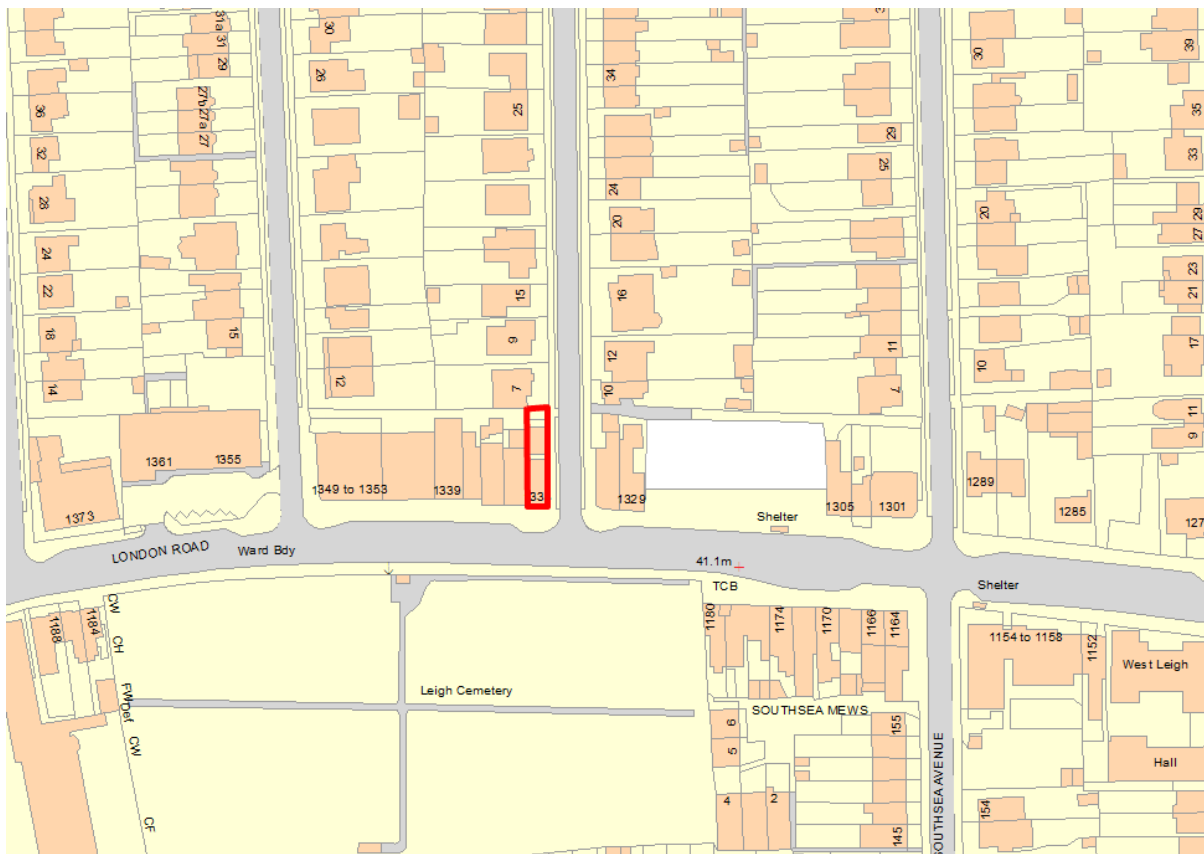


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|----------------------|---|--|
| Reference: | 19/01441/FUL | |
| Application Type: | Full Application | |
| Ward: | Belfairs | |
| Proposal: | Erect two storey rear extension to form dwelling (Class C3), install balconies to side, alter elevations, layout garden space with associated bin and bike stores | |
| Address: | 1333 London Road, Leigh-On-Sea, Essex | |
| Applicant: | Mr M Saunders | |
| Agent: | Mr Alan Gloyne of SKArchitects | |
| Consultation Expiry: | 10 th September 2019 | |
| Expiry Date: | 7 th October 2019 | |
| Case Officer: | Janine Rowley | |
| Plan Nos: | 493-P01; 493-P04 Revision A | |
| Recommendation: | GRANT PLANNING PERMISSION | |



