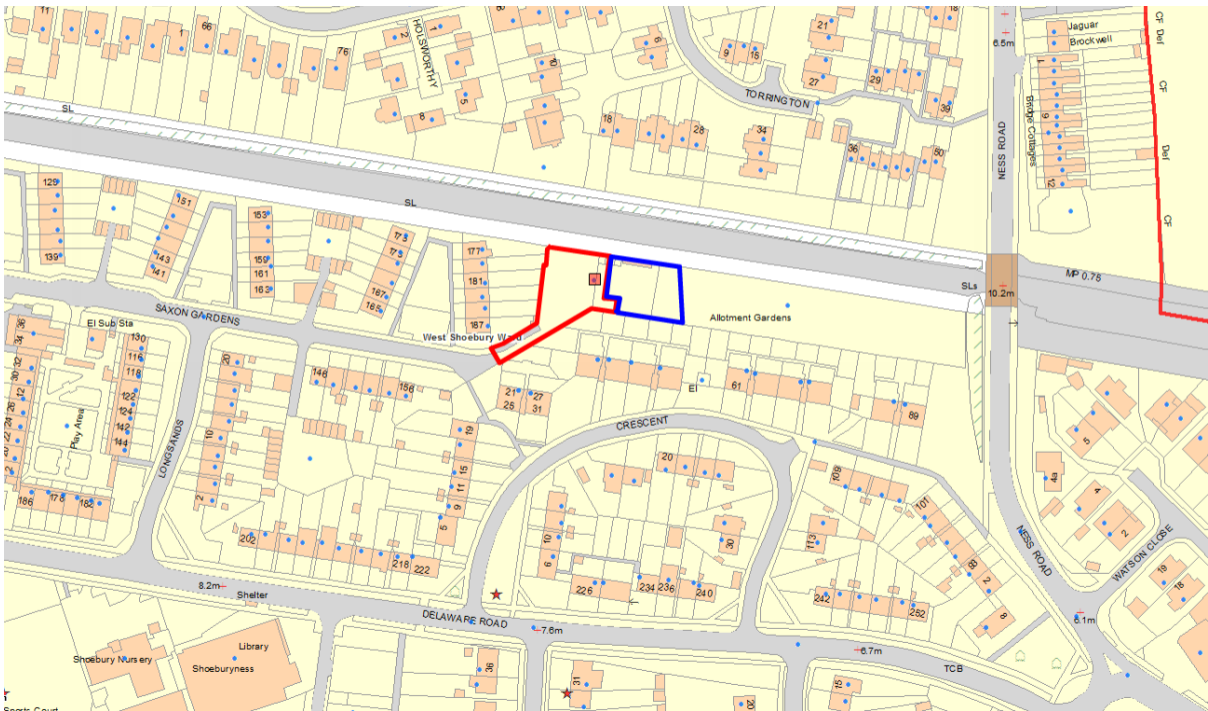


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|-----------------------------|---|--|
| Reference: | 20/00817/BC3 | |
| Application Type: | Borough Council Regulation 3 | |
| Ward: | West Shoebury | |
| Proposal: | Erect 2 semi-detached dwellinghouses on former garage site to rear of 187 Saxon Gardens, layout parking to front, amenity space to rear and erect toilet block for the allotments | |
| Address: | Garages Rear Of, 187 Saxon Gardens, Shoeburyness | |
| Applicant: | Mr Martin Berry | |
| Agent: | Mr David Lloyd of AK Design Partnership LLP | |
| Consultation Expiry: | 26th August 2020 | |
| Expiry Date: | 11th September 2020 | |
| Case Officer: | Spyros Mouratidis | |
| Plan Nos: | 4634.105 REV PL8 | |
| Recommendation: | GRANT PLANNING PERMISSION subject to conditions | |



1 Site and Surroundings

- 1.1 The application site is located to the rear of properties fronting Delaware Crescent and Saxon Gardens and adjacent to the Delaware Crescent allotments with which they share the access. The northern boundary of the site abuts the rail line connecting Shoeburyness with Southend Central. The site is accessed via an accessway at the east end of Saxon Gardens. The site is vacant and is in its entirety hardsurfaced. It is understood that in the past there were garages on this site but have long been demolished. The area is residential in nature, predominantly characterised by rows of two-storey terraces of simple form and design to the west and three-storey blocks of flats of similar design to the south. There are no planning related designations affecting the site or the area.

