 1- 178.1sqm
- House 2- 187.9sqm
- House 3- 205.7sqm
- House 4-179.3sqm
- House 5-163.4sqm
- House 6-158.8sqm
- House 7- 165.5sqm
- House 8-188.5sqm

1.6 Each dwellinghouse would have two parking spaces accessed from existing vehicle access on Crowstone Avenue or First Avenue for plots 1 and 2. The amenity space for the proposed dwellinghouses ranges from 58sqm -107sqm and each dwelling would have a balcony area to the front and rear.

1.7 The proposed materials will include a mix of red roof tiles, red brick walls, and light grey zinc cladding to the top floor and walls to houses 1, 2, 3, 7 and 8. Houses 4, 5 and 6 will be constructed from a Marley Clay Plain Tile Hawkins Staffordshire Mixture including light grey, dark grey and red to the first and second floors and grey to the ground floor. The windows frames are to be constructed from aluminium powder coated black in colour with the doors in red or blue.

2 Site and Surroundings

2.1 The site is located on the northern side of First Avenue although visually it appears as part of the western side of Crowstone Avenue. It is situated immediately to the south of the railway line and adjacent to the sharp bend in Crowstone Avenue/Station Road. The surrounding area is predominantly residential in character. The existing site contains a number of two storey and single storey buildings.

2.2 The site is not designated within the Development Management Document 2015 and the area is not part of a conservation area.

3 Planning Considerations

3.1 The main considerations in relation to this application are the principle of the development, design and appearance, traffic and transportation and impact on residential amenity, sustainable construction, other matters and CIL.

4 Appraisal

Principle of Development

National Planning Policy Framework, Core Strategy Policies KP1, KP2, CP4, and CP8, Development Management Document DPD2 policies DM1, DM3, DM7, DM9

- 4.1 The proposal seeks planning permission to demolish the existing nursing home that is now currently vacant and previously run by a charity. The Council has no policies seeking the retention of care homes. In principle, the redevelopment of the site for general residential use is considered to be acceptable and compatible with the local area that is predominantly residential in character.
- 4.2 Policy DM9 of the Development Management Document relates to Specialist Residential Accommodation and seeks to limit the further growth of residential care and instead to focus on promoting improvements to existing facilities as well as to support increased care within people's homes.
- 4.3 One of the Core Planning Principles of the NPPF is to "encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value". Policy CP8 expects 80% of residential development to be provided on previously developed land. The site is brownfield land within a residential area and on this basis it is considered that the principle of undertaking residential development at this site should be supported, subject to the following detailed considerations.
- 4.4 Policy DM3 of the Development Management Document relates to the efficient and effective use of land and states that the Council will support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.
- 4.5 The introduction of eight new family sized dwellinghouses onto the site is supported and residential use is characteristic of the local area. There is no objection in principle to the demolition of the existing buildings and replacement with a new residential development provided that the proposal meets the policies and considerations set out below.

Design and Impact on the Street Scene

National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Development Management DPD2 policies DM1 and DM3 and the Design and Townscape Guide (SPD1)

- 4.6 The National Planning Policy Framework requires new development to reinforce local distinctiveness. Policy KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and complement the local character.

