

Reference:	17/00219/FUL	
Ward:	West Shoebury	
Proposal:	Erect six detached two storey dwelling houses and two detached garages, retain the existing dwelling, erect boundary wall, form vehicular access on to Ness Road	
Address:	135 Ness Road, Shoeburyness, Southend-On-Sea, Essex SS3 9ES	
Applicant:	Mr And Mrs Gillies	
Agent:	N/A	
Consultation Expiry:	25.09.2017	
Expiry Date:	04.10.2017	
	Janine Rowley	
Plan Nos:	9369/LP/01; 9369/DR/01; 9369/E/01; 9369/ES/01; 9369/GA/01; 9369/LP/01; 9369/P/01 Revision F; 9369/PL02 Revision B; 9369/PL/03 Revision B; 9369/PL/04 Revision B; 9369/PL/05 Revision B; 9369/PL/06 Revision B; 9369/PL07 Revision B; 9368/SL/01 Revision A.	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to erect six detached two storey dwelling houses, a new vehicle access and two detached garages within the existing garden area serving 135 Ness Road, retention of the existing dwelling 135 Ness Road, erection of a boundary wall and formation of vehicular access on to Ness Road.
- 1.2 Plot '1' is the retention of the existing two storey dwelling with associated parking, a single storey garage 4.1m in width a depth of 6.6m and height of 3.8m and garden area to the east and south.
- 1.3 Plot '2' located to the north of the existing dwelling 135 Ness Road has an overall width of 14.3m, a height of 9.7m and depth of 12m. The internal floorspace is approximately 308sqm over three floors. To the ground floor is a family room, dining room, living room and kitchen. To the first floor are four bedrooms and associated bathrooms. To the second floor is a study, dressing room and playroom area. A single storey garage is proposed to the immediate west of the dwelling 4.1m wide x 6.6m deep x 3.8m high with a pitched roof. The garden area to the rear of the dwelling is some 280sqm.
- 1.4 Plot '3' located to the north east of the existing dwelling is set over three floors. The overall width is 16m (13m excluding roof design), a depth of 9.6m and overall height of 10.9m. The basement will include a garage with parking for two vehicles. The ground floor will include a family room, lounge, study, kitchen and utility room. To the first floor four double bedrooms and associated bathrooms are proposed. The internal floorspace of the dwellinghouse is 273sqm. The garden area to the rear of the dwelling is approximately 216sqm.
- 1.5 Plot '4' located adjacent to the eastern boundary of the site is set over four floors. The overall width is 8.2m, a depth of 10m and overall height of 11.8m. The basement will include a double garage for two vehicles. The ground floor includes a kitchen, dining room and living area. The first floor includes 3 bedrooms and associated bathrooms. To the second floor is a roof/sun lounge and study/4th bedroom. The internal floorspace is 267sqm. The garden area is approximately 141sqm to the south.
- 1.6 Plot '5' located to the immediate east of the existing dwelling house has an overall width of 8.2m, a height of 11.6m and depth of 10m. The basement includes a double garage for two vehicles. The ground floor contains a living area, dining room and kitchen. To the first floor are 3 bedrooms and associated bathrooms. To the second floor is a study/4th bedroom and sun lounge. The internal floorspace of the dwellinghouse is 267sqm. The garden area is approximately 147sqm to the south.
- 1.7 Plot '6' is located to the south east of the existing dwelling, is set over three floors and has an overall width of 16m, depth of 13.8m and height of 11m.. A garage is proposed to the lower ground plus utility, dining room, family room, breakfast area to the ground floor and 3 bedrooms to the first floor with associated bathrooms. The internal floorspace of the dwelling equates to 335sqm. The rear garden area is approximately 317sqm.

1.8 Plot '7' is located to the immediate south of the existing dwelling and set over three floors, 13.5m in width, with an overall height of 9.7m high and depth of 8.7m. The existing garage is to be retained to the front of the new dwellinghouse, which is 6.4m in depth, a width of 4m and overall height of 5.4m, with further on-site parking to the front of the dwelling. The internal floorspace of the dwelling is 276sqm. The ground floor contains a kitchen, living and family room. To the first floor are 3 bedrooms and bathrooms. To the second floor is additional habitable accommodation. The rear garden area is some 154sqm.

