

Reference:	20/01641/BC3	
Application Type:	Borough Council Regulation 3	
Ward:	Shoeburyness	
Proposal:	Demolish existing garages, erect two bed bungalow with associated amenity space and parking	
Address:	Garages Rear Of 40, 42, 44 And 46, Anson Chase, Shoeburyness	
Applicant:	Mr Martin Berry of Southend Borough Council	
Agent:	Mr David Lloyd of AK Design Partnership LLP	
Consultation Expiry:	4th November 2020	
Expiry Date:	11 th December 2020	
Case Officer:	Abbie Greenwood	
Plan Nos:	1217/04 (Topographic Survey) 4760.102 –PL5 Supporting Statements Design and Access Statement by AKDP dated Sept 2020 Impact Statement by AKDP dated Sept 2020 Combined Phase I and Phase II Site Investigation Report by agb Environmental reference P3220.1.0 dated 20.12.18	
Recommendation:	GRANT PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The proposed development is sited on a former garage block in Anson Chase. The garages on this site were undersized for modern cars and therefore redundant. The garages have now been demolished and only the garage bases remain. These are being used as temporary parking by local residents. The former garage blocks were utilitarian in appearance and not considered to make a positive contribution to the streetscene.
- 1.2 Anson Chase is made up of a number of small cul de sacs off a main spine road. The site is located in the middle one of the 3 dead end routes on the west side of the street. This arm provides rear access to the surrounding properties which either face the main section of the road to the east, the two other cul de sacs to the north and south or Shoebury Park to the west. The surrounding dwellings therefore all have their backs and boundary fences facing onto this area so there are no active frontages at ground level and as such the area is the least attractive space within Anson Chase.
- 1.3 The site is part of the Eagle Way estate which is a large 1970s Council housing estate comprising a mixture of houses and flats laid out in a landscape setting with segregated pedestrian and vehicular routes. The houses and flats are of their time – simple, flat fronted with modern glazing and low pitch gabled or asymmetrical roofs.
- 1.4 The wider area is residential in character. Behind the flats to the west is Shoebury Park. There are no site specific designations in this location.

2 The Proposal

- 2.1 The proposal seeks to erect a two bed wheelchair accessible bungalow on the site. The proposed bungalow is 6.1m deep by 13.5m wide and has a gabled roof that is 2.7m to the eaves and has a ridge height of 4.3m. It has a garden and dedicated parking area to the east side of the dwelling one of which is a disabled space with a car port over. Two additional general parking spaces are proposed to the south of the dwelling. The proposal will be constructed of brick and render with a tiled roof.

2.2 The proposal will form part of the council's accessible affordable housing stock.

3 Relevant Planning History

3.1 No planning history.

4 Representation Summary

Public Consultation

4.1 28 neighbouring properties were consulted and a site notice displayed. 1 letter of representation has been received raising the following issues:

- The area and the adjacent access area provide 25 parking spaces for the surrounding 25 dwellings. The plan to build on approximately 12 of these will leave the remaining residents with around half of the spaces and this is unacceptable.

Officer Comment: These concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

4.2 Environmental Health

No objections subject to a condition requiring the site is remediated as there may be gas migration in the site.

4.3 Highways Team

There are no highway objections to this proposal.

4.4 Parks

No objections subject to a landscaping condition.

4.5 Essex Fire Service

No objections.

4.6 National Grid

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

5 Planning Policy Summary

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

- 5.2 The Southend-on-Sea Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), CP6 (Community Infrastructure) and CP7 (Sport, Recreation and Green Space)
- 5.3 The Southend-on-Sea Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land), DM8 (Residential Standards), Policy DM14 (Environmental Protection), DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 National Technical Housing Standards (2015)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.7 Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (2020)

6 Planning Considerations

- 6.1 The main issues for consideration include the principle of the development, the design and its impact on the character of the area, the standard of accommodation for future occupiers, the impact on neighbours, traffic and parking implications, sustainability, potential contamination, ecology impact including RAMs and CIL.

7 Appraisal

Principle of Development

- 7.1 Amongst other policies to support sustainable development, the NPPF seeks to boost the supply of housing by delivering a wide choice of high quality homes. In relation to the efficient use of land Paragraph 122 states:

122. Planning policies and decisions should support development that makes efficient use of land, taking into account:

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places.