1 Site and Surroundings

- 1.1 The site contains an existing two storey building with a commercial unit to the ground floor front of the site and residential flats to the rear of the ground floor and at first floor level (the lawful use of the commercial unit to the front of the site is for Class A1 retail purposes). The site is located on the northern side of London Road at its junction with Tankerville Drive. Opposite the site is Leigh Cemetery and the surrounding area to the east and west of the site contains commercial premises to the ground floor with residential flats above. To the rear of the site is Tankerville Drive, characterised by two storey residential properties. There are street trees within Tankerville Drive.
- 1.2 The site is not the subject of any site specific policy designations.

2 The Proposal

- 2.1 Planning permission is sought to erect a two storey extension to the rear, to convert the extended structure to a dwelling, install balconies to side, alter elevations, and layout garden space with associated bin and bike stores.
- 2.2 During the course of this application the description has been amended together with revised plans received substituting an initially proposed and undersized car park space with a new garden area to serve the dwelling.
- 2.3 The proposed two storey extension would have a depth of some 8.5m, a width of some 5.3m and a height of some 7.6m-7.8m due to the varying site levels. The extension has been designed with a dual pitched roof and the design contains traditional elements. A first floor balcony serving the bedroom is proposed on the eastern elevation measuring some 3sqm. A Juliette balcony is proposed to the eastern elevation serving the bedroom at first floor and the lounge/diner to the ground floor. The rear garden amenity space is 12.6sqm.
- 2.4 Cycle and refuse storage is provided to the rear/side accessed via the existing Tankerville Drive vehicle access serving the commercial properties fronting London Road.
- 2.5 The proposed development would provide a 2 bedroom, 3 person unit set over two floors measuring 70sqm. The double bedroom is 14.6sqm sufficient for 2 persons and the single bedroom measures 9.2sqm.
- 2.6 The application follows a previous approval of 19/00089/FUL to convert part of ground floor storage to rear (Class B8) and erect first floor rear extension to form a one single bedroom self-contained flat (Class C3) with balconies to the side, alterations to the elevations and laying out a parking space.
- 2.7 There are a number of previous refusals as detailed in Section 3 of this report. Application reference 18/00903/FUL was to convert part of ground floor storage to rear (Class B8) and erect a first floor rear extension to form one self-contained flat (Class C3) with balcony to side, layout parking space and install vehicular access on to Tankerville Drive. The residential unit was set over two floors and contained two bedrooms with 4 bed spaces in total. The application was refused planning permission for the following reasons:

1. *“The proposed development by reason of its poor design, height, size, scale, bulk and poor relationship with the existing building would appear out of keeping and*

incongruent in its setting and would therefore result in demonstrable harm to the character and appearance of the site, streetscene and wider area. This is contrary to the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009)”.

2. “The proposed development would, by reason of the limited internal size of the dwelling, result in poor quality living environment for future occupiers. This would be contrary to National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3 and DM8 of the Development Management (2015) and National Technical Housing Standards (2015)”.

2.8 A subsequent appeal (APP/D1590/W/18/3214270) in 2019 was dismissed by the Planning Inspector. In dismissing that appeal, the Inspector upheld the second reason for refusal, concluding ‘*future occupiers of the proposed dwelling would not have satisfactory living conditions having particular regard to the size of the dwelling and outdoor amenity space.*’ The Inspector did not uphold the Council’s first reason for refusal, concluding that ‘*the proposal would not harm the character and appearance of the area.*’ A copy of that appeal decision is at Appendix 1 to this report.

