

Reference:	20/00889/FUL	
Application Type:	Full Application	
Ward:	West Leigh	
Proposal:	Demolish existing building, erect two semi-detached dwellinghouses, layout amenity space and parking, form new vehicular access onto Berkeley Gardens	
Address:	20 Berkeley Gardens, Leigh-On-Sea, Essex	
Applicant:	Mr Ben Bradley	
Agent:	Danny Knott of DK Building Designs Ltd	
Consultation Expiry:	8th July 2020	
Expiry Date:	11th September 2020	
Case Officer:	Spyros Mouratidis	
Plan Nos:	3639-06 Sheet 1 of 3 rev C, 3639-06 Sheet 2 of 3 rev C, 3639-06 Sheet 3 of 3 rev C	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	

1 Site and Surroundings

- 1.1 The application site is on the east side of Berkeley Gardens and is occupied by a detached bungalow. The bungalow appears to have been extended previously to the side and front. The area is residential in character. The streetscene comprises a mixture of detached and semi-detached houses, bungalows and chalets of diverse but traditional designs. There is a strong building line on the east side of the street to the front of the properties. To the rear many properties have been extended with single-storey and two-storey extensions. No planning related designations affect the site or the area.

2 The Proposal

- 2.1 Planning permission is sought for erection of two (2no.) semi-detached dwellings which are two-storey with habitable space in the roof. The pair of dwellings would have a frontage of some 13.4m, 6.7m each, and a depth of some 14.9m at ground floor level and 12.2m at upper floor level. The main roof would be hipped measuring 5.4m to the eaves and 9.1m to the ridge. Two projecting gables would be features to the front with a ridge height of 7.5m and width of 3.6m. To the rear the properties would each have a dormer. The dormers would project 3.1m from the rear roof slope and would measure 3.4m wide and 1.9m high. For the external surfaces of the building, the walls would be finished with grey bricks (Weinberger Clifton Grey Soft Mud Waterstruck Multi Brick) and off-white render, grey tiles (Smooth Grey Marley Concrete Tile) on the roof and uPVC anthracite windows and doors. Some soft and hard landscaping would be provided to the front of the dwellings. The rear boundaries would be treated with 1.8m high close boarded fencing.
- 2.2 The proposed dwellinghouses would accommodate a kitchen diner area, a WC and a lounge at ground floor level, three double bedrooms and a bathroom at first floor level, and a double bedroom with dressing area and en-suite bathroom within the loft space. The bedrooms would accommodate eight bed spaces over three storeys of accommodation. Private amenity space in the form of private gardens would be provided for each dwelling to the rear. Each dwelling would benefit from two parking spaces to the front. A new crossover is proposed to the front of the southern dwelling. The application is supported by a Design and Access Statement.
- 2.3 During the course of the application, the proposal was amended to propose the current shape of the roof from a half-gable and to reduce the depth of the dwellings. The current proposal is an alternative scheme to 19/02041/FULH amended with 20/00193/AMDT (the "2020 Permission"), a householder permission granted for the extension of the existing bungalow into a detached two-storey dwelling of comparable design to the current proposal.

3 Relevant Planning History

- 3.1 The relevant planning history of the application site is shown on the table below:

03/01559/FUL	Erect single storey side extension	Permission granted [08.01.2004]
19/02041/FULH	Erect first floor extension to convert bungalow into two storey dwellinghouse with habitable accommodation in roofspace, erect single storey front and side	Permission granted [16.01.2020]

	extensions, install balcony to rear, ramp access to front, alter elevations and form vehicular access onto Berkeley Gardens	
20/00193/AMDT	Application to vary condition 02 (approved plans) to alter design (Minor Material Amendment of planning permission 19/02041/FULH dated 16/01/2020)	Permission granted [31.03.2020]

3.2 The 2020 Permission as amended is extant and can be implemented as there are no pre-commencement conditions. This is a material planning consideration of significant weight in the consideration of the current proposal.

