

Reference:	18/00076/FUL
Ward:	Victoria
Proposal:	Demolish existing buildings and erect nine dwellings comprising of six terraced houses, two semi-detached houses and one detached house, layout 9 parking spaces, cycle store to rear, layout bin stores to front and install vehicular access on to Sutton Road (Amended Proposal)
Address:	423-425 Sutton Road, Southend-On-Sea, Essex
Applicant:	Trafalgar Traditional Homes
Agent:	Knight Gratrix Architects
Consultation Expiry:	01.03.2018
Expiry Date:	05.04.2018
Case Officer:	Janine Rowley
Plan Nos:	020 Revision E; 021; 022 Revision E; 023 Revision F; 024 Revision D; 025 Revision B; 026 Revision B
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 The application seeks planning permission for the demolition of the existing buildings at the site and the erection of a terrace of 6 houses, a pair of semi-detached houses and a detached dwelling at the rear of the site, served by a parking court that would be accessed from Sutton Road.
- 1.2 The block of six terraced houses would be provided at the south part of the site, measuring a total of 33m wide, 12.2m deep and 8.9m high. A gap of 4.2 metres would be provided to the south of that terrace to provide the access into the site and to the south of that would be a pair of semi-detached houses with a total width of 11.1m, 12.2m deep and 8.9m high.
- 1.3 At the rear of the site would be a parking court that would feature 9 parking spaces and a secure cycle parking area. In the sites south west rear corner a detached dwelling would also be provided 5.8 metres wide and 11 metres deep with a pitched roof built to an eaves height of 4.3 metres and a maximum height of 7.2 metres.
- 1.4 The private rear amenity areas to serve the six house terraced block would range between 42sqm and 60sqm. The north two semi-detached dwellings would have rear gardens measuring between 40sqm to 50sqm and the detached dwelling to the rear of the site would have a 45sqm garden area.
- 1.5 The internal floorspace of each of the terrace and semi-detached dwellings fronting Sutton Road is some 150sqm set over three floors including three bedrooms (5 bed spaces). The detached dwelling to the rear has an internal floorspace of 120sqm set over two floors and two bedrooms (4 bed spaces).
- 1.6 The design of the dwellings is contemporary with simple gable roof forms, glazing and the use of render, brickwork and timber cladding for the external elevations. At the front of each dwelling would be a small front garden enclosed by a low wall and railings, with space shown for the storage of refuse. A canopy/pergola would be provided at the frontage of each dwelling.
- 1.7 This application has been submitted following the refusal of application 17/00163/FUL, to erect nine dwellings and layout vehicle access that was refused planning permission for the following reasons:
 1. *“The dwellings hereby proposed would not be served by external amenity space of adequate quality or quantity and would therefore result in a poor standard of accommodation for future occupiers. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2012), Southend-on-Sea Development Management Document (2015) Policies DM1, DM3 and DM8 and the advice contained within the Council’s Design and Townscape Guidance (2009)”.*
 2. *“The proposed access would be in close proximity to a traffic island within the public highway and it has not been demonstrated to the satisfaction of the Local Planning Authority that the access would be able to be safely used without impacting harmfully on pedestrian and highway safety. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2012), Southend-on-Sea Core Strategy (2007) policies KP2 and*

CP3 and Southend-on-Sea Development Management Document (2015) policies DM1, DM3 and DM15”.

3. *“The proposed access would conflict with an existing street tree and would be likely to result in damage to or removal of the tree to the detriment of the streetscene and general character of the area. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2012), Southend-on-Sea Core Strategy (2007) policies KP2 and CP4, Southend-on-Sea Development Management Document (2015) policies DM1 and DM3 and the advice contained within the Council's Design and Townscape Guidance (2009)”.*

1.8 An appeal following refusal of the above application was dismissed (reference: 3178645) and will be discussed further within the Appraisal section of this report. The main conclusions of the appeal decision by the Inspector were that:

- The size of the three bedroom properties suggests they would be occupied by families.
- The outdoor amenity space serving the three bedroom properties is small and not useable.
- The amenity space for the two bedroom house is sufficient given fewer occupants as it was only two bedrooms.
- Prospective occupiers would not enjoy satisfactory living conditions, having particular regard to the suitability of the external spaces.
- Proximity of the proposed access to the traffic island in the middle of the road would result in harm to highway safety.
- The proposed access would be located close to the larger of the two street trees and this proximity could result in its loss or significant damage, such that it would harm the tree, resulting in an adverse effect on the character and appearance of the area.
- The design of the development would reflect other contemporary forms of development in the surrounding area.

