

<b>Reference:</b>	17/00644/FUL	
<b>Ward:</b>	West Shoebury	
<b>Proposal:</b>	Demolish building and erect two detached dwellinghouses with Juliette balconies to rear, associated amenity space, landscaping, layout parking and form new vehicular accesses on to Ness Road (Amended Proposal)	
<b>Address:</b>	Cambridge House, 121 Ness Road, Shoeburyness, Southend-On-Sea, Essex, SS3 9ES	
<b>Applicant:</b>	Mrs M Smith	
<b>Agent:</b>	Phase 2 Planning	
<b>Consultation Expiry:</b>	18 <sup>th</sup> December 2017	
<b>Expiry Date:</b>	3 <sup>rd</sup> October 2017	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan No's:</b>	1800/Ex1; 1800/01 F; 1800/02G; 1800/03E, 1800/L1	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



# 1 The Proposal

- 1.1 Planning permission is sought to demolish the derelict locally listed building at 121 Ness Road and erect two no. two storey, four bedroom semi-detached houses. The dwellings would have asymmetrical gabled roofs to the front and rear elevations and would have a stepped planform. The proposed materials are noted as brick and render, with feature cladding, slate roofing and aluminium windows.
- 1.2 The proposed dwelling at plot 1 would measure 9.1m wide x 14.8m deep to the north and 13m to the south. The dwelling at plot 2 would measure 9m wide x 16.1m deep to the north and 16.9m to the south. The height to the eaves for both houses would be 6.3m, while the maximum height would be 8.9m.
- 1.3 Internally the houses would have a lounge, a kitchen/breakfast room, a dining, a study, a utility room, a WC and an integral garage at ground floor and four bedrooms (some with en-suite) and a bathroom at first floor.
- 1.4 The dwellings and their bedrooms and amenity space would measure:  
  
House 1 (plot 1): 221sqm
  - Bedroom 1: 21sqm
  - Bedroom 2: 19sqm
  - Bedroom 3: 15sqm
  - Bedroom 4: 18sqm
  - Rear garden: 110sqm  
House 2 (plot 2): 266sqm
  - Bedroom 1: 21sqm
  - Bedroom 2: 17sqm
  - Bedroom 3: 22sqm
  - Bedroom 4: 19sqm
  - Rear garden: 128sqm
- 1.5 Three parking spaces are proposed to be provided per dwelling, 1 as a garage and 2 on the forecourt and a 3m wide crossover is proposed to be formed in front of the each dwelling. During the application process the detailed design of the proposal has been amended and the ground floor levels of each property have been raised to mitigate the potential for flooding. The raising of the floor levels has necessitated the need for ramps to be integrated into the forecourt landscaped area and has resulted in raised patio to the rear of each property.
- 1.6 A structural building survey, an ecological survey, a design and access statement and a flood risk assessment, including details of the sequential and exceptions test, have been submitted in support of the proposal.

## 2 Site and Surroundings

- 2.1 The site is located on the eastern side of Ness Road, approximately 20m south from its' junction with St. Andrew's Road. It is currently occupied by a derelict locally listed building in poor structural condition. The roof of the building, some of the upper sections of the exterior walls, the first floor timbers, the feature decorative Dutch gable and the windows have been lost following a fire at the property in 1995 and the building and its fabric are in poor condition. The building has been vacant for over 30 years and is considered to be unsafe. Unlike the historic buildings on the Garrison, this property is not located within a conservation area or within a group of heritage assets.
- 2.2 The area is residential in character, comprising a mixture of two storey houses, chalet style dwellings and bungalows, the size, style and design of which varies. To the south of the application site there is a consistent run of four detached 2 storey dwellings with parapets and inset hipped roofs, set back from the street behind a shared access drive and landscaped area. Immediately adjacent to the north are two chalet style dwellings with high steep roofs finished in dark timber cladding. Opposite are a mixture of 1970s style houses and early C20 properties.
- 2.3 The site is partially located within flood zones 2 and 3. Ness Road is a classified road. There are no other designations affecting the site.

## 3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, including flood risk, the loss of locally listed building, design and impact on the character of the area, living conditions for future occupiers, impact on the amenity of neighbouring properties, any traffic and transport issues, sustainability and CIL.

## 4 Appraisal

### Principle of Development

**National Planning Policy Framework (NPPF) (2012); Core Strategy (2007) Policies KP1, KP2, CP4, and CP8; Policies DM1, DM3, DM5, DM8 and DM15 of the Development Management DPD (2015) and the Southend Design and Townscape Guide (2009)**

- 4.1 The property is located within a residential area and it is currently occupied by a detached two storey locally listed dwelling which is now derelict. The site is located within flood zone 3a.
- 4.2 The NPPF promotes sustainable development and includes a requirement to boost the supply of housing by delivering a wide choice of high quality homes. Policy KP2 of the Core Strategy requires that "*all new development contributes to economic, social, physical and environmental regeneration in a sustainable way*". Policy CP8 of the Core Strategy identifies the need for 1,400 homes to be delivered within the Shoeburyness area between 2001 and 2021.