1.9 A materials specification has been submitted for consideration stating as follows:

- Roof- Redland Richmond grey plain concrete interlocking tiles.
- Photo voltaic cells- 4.5kv individual plates chemically bonded to individual roof tiles and linked in an array. Coloured grey to blend with tiles.
- Chimney- Masonry square projecting chimneys rendered and coloured to match
- Gutters and downpipes- Natural finish galvanised steel rainwater goods
- Main structure- timber framed units with U value of .16w/m2 from Flight Timber of Earls Colne. Whole panels are fully recyclable with natural resin insulation
- External Finish- White finished insulating render with exposed grey structural frame bands and window grids. Brick work below exposed and of Blue semi engineering bricks. Featured panels in sheltered locations of small areas of Kebony sustainable timber.
- Windows- Grey finish alloy framed double / triple glazed casement windows set deep in reveals to allow for possible use of insulated concealed box rolling shutters for sun control and security. Fully retractable.
- Doors- Grey alloy or timber frames. Doors to various designs and colours.
- Hard Standing- Permeable resin bonded pea shingle surface to suds standard on mot type 1 base with granite sets to delineate soft homezone areas. Individual plots to have areas of permeable stone allowing soakaway areas
- Rainwater harvesting- Properties to have systems to collect and filter rainwater for re use in garden watering and car washing etc.
- Lighting in the two private drives- Each property to be responsible for maintaining a 5m lighting standard for communal lighting, on a day light sensor and with LED lighting units.
- Front and right side walling- Yellow stock brickwork with rendered panels. 1.5m high to Ness Road and 2m high to right return to public open space.
- Fencing/ walls within site- Brick work to garden to existing locally listed building. Reclaimed plastic fencing to new housing.
- Waste Recycling bins in kitchen/utility areas. Vegetable composting bins in gardens. Waste collection points for collection by Council contractors.
- Cycle storage within garages provided to each house.
- Electric vehicles recharging points available to each house.
- Balconies- Glass and stainless steel railings and ballusters. Edge of balconies to be grey matching window frames to emphasise location of structure.

2 Site and Surroundings

- 2.1 The site is located on the eastern side of Ness Road. To the north of the site is an existing pond. The south and east of the site is bounded by the Shoebury Garrison site. To the west are two storey dwellinghouses. The existing property is locally listed building and Victorian in character and has been extended over time. The existing building is characterised by simple elevations of stock brick and render with steep gable pitched and slate roofs with white weather boards. There are a number of outbuildings to the east and south of the dwelling. The site is bounded by mature trees and planting to its eastern and northern boundary. The site levels drop away to the rear of the existing property with the highest point being at road level.
- 2.2 The site lies within flood risk zone 3a.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development including the setting of the locally listed building, flood risk, design, traffic and transportation and impact on residential amenity, sustainable construction, trees, ecology and CIL.

4 Appraisal

Principle of Development

National Planning Policy Framework (2012), Core Strategy (2007) Policies KP1, KP2, CP1, CP4, CP6 and CP8, Development Management Document (2015) policies DM1, DM3 and DM7

Flooding

- 4.1 The National Planning Policy Framework requires new residential development within flood zones to satisfy the flooding sequential test and exceptions test. The site is located within flood risk zone 3a, the risk zones. The proposal is for six new dwellings, which is considered to be 'more vulnerable' development according to the technical guidance to the National Planning Policy Framework. The application is therefore required to pass the sequential and exception tests.
- 4.2 Shoebury is identified as an area for regeneration and growth within the Core Strategy, and 1,400 new homes are earmarked for Shoebury within the plan period. It is proposed by the applicant that residential use and relevant flood risk measures will be required to mitigate against and manage flood risk, including measures to make the buildings resilient to flood risk. The existing site currently occupied by a two storey dwellinghouse and various outbuildings previously used for training persons with learning disabilities, which ceased in 2009.

4.3 The application is accompanied by information to inform a sequential and exceptions test and Flood Risk Assessment carried out by AGB Environmental (5th June 2017 reference: P2653.2.1). In accordance with the Environment Agency Standing Advice regarding development and flood risk in England, the Environment Agency requires a staged approach based on the following:

- Stage 1- strategic application and development vulnerability;
- Stage 2- defining the evidence based; and
- Stage 3- applying the Sequential Test

These stages are discussed below.

Stage 1-Strategic Application and Development Vulnerability

4.4 The development proposals are considered to be 'more vulnerable' (residential/) and are located within tidal Flood Zone 3a and therefore a sequential test is required.