2 The Proposal

- 2.1 Planning permission is sought for erection of two (2no.) two-storey, semi-detached dwellings. The pair of dwellings would have a frontage of some 11m and a depth of some 9.4m. The main roof would be pitched with gables to the west and east measuring 5.2m to the eaves and 8.3m to the ridge. Two gables would also be features to the front with a ridge height of 6.5m. The external surfaces of the building would be finished with red bricks below with render above on the walls, brown concrete tiles on the roof and uPVC windows and doors. Some soft and hard landscaping would be provided to the front of the dwellings. An acoustic fence is proposed to be erected along the northern and part of the eastern boundary of the application site.
- 2.2 The proposed dwellinghouses would accommodate a kitchen, a lounge/dining room and a WC at ground floor level and two bedrooms and a bathroom at first floor level. The bedrooms would accommodate four bed spaces. Private amenity space in the form of private gardens would be provided for each dwelling to the rear. The dwellings would benefit from two parking spaces each, two spaces to the front of Plot 1 and two spaces to the side of Plot 2 in tandem arrangements.
- 2.3 It is stated that the properties would be used as social housing within the Council's housing stock. The application has been supported by a Design and Access Statement, a Noise Assessment, an Impact Statement, a Site Assessment and a Combined Phase I and Phase II Site Investigation Report.
- 2.4 During the course of the application, the proposal was amended to include wider access to the rear of the neighbouring terrace, a wider gate for access to the neighbouring allotments and the site was extended to include an area for the proposed erection of a toilet block at the south-eastern corner of the application site. The toilet block will be used in association with the allotments. Other than the outline of the proposed block, no other details have been submitted with the application, including any elevations or details of materials.

3 Relevant Planning History

- 3.1 Other than a recent pre-application advice, there is no other relevant planning history for the application site.

4 Representation Summary

4.1 In accordance with the Council's constitution, the application must be presented for determination by the Council's Development Control Committee as it is an application submitted by the Council and there has been at least one objection from interested parties. Moreover, Councillor Cox called in this application over concerns about the access to arrangements to the neighbouring allotments.

Public Consultation

4.2 Thirty-three (33) neighbouring properties were consulted and a site notice was displayed for the initially submitted proposal and thirty-five (35) neighbouring properties were consulted and a site notice was displayed for the proposal as amended. One representation with comments has been received and is summarised as follows:

- A path with minimum width of 1.5m should be allowed to the rear of the terrace to the west to facilitate existing mobility scooter users.

4.3 Three representations, two from the same person, objecting to the application have been received and are summarised as follows:

- The accessway allowed for the neighbouring terrace to the west would not be wide enough to allow the use of mobility scooters.
- The proposed boundary and gate to the allotments would prohibit the delivering of manure and skips for the allotments. A wider gate located farther north should be provided.
- Overlooking to properties on Torrington, to the north of the rail line.

4.4 The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report. The objecting points raised by the representation have been taken into account in the assessment of the proposal and are not found to represent material reasons for recommending refusal of the planning application in the circumstances of this case.

Highways Team

4.5 No objection.

Parks

4.6 No objections subject to conditions regarding detailed landscaping and ecology enhancements.

Lead Local Flood Authority

4.7 No objections subject to condition requiring additional information.

Environmental Health

4.8 No objection subject to conditions regarding land contamination and noise mitigation measures.

Fire Brigade

4.9 No objections.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019).
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019).
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM14 (Environmental Protection), DM15 (Sustainable Transport Choices).
- 5.5 Design & Townscape Guide (2009).
- 5.6 Technical Housing Standards Policy Transition Statement (2015)
- 5.7 National Technical Housing Standards (2015)
- 5.8 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.9 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the streetscene and wider area, the standard of accommodation for future occupiers, the impact on residential amenity, traffic and transportation issues, the impact of the development on the flood risk in the area, the provision of waste storage facilities, the proposed energy and water use sustainability, land contamination and whether the development would be liable for CIL.

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." Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes.
- 7.2 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the Borough. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the Borough.

The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.