- 4.7 Policy DM3 (2) states that *“All development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:*
- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or*
 - (ii) Conflict with the character and grain of the local area; or*
 - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or*
 - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees”.*
- 4.8 The Design and Townscape Guide paragraph 201 states:
- “Infill sites are development sites on the street frontage between existing buildings. These areas are usually spaces left over after earlier development or the redevelopment of small industrial units or garages. The size of the site together with an analysis of local character and grain will determine whether these sites are suitable for development. In some cases the site may be too small or narrow to accommodate a completely new dwelling (including usable amenity space and parking) and trying to squeeze a house onto the site would significantly compromise its design quality and be detrimental to neighbouring properties and local character. In these circumstances, unless an exceptional design solution can be found, infill development will be considered unacceptable. Other options, such as an extension to an adjacent building or a garage may be more achievable. However, in certain situations, where the density, grain and openness of an area are integral to its special character, infill development of any kind will not be appropriate in principle”.*
- 4.9 The proposal seeks to erect three residential blocks, two containing three properties and a pair of semi-detached properties. The surrounding area is a mixture of semi-detached, detached properties with the exception of a terraced block Malby Lodge along First Avenue containing flats. The proposal for 8 dwellings in this location resulted in the widths of the properties appearing narrow in width compared to the existing form of development surrounding the site. On balance, the proposed development in terms of overall density is considered a reasonable approach and the proposed development will provide an active frontage to the street in comparison to the existing care home on site, which is set back from the existing frontage with no street presence dominated by a hardstanding surface fronting Crowstone Avenue.
- 4.10 The existing height of the care home building is 10.3m to 13m including the turret. The overall height of the front section of the dwellinghouses is set in line with the adjacent properties to the west of the site in First Avenue with a height of 9.9m matching the ridge of number 5 First Avenue and the applicant has sought to reference the eaves and ridge heights of the neighbouring properties to the west. However, the height of the roof rises to 11.2 m taking into account the flat roof design serving the third floor, which has been set back 5.4m from the front elevation and set in approximately 1m from the side elevations taking into account the splayed roof design. Whilst the overall height of the dwellings will appear higher to the adjacent properties to the east and west, the third floor has been set back and stepped in from the sites, and on balance, it is considered that this difference in

height will not appear dominant in relation to the adjacent properties to the east and west when compared to the wider streetscene.

- 4.11 The site is unusual and is situated in a prominent position. Whilst the grain of development is Edwardian in nature and the scale is generally domestic there is an opportunity to design a solution which makes a statement and is a local landmark. The design of the proposed development seeks to achieve this by contemporary design and a bold use of geometry. This means that it is very different between the two styles creates a stark contrast. The question is whether the quality of design is good enough to be able to achieve a successful outcome. On balance the proposed design is considered to be sufficient to achieve such an outcome.
- 4.12 The proposed materials will include a mix of red roof tiles, red brick walls, and light grey zinc cladding to the top floor and walls to houses 1, 2, 3, 7 and 8. Houses 4, 5 and 6 will be constructed from a Marley Clay Plain Tile Hawkins Staffordshire Mixture including light grey, dark grey and red to the first and second floors and grey to the ground floor. The windows frames are to be constructed from aluminium powder coated colour signal black and doors in red or blue. It is not considered the proposed materials will appear out of keeping with the streetscene, therefore no objection raised subject to detailed conditions.
- 4.13 With regard to the general layout, the proposal seeks to erect a block of three terraced properties fronting First Avenue, which is of a similar building line and the proposal includes the formation of two new vehicle crossovers onto First Avenue for one off street parking space to houses 1 and 2 with the remainder of the area to include soft landscaping including a lawned area to house 3. Houses 4-6 are fronting Crowstone Avenue including a low boundary wall and soft planting together with houses 7-8 to the north. Vehicle parking to the houses will be via an existing vehicle access from Crowstone Avenue.
- 4.14 The applicant is seeking to remove a number of trees within the site however, the trees located to the western boundary (T1-T7) pollarded lime trees will be retained and protected as part of the development and discussed in further detail below, which is important to softening the overall appearance of the development and retaining trees within the streetscene, which is characteristic of the area.
- 4.15 On balance, notwithstanding that the height of the dwellings will be higher than surrounding development and the architectural approach is a contemporary form taking into account size of the site, set back at third floor, design, height, size, scale, form and massing of the new dwellings it is considered, on balance, that the proposal would have an acceptable appearance in the context of the surrounding area in accordance with the NPPF, policies KP2 and CP4 of the Core Strategy DPD1, policies DM1 and DM3 of the Development Management Document DPD2 and the Design and Townscape Guide.