Stage 2- Defining the Evidence Base

4.5 Shoeburyness is identified as an area for regeneration and growth, including new homes. In light of this, the sequential test for this specific proposal only needs to be applied to the Shoebury area rather than the borough as a whole. Alternative development sites have been identified in Shoebury via the Local Development Framework in terms of the Annual Monitoring Report and Strategic Housing Land Availability Assessment. The Council has identified a five year housing supply and development of this site would be a windfall in terms of providing new housing. Windfall sites are those that have not been specifically identified as available in the Local Plan process that have become available. As a windfall the has the potential to facilitate sustainable development while contributing to the housing growth targets set out in the Core Strategy.

Stage 3-applying the Sequential Test

4.6 The applicant has submitted information to inform a sequential and exception test dated November 2017 carried out by One Planning Consultants. The report states that there is no local plan policy to exclude from the windfall provision land falling within flood zones 2 and 3a.

4.7 The applicant concludes there are no 'reasonable alternative' sites for the scale and type of development proposed within the Strategic Housing Land Availability Assessment or Local Plan allocated sites in Shoebury for small windfall sites that would be sequentially preferable than the application site. The site is already occupied by residential development.

4.8 Following a review of the Strategic Housing Land Availability Assessment (SHLAA), the document indicates there are small sites within Shoeburyness that could be developed although the number of properties fall short of the threshold for the SHLAA study.

The majority of garage court sites have been redeveloped by the Council for social housing and it is apparent there are no other reasonable sites available within Shoebury to accommodate development as proposed in terms of quantum and site area (0.5 hectares). In light of this the proposed development is considered a windfall site. No objections are raised to the proposed development on flood risk grounds, as there are no other reasonably available sites and the flood risk assessment has demonstrated the development would be safe in flood risk terms subject to the condition recommended.

4.9 *Exceptions test*

For the exceptions test to be passed the development must provide wider sustainability benefits, be on previously developed land and by way of a Flood Risk Assessment, demonstrate the development will be safe in flood risk terms. It is noted the development is on previously developed land, and subject to conditions, could be considered to have sustainability benefits. No objection has been raised by the Environment Agency to the flood risk assessment carried out by AGB Environmental (5th June 2017 reference: P2653.2.1) demonstrating the development will provide a tolerable level of safety for occupants for the lifetime of the development. The Council have recently carried out through Mott MacDonald a detailed overtopping modelling of the Shoebury Common and Garrison sea defences. The Councils Defences Engineer has confirmed the 1:200 year tidal event to ensure flood security to this proposed development. After 100 years of sea level rise the lowest finished floor level of habitable space should be at least 6.45m AOD. The applicant has provided amended plans to reflect this requirement including drawing 9368/SL/01 Revision A Land Sections to ensure the development is safe.

Locally listed building

- 4.10 Part 3 of Policy DM5 of the Development Management Document DPD2 states *“Development proposals that result in the loss of or harm to the significance of a non-designated heritage asset, such as a locally listed building or frontages of townscape merit, will normally be resisted, although a balanced judgement will be made, having regard to the scale of any harm or loss, the significance of the asset and any public benefits”*.
- 4.11 The proposal would not result in the loss of the locally listed building nor impact on the overall setting in a harmful way which is welcomed.

Housing

- 4.12 The site is not safeguarded by any current planning policies contained within the Core Strategy or Development Management Document although it is noted the existing house is locally listed by the Development Management Document.
- 4.13 Policy CP8 expects 80% of residential development to be provided on previously developed land. The site is brownfield and within a residential area. On this basis; it is considered that the principle of undertaking residential development at this site should be supported particularly given the dwelling mix proposed.

4.14 Government guidance in the National Planning Policy Framework (NPPF) encourages effective use of land by re-using land that has been previously developed. Paragraph 53 of the NPPF states:

“Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”.

4.15 In accordance with the National Planning Policy Framework, it is not considered that the proposed development will have a detrimental impact on the urban grain of the area taking into account the existing outbuildings on site.

4.16 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”.

4.17 No objection is raised in principle to the provision of six new family houses and dwelling mix providing family housing. Whilst a number of outbuildings on site have been used previously for education and community use purposes until 2009 the provision of new housing in this location is welcomed and is considered to outweigh any impact in this respect. Each of the points detailed in Policy DM3 of the Development Management Document and the other relevant planning policies are discussed in detail below.

Design and Impact on the Street Scene

National Planning Policy Framework(2012), Core Strategy (2007) Policies KP2 and CP4, Development Management (2015) policies DM1, DM3 and DM5 and the Design and Townscape Guide (2009)

4.18 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.