1.9 The main changes in the current proposal from the previously refused planning application and subsequent appeal include:

- Siting of the vehicle access is moved to the north of the mature street tree and away from the traffic island;
- Applicant has agreed to replace on a two for one basis the loss of the semi-mature street tree;
- 12 parking spaces reduced to 9 parking spaces reducing the coverage of the site by using an echelon parking arrangement (angled arrangement rather than conventional linear layout);
- A proposed row of six terraced properties to the south, a pair of semi-detached houses to the north and a detached property to the rear compared to the previously refused scheme, which included a terrace block of three properties to the south and a terraced block of 5 units to the north and a detached dwelling to the rear.
- Amenity space increased from 31sqm to 43sqm and from 40sqm to 60sqm for the terrace and semi-detached dwellings compared with the previous proposal. The detached dwelling amenity space has reduced from 55sqm to 45sqm.

- 1.10 The principle of demolishing the existing buildings, the design and scale of the dwellings and impact on the surrounding residential occupiers has been previously considered acceptable.

2 Site and Surroundings

- 2.1 The site is located to the west of Sutton Road. The site contains a part two storey, part single storey building with a Class B1 use that has a floorspace measuring 1214 square metres.
- 2.2 The site is not the subject of any site specific planning policy designations but is included within the Southend Central Area, defined by the Southend Central Area Action Plan.

3 Planning Considerations

- 3.1 The main considerations in the determination of this application are the principle of the development, design and impact on the streetscene, impact on residential amenity of neighbouring residents, the standard of accommodation for future occupiers, traffic and highways issues, sustainability and whether the proposal has overcome the reasons for refusal of previous application 17/00163/FUL and the subsequently dismissed appeal.

4 Appraisal

Principle of the Development

National Planning Policy Framework (2012), Core Strategy (2007) Policies KP1, KP2, CP1, CP2, CP4 and CP8; Development Management Document (2015) Policies DM1, DM3, DM7, DM10 and DM11, Southend Central Area Action Plan (2018)

- 4.1 Policy CP8 identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough. Policy CP8 also expects 80% of residential development to be provided on previously developed land. From this basis, it is considered that the principle of undertaking residential development at this site should be supported, subject to the following detailed considerations. This is especially the case given that one of the 12 core principles of sustainable development that are identified within the National Planning Policy Framework is to *“promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas.”*
- 4.2 Policy CP1, of the Core Strategy, states that permission will not be granted for proposals involving the loss of business uses unless this would bring clear benefits. These benefits could include the creation of jobs, the extinguishment of a use which is incompatible with the amenity of the area or when the premises are no longer suitable for industrial or warehouse use. It should also be noted that the NPPF outlines the commitment of the Government to the promotion of a strong stable and productive economy.

- 4.3 The proposal would result in the loss of land capable of supporting employment generating uses within the borough. There is a limited amount of employment land, and it is the policy of the Council to protect such uses unless evidence can be provided that the business use has been marketed and found to be no longer viable.
- 4.4 Policy CP1 also states that this will only be allowed when the proposal clearly demonstrates it will contribute to the objectives of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and contribution to the local area. Moreover, policy DM11 states at section 5:

Outside the Employment Areas (Policy Table 8), proposals for alternative uses on sites used (or last used) for employment purposes, including sites for sui-generis uses of an employment nature, will only be permitted where it can be demonstrated that:

- (i) it will no longer be effective or viable to accommodate the continued use of the site for employment purposes***; or*
(ii) Use of the site for B2 or B8 purposes gives rise to unacceptable environmental problems.

It will need to be demonstrated that an alternative use or mix of uses will give greater potential benefits to the community and environment than continued employment use.

The application site lies outside the defined Employment Areas.