Living Conditions for Future Occupiers

National Planning Policy Framework, Core Strategy policies KP2 and CP4, Development Management Document policies DM1, DM3 and DM8, The National Technical Housing Standards DCLG 2015 and Design and Townscape Guide (SPD1)

Residential Standards

4.16 Paragraph 17 of the NPPF states that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. It is considered that most weight should be given to the Technical Housing Standards that have been published by the government which are set out as per the below table:

- Minimum property size for a 5 bedroom (10 bed space) dwellinghouse shall be 134 square metres.
- Bedroom Sizes : The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m² ; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

Weight should also be given to the content of policy DM8 which states the following standards in addition to the national standards.

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.

- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

- 4.17 The proposed dwellinghouses are policy compliant in this respect as set out in paragraph 1.5 above. All habitable rooms will benefit from sufficient daylight and outlook.
- 4.18 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. The applicant has provided drawings P31 Houses 1-3 Part M Compliance; P32 Houses 1-3 Part M Compliance; P33 Houses 4-6 Part M Compliance; P35 Houses 7-8 Part M Compliance demonstrating the new dwellinghouses will meet part M4 (2) of the Building Regulations and this will be dealt with by condition.

Amenity Space

- 4.19 One of the core planning principles of the NPPF is that the planning system should *“Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.
- 4.20 Policy DM8 of the Development Management Document DPD2 states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers.
- 4.21 Whilst the Council’s Design and Townscape Guide states:
- “Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development”*.
- 4.22 Each dwellinghouse will benefit from balconies at third floor together with rear amenity space; on balance whilst the provision of ground floor amenity space is small between 59sqm-107sqm. There are concerns in relation to the usability of the amenity space serving house 7-8 given the proximity to the railway line, however subject to mitigation measures it is considered acceptable for future occupiers. On balance, the limited amenity space for the dwellinghouses and siting of houses 7-8 is not considered to be so harmful to warrant a reason for refusal when other relevant material planning considerations are taking into account.

Noise for future occupiers

- 4.23 Paragraph 119 of the NPPF states:

“The planning system should contribute to and enhance the natural and local environment by: “preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”

4.24 Paragraph 123 goes on to state:

“Planning policies and decisions should aim to: “avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development”

4.25 An environmental noise impact assessment has been submitted as part of this application. The applicant’s report identifies that the site is affected by moderately high noises levels due to the trains and traffic. The outcome of the report is that noise ingress can be controlled to the desired levels requiring the use of higher standard of glazing to protect amenities of potential future occupiers all with a mechanical ventilation system to alleviate the requirement for partially open windows to all facades to ensure the internal noise levels are acceptable in terms of the assessment to British Standard 8233:2014 and World Health Organisation guidelines. No objections have been raised by the Council’s Environmental Health Officer subject to the mitigation measures contained within the noise report being dealt with by condition.

Traffic and Transportation

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP3; policy DM15 of the DPD2 (Development Management Document) and the Design and Townscape Guide SPD1.

4.26 16 parking spaces are provided to serve the development, 2 per dwelling which accords with Policy DM15. In terms of parking space provision, the proposal shown on the submitted plans would accord with the relevant standards and no objection should be raised to the proposal on the grounds of parking provision.

4.27 The existing vehicle access along Crowstone Avenue will be utilised to serve 14 parking spaces with a turning area of 6.2m to enable vehicles to exit into a forward gear. The proposal also includes the installation of two vehicle accesses onto First Avenue serving dwellings 1 and 2. The application is accompanied by a safety audit demonstrating subject to relevant mitigation measures including visibility splays the proposal will result in no harm to pedestrian or highway safety. No objections have been raised by the Council’s Highway Officer in relation to the proposed development on highway grounds or pedestrian safety.

4.28 Refuse storage should be secure through the imposition of a condition. The applicant has indicated each dwellinghouse will have sufficient space to accommodate cycle storage within the rear garden, which is policy compliant.

Impact on residential amenity

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; policies DM1 and DM3 of the DPD2 (Development Management Document) and the Design and Townscape Guide SPD1.