4.19 The Design and Townscape Guide paragraph 2009 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”.

- 4.20 Where such development is acceptable in principle, the Design and Townscape Guide states that it is important to draw strong references from surrounding buildings in terms of scale, frontage, materials and rhythm. It is not considered the proposed infill development would appear out of keeping. The scheme will not conflict with the urban grain of the area taking into account the surrounding residential development subject to the other material planning considerations discussed in detail below.
- 4.21 Policy DM5 of the Development Management Document states *“All development proposals that affect a heritage asset will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value”.*
- 4.22 The existing building which is locally listed, sited outside of Shoebury Garrison Conservation Area built was in 1862. The property has been in residential use since 1995. The heritage statement accompanying this application states the main building is a “Scottish Baronial” style with pitched slated roofs, yellow London stock brick elevations and double hung sash windows. Part of the elevation is rendered and painted. There are several additional buildings on site constructed by the military, the most prominent of which is the Carriage House, a one and a half storey brick built building dating from the original construction of the property. This was extended by the present owner in 1998 and the original building is considered to be a feature of the street scene and is to be retained. Additional minor buildings to the left-hand side of the property comprise a small servant’s room, to be retained, and a demountable timber building which is to be demolished.
- 4.23 The site levels fall from the Ness Road frontage down to the east boundary to Gunners Park. The heritage statement accompanying the application goes on to state the house predates the main development of Ness Road and the properties opposite date from 1960s construction on the corner of Church Road, although main development of properties opposite took place in the 1920s. Lynton Road predates this and is believed to have been constructed around 1900. The scale of properties is of domestic two storey height with typical vernacular of the time but mixed designs, finishes and appearance.
- 4.24 The existing layout of the site includes vehicle crossovers accessed from Ness Road and a number of single storey outbuildings to the east and south of the site. With regard to the general layout, the proposal seeks to erect two detached dwellings set over three floors (plots 2 and 7) fronting Ness Road to the north and south of the existing dwelling. The plot widths of the dwellings are similar to the existing dwelling, which is welcomed.

Whilst plots 2 and 7 are marginally set forward of the existing dwelling it is not considered harmful to the setting of the locally listed building. The dwellings are set 10m-13m from the pavement along Ness Road. The applicant has sought to retain a soft landscaping buffer zone to the front of properties removing the palisade fencing, replaced with a boundary wall constructed from stock brick matching the existing locally listed building.

Single storey garages are proposed to the front of plots 2 and 7. Given their modest scale and taking into account the garage serving plot 7 exists it is not considered they will not appear visually obtrusive within the streetscene.

- 4.25 The remainder of the four detached properties, each set over three floors, are to the east of the existing dwelling house. No objections are raised to the alignment and proposed parking arrangement. The existing site benefits from two vehicle crossovers. The proposed development will use the existing crossovers with one access being retained for the existing dwelling and one to the south serving plots 6 and 7. A new vehicle crossover is proposed to the north forming access to plots 2, 3, 4 and 5. No objections are raised to the vehicle crossovers and road layout as proposed.
- 4.26 The design of the houses incorporates simple gable roof forms with good quality detailing including fenestration, porch features and balconies providing interest and quality. The framing of the windows encompasses floor plates and panels within the window structure itself on a grid system running to the roof, which integrates successfully. The elevations are well balanced and are all articulated, particularly those visible from the street.
- 4.27 Plots 3 and 6 terminate the views into the site and the balconies facing west add interest to this aspect, providing active frontages to the street. The properties to the rear include basement garages, will not be visible from the street in Ness Road although they would be visible from the Shoebury Garrison site to the east and the southern part of Ness Road. The lower pitched roof design to the plots to the rear of the existing property is well proportioned for the scale of buildings and cohesion with the other houses will be ensured through fenestration and materials.
- 4.28 The amended plans received are more cohesive in their approach and more refined in their design and considered to be a significant improvement. The amended roof styles and fenestration provide a consistent architectural theme to the development and this, along with good landscaping should create a distinctive development with a strong sense of place. It is suggested that a Homezone approach is taken to landscaping using shared surfaces and high quality materials and landscaping rather than more conventional roads and kerbs.
- 4.29 A materials specification has been submitted for consideration as listed in paragraph 1.8 above. No objections are raised to the proposed materials reflecting the contemporary design of the properties.
- 4.30 Overall, it is considered that the proposed development by reason of detailed design, scale and layout will provide a positive relationship to the existing streetscene complimenting the local townscape and will conserve and enhance the setting and townscape value of the existing locally listed building. All elevations are of high quality, and the overall design is cohesive and all elements of the building relate positively to each other.

This development is in accordance with the National Planning Policy Framework policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of Development Management Document and policies and the Design and Townscape Guide.