4 Representation Summary

4.1 The application has been called in by Councillor K. Evans.

Public Consultation

4.2 Eight (8) neighbouring properties were consulted and a site notice was displayed. No representations have been received

Leigh Town Council

4.3 Object for the reasons summarised as follows:

- Concerns about design and impact on the character and appearance of the area.
- The design, size, bulk and mass, represent a cramped form of development and an overdevelopment of the land.
- Out of keeping with the character and appearance of the application site and the area.
- Concerns about foul water drainage, the infrastructure may not cope.

Highways Team

4.4 No objection.

Parks

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

Environmental Health

4.6 No objection subject to conditions regarding waste management and hours of construction.

Fire Brigade

4.7 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 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 four-bed units with eight bed spaces which would be suitable for families. There is greater need for this type of housing as identified by the SESHMA.
- 7.4 Policy DM3 of the Development Management Document (as amended by the Technical

Housing Standards Policy Transition Statement) states that:

4. The conversion or redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal:

- (i) Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and
- (ii) Will not result in a net loss of housing accommodation suitable for the needs of Southend's older residents having regard to Building Regulation M4 (2).

7.5 The acceptability of extending and converting this bungalow to a two-storey dwelling has been established with the 2020 Permission. The character and style of the dwellings in the area are varied and comprises bungalows, chalets and two-storey houses. As such the proposal would not result in an unacceptable juxtaposition within the streetscene. The plans submitted for the proposed development indicate compliance with building regulation M4 (2) providing step-free access and facilities at ground floor level. On this basis, the principle of the proposed 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

7.6 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."

7.7 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."

7.8 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".

7.9 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."

7.10 The existing bungalow which is of traditional design, makes a moderate contribution the character and appearance of the area. This is not a conservation area and the loss of the bungalow would not be materially detrimental subject to an appropriate replacement. The layout of the proposed development would alter the urban grain in the area, as it would replace a detached dwelling with a pair of semi-detached properties. The resulting

plot width would be some 1m narrower than other plots of semi-detached properties. Separation distance between buildings and the width of each property would not be dissimilar from other properties in the vicinity. The footprint of proposed development would not be significantly larger when compared to the scheme permitted with the 2020 Permission. The area has a strong building line of frontages on the east side of the road. The layout of the development within the site would respect the urban grain both in terms of layout as well as siting.

- 7.11 In terms of scale and form, the current proposal would not exceed the maximum height of the previously approved scheme, it would respect the scale of the surrounding development, and would reference the form of the 2020 Permission which, in turn, referenced other development within the streetscene. The area has a mixture of dwellings. The properties on either side of the site are two-storey houses. Hence, the replacement of the bungalow would not be out of place in the streetscene in terms of scale and form. While the height of the proposal would be greater than neighbouring properties, it is not considered that the proposed development would be overly bulky. As already mentioned at paragraph 2.3 of this report, the proposed scheme was amended during the course of this application in order to reduce the volume of the roof and lower its profile, by replacing a half-gable roof form with a hipped roof form. The amendments to the scheme also significantly reduced the bulk of the building to the rear. The size of the proposed front dormers is reduced when compared to the previously approved scheme resulting in the main roof of the proposed development becoming more prominent within the streetscene than in the previous scheme. The two-storey houses on either side of the site are of traditional design with gabled projections and bay windows to the front. It appears that the design of the current proposal has reduced the size of the front gable projections to match better those on the neighbouring properties.
- 7.12 Considering the appearance of the proposal, its design has drawn references from the traditional style of properties in the area and it would respect the visual cues, such as height of eaves and fenestration, of the neighbouring properties. Bay windows to the front with gables above exist within the streetscene and would not be incongruous. The elevations are satisfactorily resolved with well-proportioned glazing. The proposed use of materials would be unique within the streetscene but given the varied designs in the area, it is not considered that this variation would be materially harmful to the character and appearance of the site or the area. The area between the first and ground floor bay windows traditionally would be treated with hanging tiles or exposed timber. In this instance it is indicated that it would be treated with exposed timber boards which would be acceptable and conditions can be imposed to secure acceptable details. The landscaping of the frontage is considered to be acceptable. While there would be increased level of hardsurfacing to facilitate the parking to the front, this would not be an uncommon arrangement in the area. Overall, the development is considered to be acceptable and policy compliant in these regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.13 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