- 4.5 The principle of the loss of employment use on this site has been previously accepted under application 17/00163/FUL which was not refused permission on these grounds and it is not considered that there have been any material changes in the site circumstances or policy which would warrant a different approach being taken on the current proposal.
- 4.6 The applicant has previously justified the loss of employment land and within application 17/00163/FUL this was balanced against the benefits of securing new housing. The subsequent appeal did not find any objection to that position. Therefore, on balance, this amended proposal is similarly found acceptable in principle in terms of the loss of the existing use and the introduction of a residential use and is considered to be policy compliant in that regard.

Design and Impact on the Character of the Area:

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), Southend Central Area Action Plan (2018)

- 4.7 The National Planning Policy Framework states that *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*.

- 4.8 In the Council's Development Management Document, Policy DM1 states that development should *"add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."*
- 4.9 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.
- 4.10 The Design and Townscape Guide states that *"The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant... the easiest option is to draw reference from the surrounding buildings."*
- 4.11 Sutton Road features a variety of development and land uses ranging from two storey residential dwellings, blocks of flats of up to 5 storeys, large commercial units and small retail units and institutional buildings. Accordingly there is no fixed architectural styling to the area and any consistencies that may have existed in the past have been significantly eroded.
- 4.12 It is noted that the main part of the proposed development at the Sutton Road frontage would generally align with the staggered alignment of the approved development at 427 Sutton Road and the church buildings next door, albeit with the porches/canopies and gable ends projecting further forward. It is considered that the building line of the proposed development is acceptable. The provision of lightweight porches forward of the building line would not result in those features becoming unduly prominent.
- 4.13 The two storey height and scale of the proposed development satisfactorily relates to the streetscene and surrounding area. The design of the elevations fronting Sutton Road is suitably proportioned and detailed. Each dwelling would have a simple gable roof design which is well considered with good detailing and well scaled fenestration which creates a rhythm contributing positively to the appearance of the streetscene. The proposed detailing breaks up the overall form of development appropriately. Details of materials can be dealt with by condition.
- 4.14 The proposed dwelling at the rear of the site would have a backland setting that is not entirely in-keeping with the general grain of development within the surrounding area. However, it is considered that this dwelling would not appear cramped in its siting and would be masked from the public domain. It would have an appearance that replicates the character of the other dwellings proposed at the site and which has been previously accepted under application 17/00163/FUL. Whilst the scale would be reduced in comparison to the other dwellings of the area, it is considered that this would not result in the dwelling being harmfully underscaled and would not cause material harm to the character of the site or the surrounding area.

- 4.15 Unlike the previously refused application 17/00163/FUL, the development has been arranged to show the retention of the existing mature street tree at the frontage of the site and loss of the semi-mature tree for the new vehicle access to the rear of the site. When considering the appeal the Inspector at paragraph 12 stated:

“There are two trees within the pavement on Sutton Road outside the site. There are limited numbers of trees visible in the street scene, such that they make a significant contribution to the character and appearance of the area. The proposed access would be located close to the larger of these trees and this proximity could result in its loss or significant damage, such that it would harm the tree”.

- 4.16 The current proposal would allow for retention of the main street tree but would result in the loss of a semi-mature tree. Following discussions between the applicant and the Council Arboricultural Officer, no objections are raised to this as the applicant has agreed to pay a commuted sum and replace the lost tree on a two for one basis. This could be controlled by condition as can further details of how the mature tree will be protected during construction.
- 4.17 The layout of this amended proposal has been altered to address the previous reasons for refusal. The changes have resulted in a reduction of parking spaces. The parking arrangement now uses echelon parking (angled arrangement) and the resiting of the vehicle crossover away from the traffic island and mature street tree and has overcome the previous reasons for refused application 17/00163/FUL.
- 4.18 The proposal is considered to be appropriately scaled for this location and adequately designed and detailed from an aesthetic perspective and is therefore considered to be acceptable and policy compliant in these respects.