Living Conditions for Future Occupiers

National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1, DM3 and DM8, The National Technical Housing Standards and Design and Townscape Guide (2009)

4.31 Paragraph 17 of the National Planning Policy Framework 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 3 bedroom (5 bed space) dwellinghouse shall be 99 square metres, 3 bedroom (6 bed space) 108sqm, 4 bedroom (5 bed space) 103sqm, 4 bedroom (6 person) 112sqm, 4 bedroom (7 person) 121sqm.
- 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.

4.32 The proposed dwellinghouses are policy compliant in relation to internal floorspace. All habitable rooms will benefit from sufficient daylight and outlook.

4.33 Policy DM8 of the Development Management Document 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 supporting information demonstrating the new dwellinghouses will meet part M4 (2) of the Building Regulations and this will be dealt with by condition.

4.34 One of the core planning principles of the National Planning Policy Framework 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”*.

4.35 Policy DM8 of the Development Management Document states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers.

4.36 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”.

4.37 The proposed dwellinghouses would benefit from 142sqm to 277sqm of amenity space, which is considered acceptable provision for future occupiers. The amenity space to serve the existing dwellinghouse is in excess of 440sqm, which is also considered to be acceptable.

Traffic and Transportation

National Planning Policy Framework (2015); Core Strategy (2007) policies KP2, CP4, CP3; policy DM15 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

4.38 Policy DM15 of the Development Management Document requires 2 per dwelling and the proposed development complies with policy. The garages proposed are all in excess of minimum standard 3m x 7m, with the exception of plots 1, 2 and 7, however there is sufficient parking within each individual driveway in excess of two spaces.

- 4.39 The design of the existing site benefits from two vehicle accesses along Ness Road together with the formation of a new vehicle crossover to the north. The new entrance to the north will serve plots 2, 3, 4 and 5 and is acceptable in highway safety terms. A private vehicle access will be retained for the existing dwelling and to the south the existing vehicle access will serve plots 6 and 7. The road layout will provide access for emergency vehicles and ensures all vehicles can enter and leave the site in forward gear.
- 4.40 The properties will have sufficient space to accommodate cycle parking and all properties benefit from garages. A recycling and waste management plan accompanies this application and states that each property will have composters and graded waste bins that can be stored in garages. The waste collection is then delivered by residents on the day of collection to the back edge of the footpath in allocated hard standing for collection, which is considered acceptable.

Impact on residential amenity

National Planning Policy Framework (2012); Core Strategy (2007) policies KP2 and CP4; Development Management Document (2015) policies DM1 and DM3 and the Design and Townscape Guide (2009)

- 4.41 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;”

- 4.42 Plot 2 is located 16m-24m away from the northern flank elevation of no. 135 Ness Road. The overall height of the dwelling is set 0.9m above no. 135 Ness Road, and would result in neither an overbearing form of development nor loss of light. Windows are proposed to the flank elevation. The new dwelling would be sited 10m from the existing garden to the north of 135 Ness Road a condition can be imposed to ensure windows above ground floor are obscure glazed to mitigate against any potential overlooking and loss of privacy.
- 4.43 Plot 7 is set 0.9m higher than no. 135 Ness Road, and 20m to the south which is considered sufficient to mitigate against the development being overbearing, resulting in loss of light, overlooking or loss of privacy. The development will be set 10.4m from the garden to the southern elevation of no. 135 Ness Road.

Therefore a condition will be imposed to ensure windows above ground floor are obscure glazed to mitigate against any potential overlooking and loss of privacy.

- 4.44 In relations to plots 3, 6 are set 0.4m higher than the main house and plots 4, 5 are set 0.9m higher than the main house. Plot 5 is the nearest to the east elevation set 1.3m from the boundary and a further 5.7m to the eastern elevation of no. 135 Ness Road. Taking into account the existing outbuildings on site to the east, albeit single storey and the garage will be sunken due to the change of ground levels, it is not considered plot 5 will be overbearing on the amenities of existing occupiers of 135 Ness Road given the majority of windows to the east elevation appear to be secondary and the main windows serving the rooms are to the north, south and west. A condition will be imposed to ensure windows above ground floor are obscure glazed to mitigate against any potential overlooking and loss of privacy. With respect to plots 3, 4 and 6, due to the separation distance and siting the dwellings will not result in harm to the amenities enjoyed by existing occupiers to the living conditions enjoyed by occupiers at no. 135 Ness Road.
- 4.45 In terms of impact to the properties to the west of the site along Ness Road, there is an overall separation distance in excess 30m, which is sufficient to mitigate against any harm on the existing living conditions.
- 4.46 The proposed development will not result in any harm to the north given the existing pond that separates the site from dwellings to the north along Ness Road and to the south and east, which forms part of the Shoebury Garrison and is currently landscaped.
- 4.47 Due to the positioning of the dwellinghouses in relation to the properties to the north, east and west, no. 135 Ness Road, 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 (2012); Core Strategy (2007) policies KP2, Development Management Document (2015) policy DM2 and the Design and Townscape Guide (2009).