- 4.3 No objection is raised to the provision of a residential use in this area subject to justification of the loss of the locally listed building and demonstration that the proposal meets the requirements of the Sequential Test and the Exception Test in relation to flood risk.

#### *Loss of the Locally Listed Building*

- 4.4 In relation to non-designated heritage assets such as locally listed buildings Paragraph 135 of the National Planning Policy Framework states that: *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'* and in relation to locally listed buildings DM5 (Southend's Historic Environment) states that: *'2. The total or partial demolition of a listed building, locally listed building or a building within a conservation area will be resisted, unless exceptional circumstances are shown to outweigh the case for retention.'* However it should be noted that if a prior approval application for the demolition of the building was submitted it would not be possible for the Local Planning Authority to resist the demolition of the building.
- 4.5 The property was built around 1900 as part of the MOD development at Shoebury Garrison, although it is noted that the application building is rather detached from the main Garrison site which contains a significant group of heritage buildings most of which are listed. It is this larger group of garrison building which forms the basis for Shoebury Garrison Conservation Area. The conservation area does not include the application property. The building on the application site is the remains of a large detached yellow stock brick property which had tall multi pane sash windows and a feature Dutch gable.
- 4.6 The property was sold to the Council following the decommissioning of the Garrison in 1982 and has remained vacant since this time. Unfortunately there was a significant fire at the property in 1995 which resulted in the loss of the entire roof, much of the first floor timbers, the main decorative gable and some of the windows. The property was sold at auction to the applicant in 2011.
- 4.7 The applicant has commented in her statement that she originally purchased the house with the intention of renovating it and even attended courses in historic building restoration. She also approached a local Building Preservation Trust in 2011, shortly after the auction, for advice and assistance with the project but notes in her statement that although an initial meeting was arranged there was a 'reluctance to discuss the property in detail' and she had no further contact from the trust following the initial meeting. She concluded that they were not interested in assisting with the restoration despite showing an interest in the press at this time.
- 4.8 A structural building survey of the building was also undertaken and has been submitted with the application. This report states that the loss of the roof in the fire has resulted in a lack of restraint to the upper sections of exterior walls and that the building is suffering structural damage to the chimney stacks, foundations and walls. It also notes that much of the remaining internal timber elements have wet or dry rot making them weak and defective and requiring replacement.

The report comments that building would require underpinning and re-building in many areas as well as needing new service connections for utilities. The conclusion is that the property has many structural defects as a result of the fire and would need to be substantially rebuilt.

- 4.9 The applicant's statement notes that to make the restoration of the building viable, additional funding would be required. Enquires were made but it has not been possible to gain assistance or funding from Historic England or the local Building Preservation Trust. The proposal for refurbishment of the building has now been abandoned.
- 4.10 It was evident on site that the building was in a poor state of repair as outlined in para 2.1 above and signs of structural damage were evident. Paragraph 130 of the NPPF states that *'Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.'* It is accepted that there is no evidence to suggest that remedial works have been undertaken in recent years by the Council or the applicant to avoid the continuous decline of the building, however, the substantial damage caused by the fire in 1995, significantly advanced the decline of the building. The current poor state of the building cannot solely be attributed to neglect in this case and it was this fire which is the underlying cause of the current structural problems.
- 4.11 It is therefore considered that, whilst the repair of the building would have been welcomed and the Council would normally resist the loss of a locally listed building, in this particular case, it is acknowledged that the fire has caused significant damage to the structure. It is also noted that any proposal to 'save' the building would involve substantial rebuilding which would mean that the result would essentially be a replica and would lack historic the integrity and significance of the original building. In addition, in this location, which is separate and some distance from the other historic military buildings in Shoebury Garrison Conservation Area, a replica would have limited value in such a diverse streetscene which has no other heritage buildings to which it would relate. In light of the above, in this particular instance, taking into consideration the structural condition of the locally listed building and its underlying cause, it is considered that it would be unreasonable to require the retention of this locally listed building. More fundamentally, as noted above, it also needs to be recognised that the local planning authority is unable to prevent the demolition of the building.

#### *Flood Risk*

- 4.12 Policy KP1 of Core Strategy (CS) states that all development proposals within flood risk zone *"shall be accompanied by a detailed flood risk assessment appropriate to the scale and the nature of the development and the risk"*. It is also noted that *"development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options."*

- 4.13 The site is occupied by a large residential property which is current derelict. The proposal seeks to demolish this building and replace it with 2 detached family houses. The proposal has sought to mitigate against the impact of flooding by including a number of mitigation measures such as a raised ground floor level, and measures to make the building resilient to flood risk.
- 4.14 The site is located within flood risk zone 3a, a high risk zone. The proposal residential development is classed as a 'more vulnerable' use according to the National Planning Policy Framework technical guidance. The application is therefore required to pass the sequential and exception tests.
- 4.15 The application is accompanied by a Sequential and Exceptions Test Report by Phase 2 Planning dated February 2017 and Flood Risk Assessment carried out by Ardent Consulting Engineers dated April 2017 ref 170090-01. The Environment Agency Standing Advice regarding development and flood risk in England requires a staged approach to flood risk assessment 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*

- 4.16 The development proposals are located within tidal Flood Zone 3a and are residential so are considered to be 'more vulnerable'. A sequential test is therefore required.