2.9 More recently planning application reference 18/01781/FUL sought to convert part of the ground floor storage area to the rear and to erect a first floor rear extension to form one self-contained flat containing one single bedroom with balconies to the side, alter the elevations and lay out a parking space. This application was refused for the following reason:

“The proposed development would, by reason of the limited internal size of the dwelling proposed, result in a poor quality living environment for future occupiers. This is unacceptable and would be contrary to National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the National Technical Housing Standards (2015)”.

2.10 The difference between the above application and the current proposal is that this application relates to a dwelling set over two floors with two bedrooms (three bed spaces) rather than one flat with one bedroom (one bed space) and that the current proposal has more private amenity space

2.11 There are a number of previous refusals for larger developments, as detailed in the planning history section of this report. Following a 2016 prior approval 16/02245/PA3COU, one ground floor studio flat has been implemented which changed the use of part of the ground floor shop (Class A1) to one self-contained flat. There is also an existing second floor flat within the main building with some 60sqm of internal floorspace.

2.12 A separate current planning application 19/01331/FUL for an alternative scheme seeks to erect a two storey rear extension to form two one bedroom (one bed space) self-contained flats, install balconies to side and alter elevations. That is pending consideration.

3 Relevant Planning History

3.1 19/01331/FUL- Convert rear of ground floor from storage (Class B8) to one self-contained

flat (Class C3), erect first floor extension to rear to form one self-contained flat, install balconies to side and alter elevations- Pending consideration.

- 3.2 19/00089/FUL- Convert part of ground floor storage to rear (Class B8) and erect first floor rear extension to form one self-contained flat (Class C3) with balconies to side, alter elevations and layout parking space (Amended Proposal)- Planning permission granted.
- 3.3 18/01781/FUL - Convert part of ground floor storage to rear (Class B8) and erect first floor rear extension to form one self-contained flat (Class C3) with balconies to side, alter elevations, layout parking space and install vehicular access on to Tankerville Drive (Amended Proposal) – Planning permission refused.
- 3.4 18/00903/FUL - Convert part of ground floor storage to rear (Class B8) and erect first floor rear extension to form one self-contained flat (Class C3) with balcony to side, layout parking space and install vehicular access on to Tankerville Drive – Planning permission refused and appeal dismissed.
- 3.5 17/01703/FUL - Erect three storey rear extension, form third floor to form five self-contained flats, alter elevations, layout parking and bin store and form vehicular access onto Tankerville Drive (Amended Proposal) – Planning permission refused.
- 3.6 17/00303/FUL - Erect part three/part four storey rear extension, form third and fourth floors to form six self-contained flats, alter elevations, layout parking and bin store and form vehicular access onto Tankerville Drive – Planning permission refused.
- 3.7 16/02245/PA3COU - Change of use of part of ground floor shop (Class A1) to one self-contained flat (Class C3) (Prior Approval) - Prior approved granted.
- 3.8 02/00969/FUL - Erect single storey rear extension, lay out one parking space to rear and erect 1.8 metre high timber fence to side boundaries – Planning permission granted.

4 Representation Summary

4.1 Public Consultation

9 neighbouring properties were consulted and a site notice was displayed. 16 letters of objection have been received including following renotification of revised plans stating:

- Design and visual impact unacceptable
- Neighbour amenity impacts
- Overdevelopment
- Insufficient provision for waste storage and recycling
- No parking and inadequate parking
- Pressure on impact on highway safety and highway network
- Increased congestion
- Vehicle access should remain to serve properties in London Road
- Too many flats along London Road
- Vehicle access to the rear needs to be retained for commercial premises fronting London Road
- Poor quality of living for future and existing residents
- Should be conditioned to be a 2 bedroom flat not made into two flats
- Overlooking

- Not in keeping with the streetscene and location of the area
- Building over property boundary
- Successive nature of applications
- Cycle provision insufficient offset for no parking
- Nature of previous building works
- Impact on local infrastructure including sewerage

A letter of objection has been received from Sir David Amess objecting to the proposal on behalf of an existing resident to overdevelopment of the site.