- 4.48 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”.

- 4.49 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design. The applicant has provided information relating to the structural insulated panel system (SIPS) to be installed including photovoltaic panels, solar water heating and a heat recovery system. The applicant has also indicated source heat pumps will be utilised for passive measures.

In order to ensure the development meets the requirement of policy KP2 of the Core Strategy further details can be required by condition if this application is deemed acceptable.

- 4.50 The existing site includes a garden, outbuildings and areas of hardstanding. The application is accompanied by a drainage strategy 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.
- 4.51 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 the applicant has detailed water efficiency further details will be required by condition, if this application is deemed acceptable.

Other Matters

Impact on trees within the site

- 4.52 The application is accompanied by an Arboricultural report carried out by Johnson Gillies Limited. There are no trees within the site preserved by a tree preservation order and the site is not within a conservation area. The proposed development will result in 18 trees being removed that are considered to be of low quality. The Council will impose a condition to ensure full mitigation measures are provided in relation to existing trees in the form of an Arboricultural Impact Assessment and Arboricultural Survey and the requirement for appropriate landscaping (including replacement trees) to soften the overall appearance of the development in accordance with policy DM1 of the Development Management Document.

Biodiversity and Nature Conservation

- 4.53 The National Planning Policy Framework (section 11) states that local authorities should aim to conserve and enhance biodiversity appropriately. Planning decisions must prevent unacceptable harm to bio-diversity and impose adequate mitigation measures where appropriate. Officers have carried out an assessment of the application under the Habitats Regulations 2010 and in particular Regulation 61. The Habitats Regulations require a two-step process. Firstly consideration needs to be given as to whether the development is likely to have a significant effect and if it does, the next step is to make an appropriate assessment. The site itself has no ecological designation.
- 4.54 To the north of the site is a pond, whilst the applicant has not provided no relevant ecological surveys there could be reptiles, bats, badgers present on site. Surveys will therefore be required by condition to ensure relevant mitigation measures are employed to minimise any harm on local wildlife and protected species. This is considered to be a policy compliant approach in this instance.

Permitted Development Rights

- 4.55 It is noted that given the limited size of the plot and buildings, any alterations/extension of the dwellings allowed by the General Permitted Development Order or any order revoking and re-enacting that Order with or without, modification, may result in unacceptable living conditions for 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 (2012); Community Infrastructure Levy Charging Schedule

- 4.56 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 includes a gross internal area of 1777sqm, which may equate to a CIL charge of approximately £38654.00 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the "in-use building" test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount. The applicant has indicated an exemption for self-build will be applied for and this will be reviewed formally should a claim be made.

Conclusion

- 4.59 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 proposed development satisfies the sequential and exceptions test providing a windfall site for additional family housing. The dwellinghouses by reason of their design, scale, amenity space and parking provision would provide a positive addition within the streetscene enhancing the overall character and appearance of the surrounding locality, conserving and complimenting the historic nature of the existing locally listed building, providing adequate amenities for future occupiers, protecting the amenities of neighbouring properties and acceptable arrangement on parking and highways grounds.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework 2012

- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generation), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP8 (Dwelling Provision)
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM5 (Southend on Sea Historic Environment), DM7 (Dwelling Mix), DM8 (Residential Standards). DM15 (Sustainable Transport Management)
- 5.4 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 objections

Traffic and Transportation

- 6.2 There are no highway objections to this proposal. All properties have at least two parking spaces, which meets policy DM15 of the Development Management Document. It is not considered that the proposal will have a detrimental impact on the public highway. The layout of the site allows vehicles that enter the site can leave in forward gear and access for emergency vehicles.

Trees

- 6.3 No comments.

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 asbestos, demolition and construction should be imposed if the application is deemed acceptable.

Essex County Fire and Rescue Service

- 6.5 Access is satisfactory for fire service.

Water supplies-additional water supplies for fire fighting maybe necessary for this development including sprinkler systems.

Environment Agency

- 6.6 We are satisfied that our holding objection with regards to flood risk can be removed. The site is currently defended and the SMP policy for this area has an aspiration to hold the line. It also falls under the TE2100 policy for this area, where there is an aspiration to take further action to keep up with climate and land use change so that flood risk does not increase.