*Stage 2- Defining the Evidence Base*

- 4.17 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. 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. The Local Development Framework Annual Monitoring Report (AMR) and the Strategic Housing Land Availability Assessment (SHLAA) identify future development sites in the Borough including Shoebury.
- 4.18 The Council has identified a five year housing supply not including the application site and therefore the development of this site would be classed as 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 but which have become available. As a windfall this site 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*

- 4.19 The National Planning Policy Framework (NPPF) sets out the basis for Sequential and Exception Tests. Paragraph 101 of the NPPF states:

*'The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.'*

and in relation to this the NPPF technical guidance states:

*'Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required' (Paragraph 5 of the Technical Guidance).'*

- 4.20 Paragraph 102 of the NPPF provides the Exception Test as a method of managing flood risk while still allowing necessary development to occur.

*'If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:*

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared*
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'*

Both elements of the test will have to be passed for development to be allocated or permitted.

- 4.21 The applicant has submitted information to inform a sequential and exception test dated February 2017 carried out by Phase 2 Planning. The report considers sites identified in the AMR and SHLAA and site currently within the planning permission which are capable of accommodating 2 dwellings. The report identified 6 alternative sites within Shoeburyness but outside the flood zone area but comments that 5 out of the 6 sites were identified for affordable housing which restricts the development potential and are therefore unsuitable. The 6<sup>th</sup> site is more suited to flatted development and that this site has had permission for flats since 2014 but has not been attractive to the market. The report comments that there are no SHLAA or Local Plan allocated sites in Shoebury for small windfall sites that would be sequentially preferable to the application site.

The report also notes that Council's planning portal and table of outstanding planning permissions additionally shows no sites that are sequentially preferable than the application site and notes that windfall sites make a significant contribution (79%) of Southend's housing supply a quarter of which are a result of small windfall sites. The report therefore concludes that there are no other sites sequentially preferable to the application site and this is accepted.

#### *Exceptions test*

- 4.22 For the exceptions test to be passed the development must provide wider sustainability benefits, be on previously developed land and demonstrate the development will be safe in flood risk terms. The application site is on previously developed land, and subject to conditions, could be considered to have sustainability benefits in terms of regeneration. In relation to flood safety the Council have recently carried out, through Mott MacDonald, a detailed overtopping modelling of the Shoebury Common and Garrison sea defences. In light of this the Council's Flood Defences Engineer recommended that the development be raised by 53cm above current ground levels to address the potential flood risk from overtopping. The application has been amended to accommodate this requirement and the amended proposal is now considered to have addressed these concerns.
- 4.23 No objection has been raised by the Environment Agency to the flood risk assessment carried out by ARDENT (dated April 2017 reference: 170090-01). This demonstrates the development will provide a tolerable level of safety for occupants for the lifetime of the development. Overall it is considered that the proposal has demonstrated through the Sequential and Exceptions Test and by mitigating for flood risk in the design, that the proposal is suitable for residential development.

#### *Intensification of Site*

- 4.24 The application proposes the demolition of a single property and its replacement with two dwellings. This is therefore considered to be an intensification of the site. In relation to this Policy DM3 of the Development Management DPD states that:

*'1. The Council will seek to 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.'*

and

*'2. 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'*



- 4.25 The property is located within a residential area and is currently occupied by a large single detached house although it is noted that this is currently derelict. It is proposed to replace the existing building with 2 detached houses thus increasing the density. The frontage of the property is approximately 23m wide (and over 40m deep) almost double the width of the frontages of the properties to the north and opposite the site. It would be possible to achieve two detached dwellings on this site with a comparable spacing and alignment to other properties in the area. It is therefore considered that this would be compatible with the grain of this area and not appear out of place in the streetscene.
- 4.26 The impact on the living conditions of future and neighbouring occupiers is discussed in more detail below including the requirement to meet the space standards set out in DM8 and the National Technical Housing Standards. In addition to this DM8 1.iii also requires new dwellings to meet Building Regulation M4(2). This requires houses to be designed to be adaptable to meet the needs of all and advocates such measures a step-free access to the dwelling and any associated parking space, a step-free access to a WC and any private outdoor space, accessible accommodation and sanitary facilities for older people or wheelchair users and socket outlets and other controls reasonably accessible to people with reduced reach.
- 4.27 The architect has indicated on the amended plans how these requirements could be accommodated within the proposed design. It is therefore considered that the proposed two storey dwellings can be an accessible and adaptable dwelling and this could be secured via a condition.