- 7.2 Policy KP2 of the Core Strategy states development must be achieved in ways which *“make the best use of previously developed land, ensuring that sites and buildings are put to best use”*.
- 7.3 Policy CP4 requires that new development *“maximise the use of previously developed land, whilst recognising potential biodiversity value and promoting good, well-designed, quality mixed use developments”* and that this should be achieved by *“maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 7.4 Policy CP8 of the Core Strategy recognises that a significant amount of additional housing will be achieved by intensification (making more effective use of land) and requires that development proposals contribute to local housing needs. It identifies that 80% of residential development shall be provided on previously developed land.
- 7.5 Policy DM3 of the Development Management Document states that *“the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity”*.
- 7.6 Policy DM7 of the Development Management Document requires new housing development to meet the needs of the Borough in terms of the type and size of development proposed.
- 7.7 The site is in a residential area which comprises mainly family housing. There is therefore no objection in principle to new residential development in this location. The proposal seeks to provide an affordable wheelchair unit for which there is an identified need in the Borough. The principle of the development is therefore considered to be acceptable.

Design and Impact on the Character of the Area

- 7.8 *Paragraph 124 of the NPPF states ‘The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’*
- 7.9 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.”*
- 7.10 Policy DM3 part 2 of the Development Management Document 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.”*

- 7.11 The proposal seeks to erect a wheelchair accessible affordable bungalow on the site of a former garage block in the middle cul de sac of Anson Chase. This area has no active frontages at street level. It is mainly used for parking and access to the rear gardens of the surrounding properties.
- 7.12 The former garages were of a utilitarian design and did not make a positive contribution to local character. The proposed bungalow will introduce some active frontage to this area, improving local character and providing some natural surveillance to the rear of adjacent properties, which is to be welcomed.
- 7.13 The proposed bungalow has been located in the north west corner of the site with parking and amenity to the east side. The development will effectively close off pedestrian access between the middle cul de sac of Anson Chase and the northern cul de sac, however, it is noted that the surrounding properties all face onto other parts of the street and that there are alternative pedestrian routes through the estate. It is therefore considered that the proposal will not have a significant impact on the permeability of the area.
- 7.14 The proposed bungalow has a gabled form to reflect the character of the surrounding development. The elevations which face on to the close have large windows and a gabled roof projection and rendered window surrounds which add articulation to the design without appearing out of place in the wider context. Landscaped buffers are proposed to the south and west sides of the development to provide additional softening for the development and to enhance the streetscene.
- 7.15 Full details of materials have been provided which include red brick and brown roof tiles to match the surround houses, cream render, upvc windows, fascia and guttering and a timber carport with polycarbonate roof and the parking area will be block paved. These materials are considered to be acceptable.
- 7.16 Subject to the agreement of landscaping and boundaries it is considered that the design of the proposal will have an acceptable impact on the character of the area and the scheme is policy compliant in this regard.

Standard of Accommodation for Future Occupiers

- 7.17 Delivering high quality homes is a key objective of the NPPF.
- 7.18 Policy DM3 of the Development Management Document (i) states: proposals should be resisted where they *“Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents”*.

Nationally Described Space Standards (NDSS)

- 7.19 All new dwellings are required to meet the Nationally Described Space Standards in terms of overall property area and bedroom sizes. The required size for a 2 bed 3 person single storey dwelling is 61 sqm and the required bedroom sizes are 11.5 sqm and minimum width of 2.75m for the master and 7.5sqm and a minimum of 2.15m width for single rooms. The proposal comfortably meets all these standards and is therefore acceptable and policy compliant in this regard.

M4(2)

- 7.20 All new dwellings are required to meet Building Regulations M4(2) to ensure that they are accessible and adaptable for all. The proposal is a dedicated wheelchair unit and will therefore meet M4(3) which is a higher standard than M4(2). The proposal is therefore acceptable and policy compliant in this regard.

Light and outlook

- 7.21 The plans show that all habitable rooms would benefit from acceptable levels of daylight and sunlight. Where the habitable rooms look out over the parking area, a landscaped buffer has been provided to soften the visual impact of the vehicles. The daylight, sunlight and outlook of habitable rooms is therefore considered to be acceptable and policy compliant.

Amenity Space

- 7.22 A private garden of approximately 100 sqm is proposed to the east side of the proposed dwelling. This is considered sufficient to serve the needs of future occupants.
- 7.23 Overall, it is considered that the standard of accommodation is satisfactory and the proposal is acceptable and policy compliant in this regard.