We are aware that you have concerns regarding the Standard of Protection (SoP) offered by the defences at Shoebury Common, so you must assess whether you consider the development to be safe.

Actual Risk

The site is currently protected by flood defences with an effective crest level of 5m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level of 4.59m AOD. Therefore the site is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event. The defences will continue to offer protection over the lifetime of the development, provided that the SMP and/or TE2100 policy is followed and the defences are raised in line with climate change, which is dependent on future funding. If the SMP/TE2100 policy is not followed then at the end of the development lifetime, the 0.5% (1 in 200) annual probability including an allowance for climate change flood level of 5.72m AOD, would overtop the existing defences.

Residual Risk

We note that this FRA has referred to hydraulic modelling of Flood Defence Breach Scenarios for the Shoebury Garrison site adjacent to Ness Road. Without a breach model we have to refer to the worst case scenario. The undefended flood level of 5.72m AOD can be related to the ground level on site of 2.85-4.97m AOD, giving depths of 0.75-2.87m, during a 0.5% climate change event.

Therefore during this event, assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services.

Finished ground floor levels have been proposed at 3.30m AOD. This is below the 0.5% annual probability breach flood level including climate change of 5.72m AOD and therefore at risk of flooding by 2.42m depth in this event.

Finished ground floor levels have been proposed at 3.30m AOD, and there is a second floor. However, this would only just be at the 0.5% (1 in 200) annual probability flood level with climate change, therefore safe refuge is questionable.

We would advise finished floor levels are set as high as practicably possible, ideally 300mm above the 0.5% (1 in 200) annual probability flood level, including an allowance for climate change, or where this is not practical, flood resilience/resistance measures are incorporated up to the 0.5% (1 in 200) AEP flood level including climate change. This is to protect the development from the residual risk, if defences were to breach or fail or not be raised in the future.

TE2100 Policy

The TE2100 Plan was published in November 2012, setting out our recommendations for flood risk management for London and the Thames Estuary through to the end of the century and beyond. This site is located within the Policy unit – Leigh Old Town & Southend-on-Sea unit, which has a policy of “P4”. Policy P4 is “To take further action to keep up with climate and land use change so that flood risk does not increase”.

The TE2100 Plan is an aspirational document, rather than a definitive policy, so whether the defences are raised in the future will be dependent on a cost benefit analysis and the required funding becoming available. If the defences are able to be raised, the proposed development will be protected from flooding during the 1 in 1000 annual probability event in line with climate change.

Shoreline Management Plan

The current defences protect this area against a tidal flood with a 0.5% (1 in 200) annual probability of occurrence. However, the impacts of climate change on sea levels over the development’s lifetime will gradually reduce the level of protection afforded by the defences if they are not raised within this timeline. Without the raising of the defence, the site could flood should a tide with a 0.5% (1 in 200) annual probability flood event plus climate change occur, which could be contrary to the advisory requirements of Paragraphs 059 and 060 of the National Planning Policy Framework’s Planning Practice Guidance. These advise that there should be no internal flooding in ‘more vulnerable’ developments from a design flood. This could also present challenges to the safety of the users of the buildings and a future reliance on evacuation or emergency response.

The Essex and South Suffolk Shoreline Management Plan (SMP) has a policy of ‘Hold the Line’ until 2105 for Southend-on-sea location, so it is possible that the flood defences may be raised in line with climate change to continue to protect against the future 1 in 200 annual probability flood event for the lifetime of the development.

When determining the safety of the proposed development, you should take this uncertainty over the future flood defences and level of flood protection into account. This may require consideration of whether obtaining the funds necessary to enable the defences to be raised in line with climate change is achievable. This would be required to prevent the proposed development being at unacceptable flood risk of internal flooding in the design event

Public Consultation

- 6.7 A site notice displayed on the 16th March 2017 and 11 neighbours notified of the proposal. No letters of representation have been received.
- 6.8 Councillor Assenheim has requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

- 7.1 Use communications training centre as dwellinghouse (Class C3)-Granted (96/0165)
- 7.2 Use outbuildings at rear as day care resource centre for training person with learning disabilities (Class D1)- Granted (97/0794)
- 7.3 Retain four carports and enclosed store- Granted (99/00889/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: 9369/LP/01; 9369/DR/01; 9369/E/01; 9369/ES/01; 9369/GA/01; 9369/LP/01; 9369/P/01 Revision F; 9369/PL02 Revision B; 9369/PL/03 Revision B; 9369/PL/04 Revision B; 9369/PL/05 Revision B; 9369/PL/06 Revision B; 9369/PL07 Revision B, 9368/SL/01 Revision A.**

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

- 03 The development hereby approved shall be carried out in accordance with the Flood Risk Assessment carried out by AGB Environmental (5th June 2017 reference: P2653.2.1) and drawing 9368/SL/01 Revision A.**

Reason: To ensure the site is protected to the standard that the development is designed and modelled to within the submitted Flood Risk Assessment National Planning Policy Framework and policy KP2 of Core Strategy.