The concerns raised are noted and they have been taken into account in the assessment of the proposal. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case. Where appropriate, these issues are discussed in greater detail in subsequent sections of this report.

4.2 Leigh Town Council

Objection. Overdevelopment. No parking.

4.3 Highways Team

No objections.

4.4 Environmental Health

No objections.

4.5 Councillor Aylen has requested this application be dealt with by Development Control Committee.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), Policy CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and CP8 (Dwelling Provision)

5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM8 (Residential Standards) and DM15 (Sustainable Transport Management)

5.4 Design & Townscape Guide (2009)

5.5 National Technical Housing Standards (2015)

5.6 CIL Charging Schedule (2015)

6 Planning Considerations

6.1 The main considerations in relation to this application are the principle of development, design and impact on the streetscene and impact on neighbouring occupiers, standard of accommodation for future occupiers, parking and highways impacts, sustainability and community infrastructure levy and whether this proposal has overcome the reason for

which planning application 18/00903/FUL was refused and the subsequent appeal dismissed.

7 Appraisal

Principle of Development

- 7.1 Paragraph 117 of the NPPF states *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*
- 7.2 Paragraph 124 of the NPPF states; *"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this."*
- 7.3 Policy DM3 of the Development Management Document states: *"Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:*
- (i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building and ensures successful integration with it; and*
 - (ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*
 - (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area."*
- 7.4 Whilst the description states that the development would result in the change of use of a B8 use, it is considered that the rear storage area to the ground floor is ancillary to the commercial use of the ground floor (the authorised use for which is retail) and is not a separate B8 use. Therefore, consistent with the basis of the decision on the previously refused application, and the findings of the appeal Inspector, there is no requirement to consider the principle of loss of a separate employment generating B class use under Policy DM11.
- 7.5 The provision of an additional dwelling is considered acceptable in principle, subject to compliance with other relevant planning policies and guidance. Furthermore, the principle of the development was considered acceptable at the time of the previous applications and it is not considered that there are any new material considerations or policies which alter this conclusion.
- 7.6 There is no objection in principle to the introduction of residential accommodation and extending the building, subject to the proposals assessment against the material planning considerations detailed below.

Design and Impact on the Character of the Area

- 7.7 Paragraph 124 of the NPPF states *"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design*

is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations and how these will be tested, is essential for achieving this”.

- 7.8 Policy KP2 of the Core Strategy advocates the need for all new development to “*respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design*”. Policy CP4 of the Core Strategy states “*development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development*”.
- 7.9 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 7.10 London Road is generally characterised by a fine grain of traditional buildings, mostly of two storeys abutted together to form terrace blocks. The buildings are of mixed designs but within the individual street blocks is an element of consistency in style although there are, in places, variations in the heights of the buildings. Despite this mix of styles and heights, the fine grain of the buildings is a key characteristic of the street.
- 7.11 The proposed extension has been designed with a dual pitched roof which is complementary in appearance, subservient to the main building and subservient to the existing rear outrigger. The development is considered to be satisfactorily in-keeping with the existing building.
- 7.12 The rear patio doors to the dwelling to serve the garden area and cycle store would be visible from Tankerville Drive but given the character and appearance of the existing rear elevation of the application building it is not considered that this part of the proposal would impact harmfully on the character and appearance of the building and the surrounding area. As such, on balance, it is considered that the development is of an acceptable overall design that would not result in any material harm to the character and appearance of the host building the streetscene or the wider surrounding area.
- 7.13 The development is located close to a street tree in Tankerville Drive. To ensure the development does not adversely impact the health of the street tree, which would be detrimental to the character and appearance of the area, a condition can be imposed on requiring tree protection details. Subject to such a condition no objection is raised on this basis.
- 7.14 The development is acceptable and policy compliant in the above regards.