- 7.3 For the proposed provision of housing the HDT and 5YHLS are weighing in favour of the principle of this type of development. The proposed dwellinghouses would be two-bed units with four bed spaces which could be suitable for smaller families. There is greater need for this type of housing as identified by the SESHMA.
- 7.4 Policy DM3 states that: "All development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:
- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or
 - (ii) Conflict with the character and grain of the local area; or
 - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or
 - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees."
- 7.5 Considering criterion (i) it is noted that the proposal would not have any windows on either side elevation. The distance of at least 20m from neighbouring properties to the front and at least 42m from properties to the rear would be sufficient for any detrimental overlooking or loss of privacy resulting from primary windows to be avoided. The scale and location of the building would be sufficient to ensure that there would be no materially detrimental overbearing relationship or sense of enclosure created to any neighbouring occupiers. The orientation of development in the locality and distance of the proposal of more than 20m away from properties to the south and more than 24m away from properties to the west would not result in any materially harmful loss of daylight or sunlight to any neighbouring property.
- 7.6 Regarding criterion (ii), the layout of the proposal would not be materially harmful to the urban grain of the area. Properties built in rows is the prevailing character of the urban grain. Many rows of dwellings are perpendicular to each other. Moreover, the proposed pair of semi-detached dwellings has been designed to reflect the character and appearance of other dwellings in the area.
- 7.7 In relation to criterion (iii), the proposed dwellings would not result in any materially harmful impact to the usability of any neighbouring garden. The gardens of the proposed dwellings would be usable.
- 7.8 Considering criterion (iv), it is noted that the site is fully covered by hardsurfaces and there are no protected trees within it. There would be no loss of ecological assets. On the basis of the above analysis, the principle of the development is acceptable. Other material planning considerations are discussed in the following sections of the report.

Design and Impact on the Character of the Area

- 7.9 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that: “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”
- 7.10 Paragraph 124 of the NPPF states that: “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.” Policy DM1 of the Development Management Document states that all 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.”
- 7.11 Policy KP2 of the Core Strategy states that new development should: “respect the character and scale of the existing neighbourhood where appropriate”. 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”.
- 7.12 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.”
- 7.13 The layout of the proposed development has already been discussed in paragraph 7.7 of this report and is considered to be acceptable. The scale of the proposed dwellings respects and references the scale of the existing development in the locality. The proposed form is also similar to the form of development in the area and does not appear out of place. The proposed gable features would break the bulk of the building in an acceptable way. The proposed appearance is simple but well resolved with good proportions of openings and the gable features to the front to add interest. The design of the dwellings is a modern interpretation of the traditional design used for the neighbouring buildings. The proposed materials reference the palette of materials used in the vicinity of the application site and would not be incongruous. Details of the materials can be secured by condition. The proposed landscaping would compliment the proposed development and details can also be secured by conditions. This aspect of the proposal would be of an acceptable design and would not detrimentally impact the character and appearance of the area.
- 7.14 Regarding the proposed toilet block, limited information has been provided. That part of the site is used for purposes ancillary to the use of the allotments. It is expected that the toilet block would have a typical design and appearance for an ancillary and utilitarian building. Subject to conditions to require further design details, this aspect of the proposal is not considered to be harmful to the character and appearance of the area. In the round, the proposed development is acceptable and policy compliant in the above regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.15 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.

Space Standards

- 7.16 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage size. The required size for a two-storey, four-bed unit and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on the table below:

| | Area (m ²) | Bedroom 1 | Bedroom 2 | Storage area (m ²) | Amenity Space (m ²) |
|---|------------------------|----------------------------------|-----------------------------------|--------------------------------|---------------------------------|
| Standard for Two-storey 2 bed 4 person | 79 | 11.5m ² Wmin=2.75m | 11.5m ² Wmin=2.55m | 2 | n/a |
| Proposed Plot 1 & 2 Two-storey 2 bed 4 person | 87.5 | 11.7m ² W = 2.9m | 13.3m ² Wmin = 2.8m | 2.6 | 96.8 & 67.8 |

- 7.17 The table shows that the proposed dwellings would meet the overall minimum size, internal storage space and the bedroom minimum size and dimensions required by the NDSS. The scheme would offer acceptable living conditions for its intended future occupiers.

Daylight, Sunlight and Outlook from Habitable Rooms

- 7.18 All habitable rooms would receive adequate daylight and sunlight. All habitable rooms would also have acceptable outlook.