- 04 Once occupied the development hereby permitted shall operate at all time in accordance with the reference Flood Evacuation and Warning Plan carried out by Stone Frigate dated April 2017 submitted with this application.**

Reason: To ensure that the Flood Warning and Evacuation Plan meets with the requirements of the Environment Agency's Flood Warning Service.

- 05 Unless otherwise agreed in writing with the local planning authority, the development hereby permitted shall be constructed entirely of the materials details of which are shown on the plans and Developers Specification dated 14.09.2017 (reference 9369) hereby approved.**

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

- 06 The development shall not be occupied until garages and car parking spaces have been provided at the site in accordance with drawing 9369/P/01 Revision F, 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 policy CP3 of the Core Strategy (2007) and policy DM15 of the Council's Development Management Document (2015).

- 07 Prior to occupation of the proposed development the lower half of the first floor and second windows in the flank elevations of the plots 2 and 7 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). 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, Core Strategy 2007 policies KP2 and CP4, and Development Management Document 2015 policies DM1 and DM3 and advice contained within the Design and Townscape Guide.

- 08 No development 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. 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, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not limited to:-**
- i proposed finished site levels or contours;**
 - ii. means of enclosure, of the site including any gates or boundary fencing;**
 - iii. car parking layouts;**
 - iv. other vehicle and pedestrian access and circulation areas;**
 - v. hard surfacing materials;**
 - vi. minor artefacts and structures (e.g. street furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.);**
 - vii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification**
 - ix. 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 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 Document and Policy CP4 of the Core Strategy.

- 09 No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the Arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been agreed in writing by the local planning authority. These measures shall be carried out as described and approved during the implementation of the development.**

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1, DM3 and the advice contained in the Design and Townscape Guide.

- 10 A scheme detailing how at least 10% of the total energy needs of the dwellinghouses 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 of the dwellinghouse. 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 and policy DM2 of the Development Management Document.

- 11** 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, Core Strategy policy KP2, Development Management Document policy DM2 and Design and Townscape Guide.

- 12** The development hereby approved shall be carried out in a manner to ensure all 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, Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2 and 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, Core Strategy Policies KP2 and CP4, Development Management Document policies DM1 and DM3 and Design and Townscape Guide.

- 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. Lighting shall be installed at the site 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, Core Strategy 2007 policy KP2 and CP4, and Development Management Document 2015 policy DM1.

- 15 No development shall take place until details of the measures to be taken to protect badgers breeding birds and reptiles in connection with the development hereby approved have been submitted to and approved in writing by the local planning authority (in consultation with Natural England). The development shall only be carried out in full accordance with the approved details.**

Reason: To ensure the development has an acceptable impact on the biodiversity of the environment in accordance with the National Planning Policy Framework and Core Strategy (2007) policies KP2 and CP4, policies DM1 and DM3 of the Development Management Document (2015).

- 16 The development shall not be occupied until a waste management plan and service plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out in accordance with the approved details.**

Reason: to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 17 No development shall take place until a site investigation of the nature and extent of contamination (including ordnance risk) has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before development commences. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures in full before the development is occupied.**

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Development Management Document policy DM14.

- 18 No development or preliminary groundwork of any kind shall take place until the applicant has secured the implementation of a programme of Archaeological work in accordance with a written scheme of investigation which has previously been submitted by the applicant and approved in writing by the Local Planning Authority.**

The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority and shall allow them to observe the excavations and record items of interest and finds.

Reason: To allow for the excavation and recording of any information of archaeological importance, pursuant to Development Management Document (2015) policy DM5.

- 19 Construction and demolition works (including the unloading and loading of associated materials) associated with this permission shall only take place between the hours of 07:30 and 18:00 Monday to Friday 08:00 and 13:00 Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of the character and amenity of the area in accordance with Policies DM1 and DM3 of the Development Management Document.

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.

- 02 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 construction noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215810 or at Regulatory Services, P.O. Box 5558, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6ZQ.

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.