4.29 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods. Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of overbearing, pollution and daylight and sunlight. A proposed development will need to consider its potential impact upon neighbouring properties and the surrounding area. policy DM1 of the Development Management requires that all development should (inter alia):

“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;”

4.30 Houses 1-3 are set 1.8m away from the boundary with number 5 First Avenue to the west of the site. The two storey element of the proposal will not project beyond the rear of the existing properties to the west of the site. However, the single storey element of the dwellinghouses will project beyond the rear wall although it is acknowledged following a site visit that number 5 First Avenue has been recently extended at ground floor. It is not considered the proposal will have an adverse impact on the amenities of existing occupiers in terms of being an overbearing form of development, resulting in loss of light given the proposal complies with the notional 45 degree rule. In terms of overlooking and loss of privacy, the relationship is similar to some of residential properties to the west of 5 First Avenue and there is no material harm from overlooking and no objection is raised on amenity grounds.

4.31 In relation to harm to the amenities enjoyed by existing occupiers to the east of the site, the nearest residential property is 25m away, which is considered sufficient separation to mitigate against the development being overbearing, overlooking or loss of privacy. Due to the positioning of the dwellinghouses in relation to the properties to the north, east and west, the scale, orientation, fenestration detail of the proposed dwellings would not cause a loss of light, privacy or outlook or an increased sense of enclosure that would justify the refusal of the application.

Sustainable Construction

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, DPD2 (Development Management) policy DM2 and the Design and Townscape Guide SPD1.

4.32 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. This applies during both construction and the subsequent operation of the development. 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), such as those set out in SPD 1 Design and Townscape Guide”.

- 4.33 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design. In this instance the applicant has indicated that photovoltaic panels will be used as shown on drawings P05, P07 and P09. The applicant has also submitted a renewable energy report carried out by pemxq demonstrating that the onsite renewable energy will equate to 10.3%, and can be secured by condition.
- 4.34 The existing site includes buildings and areas of hardstanding. This application is accompanied by a sustainable water strategy report carried out by Inner vision design. A drainage strategy has been designed to manage excess runoff generated from the developed site. The SUDs techniques to be employed will enable surface water runoff to be reduced, mitigated against and run-off volumes to be treated in line with policy requirements. Given the mitigation measures proposed a suitable condition can be imposed to ensure the proposal complies with policy KP2 of the Core Strategy.
- 4.35 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). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, this can be dealt with by condition if the application is deemed acceptable.

Other Matters

Impact on street tree

- 4.36 The application is accompanied by an Arboricultural report, demonstrating that the mature preserved trees T1-T7 will not be significantly affected by the proposed development. Dwellinghouse 4 will potentially encroach on the root protection area of T1, within an area currently hardsurfaced however the supporting information states that given the existing hard surface and historic pollard management of the tree it will not result in a significant constraint. Fencing will be provided to the root protection zones of trees T1-T7 to separate garden spaces in front of the proposed dwellings incorporating a timber design with shallow posts to support the structure. The rear amenity space will be cleared and result in the loss of 17 trees, which are all considered of low amenity value and therefore no objection is raised and replacement landscaping is proposed to enhance the overall development therefore no objection is raised in accordance with policy DM1 of the Development Management Document.

Permitted Development Rights

- 4.37 It is noted that given the limited size of the plot, any alterations/extension of the dwellings undertaken as permitted development may result in unacceptable living conditions of the future occupiers (i.e. should the rear amenity space be significantly reduced by a rear extension) or impact on the neighbouring properties (i.e. increased overlooking from additional dormer windows). For this reason it is considered reasonable that permitted development rights for the proposed dwellinghouses be removed if the application is deemed acceptable.

Community Infrastructure Levy

National Planning Policy Framework; Community Infrastructure Levy Charging Schedule

- 4.38 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.
- 4.39 This application is CIL liable. The existing floorspace can be taken into account as this satisfies the 'in-use' test which equates to 956.70sqm. The site is located within CIL Zone 3. Therefore, the required CIL payment is £31,052.34.