### *Ecology*

- 4.28 The site has been devoid of human activity for many years and, although cleared of trees recently, it is possible that local ecological assets inhabit the site. For this reason an ecological survey has been submitted. This concludes that no protected plant species or habitats were recorded on site and that, whilst no protected animals were noted, it recommends that a number of steps be undertaken during the site clearance and construction phases of the proposal to reduce the impact on existing wildlife. Overall it considers that the impact of the proposed development is insignificant and can be mitigated. Therefore, should permission be granted, compliance with these recommendations and the relevant wildlife legislation could be secured by a condition.
- 4.29 Therefore the principle of the loss of the existing dwelling is found to be acceptable and there is no objection in principle to the development of this site for residential development subject to the detailed considerations below.

### **Design and Impact on the Character of the Area**

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

- 4.30 Policy KP2 of the Core Strategy states that new development should “*respect the character and scale of the existing neighbourhood where appropriate*”.
- 4.31 Policy CP4 of the Core Strategy requires that development proposals should “*maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development*”.
- 4.32 Policy DM3 of the Development Management Document promotes “*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.*”
- 4.33 The proposal is for 2 two storey houses with pitched roofs. The streetscene shows the proposal to be around 1m taller than the neighbours but it is noted that this is an area of mixed building designs and heights, including some taller building opposite, and it is therefore it is considered that this difference would not be significant or out of character with the streetscene in this location. The width, depth and spacing of the properties are similar to the surrounding development. The scale and density of the site is therefore considered to be compatible with local character.

#### *Site Layout and Building Line*

- 4.34 The pattern of development around the site does not have a uniform character. It comprises a mix of styles and sizes of dwellings set on an irregular building line but generally with significant set back from the street particularly on the east side of the road. This provides flexibility for the design approach and the siting of the houses on this site. The proposed properties are set on a staggered building line well back from the frontage with generous forecourts. The proposed set back is comparable to the houses to the north but is forward of the properties to the south. Given the non-uniform building line of the neighbours and the grain of the area it is considered that the siting of the buildings is compatible with the surrounding area.
- 4.35 The generous set back allows for sufficient landscaping to be provided to mitigate the impact of the parking and turning space to the frontages, and to screen the raised floor levels and ramps which are required to mitigate for flooding. The indicative landscaping shown should ensure that the development integrates positively with the streetscene, however, full details of the landscaping and boundaries would need to be agreed by condition.
- 4.36 The Design and Townscape Guide states that to minimise the adverse visual impacts, refuse storage and recycling should normally be located where it is not be visible from the streetscene such as to the rear of the property. Refuse storage has been shown at the side of the properties towards the rear, away from public views and this is considered to be acceptable.

### *Detailed Design*

- 4.37 The houses have an gabled form which draws references from the adjacent chalets but the detailed design is different. The use of a gabled form provides the development with some context, but the proposed design is modern and distinctive and would not be out of character in this mixed streetscene which includes both traditional and modern houses. There is therefore no objection in principle to the introduction of a new style of development in this location.
- 4.38 The houses have an asymmetric form which has been split and offset on plan from to add interest in the streetscene. This arrangement seems to work well with the staggered building line in this area as well as helping to break the scale of the houses and increasing the articulation of the development. The projecting element of each property has feature cladding and double stacked tall corner windows providing a focal point for the houses and this seems to work well. The fenestration of the proposal generally has been amended to improve the proportions of the openings, the balance of window to wall ratio and to rationalise the elevations and this has resulted in a more cohesive scheme and is welcomed.
- 4.39 The proposed design includes integral garages but these have been located on the recessed sections to reduce their dominance and impact in the streetscene and are offset by the feature projections. Given the mixed character of the area, which includes some integral garages, and subject to high quality materials, there is no objection to this element of the proposal.
- 4.40 The flank elevations are quite long but are well articulated including the feature corner windows and additional incidental glazing to break the length of the proposal on the more exposed south side. This has helped to break up the scale of the elevation although it is noted that the recessed siting of the dwellings and the neighbouring trees means that the depth of the proposals will not be so apparent in the streetscene.
- 4.41 No objection is raised to the elevation design of the rear elevations which incorporates good levels of fenestration and Juliette balconies.
- 4.42 Overall therefore it is considered that the scale, form, layout and detailed design of the proposal is well considered and compatible with the surrounding area subject to the agreement of good quality materials and landscaping which can be secured by condition.

### **Living Conditions for Future Occupiers**

**National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2, CP4 and CP8; Policies DM1, DM3 and DM8 of the Development Management Document (2015), Southend Design and Townscape Guide (2009) and the National Technical Housing Standards**

- 4.43 Policy DM8 of the Development Management Document now requires all new dwellings to meet the National Technical Housing Standards minimum internal floorspace standards.