Traffic and Transport Issues

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2, CP4, CP3; Policy DM15 of the Development Management Document (2015), the Design and Townscape Guide (2009)

- 4.19 As the site is located within the Southend Central Area, Policy DM15 states that each dwelling should be served by one parking space. The proposal complies with this requirement, providing adequate parking for all nine dwellings and is therefore in accordance with the development plan. A location for cycle parking is shown on the submitted plan which addresses the requirements of Policy DM15. This can be controlled by condition.
- 4.20 The site has good connections to local bus routes and a train station within walking distance and all other facilities required for day-to-day living within walking distance of the site. As such it is considered that the site is a sustainable location for residential development.
- 4.21 Previously under refused application 17/00163/FUL and the subsequent dismissed appeal an objection was raised on the grounds that the proposed access would be likely to impinge on the root protection zone of the street tree in front of the site and on the grounds that the traffic island within the highway that is used to aid pedestrians crossing the busy Sutton Road, would prevent safe egress from the site in its current location.

- 4.22 This amended application seeks a 4.2m wide vehicle crossover to the north of the existing mature tree and away from the traffic island to the south. Whilst the proposal will result in the loss of a semi-mature tree, which has amenity value, the applicant has agreed a two for one replacement and this has been conditioned. The Councils Highway Officer has raised no objection on this basis.
- 4.23 In light of the above, no objection is raised to the development on transport and highways grounds and the proposed development is considered acceptable and satisfies the policies detailed above in these respects.

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)

- 4.24 Policy DM1 of the Development Management Document 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.”*
- 4.25 To the west of the application site are the rear gardens of dwellings in Glenhurst Road and Oakhurst Road. The proposed terraced dwellings would be 17 metres from the west boundary of the application site, leaving a gap of 40 metres between the ground floor of the dwellings at the frontage of the site and the rear of dwellings in Glenhurst Road and 23.4 metres between the detached dwelling and those dwellings. A gap of 23 metres would exist between the side elevation of the detached dwelling and the rear elevation of the Glenhurst Road dwellings and 46 metres between the front elevation of the detached dwelling and the closest Oakhurst Road dwelling.
- 4.26 Due to the separation distances and the comparatively low height of the detached dwelling, it is considered that the proposed development would not cause an unacceptably harmful loss of light within the properties of Oakhurst Road and Glenhurst Road or have a harmful impact on outlook or sense of enclosure.
- 4.27 It is noted that redevelopment to form residential properties has been approved at the Crown Secretarial College site to the south of the application site and is currently under construction (16/01503/FULM). In that case, there is a separation distance of 35 metres between the proposed and existing residential properties. In the case of the current proposal a 45 metre gap would exist between the rear elevations of the upper floors of the proposed dwellings. It is considered that the impact on the privacy of neighbouring residents would be acceptable.
- 4.28 The proposed detached dwelling would be positioned 6.5 metres from the boundary shared with the Crown Secretarial College site. The approved plans for that development show that the access to the development would run adjacent to the shared boundary and the parking court would be provided under the building and at the rear of the site in the area adjacent to the boundary. Due to this and the orientation of the proposed detached dwelling at the rear of the site it is considered

that the proposed development would not cause material overlooking of residential properties within that neighbouring site.

- 4.29 The submitted plans acknowledge the planning permission (14/00029/FUL) that has been granted at 427 Sutton Road. It appears that the permission at that site has now expired. The previously approved development would have featured no windows in the south elevation except for two bathroom windows and should future development proposals be submitted it is considered that the design and impact could similarly be mitigated to address the site constraints. Due to the amended position of the detached dwelling at the rear of the site it is considered that element of the current proposal would have no significant prejudicial impact on the potential future development of 427 Sutton Road.
- 4.30 In light of the above, is not considered that the proposed development would be detrimental to the amenities of neighbouring occupiers and satisfies the policies detailed above in this regard.