Impact on Residential Amenity

- 7.24 Policy DM1 of the Development Management Document states that development should, *“protect the amenity of the site, immediate neighbours and surrounding area, having regard for privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution and daylight and sunlight.”*
- 7.25 The proposal is single storey only. It is located between the rear gardens of the flats to the west (50-60) and the rear gardens of properties to the north (32) and east (40-44). The separation distance to the flats would be around 8.7m, however it is noted that the development only overlaps the rear boundary of the flats by some 4m and is single storey only. Given the existing arrangement of the garages and the limited scale of the development this relationship is considered satisfactory. The proposed dwelling would be set some 11m from the garden of the neighbour to the east and 6.5m to the closest corner of the garden to the north. This will be an improvement over the existing garages and is also considered to be acceptable.
- 7.26 No other properties are materially affected by this proposal. The proposal is therefore acceptable and policy compliant in its impact on neighbour amenity.

Traffic and Transportation Issues

- 7.27 Policy DM15 states that dwellings of this size should be served by at least two off street parking spaces. Two off street parking spaces are proposed on the forecourt, including one disabled space and an additional two public spaces are proposed to the south of the dwelling. The proposal therefore meets the requirement for off street parking.
- 7.28 Concerns have been raised by neighbours in regard to the loss of on street parking for surrounding residents however, it is noted that the site was until recently occupied by 12 garages which each measured approximately 5.2m x 2.6m. This is significantly less than current garage standards in the Development Management Document and therefore the garages were unsuitable for parking modern cars. This led to the site being considered as redundant. The recent demolition of the garages has provided temporary parking space for local residents, however, this was only a temporary solution pending the redevelopment of the site. The rest of the close, which is not affected by the development, enables approximately 17 cars to be parked and there is further off street parking available in the remainder of Anson Chase. The proposed development includes 2 public spaces in addition to the off street parking for the new dwelling. It should also be noted that, unlike some parts of the Borough, this location is not considered to be an area of parking stress.
- 7.29 The council Highways Officer has not raised any objections to the proposal. On balance, it is considered that the provision of an affordable wheelchair dwelling is of significant benefit to the community and offsets the loss of the temporary on street parking in this location. The proposed parking layout is considered to be acceptable and the proposal is policy compliant in this regard.

Cycle and Refuse Storage

- 7.30 No specific details have been provided in relation to cycle and refuse storage however it is considered that there is scope for these to be provided in the private amenity area.
- 7.31 The parking, traffic and highways implications of the development are therefore found to be acceptable and policy compliant.

Contamination

- 7.32 The site was previously used as a garage court for many years and is at risk of contamination. A Phase 1 and Phase II Site Investigation Report has been submitted with the application. This concludes that:
- Testing indicated that the concentrations of pollutants within the suite of analysis were not elevated.
 - Based on the conceptual site model and risk assessment, low risk has been identified.
 - Remediation is therefore considered unnecessary.
 - The conceptual site model and risk assessment found a low risk to controlled waters.
 - The ground gassing regime has been classified as CIRIA C665 Characteristic Situation 1. Therefore special ground gas protection measures are not considered necessary.

- For potential soil excavation and disposal the soil samples assessed classify as Non-Hazardous, categorised as 17 05 04 in the List of Waste from WM3.

7.33 However, the Council's Environmental Health Officer notes that the site is within 250m of a gas works and there is therefore potential for gas migration to have occurred. He recommends that further investigations are carried and if necessary, a remediation strategy be submitted, agreed and implemented to ensure that the site is suitable for residential development. This can be secured by condition. Subject to this condition, the proposal is considered to be acceptable and policy compliant in this regard.

Sustainable Development

7.34 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.

7.35 The Design and Access Statement comments that roof mounted photo-voltaic panels are proposed but no calculations have been provided to demonstrate that this meets the 10% requirement. In addition, no information has been given regarding water usage. However, it is considered that, for a scheme of this size, the requirement for renewable energy and restrictions on water usage could be controlled with conditions. The proposal is therefore considered to be acceptable and policy compliant in this regard subject to conditions.

Drainage

7.36 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff and where relevant, how they will avoid or mitigate tidal or fluvial flood risk

7.37 The site is located in flood risk zone 1 (low risk). No specific information has been provided regarding drainage. A condition can be imposed to ensure the proposed development mitigates against surface water runoff. The proposal is therefore considered to be acceptable and policy compliant in this regard, subject to that condition.

Permitted Development

7.38 The proposal is located in close proximity of some boundaries, however, there is very limited scope for extension because of the shallow pitch of the roof and the arrangement of the amenity and parking areas. It is therefore not necessary to restrict permitted development rights in this instance.

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)

- 7.39 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), which was adopted by Full Council on 29th October 2020, requires that a tariff of £125.58 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. Subject to the confirmation of this payment, which can be secured via a S106 legal agreement or other suitable means, the proposal is considered to be acceptable and policy compliant in this regard.

Community Infrastructure Levy (CIL)

- 7.40 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 68.4 sqm, which may equate to a CIL charge of approximately £1,757.35 (subject to confirmation) however since the development would be for affordable housing the applicant can apply for an exemption.