- 4.44 The proposal is for 2 two-storey, four bedroom (8 persons) dwellinghouses. The proposed dwellings would comfortably exceed the national internal floorspace standards of 124 sqm.
- 4.45 The National Housing Standards state that double bedrooms should be at least 11.5sqm and must be a minimum of 2.75m wide for the principle bedroom and 2.55m wide for all others. The proposed double bedrooms would meet the above minimum standards. All habitable rooms would have sufficient outlook and ventilation and light.
- 4.46 In relation to amenity space Policy DM8 states that all new dwellings should “*make provision for usable private outdoor amenity space for the enjoyment of intended occupiers*” The proposed rear gardens are a good size for family living and are comparable with the grain of the area. This level of amenity provision is therefore considered to be acceptable.
- 4.47 As noted above refuse storage is proposed to be installed within the rear amenity area and this is considered appropriate in this location and for this type of development. No details have been submitted in relation to the cycle store, however, it is considered that the rear garden would be of a sufficient size to accommodate storage for bicycles. Therefore, no objection is raised in relation to the living conditions of the future occupiers.

### **Impact on Neighbouring Properties**

#### **National Planning Policy Framework (2012); Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3; Southend Design & Townscape Guide (2009)**

- 4.48 The Design and Townscape Guide (SPD1) states that “*extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.*” (Paragraph 343 - Alterations and Additions to Existing Residential Buildings). Policy DM1 of the Development Management DPD requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities “*having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.*”

#### *Impact on neighbour to the north (119A Ness Road)*

- 4.49 The proposed development is set on a staggered alignment in relation to 119A Ness Road with the distance between the properties increasing towards the rear of the properties. The dwelling on plot 1 would be located 1m away from the northern boundary and around 3m away from the neighbouring dwelling at the front building line and 2.4m from the boundary and 4.4m from the neighbour at the rear building line.
- 4.50 The proposed development would be located 2m back from the front building line of this neighbour and project only 1.6m beyond its rear building line. These distances are such that it is not considered that the proposal would result in unacceptable overshadowing of the neighbouring property, light and outlook or cause unacceptable harm to their sense of enclosure.

- 4.51 The proposal has been raised 53cm above ground level to mitigate the impact of potential flooding. This has resulted in a proposal for a raised terrace to the rear of the proposed dwellings which extends for 2.7m but which is set between 840mm and 1.2m from the boundary with number 119A. This could result in overlooking of the adjacent amenity area across the fence line, however, it is considered that this impact could be mitigated by the installation of a privacy screen. If the development is considered to be acceptable this would be required by condition.
- 4.52 The site visit confirmed that 119A Ness Road has kitchen and a secondary dining room window (which is open plan to the lounge with windows to the rear) to the south elevation. An appraisal of the impact of the development on light to these windows has identified a very slight breach of the 45° angle taken from the bottom sill of the ground floor windows, however, it is noted that these are secondary or non-habitable room windows and therefore, on balance, it is not considered that the impact would be such detrimental to warrant refusal of the application.
- 4.53 The proposed windows in the north flank elevation of the plot 1 would not be windows to habitable rooms and as such, should the proposal recommended for approval, they would have been conditioned to be glazed in obscure glass to prevent overlooking.

*Impact on neighbour to the south (123 Ness Road)*

- 4.54 The proposed dwelling to the south would be sited forward the neighbouring dwellings to the south (123 Ness Road), however, a 4m separation distance would be maintained between the new development and the neighbouring dwelling. Furthermore, given the northern siting of the development in relation to this neighbour, it is not considered that the proposal would result in a material harm on the neighbours' amenities, in terms of loss of light or undue sense of enclosure to the front windows and outlook of the neighbouring property. Number 123 Ness Road is positioned behind a service road access and is significantly further back than the proposed dwelling on plot 2 on this side. The windows proposed in the south flank elevation of the plot 2 are positioned to look forward over the green area and street to the front and not at the neighbouring properties. It is therefore considered that the windows in the south elevation of plot 2 would not give rise to unreasonable overlooking of the neighbour to the south. As above a privacy screen would be required to prevent overlooking from the proposed raised rear terrace towards the rear amenity area of number 123 and between the properties now proposed. This can be secure via condition.
- 4.55 It is therefore considered that the relationship between the two proposed dwellings and the neighbours to the north and south would be acceptable, given their positioning and design.
- 4.56 A minimum of 10.6m separation distance would be maintained to the rear boundary and as such, the proposed development would not result in a greater impact on the amenity of the future occupiers of the site to east which is currently undeveloped. The impact on the amenity of neighbouring properties and sites is therefore considered to be acceptable.