M4 (2) – Accessibility

- 7.19 On the submitted plans, it is shown that the front entrances would have ramps to achieve step-free access to both dwellings. The ground floor areas also appear to be adaptable. The doors and hallways appear to be sufficiently sized for a wheelchair. The proposed dwellings appear to be adaptable in order to satisfy building regulation M4 (2). Confirmation of this can be required by a condition.

Amenity Provision

- 7.20 The proposed new dwellings would each have a private amenity spaces which would measure 67m² in area or more. The proposed resulting garden areas would be sufficiently screened from public vistas and would be adequately distanced from adjacent buildings. These would be useable private amenity space of sufficient size for family dwellings.

Noise and disturbance

- 7.21 The application has been accompanied by a Noise Assessment. Given that the site is adjacent to the rail line increased noise levels are expected. The submitted Noise Assessment identifies certain mitigation measures, including the erection of an acoustic barrier fence along the boundary of the site, the incorporation of acoustic insulation in the windows to the rear and the installation of ventilation within the dwellings. The Council's Environmental Health (EH) Officer has raised some concerns on this matter on the basis that the WHO guidelines for the acoustic environment would not be able to be achieved when the windows of the properties are open but in the round they have not raised an objection to the proposal subject to conditions. This issue affects the upper floor rooms of the proposed dwellings. The ground floor would be protected from unreasonable noise by the acoustic barrier fence which EH considers acceptable. The proposed mitigation measures, in particular the proposed installation of ventilation, would, on balance, allow the users of the dwelling to occupy the upper floor rooms without the need to open windows. On balance, it is not considered that the identified shortcoming of the proposal would have such an impact on the living conditions of its future occupiers as to justify the refusal of the application on this ground.
- 7.22 Overall, it is considered that the proposal would not, on balance, result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The proposed dwellings would exceed the overall space standards, would have appropriate amenity space and all habitable areas would have adequate outlook, daylight and sunlight. On balance and subject to conditions, the proposed dwellings would not be detrimentally impacted by undue noise and disturbance. The proposal is, therefore, subject to conditions, acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.23 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: "having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."
- 7.24 As already discussed in paragraphs 7.5 and 7.7 of this report, the proposed development would not be harmful to the amenity of neighbouring occupiers. The proposal would not have any windows on either side elevation. The distance of at least 20m from neighbouring properties to the front and at least 42m from properties to the rear would be sufficient for any detrimental overlooking or loss of privacy resulting from primary windows to be avoided. The scale and location of the building would be sufficient to ensure that there would be no materially detrimental overbearing relationship or sense of enclosure created to any neighbouring occupiers. The orientation of development in the locality and distance of the proposal of more than 20m away from properties to the south and more than 24m away from properties to the west would not result in any materially harmful loss of daylight or sunlight to any neighbouring property. The proposed dwellings would not result in any materially harmful impact to the usability of any neighbouring garden.

- 7.25 In terms of pollution, noise and disturbance, it is not considered that the proposed use of the site would have any adverse effect to the neighbours' amenity. Subject to conditions any potential impacts from light pollution would not be adversely harmful to the neighbours' amenity. Some potential impacts may arise during the construction period but appropriate measures to ensure the impact would not be detrimental can be secured by conditions. Moreover, the Council's Environmental Health service raised no objections subject to such conditions in this regard. Subject to conditions, the proposal is acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.26 Policy DM15 of the Development Management Document states: "Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner". The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.
- 7.27 Outside of the central area, for dwellings with two or more bedrooms, the minimum requirement is two parking spaces per unit. It is proposed to provide four parking spaces on-site, two for each proposed dwelling. The spaces for Plot 1 would be to the front of the proposed dwelling and for Plot 2 would be to the side of the dwelling in tandem arrangements. The proposed parking provision is acceptable.
- 7.28 The existing vehicular access from Saxon Gardens is proposed to be used. Concerns have been raised regarding the accessway to the rear of the neighbouring terrace to the west and the proposed access to the allotments. In particular, as highlighted in paragraph 4.3 of this report, third parties have expressed concerns that the accessway to for the rear of the terrace would not be wide enough to allow for use by mobility scooter users. Concerns were received regarding the width and location of the gate to be used to access the neighbouring allotments. The objector suggested that a wider gate located further to the north would potentially resolve the concern. It is considered that there is sufficient space within the site to allow for the accessway to be wide enough to accommodate mobility scooters and the entrance to the allotments to facilitate access of larger vehicles when needed. Details can be secured by conditions.
- 7.29 The adopted parking standards also require the provision of one cycle storage space per unit. Whilst this is not shown on the submitted plans, there is provision for a shed for each dwelling which could be used for cycle storage. The Council's Highways team raised no objection. The proposed development would, subject to conditions, be acceptable and policy compliant in the above regards.