7.14 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 three-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	Bedrooms 2,3 &4	Storage area (m ²)	Amenity Space (m ²)
Standard for Three-storey 4 bed 8 person	130	11.5m ² Wmin=2.75m	11.5m ² Wmin=2.55m	3	n/a
Proposed Dwellings Three-storey 4 bed 8 person	186.3	18.5m ² Wmin = 3.7m	More than 12.5m ² Wmin = 3m	3.1	123.6

7.15 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

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

M4 (2) – Accessibility

7.17 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

7.18 The proposed new dwellings would each have a private amenity spaces which would measure more than 123m² in area. 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.

7.19 Overall, it is considered that the proposal would not 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. The proposal is, therefore, subject to conditions, acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.20 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.”
- 7.21 The nearest residential properties to the application site are the neighbouring properties on either side, 22 and 18 Berkeley Gardens. The existing bungalow already projects farther back than the rear elevations of these neighbouring properties, 1m beyond the rear elevation of 22 Berkeley Gardens and 3.5m beyond the rear elevation of 18 Berkeley Gardens. These neighbouring properties do not contain primary habitable room windows in their flank walls closest to the application site. The property at 18 Berkeley Gardens has an attached garage located between its main dwelling and the application site. The nearest rear facing window serving a habitable space on this property is located at least 3.5m away from the boundary of the site. The property at 22 Berkeley Gardens has been enlarged to the rear with a single-storey extension projecting some 2.9m from the rear elevation of the main dwelling. It is estimated that the nearest rear facing window serving habitable spaces are located some 1.6m from the boundary of the site.
- 7.22 The current proposal would project beyond the rear elevation of 18 Berkeley Gardens by 4.3m at ground floor level and 1.6m at first floor level and would be located about 1m from the shared boundary, some 1.8m to the north of the property, and approximately 5.1m from the main part of the neighbouring dwelling. The projecting part of the first floor and the roof would create some overbearing effect but considering the separation distance from the main part of the neighbouring dwelling, this effect would not be materially harmful to the residential amenity of these neighbouring occupiers. The proposed development would sit clear of the notional 45-degree guideline projected from the nearest rear facing window of this property, hence avoiding any material sense of enclosure or loss of outlook. The proposed development would also result in some overshadowing to this neighbouring property given its location to the north, but this would affect the garden and the garage parts of the neighbouring site. There would be no material loss of daylight or sunlight in the main dwelling or any habitable areas within the dwelling. It is considered necessary in this instance to limited the permitted development rights of the norther proposed dwelling in terms of extensions normally permitted under Class A of Part 1 of the General Permitted Development Order currently in force, as any further rearward extension of that property would potentially be materially harmful to the amenity of 18 Berkeley Gardens. On balance, the proposed dwellings are not considered to be materially harmful to the residential amenity of this neighbour in the above regards.
- 7.23 The proposal would project beyond the rear elevation of 22 Berkeley Gardens by 2.3m solely at ground floor level and the proposed first floor would project beyond the rear elevation of the neighbouring first floor by 2.4m. The proposed development would be located about 1m from the shared boundary with this neighbour and between 1.8m and 2.1m to the south of the property. The projecting part of the first floor and the roof would create some overbearing effect but considering the separation distance from the main part of the neighbouring dwelling, this effect would not be materially harmful to the residential amenity of these neighbouring occupiers. The proposed development would sit clear of the notional 45-degree guideline projected from the nearest rear facing

windows of this property both at first floor level and ground floor level. As a result, any material sense of enclosure or loss of outlook would be avoided. No loss of light or overshadowing would affect this neighbour as it is located to the south of the proposed dwellings.