## Traffic and Transport Issues

### **National Planning Policy Framework (2012); Core Strategy Policy CP3, Policy DM15 of the Development Management Document (2015) and the Southend Design and Townscape Guide (2009)**

- 4.57 Policy DM15 of the Development Management DPD requires all development to provide adequate off-street parking. Outside the central area 2 parking spaces are required for new houses.
- 4.58 An integral garage and two off-street parking spaces are provided for each new dwelling. The garage within plot 2 meets the requirement for garages as set out in the Development Management Document but the proposed garage for plot 1 is under sized and cannot therefore be counted as parking provision for the development, however, as noted above two further spaces are provided on the forecourt. The proposal therefore meets the parking standards as set in Policy DM15.
- 4.59 Ness Road is a classified road and as such, vehicles should enter and leave the site in forward gear. Paragraph 172 of the SPD1 advises that *“forecourt parking on classified roads will be required to include turning facilities or an ‘in and out’ drive for safety reasons”*. The front curtilage of the properties would be of sufficient size to allow vehicles to turn on-site and the turning heads marked on the site plan meet the required size. Two crossovers of 3m width are proposed to replace the existing crossover. It is therefore considered that the proposed crossovers and front hardstanding would be of sufficient size to allow vehicles to enter and leave the site safely.
- 4.60 The Council’s Highways Officer confirms that no objection is raised in relation to off-street parking provision and access.
- 4.61 No cycle storage has been shown on-site; however, as noted above, there would be sufficient space for this to be located in the rear garden of each property.

## **Use of on Site Renewable Energy Resources and Sustainable Construction**

### **National Planning Policy Framework (2012), Core Strategy (2007) Policy KP2; Development Management DPD (2015) Policy DM2 and Southend Design and Townscape Guide (2009)**

- 4.62 Policy KP2 of the Core Strategy requires that *“at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide, wherever feasible. How the development will provide for the collection of re-usable and recyclable waste will also be a consideration.”* Policy DM2 of the Development Management DPD also states that *“to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”*

4.63 No information has been submitted in relation to the provision of renewables on site, however, it is considered that, in this instance the required renewables can be satisfactorily secured via a condition.

4.64 Policy KP2 of the Core Strategy states that *“avoidance of flood risk, or where, having regard to other sustainability considerations a residual risk remains, the provision of measures to appropriately and adequately mitigate that risk. All development proposals should demonstrate how they incorporate ‘sustainable urban drainage systems’ (SUDS) to mitigate the increase in surface water run-off, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk”*. The site is located within flood zone 3a and it is considered to be at high risk of flooding. The submitted Flood Risk Assessment recommends that the following SUDS techniques be integrated into the development:

- Restricted discharge of surface water into the sewer network
- Permeable paving and permavoid under layer which holds water in the ground for a lower discharge and increased evaporation

This solution would seem reasonable given the constraints of the site and it is considered that full details of the SUDS could be agreed via a condition.

4.65 Policy DM2 (iv) of the Development Management Document requires all new development to provide *“water efficient design measures that limit internal water consumption to 105 litres per person per day (lppd) (110 lppd 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 will be required by condition.

### **Community Infrastructure Levy**

#### **CIL Charging Schedule 2015**

4.66 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 487sqm, which may equate to a CIL charge of approximately £10714.00 (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, however, in this case it is noted that the existing building has been in a derelict state for many years so would not qualify for this exemption.

## **Other Matters**

- 4.67 It is noted that any alterations/extensions to the dwellings may result in unacceptable living conditions of the future occupiers (for example should the rear amenity space would be significantly reduced by a rear extension) or impact on the neighbouring properties and streetscene. For these reasons it is considered reasonable that permitted development rights for the proposed dwellinghouses be removed for classes A, B, C, D, E and F via a planning condition.

## **5 Conclusion**

- 5.1 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 proposal, on balance, has justified the loss of the locally listed building and would have an acceptable impact on the character and appearance of the application site, the streetscene and the locality more widely. In addition, the proposal would provide adequate amenities for future occupiers, protect the amenities of neighbouring properties and be acceptable on parking and highways grounds. The proposal is therefore recommended for approval subject to conditions.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework (2012): Section 4 (Promoting sustainable transport), Section 6 (Delivering a wide choice of high quality homes), Section 7 (Requiring good design), Section 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment)
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), and CP8 (Dwelling Provision).
- 6.3 Development Management Document (2015) Policies DM1 (Design Quality), Policies DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM8 (Residential Standards) and DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009).
- 6.5 CIL Charging Schedule (2015)
- 6.6 National Technical Housing Standards (2015)



## **7 Representation Summary**

### **Transport & Highways**

- 7.1 There are no highway objections to this proposal 2 car parking spaces have been provided for each dwelling. The parking layout allow vehicles to enter and leave in a forward gear.

### **Environmental Health**

- 7.2 No objections but recommend that the following condition and informatives be attached to any consent that may be granted, relating to the following:-

- Hours of construction
- Decontamination as necessary

Notwithstanding the above, the following informative reminding the applicant that this permission does not bestow compliance with other regulatory frameworks.

### **Parks**

- 7.3 No comments received.