Living Conditions for Future Occupiers

- 7.15 Paragraph 127 of the NPPF states that planning policies and decisions should “*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...*’ It is considered that most weight should be given to the Technical Housing Standards that have been published by the government which are set out as per the below table:

- Minimum property sizes for 2 bedroom, 3 person units set over two storeys is 70sqm
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

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

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

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

7.17 The proposed dwelling set over two floors constitutes a 2 bedroom, 3 person unit measuring 70sqm. The size of the double bedroom is in excess of 14.6sqm and the single bedroom has an internal floorspace of 9.2sqm. The development is acceptable and policy compliant in this respect.

7.18 All habitable rooms will be provided with windows to provide adequate levels of light, outlook and ventilation. The development is acceptable and policy compliant in this respect.

7.19 Part M4 (2) of the Building Regulations adopted by the National Technical Housing Standards 1st October 2015 requires the need to provide accessible and adaptable

dwellings. It is not considered reasonable to enforce building regulation M4(2) given the proposal is for an extension of the existing building. This did not form a reason for refusal of earlier proposals on the site and was not considered to be an issue preventing approval of application 19/00089/FUL.

- 7.20 A 3.7sqm side balcony is proposed to the double bedroom at first floor with a 12.6sqm amenity space to the rear of the building. The required amount of amenity space for a development will be determined on a site by site basis taking into account a range of factors such as local facilities parks and the constraints of the site. Developments that provide little or no private amenity space will only be acceptable in exceptional circumstances and will be required to justify their reasons. Bonchurch Park is a small children's park located approximately a 5 minute walk from the application site. Belfairs Park is approximately a 13 minute walk from the application site. The external space provided is considered acceptable for the scheme proposed.
- 7.21 The proposal is therefore acceptable and policy compliant in the above regards.

Impact on Residential Amenity

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

“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight;”

- 7.24 The proposed development would be located approximately 4.7m from the rear of the site and the south side elevation of no. 7 Tankerville Drive. Due to its overall height and size, it is not considered that the proposed development would result in a material loss of amenity for the occupants at 7 Tankerville Drive by way of a material loss of light, dominant, overbearing impacts or an unacceptable sense of enclosure. Whilst a rear window is proposed facing No.7, this is a secondary window to a bedroom and could therefore be conditioned to be obscure glazed with limited openings to prevent any material overlooking or loss of privacy without harming the internal bedroom environment were the proposal otherwise acceptable. Due to the orientation and relationship between No. 7 Tankerville Drive and the proposed development, the scheme would be visible from the south-east corner of the neighbouring dwelling. However, this part of 7 Tankerville Drive contains a garage and garage door as well as a small secondary window. For the above reasons, it is considered that the impacts on the amenities of the neighbouring occupiers at no. 7 would not result in material harm. It is also relevant that no objection was raised on this basis under the previous applications.

- 7.25 It is not considered that the proposed development will result in a material loss of privacy or overlooking to the amenities of any other residential occupiers given the overall separation distances to the other residential properties. In order to safeguard the amenities of nearby residents permitted development rights will be restricted and controlled by condition.
- 7.26 It is therefore considered that the proposal would not have a detrimental impact on the amenities of any neighbouring occupiers and so it is acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.27 The existing site is served by a vehicle crossover to its rear adjoining an access road serving the rear of properties fronting London Road. The existing site does not currently benefit from off street parking and there is a single storey rear extension for storage that serves the retail unit.

- 7.28 Policy DM15 of the Development Management Document states:

“5. All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.

Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity”.