- 7.24 Windows at ground floor are not a cause of concern in relation to overlooking. The upper floor windows to the flank elevations would be obscured glazed and this can be ensured with a condition if planning permission were to be granted. New windows at the upper floors to the front and rear do not give rise to concern considering the separation distances from the affected properties including gardens and dwellings in Cottessmore Gardens to the rear. It is noted that the proposed plans show platforms to the front of the rear facing Juliet balconies serving the dormers to the rear. These platforms could easily be converted to balconies. Similarly, the flat roof areas over the ground floor rear projections could potentially be used as balconies. Such balconies could potentially result in materially harmful overlooking to the side neighbours. A condition to control this can be imposed. The proposed development has the potential of creating materially harmful pollution, noise and disturbance only during its construction phase. Appropriate conditions can be imposed to secure the impact on the neighbouring occupiers would not be detrimental. Overall, the proposed development is, on balance and subject to conditions, acceptable and in line with policy in the above regards.

Traffic and Transportation Issues

- 7.25 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.
- 7.26 Outside of the central area, for dwellings with two or more bedrooms, the minimum requirement is two parking spaces per unit. There is also a requirement for at least one cycle storage space per dwelling. It is proposed to provide four car parking spaces on-site, two for each proposed dwelling, located within their front gardens. Cycle storage space would be provided within the rear private amenity space. The proposed car and cycle parking provision is acceptable.
- 7.27 The existing vehicular crossover onto Berkeley Gardens is proposed to be used for the northern dwelling and a new crossover is proposed for the southern dwelling. The new crossover would comply with the Council’s Vehicular Crossover policy. An existing street tree would be sufficiently away from the new crossover. No loss of on-street parking would occur in this location. The proposed access arrangements are acceptable. 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 water drainage

- 7.28 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.

- 7.29 No details of foul water drainage have been provided. In this area, it is expected that dwellings would connect to the main sewer for foul water to be taken to a sewer treatment plant. The water companies responsible for sewer water treatment are obliged by law to take on new connections and ensure there is sufficient capacity to their network. The proposal is acceptable and policy compliant in the above regards.

Refuse and Recycling Storage

- 7.30 The submitted plans show bin storage areas to the side of each dwelling. 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 kerbside sack collection service. The dwellings would be located near the highway where it would be convenient both for future occupiers and collection services to manage the waste. The proposal is acceptable and policy compliant in this regard.

Energy and Water Sustainability

- 7.31 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.
- 7.32 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.

Community Infrastructure Levy (CIL)

- 7.33 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 372.6m², which may equate to a CIL charge of approximately £ (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount. Since a self-build exemption has been applied for, the development may be exempt from CIL charges subject to confirmation by the relevant team.

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 its future and 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. 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: 3639-06 Sheet 1 of 3 rev C, 3639-06 Sheet 2 of 3 rev C, 3639-06 Sheet 3 of 3 rev C.**

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 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 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).

- 07** 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).

- 08** 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 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).

- 09 The north and south facing (side) windows shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or equivalent) and be permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room served by that window. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The window shall be retained in line with these details in perpetuity for the lifetime of the development.

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 The flat roof areas above the first floor level and the flat roofs over the single storey rear projections of the development hereby approved shall not be used as balconies, roof gardens or similar amenity area or for any other purpose unless planning permission has first been obtained by the local planning authority. These areas can however be used for the purposes of maintenance or to escape in an emergency.

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).

- 11 Notwithstanding the provisions of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended or any equivalent statutory provisions revoking or amending the above referenced class of permitted development rights, the northern dwelling hereby approved shall not be extended rearwards without first obtaining planning permission from the Local Planning Authority.

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).

- 12 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 3639-06 Sheet 3 of 3 rev B 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).

- 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 (lppd) (110 lppd 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).

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.
- 3** The granting of this permission does not negate the need for Highways Consent for the permanent vehicular crossing and there is no guarantee that you will automatically be granted Highways Consent for this. Applications for permanent vehicular crossings made under Planning Legislation consider a broader range of criteria in comparison to applications made under Highways legislation. They are separate regimes and different requirements apply to each.