### **Waste Management and Street Scene**

- 7.4 No comments received.

### **Environment Agency**

- 7.5 We have inspected the application as submitted and have no objection to this planning application because the site is currently defended and falls under the TE2100 policy for this area, providing that you have taken into account the flood risk considerations which are your responsibility. There is an aspiration to take further action to keep up with climate and land use change so that flood risk does not increase. If the policy is not taken forward the development would be unsafe in the future. Please take note of this and the other flood risk considerations which are your responsibility. We are aware that these defences are owned and maintained by yourselves. If, as an authority, you do not consider that the defences offer this level of protection, or that the defences will be unlikely to be improved over the lifetime of development, in line with climate change, then you should consider this when making your decision.

### **Flood Risk**

Our maps show the site lies within tidal Flood Zone 3a, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for the demolition of a building and erection of two detached four-bed dwelling houses, which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG).

Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

### Sequential Test / and Exception Tests

The requirement to apply the Sequential Test is set out in Paragraph 101 of the National Planning Policy Framework. The Exception Test is set out in paragraph 102. These tests are your responsibility and should be completed before the application is determined. Additional guidance is also provided on Defra's website and in the Planning Practice Guidance.

### Flood Risk Assessment

To assist you in making an informed decision about the flood risk affecting the site, the key points to note from the submitted flood risk assessment (FRA), prepared by Ardent Consulting Engineers, referenced 170090-01 and dated April 2017, and the Hydraulic Modelling Note, referenced 170090-02 and dated April 2017 are:

### Actual Risk

The site is currently protected by flood defences with an effective crest level of 5.04m AOD (according to section 3.12 of the submitted FRA) which is above the present-day 0.5% (1 in 200) annual probability flood level of 4.61mAOD. Therefore the site is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event or the present day 0.1% (1 in 1000) annual probability flood event. The defences will continue to offer protection over the lifetime of the development, provided that the TE2100 policy is followed and the defences are raised in line with climate change, which is dependent on future funding.

If the 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 5.84mAOD, would overtop the existing defences.

At the end of the development lifetime with climate change applied to the design 0.5% annual probability flood event, if the TE2100 policy is not followed then through overtopping of the current defences the resulting on-site flood level would be 5.62mAOD. The resulting actual risk depth of flooding on the site using a site level of 4.7mAOD would be 0.92m. Within the building, based upon a finished ground floor level is 5mAOD, the flood depth would be 0.62m deep. Refuge is proposed on the first floor at a level of 8.28mAOD which is above the 0.1% (1 in 1000) annual probability breach and overtopping flood levels.

### Residual Risk

- The FRA explores the residual risk of a breach. The site could experience breach flood depths of up to 0.96 metre during the 0.5% (1 in 200) annual probability including climate change breach flood event.
- The time till inundation of the site in a breach during this event would be 1.5 hours.

- Therefore assuming a velocity of 0.5m/s the flood hazard is danger for most including the general public in the 0.5% (1 in 200) annual probability flood event including climate change.
- Finished ground floor levels have been proposed at 5.0m AOD. This is below the 0.5% annual probability breach flood level including climate change of 5.66m AOD and therefore at risk of flooding by 0.66 m depth in this event.
- Flood resilience/resistance measures have been proposed in section 4.5 of the FRA.
- Finished first floor levels have been proposed at 5m AOD, however there is a second floor, therefore there is refuge above the 0.1% (1 in 1000) annual probability flood level.
- A Flood Evacuation Plan has been proposed and is necessary to ensure the safety of the development in the absence of safe access with internal flooding in the event of a breach flood.

## 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.

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.

### Safety of Building – Flood Resilient Construction

The FRA does propose including flood resistant/resilient measures in the design of the building to protect/mitigate the proposed development from flooding.

You should determine whether the proposed measures will ensure the safety and sustainability of the proposed development. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

### Safety of Inhabitants – Emergency Flood Plan

An Emergency Flood Response Plan has been proposed and detailed within the FRA, and is necessary to ensure the safety of the development in the absence of safe access and with internal flooding in the event of a breach flood. It is up to the local planning authority to determine whether this is satisfactory

## Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

## Historic England

- 7.6 No comments. The application should be determined in accordance with national and local planning guidance.

## The Shoebury Society

- 7.7 No comments received.

## Essex County Preservation Trust Ltd

- 7.8
- The original façade is of outstanding calibre and should be retained
  - The property could be restored
  - The existing building could be converted to two residential units so there would be the same number of units as the proposed scheme.
  - The new owner has done nothing to safeguard the building from further dereliction
  - We believe the building facades are structurally sound and could be retained.

**[Officer Comment: the existing building was once an attractive historic building but it is now considered to be derelict. The condition of the building and its suitability for retention is discussed in paragraphs 4.4-4.11 above It also needs to be recognised that the local planning authority is not able to prevent the demolition of this building]**

## Public Consultation

- 7.09 6 neighbours have been consulted and a site notice posted on site and one representation has been received raising the following issue:

- Right to light and impact on neighbouring property

**[Officer Comment: This concern is noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.]**

- 7.10 Councillor Jarvis has requested that this planning application go before the Development Control Committee for consideration.