Flooding and surface water drainage

- 7.30 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The proposed dwellings would be built within previously developed land, but adequate drainage should be installed to ensure that there is no increased risk of flooding on site or elsewhere. Details of drainage arrangements incorporating principles of Sustainable Drainage Systems can be secured by condition. Subject to such a condition, the development would be acceptable and policy compliant in these regards.

Refuse and Recycling Storage

- 7.31 The submitted plans do not show any areas to accommodate the storage of waste and recycling bins. The quantum of development does not attract a policy requirement for such facilities and it is expected that the dwellings would be using the Council's kerb collection service. The dwellings are located away from Saxon Gardens and would be inconvenient for future residents to take their waste and recycling for collection there. While this is not a positive aspect of the proposed scheme, there would not be such material harm as to justify the refusal of the application on this ground. On balance, the proposal is acceptable and policy compliant in this regard.

Energy and Water Sustainability

- 7.32 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)". Policy DM2 of the Development Management Document states that: "to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions". This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.33 No information has been provided regarding proposed renewable energy to demonstrate how the proposal meets the 10% policy requirement. However, it is considered that the requirement for renewable energy and restrictions on water usage can be controlled with conditions provided any such externally mounted technologies respect the character and appearance of the area. This aspect of the proposal is therefore considered to be acceptable and policy compliant in this regard, subject to conditions.

Land contamination

- 7.34 Paragraph 170 of the NPPF stipulates that planning decisions should contribute to and enhance the natural and local environment by, among others, remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 178 of the NPPF requires that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination and after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
- 7.35 Policy DM14 of the Development Management Document states that: "Development on or near land that is known to be contaminated or which may be affected by contamination will only be permitted where:
- (i) An appropriate Contaminated Land Assessment has been carried out as part of the application to identify any risks to human health, the natural environment or water quality; and

- (ii) Where contamination is found which would pose an unacceptable risk to people's health, the natural environment or water quality, the Council will impose a condition, if appropriate, to ensure the applicant undertake appropriate remedial measures to ensure that the site is suitable for the proposed use and that the development can safely proceed.
- (iii) Remediation works will be carried out before the commencement of any new development.

7.36 The submitted Combined Phase 1 and Phase 2 Risk Assessment confirms that the land is contaminated and poses a moderate risk to future residents. Conditions to require further investigations are undertaken and the necessary remediation and mitigation measures to be agreed and implemented can be secured by conditions. The Council's Environmental Health service raised no objection in this regard subject to conditions. The proposal is acceptable and policy compliant in the above regards.

Community Infrastructure Levy (CIL)

7.37 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. Since the development would be for affordable housing the applicant can apply for an exemption for those areas.

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 be acceptable and compliant with the objectives of the relevant local and national policies and guidance. The proposal, subject to conditions, would have an acceptable impact on the character and appearance of the area and the amenities of neighbouring occupiers. It would also have an acceptable impact on the highway and parking conditions in the area subject to conditions. The proposed development would provide acceptable waste and recycling bin storage provision, drainage strategy on site and energy and water sustainability. Risk from contamination would be managed sufficiently, subject to conditions. The proposal makes a contribution to the housing needs of the borough which must be weighed in the planning balance albeit the weight to be attached to this would be limited in this instance in view of the number of units involved. This application is recommended for approval subject to conditions.