- 7.29 The maximum standards as set out by the Development Management Document require 1 space per 20sqm for Class A1 retail use and 2 spaces per 2 bedroom plus dwelling. The existing retail floorspace to be lost at ground floor is 26sqm equating to 1 parking space in accordance with the above standards.
- 7.30 The existing ground floor commercial unit fronting London Road would not benefit from any off-street parking; however this is an existing situation. The vehicle access road to the rear of the site serves premises fronting London Road and will have a width of 2.3m. No objections are raised by the Councils Highways Officer given this element of the proposal is on a private access way not controlled by the local planning authority. The existing storage to the rear of the site will be removed. The proposed development will provide no off street parking for the two bedroom dwelling. Material weight has to be given to the appeal decision relating to application 18/00903/FUL. In accordance with Policy DM15 of the Development Management Document two parking spaces were required for the two bedroom apartment. One parking space was proposed and deemed acceptable by the Inspector as stated in paragraph 22 of the decision *“I have had regard to the proposal not adversely impacting the living conditions of neighbouring occupants, the accessibility of the site to services and facilities and the provision of adequate off-street car parking. However, the absence of harm is a neutral factor weighing neither for nor against the proposal”.* The parking standards set out above would require 2 parking spaces for the proposed development but only 1 net gain space than the existing use. The application site is well-served by sustainable transport options which do not rely on the use of a private motor car. In consideration of availability of local services and facilities within walking distance of the site and good public transport options, it is considered that

on balance, the development is unlikely to cause additional on street parking to the detriment of highway safety or the local highway network. The applicant has made reference to 1305 London Road application 18/01811/FUL, whereby no parking provision was considered acceptable for three 1 bedroom flats given the site is located within a sustainable location. Parking was not a reason for refusal of the previous proposals. On balance, taking into account the 2 bedroom dwelling and proximity to London Road, it is not considered that parking conditions or highways safety would be materially harmed. Highways have raised no objection to the proposal.

- 7.31 The development is therefore acceptable and policy compliant in this respect.

Sustainable Construction

- 7.32 Policy KP2 of the Core Strategy states:

“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in the Design and Townscape Guide”.

- 7.33 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design. No information has been submitted in this respect. This could be controlled by condition were the proposal otherwise acceptable so no objection is raised on this basis.
- 7.34 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 could be dealt with by condition were the proposal otherwise acceptable.

Community Infrastructure Levy (CIL)

- 7.35 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 some 75qm, which may equate to a CIL charge of approximately £746.08 (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.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would, on balance, be acceptable and compliant with the objectives of the relevant development plan policies

and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. On balance, there would be no harmful traffic, parking or highways impacts caused by the proposed development. This application is therefore recommended for approval.

9 Recommendation

- 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 solely in accordance with the approved plans: 493-P01; 493-P04 Revision A.**

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 appropriately sized samples of the materials to be used on the external elevations of the development have been submitted to and approved in writing by the local planning authority. The works must then be carried out in full accordance with the approved materials before the development hereby approved is first occupied.**

Reason: To safeguard the character and appearance of the surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).

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

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

- 05 Prior to the first occupation of the development hereby approved 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 installed in the development hereby approved and be retained in perpetuity thereafter.**

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

- 06** Prior to the first occupation of the development hereby approved, details shall be submitted to and approved in writing by the local planning authority identifying the provision of covered and secure cycle parking and refuse and recycling storage for the existing and proposed commercial and residential units on the site. The approved cycle parking and refuse and recycling storage shall be provided in full and made available for use by the occupants prior to the first occupation of the dwelling hereby approved 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.

- 07** The first floor north facing window in the development hereby approved shall be permanently glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level before the development is first occupied and shall be retained as such in perpetuity thereafter. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Design and Townscape Guide (2009).

- 08** Hours of works associated with this consent shall be only between 8am - 6pm Monday to Friday, 8am - 1pm Saturday. No works shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Design and Townscape Guide (2009).

- 09** Notwithstanding the information submitted with the application, no development shall be undertaken unless and until details of tree protection measures for the street tree to the side of the site in Tankerville Drive have been submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved tree protection measures throughout the construction phase of the development.

Reason: This pre-commencement condition is needed to safeguard the character and appearance of the surrounding area in accordance with policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 10 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 advice contained within the Design and Townscape Guide (2009).

Informatives:

- 1 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. 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.**
- 2 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.**