Conclusion

- 4.40 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. Whilst the loss of the nursing home is regrettable, new family housing in this location is welcomed. On balance, it is considered that the dwellinghouses, would provide an acceptable addition within the streetscene providing a contemporary design within the surrounding locality, while providing adequate amenities for future occupiers and protecting the amenities of neighbouring properties.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework 2012
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP8 (Dwelling Provision)
- 5.3 Development Plan Document 2: Development Management Document Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM7 (Dwelling Mix), DM8 (Residential Standards). DM15 (Sustainable Transport Management)
- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5 CIL Charging Schedule
- 5.6 Technical Housing Standards Transitional Policy Statement (October 2015)

6 Representation Summary

Design and Regeneration

- 6.1 No comments.

Traffic and Transportation

- 6.2 No objections the proposed development is policy compliant in relation to parking provision and a safety audit has been submitted for consideration in relation to the two new vehicle accesses onto First Avenue.

Consideration has been given to the existing site use which has the potential to generate a significant number of vehicle movements. The proposal would represent a reduction in vehicle movements within the local area.

Trees

- 6.3 Awaiting comments and to be reported in the supplementary report.

Environmental Health

- 6.4 No objection to the principle of development. However, demolition and construction can give rise to public health issues and a number of conditions in relation to demolition and construction, noise mitigation measures should be imposed if the application is deemed acceptable.

National Rail

- 6.5 Awaiting comments and to be reported in the supplementary report.

Public Consultation

- 6.6 48 neighbours notified of the proposal and a site notice displayed on the 15th June 2017. No letters of representation have been received.
- 6.7 Councillor Folkard and Councillor Burzotta have requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

- 7.1 Demolish part of centre block, erect three storey linked extension, single storey extension, first floor extensions and roof extension to south block (Application for grant of replacement planning permission for 03/01697/FUL granted by appeal on 11.02.2005 subject to a new time limit)- Granted (10/00240/FUL).

8 Recommendation

- 8.1 **Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:**
- 01 **The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.**

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

- 02 The development shall be carried out in accordance with the approved plans: P01 Revision A Site and Block Plans; P02 Revision D Site Plan; P04 Houses 1-3 Floor Plans; P05 Houses 1-3 Floor Plans and Typical Section; P06 Houses 4-6 Floor Plans; P07 Houses 4-6 Floor Plans and Sections; P08 Houses 7-8 Floor Plans; P09 Houses 7-8 Floor plans and sections; P10 Houses 1-3 External Elevations; P11 Houses 4-6 External Elevations; P12 Houses 7-8 External Elevations; P21 Street Elevations Proposed; P31 Houses 1-3 Part M Compliance; P32 Houses 1-3 Part M Compliance; P33 Houses 4-6 Part M Compliance; P35 Houses 7-8 Part M Compliance; P40 External Finish Materials; P10 Typical Front Elevation details House 1 (example), P50 Site Arrangement Details.**

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

- 03 The development hereby permitted shall be carried out in accordance with the materials shown on drawing P40 and P41 together with sample of materials provided including red smooth clay plain tile to houses 1-3 and 7-8, Staffordshire mixture clay plain tile to houses 4-6, ashurst plain tile to houses 4-6, zinc cladding to the top floor in all houses Azengar by VMZINC, Atlas Smooth Blue for houses 4-6, Commercial Red for houses 1-3 and 7-8. The development shall only be carried out in accordance with the approved details.**

Reason: To safeguard character and appearance of surrounding area in accordance with Policy DM1 of the Development Management DPD and KP2 and CP4 of the Core Strategy.

- 04 The development shall not be occupied until 16 car parking spaces have been provided at the site in accordance with drawing P02 Revision D Site Plan, together with properly constructed vehicular accesses to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.**

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies DM15 of the Council's Development Management DPD and CP3 of the Core Strategy DPD1.