9 Recommendation

9.1 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 hereby approved shall be carried out in accordance with the approved plans: 4634.105 REV PL8.**

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

- 03 The materials to be used on the external surfaces of the new dwellings hereby approved, including roof, walls and fenestration, shall be in accordance with the details submitted with the application form or shall be in line with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be carried out solely in complete accordance with the approved details before it is brought into first use.**

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 04 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, a soft landscaping scheme shall be implemented and completed in full accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include measures to enhance the biodiversity on site, details of the species to be planted, the treatment of the ground before planting and maintenance details.**

Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement details approved under the scope of this planning condition.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 05 The use of the development hereby approved shall not commence until a hard landscaping scheme has been carried out and implemented solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of materials to be used on hardsurfacing as well as elevations and details of materials for any boundary treatment of the site, including boundaries within the site.**

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 06 Notwithstanding the information submitted and otherwise hereby approved, the proposed toilet block shall be constructed and provided on site solely in accordance with details, including details of materials and elevation drawings, which have previously been submitted to and approved in writing by the Local Planning Authority.**

Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-sea Core Strategy (2007), Policies DM1, DM3 and DM4 of the Southend-on-sea Development Management Document (2015), Policies LS1 and LS2 of the London Southend Airport and Environs Joint Area Action Plan (2014), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2019), the Rochford Supplementary Document 7 (2007) and Southend-on-sea Design and Townscape Guide (2009).

- 07 Notwithstanding the details submitted and otherwise hereby approved, the development hereby approved shall be constructed to ensure that the dwellings comply with building regulation M4 (2) “accessible and adoptable dwellings” prior to their first occupation.**

Reason: To ensure the development hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

- 08 No dwelling shall be occupied on site unless and until the internal and external areas of the dwelling are protected from external noise in accordance with mitigation measures, including any details of sound insulation, noise protection measures and any maintenance required, which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The agreed measures shall be maintained on site as implemented thereafter for the lifetime of the development.**

Reason: In the interest of the living conditions of intended future occupiers of the approved development in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 09 Construction works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public Holidays.**

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 10 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide, amongst other things, for: i) the parking of vehicles of site operatives and visitors ii) loading and unloading of plant and materials iii) storage of plant and materials used in constructing the development iv) the erection and maintenance of security hoarding v) measures to control noise and the emission of noise, dust and dirt during construction vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.**

Reason: In the interest of the residential amenity of nearby occupiers and the highway safety in accordance with the National Planning Policy Framework (2019), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

- 11 The use of the dwellings hereby approved shall not commence unless and until the four parking spaces, two for each dwelling on site, as shown on the approved plan 4634.105 REV PL7 have been provided and made available for use on site. The parking spaces shall be retained in perpetuity for the lifetime of the development for the purposes of car parking solely for residents of the approved dwellings on site and their visitors.**

Reason: To ensure the provision of adequate parking in accordance with Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

- 12 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and excavation works and works associated with this condition, shall take place unless and until useable accesses have been provided in full accordance with details that have previously been submitted to the Local Planning Authority and approved in writing for the rear of the neighbouring terrace to the west, including access for mobility scooters, and the allotments to the east, including access for HGVs. The accesses shall be retained thereafter for the lifetime of the development.**

Reason: To ensure the provision of adequate access in accordance with Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

- 13 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and excavation works, shall take place unless and until a drainage and surface water management strategy incorporating principles for Sustainable Drainage Systems (SuDS) has been submitted to and approved in writing by the Local Planning Authority. The drainage and surface water management strategy shall be implemented in full accordance with the details approved under this condition before the development hereby approved is first occupied or brought into first use.**

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.

- 14 Prior to occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details.**

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 15 The dwellings hereby approved shall incorporate 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 before they are occupied.**

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 16 (a) Notwithstanding the details submitted and otherwise hereby approved, no development shall take place, other than that required to carry out additional necessary investigation which in this case may include demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site.**

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved in writing by the local planning authority.

The report of the findings must include:

- i) A survey of extent, scale and nature of contamination;**
- ii) An assessment of the potential risks to:**
 - **human health;**
 - **properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;**
 - **adjoining land;**
 - **groundwaters and surface waters;**
 - **ecological systems;**
 - **archaeological sites and ancient monuments; and**
 - **an appraisal of remedial options, and proposal of the preferred option(s).**

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(b) Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. This must be conducted by a competent person and in accordance with DEFRA and the Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(c) Implementation of Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken unless and until the measures set out in the detailed remediation scheme approved under part (b) of this condition have been implemented. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority. Development must be halted on that part of the site until an assessment has been undertaken in accordance with the requirements of part (a) of this condition, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part (b) of this condition. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority before the development is brought into use.

Reason: To ensure that any contamination on site is identified and treated so that it does not harm anyone who uses the site in the future and in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM14 of the Development Management Document (2015).

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.

Informatives:

- 1 Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable.**

If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (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.**