Standard of Accommodation:

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

- 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”*.
- 4.32 The National Technical Housing Standards require minimum property sizes for residential units shall provide an internal floorspace of 79sqm for a 2 bedroom (4 persons) house over two floors and 99sqm for a 3 bedroom (5 person unit) over three floors. The submitted plans illustrate the floorspaces would equate to approximately 150sqm for the three bedroom (5 persons) units and 120sqm for the two bedroom (four person) unit. Officers have calculated the floorspaces scaled from drawing 026 B as 128sqm for the 3 bedroom (5 person) units fronting Sutton Road and 107sqm for the detached dwelling to the rear of the site both of which exceed the standard.
- 4.33 Bedrooms are shown to be of a size that comply with the abovementioned standards and cycle and refuse storage facilities are provided at the site. It is considered that the proposed development will provide convenient, useable and effective room layouts with satisfactory outlook and levels of natural light. The applicant has confirmed the new development will meet part M4 (2) in accordance with Building Regulations and this can be controlled by condition.
- 4.34 In paragraph 5 of the appeal decision, the previously refused application for 9 dwellings was not considered to have sufficient amenity space for the three bedroom properties. The Inspector stated:

“The size of the terraced houses with three bedrooms suggests that they are likely to be occupied by families. Usable outside amenity areas would be necessary to meet the needs of those occupants. The outside amenity areas proposed would be

accessed and visible from the main living accommodation and mainly rectangular in shape, but would be small. I consider that the size of the space proposed would mean the space would not be usable, so would not adequately meet the needs of family occupiers of these dwellings”.

- 4.35 The amended site layout now provides 42sqm to 60sqm for the row of six terraced properties to the south of the site, 40sqm to 50sqm for the pair of semi-detached properties to the north and 45sqm for the detached property to the rear of the site. This amount and layout of amenity space is considered sufficient and useable for future occupiers of the dwellinghouses proposed.
- 4.36 Given the positioning of the access to the neighbouring development currently under construction it would be in the interests of the future occupants of the proposed development for an acoustic fence to be provided at the south boundary of the application site. This can be secured through a condition.
- 4.37 It is found that the proposed development when considered in the round will provide an acceptable standard of accommodation and is therefore policy compliant in these regards.

Sustainable Construction

National Planning Policy Framework (2012); Core Strategy (2007) Policy KP2; Policy DM2 of the Development Management Document (2015) and the Design and Townscape Guide (2009)

- 4.38 Paragraph 97 of the National Planning Policy Framework states that Local Authorities should promote energy from renewable sources. Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources. Policy DM2 of the Development Management Document requires new development to be energy and resource efficient.
- 4.39 No details of renewable energy have been submitted with the application; however this can be controlled by condition.
- 4.40 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, this can be dealt with by condition.
- 4.41 Therefore, subject to appropriate conditions to ensure policy compliance the renewables and water consumption implications are acceptable.

Other Issues

Landscaping

- 4.42 Applications for new buildings will be required to respect existing trees and planted areas. Any trees to be retained would require protection during construction. The removed street tree will be replaced on a two for one basis. These matters can be controlled by condition together with the requirement for full details of the planting for the rear of the site.

Permitted Development Rights

- 4.43 Given the limited size of the plots created, any alterations/extension of the dwellings otherwise allowed by the General Permitted Development Order 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. A condition securing this is attached.

Community Infrastructure Levy

- 4.44 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The application site is located within Zone 1 therefore a CIL rate of £24.08 per sqm is required for the proposed development. The proposed development equates to 1270sqm of residential floorspace which may equate to a CIL charge of approximately £30,577.69 (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.

5 Conclusion

- 5.1 Having taken all material planning considerations into account, it is found that subject to compliance with the proposed conditions the development would be acceptable and compliant with development plan policies and guidance. The proposed development by reason of its design and scale, would make a positive contribution to the streetscene maintaining the character and appearance of the locality while providing adequate amenities for future occupiers, respecting the amenities of neighbouring properties and not resulting in any unacceptable parking or highways impacts. The application is considered on balance to have overcome the reasons for refusing the previous application and is therefore recommended for approval.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2012)
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and CP8 (Dwelling Provision)

- 6.3 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), DM7 (Dwelling Mix), DM8 (Residential Standards), DM11 (Employment Promotion), DM15 (Sustainable Transport Management)
- 6.4 Community Infrastructure Levy Charging Schedule
- 6.5 Design & Townscape Guide (2009).
- 6.6 National Technical Housing Standards 2015
- 6.7 Southend Central Area Action Plan (SCAAP) (2018)

Representation Summary

Design and Regeneration Team

- 7.1 No objections.