- 05 The development hereby permitted shall be carried out in accordance with the landscaping details shown on drawings First Avenue Planting Proposal reference ED263 for houses H1-H3, H4-H6 and H7-H8 are agreed, unless otherwise agreed in writing by the local planning authority.**

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 may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping and tree protections measures are implemented pursuant to Policy DM1 of the Development Management DPD and Policy CP4 of the Core Strategy DPD1

- 06 No development shall commence until the recommendations of the D F Clark Bionomique Limited Aboricultural Impact Assessment dated 10.01.2017, have been submitted to and agreed in writing by the local planning authority including a detailed Aboricultural Method Statement, Tree Protection Plan with the following information fencing type, piling, ground protection measures, access facilitation pruning specification, project phasing and an auditable monitoring schedule. The works must be carried out in accordance with that assessment.**

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to DPD1 (Core Strategy) policies KP2 and CP4, DPD2 (Development Management) policies DM1, DM3 and the advice contained in the Design and Townscape Guide.

- 07 The development hereby permitted shall be carried out in accordance with drawings P05, P 07 and P09 and the renewable energy strategy report carried out by pexmq dated 07.02.2017 and implemented in full prior to the first occupation of the dwellinghouses. This provision shall be made for the lifetime of the development.**

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (DPD1), policy DM2 of the Development Management Document.

- 09 The development hereby approved shall be carried out in accordance with the Surface Water Strategy Report carried out by Innervision Design dated February 2017. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

Reason: In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with Policies KP2 and CP4 of the Core Strategy DPD1, DPD2 (Development Management) policy DM2.

- 10 Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details before it is occupied and be retained as such in perpetuity.**

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

- 11** Final glazing, acoustic insulation and ventilation details for the dwellings hereby approved shall be carried out in accordance with Environmental Noise Impact Assessment Report number IMP4935-1 of January 2017 must be implemented in their entirety priority to the occupation of the building. This include secondary acoustic glazing (10 – 200 – 6) on facades facing the rail line and glazing (4 – 16- 6) for facades not facing the rail line. Also mechanical ventilation system must be installed to alleviate the requirement for partially open windows to all facades to ensure the internal noise level is acceptable. Appropriate mitigation must be given to ensure that construction of the development and cumulative noise levels are in accordance with BS EN ISO 140-3 and BS4142:2014 meet relevant internal noise criteria in accordance with BS8233:2014. The development shall be carried out in accordance with the approved details and so retained thereafter.

Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1 and DM8 of the Development Management DPD2 and SPD1 (Design and Townscape Guide).

- 12** The development hereby approved shall be carried out in a manner to ensure the houses comply with building regulation M4 (2) 'accessible and adaptable dwellings'.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

- 13** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modification, no development shall be carried out at the development hereby approved within Schedule 2, Part 1, Classes A, B, C, D, E and F to those Orders.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework, DPD1 (Core Strategy) Policies KP2 and CP4, DPD2 (Development Management Document) Policy DM1 and SPD1 (Design and Townscape Guide).

Prior to their occupation the proposed first and second floor windows in the flank elevations of the houses hereby approved shall be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut and unopenable, except for any top hung light which shall be a minimum of 1.7 metres above internal floor level. 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 retained as such in perpetuity thereafter.

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policies KP2 and CP4, and DPD2 (Development Management Document) 2015 policy DM1 and advice contained within the Design and Townscape Guide SPD1.

- 14 Prior to installation of any external lighting, details of the proposed lighting, including design, siting, luminance, hours of illumination and an assessment using the Institution of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed only in accordance with the approved scheme.

Reason: To protect the amenities of neighbouring properties and the general environmental quality in accordance with, National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and DPD2 (Development Management Document) 2015 policy DM1.

- 15 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 16 Full details of mitigation measures to be taken to minimise and/or control noise and potential fugitive dust emissions resulting from the works must be submitted in writing for approval by the local planning authority prior to demolition or construction commencing, taking into consideration control measures detailed in *Best Practice Guidance "The control of dust and emissions from construction and demolition"*.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

Informative

- 01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought.

You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

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.