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 development plan policies and guidance. The proposal would provide an acceptable standard of accommodation for future occupiers, have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. On balance, there would be no materially adverse traffic, parking or highways impacts caused by the proposed development. It is also noted that the proposal would provide a new affordable wheelchair accessible dwelling for which there is an identified need in the Borough. This application is therefore recommended for approval subject to conditions.

9 Recommendation

9.1 MEMBERS ARE RECOMMENDED TO GRANT PLANNING PERMISSION subject to the following conditions:

(a) DELEGATE to the Interim Director of Planning or Group Manager of Planning & Building Control to GRANT PLANNING PERMISSION subject to the following conditions and following the completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and any other appropriate legislation to secure the provision of a financial contribution of £125.58 (index linked) to mitigate the potential disturbance to European designated sites in accordance with the Essex Coast Recreational disturbance Avoidance Mitigation Strategy or the securing of this same payment by other suitable means.

(b) The Interim Director of Planning or the Group Manager (Planning & Building Control) be authorised to determine the application upon completion of the above requirement, so long as planning permission when granted and, where it is used, the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 4760.102 –PL5

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

03 Prior to its occupation the materials for the external surfaces of the dwellings hereby approved shall be as set out on plan reference 4760.102-PL5 or any other details that have previously been submitted to and approved in writing by the local planning authority.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2019) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above a lower ground floor slab level shall take place until full details of both hard and soft landscape works and proposed boundary treatment have been submitted to and approved in writing by the local planning authority. These details shall include:

- i) proposed finished levels or contours;**
- ii) Details for the means of enclosure of the amenity area,**
- iii) Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a**

planting specification and the initial tree planting and tree staking details.

The hard landscaping shall be implemented in full accordance with the approved details before the development is occupied or brought into use. The soft landscaping shall be completed before the end of the first planting season following first occupation of the building.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015) and advise contained within the Southend Design and Townscape Guide (2009).

05 The four car parking spaces and the associated vehicular access for the spaces to access the public highway, shown on approved plan 4760.102-PL5 shall be provided and made available for use at the site prior to the first occupation of the dwelling hereby approved. The car parking spaces noted on the approved plan as 1 and 2 and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwelling hereby approved and their visitors. The remaining two parking spaces to the south of the proposed dwelling shall be permanently retained for public use.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

06 No drainage infrastructure associated with this development shall be undertaken until details of the design implementation; maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved by the local planning authority. The approved scheme shall be implemented, in accordance with the approved details before the development is occupied or brought into use and be maintained as such thereafter in perpetuity.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2019), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

07 Prior to occupation of the dwelling hereby approved, appropriate water

efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development and thereafter retained in perpetuity.

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

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

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) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide(2009).

09 The development hereby approved shall be carried out in a manner to ensure the dwellinghouse complies with building regulation M4 (2) 'accessible and adaptable dwellings' before it is occupied.

Reason: To ensure the residential unit hereby approved provides a high quality and flexible internal layout to meet the changing needs of residents in accordance with National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide (2009).

10 With the exception of below ground investigation work and removal of the previous structures on site including the hardstanding, no development shall take place until and unless the following details have been submitted to and approved in writing by the local Planning Authority:

- i) Notwithstanding the conclusions of the Combined Phase I and Phase II Site Investigation Report by agb Environmental reference P3220.1.0 dated 20 December 2018, due to the potential for gas migration and made ground at the site as noted in Table 6.18 and Table 12.1 of this report, a detailed Site Remediation Strategy to deal with land contamination and /or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the local planning authority.**
- ii) The site shall be remediated as necessary in accordance with the approved Site Remediation Strategy before the construction of the development**

hereby approved begins. A Validation Report for the Site Remediation Strategy shall be submitted to, and agreed in writing by the local planning authority before completion of the development or occupation of the dwelling hereby approved (whichever comes first).

- iii) If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further works shall be carried out until a method statement detailing a scheme for dealing with suspect contamination has been submitted to and agreed in writing with the Local Planning Authority

The remediation of the site shall incorporate the approved remediation measures and shall be carried out in full before the building is occupied.

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

11 Construction Hours for the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.

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

- (c) In the event that the planning obligation or other means of securing the financial contribution referred to in part (a) above has not been completed by 2nd December 2020 or an extension of this time as may be agreed, the Interim Director of Planning or Group Manager Planning & Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide adequate mitigation for the potential disturbance to European designated site, contrary to National and Local planning policy.

Informatives:

01 Please note that the development 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).

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

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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.