Highway Authority

- 7.2 Consideration has been given to the previous use and the transport movements associated with B1 use. The proposal will represent a reduction in vehicle movements within the local area. 100% parking has been provided for the 9 dwellings with 9 secure cycle spaces. The rear parking area provides sufficient spaces to enable vehicles to manoeuvre and exit in a forward gear. One tree will be removed and replaced with 2 trees. The position of the proposed access does not interfere with any existing street furniture and is considered acceptable.

Therefore no highway objections are raised.

Aboricultural Officer

- 7.3 There are two Highway trees to the front of the existing property, but only one showing on the proposal plan, Drawing no. 020 rev. E.

Further details are required for the removal of the Council's tree to achieve this proposal, to mitigate the loss of the tree and how the applicant proposes to protect the remaining tree from any effects of the development. This information should include the presence of any service runs through the Root Protection Area of the tree. **[Officer Comment: This can be controlled by condition and the applicant has agreed to replace the loss of the tree on a two for one basis]**

Any existing trees and whether the trees can be retained during the construction of the development including new tree planting shall be submitted to the Council **[Officer Comment: A tree survey and tree protection measures would be controlled by condition].**

Environmental and Greenspace Officer

- 7.4
1. The tree to be retained currently present on the B1015 road outside the footprint of the development needs to be protected during the construction phase.
 2. The proposals will result in the loss of a tree along the main road, to the front of the property. A commuted sum of £1,000 per tree (£2,000 for 2 replacement trees) to replace the lost tree on a 2-for-1 basis at a location to be determined by our Arboricultural team.

[Officer Comment: The applicant has confirmed agreement to replace the semi-mature existing tree on a two for one basis and this could be controlled by condition]

Public Consultation

- 7.5 38 neighbouring properties were notified of the application and a notice was posted at the site on the 8th February 2018. Nine letters of representation have been received (6 support and 3 objections) commenting as follows:

Comments made in support:

- Houses in keeping with the surroundings
- Suitable parking provision
- New proposal takes into account Councils previous concerns
- Housing developments more favoured than more flats
- Family housing welcomed

Summary of objections;

- Overdevelopment in area with lack of investment into infrastructure
- Lack of parking, one space per household not sufficient and burden on surrounding roads
- Lack of useable amenity space
- Vehicle access would affect users of the highway and traffic island
- Parking restrictions in the area
- Building too high
- Loss of light
- Loss of privacy
- Overlooking
- Bats roosting in existing building
- The numbers of flats already within Sutton Road and in the surrounding area including Kenway, along Victoria Avenue, Station Road, Carnarvon Road Driving around Southend is a nightmare particularly during peak times and the Council should oppose this application until the roads can cope.

These concerns are 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.

This application is for single family dwellings rather than flats, sufficient parking is provided in accordance with planning policy and no objections have been raised by the Councils Highways Officer.

7.6 Councillor Borton has requested this application be dealt with by Development Control Committee.

8 Relevant Planning History

8.1 Demolish existing buildings and erect nine dwellings comprising of, eight terraced houses, one detached house, layout 12 parking spaces, cycle store to rear, layout bin stores to front and install vehicular access on to Sutton Road (Amended Proposal)- Refused (17/00163/FUL). Appeal dismissed (reference: 3178645).

8.2 Demolish existing buildings and erect nine dwellings comprising of, seven terraced houses, one detached house and one maisonette, layout 12 parking spaces and cycle store to rear and layout bin stores to front- Refused (16/01308/FUL)

8.3 Convert first floor of warehouse (Class B8) into one self-contained flat (Class C3)- Granted (00/00545/FUL)

8.4 Demolish part of building lay out additional parking and use warehouse as cash and carry wholesale warehouse (Class B8) (Relaxation of condition 01 on planning permission 83/0524 dated 21st June 1987 prohibiting cash and carry sales)- Granted (94/0378)

8.5 Demolish part of building lay out additional parking and use warehouse as cash and carry wholesale warehouse (Class B8) (Relaxation of condition 01 on planning permission 83/0524 dated 21st June 1987 prohibiting cash and carry sales)- Granted (94/0066)

9.1 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: Location Plan; Site Location Plan; 020 Revision E; 021; 022 Revision E; 023 Revision F; 024 Revision D; 025 Revision B; 026 Revision B.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence other than for groundworks and site preparation works unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings at the site including facing materials, roof detail, windows, doors, balustrading, fascia, soffits, pergola canopy detail and forecourt area have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved materials and drawings before any of the

dwelling hereby approved are first occupied.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009). Given the nature of the development propose, the details sought and the objectives of the condition it is fundamental that information required is provided prior to the commencement of any development.