## **8 Relevant Planning History**

- 8.1 91/0142 - Alter side elevation and use dwellinghouse as women's refuge - Planning permission granted.

## **9 Recommendation**

**Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:**

- 01 The development hereby permitted shall begin not later than three years from the date of this decision.**

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: 1800/Ex1; 1800/01 F; 1800/02G; 1800/03E, 1800/L1**

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

- 03 The development hereby approved shall be carried out in full accordance with the mitigation measures identified in the Flood Risk Assessment carried out by Ardent Consulting Engineers dated April 2017 reference 170090-01 and drawings 1800/01 F; 1800/02G; 1800/03E before the dwellings are occupied.**

**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 and be occupied at all times in full accordance with the Flood Response Plan in Section 4 of the Flood Risk Assessment carried out by Ardent Consulting Engineers dated April 2017 reference 170090-01 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 Prior to the commencement of the development hereby approved, samples and product details for the external materials to be used in the construction of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall subsequently be used in the construction of the dwelling hereby approved unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In the interests of visual amenity and to ensure that the appearance**

of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework, Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1, and Southend Design and Townscape Guide (2009).

- 06** The development shall not be occupied until the garages, car parking spaces and turning head have been provided at the site in accordance with drawing 1800/01 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 only for the parking of occupiers of and visitors to the development. Permeable paving shall be used for the hardstanding area created unless otherwise agreed by the local planning authority.

**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** Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the buildings hereby granted consent shall be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposed buildings that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. Before the buildings hereby approved are occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

**Reason:** To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and the Southend Design and Townscape Guide (2009).

- 08** Privacy screens not less than 1.7m high above patio level shall be fitted to the north and southern side of each rear raised patio area in accordance with details that have previously been submitted and approved by the local planning authority prior to first occupation of the development. The screens shall be retained for the lifetime of the development in accordance with the approved details.

**Reason:** To protect the privacy and environment of people in new and neighbouring residential properties, in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

**09 No development shall take place until full details of both hard and soft landscape works to be carried out at the site and details of all boundary treatments 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 prior to or 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. details of the proposed ramps and 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 (2015) and Policy CP4 of the Core Strategy (2007) and advice contained within the Southend Design and Townscape Guide (2009).**

**10 The development shall not be occupied until refuse and cycle storage has been provided in accordance with details which shall previously have been submitted to and agreed in writing with the Local Planning Authority. The refuse and cycle storage shall permanently retained thereafter.**

**Reason: To ensure that adequate refuse storage and cycle parking is provided and retained to serve the development in accordance with Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Document (2015) and the Southend Design and Townscape Guide (2009).**

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

**Reason: In the interests of providing sustainable development in accordance with Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Southend Design and Townscape Guide (2009)**

- 12 Prior to first occupation of the development the surface water attenuation strategy (SuDS) for the site shall be implemented in full as set out in Section 5 of the Flood Risk Assessment by Ardent Consulting Engineers dated April 2017 reference 170090-01 and it shall be retained as such in perpetuity thereafter.**

**Reason: To ensure satisfactory drainage of the site in accordance with policy KP2 of the Core Strategy (2007) and Development Management Document (2015) policy DM2.**

- 13 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 implemented prior to first occupation of the development and be permanently retained thereafter.**

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

- 14 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, Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the Southend Design and Townscape Guide (2007).**

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking and re-enacting that Order with or without modification, no development shall be carried out at the dwellings hereby approve falling within Schedule 2, Part 1, Class A, B, C, D and E of that order.**

**Reason: To protect the character of the area and the privacy and environment of people in neighbouring residential properties and ensure sufficient amenity space is retained for future occupiers pursuant to Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and the Southend Design and Townscape Guide (2009).**



- 16 Demolition or construction works shall not take place outside 8:00 hours to 18:00 hours Mondays to Fridays and 8:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.**

**Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework, Core Strategy (2007) policy KP2 and CP4, and Development Management Document (2015) policy DM1.**

- 17 The proposed site clearance and construction works shall be carried out to comply with the recommendations set out in Section 6 of the Ecology Report by SES dated August 2016 in full. This includes undertaking a Bat Survey and implementing any associated mitigation measures or other recommendations thereafter.**

**Reason: To ensure that the development does not have an adverse impact on the biodiversity of the environment in accordance with the wildlife Act, National Planning Policy Framework and Development Management Document (2015) Policy DM3.**

- 18 No development shall take place until a site investigation of the nature and extent of land contamination 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. The site shall be remediated in accordance with the approved measures before the construction of the new houses 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 dwellings are 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 in accordance with Development Management Document (2015) policy DM14.**

**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.**

## 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](http://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.