- 04 No site clearance, preparatory work or development of any kind shall take place until a scheme for the protection of the trees adjacent to the site in Sutton Road and an Arboricultural method statement for the protection of the trees in accordance with British Standard BS5837 - Trees in Relation to Construction - Recommendations has been submitted to and agreed in writing by the local planning authority.**

The approved protection measures shall be fully installed before the commencement of works and maintained during construction. The development shall be implemented in full accordance with the approved statement, measures and methods.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of tree protection, 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 (2009).

- 05 No development shall commence unless and until measures to secure the provision of two appropriate (in terms of size, species and location) new street trees have been submitted to the local planning authority and approved in writing. The dwellings hereby approved shall not be occupied until the two new street trees have been provided in accordance with the measures approved under this condition.**

Reason: A pre commencement condition is need in the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 06 Notwithstanding the details shown on the plans submitted no development shall take place other than demolition ground and site preparation works until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification, the staking of trees and removal of the stakes once the trees are established; details of measures to enhance biodiversity within the site; details of the treatment of all hard and soft surfaces (including any earthworks to be carried out) and all means of enclosing and subdividing the site.**

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 07 All planting in the approved landscaping scheme shall be carried out within the first available planting season following first occupation of the development. 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. Hard landscaping and means of enclosure shall be implemented in full accordance with the approved scheme prior to occupation of any of the new dwellings.**

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 08 The development shall not be occupied until 9 on site car parking spaces have been provided in full accordance with drawing 022 E, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter solely 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 DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

- 09 Prior to the first occupation of any of the dwellinghouses hereby approved, cycle and refuse and general storage shall be provided and made available for use in accordance with the details shown on plan 022 E and shall be retained as such in perpetuity.**

Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with policies DM3, DM8 and DM15 of Development Management Document (2015).

- 10 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 and implemented in full prior to the first occupation of any part of the development. This provision shall be maintained for the lifetime of the development and in accordance with the agreed details.**

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007) and the Design and Townscape Guide (2009).

- 11** Prior to first occupation of any 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 the local planning authority, approved in writing and installed in accordance with the approved details. The approved measures shall 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 (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Councils Design and Townscape Guide (2009).

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

Reason: To safeguard the design and appearance of the proposed development in the interest of visual amenities of the locality in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

- 13** The development hereby approved shall be carried out in a manner to ensure compliance with Building Regulation part M4 (2) 'accessible and adaptable dwellings', before it is brought in to use or occupied.

Reason: To ensure the residential units hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework, Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and Design and Townscape Guide (2009).

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

Reason: In order to protect the amenities of surrounding occupiers and to protect the character the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 15** The rear flat roof projections of the dwellings hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other similar purpose. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 16** Prior to occupation of any part of the development, details of an acoustic fence, to be erected along the southern boundary of the site, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried only in accordance with the agreed details prior to occupation of the dwellings and shall be permanently maintained as such thereafter.

Reason: To protect the environment of future occupiers, in accordance with the National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 17** Other than the demolition, grubbing up of foundations and site clearance, no development shall take place until a site investigation of the nature and extent of any land contamination present 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 construction 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 any construction begins. The site shall be remediated in accordance with the approved remediation measures before the development hereby approved is occupied and evidence to demonstrate that the remediation has taken place shall be submitted in writing to the Local Planning Authority before the development is occupied.

If, during the course of development, any contamination is found which has not been identified in the site investigation, development shall stop and 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 and these shall be fully implemented before the site 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 Controlled Waters in accordance with Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

Informative

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

You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development.

Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend

- 02** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

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.