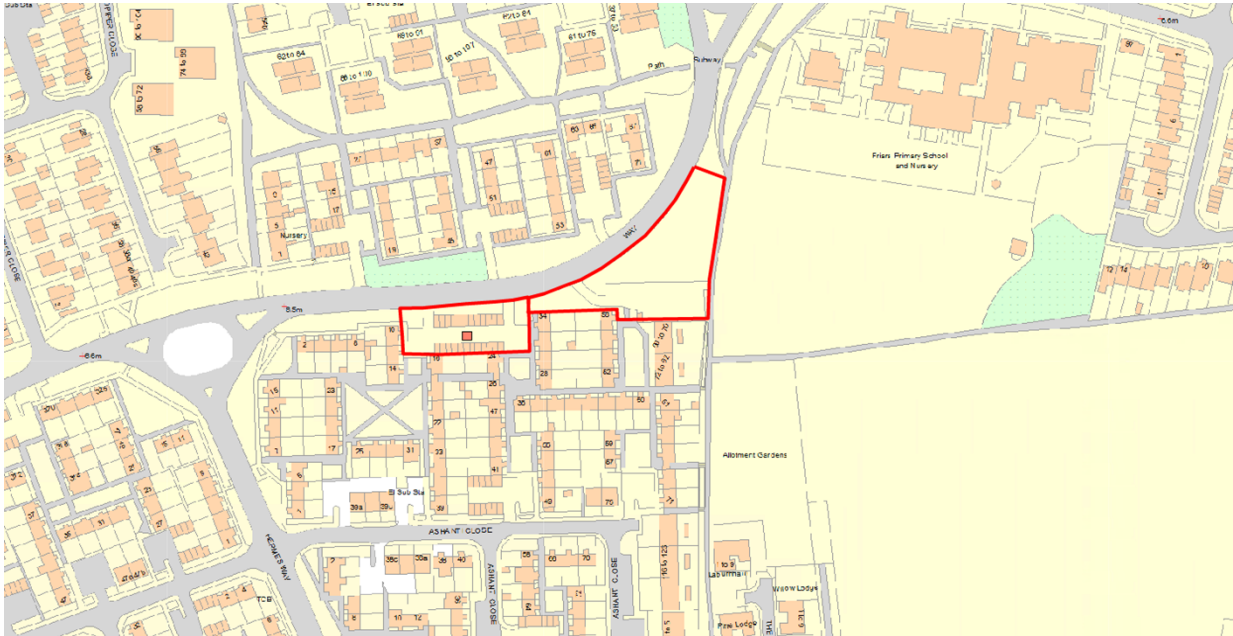


<b>Reference:</b>	20/01726/BC3M	
<b>Application Type:</b>	BC3	
<b>Ward:</b>	Shoeburyness	
<b>Proposal:</b>	Demolish former disused garage sites to rear of 16 Eagle Way (Site 1A) and former compound site (Site 1B) and redevelop sites comprising of 5 terrace dwellinghouses with associated parking and amenity space (site 1A) and erect four storey block of 16 self-contained flats with communal garden and cycle store to rear, lay out associated parking and form additional vehicular access to north of site (1B) on to Eagle Way	
<b>Address:</b>	Garages at Eagle Way Shoeburyness Southend-On-Sea Essex	
<b>Applicant:</b>	Southend on Sea Borough Council	
<b>Agent:</b>	AK Design Partnership LLP	
<b>Consultation Expiry:</b>	23 <sup>rd</sup> March 2021	
<b>Expiry Date:</b>	9 <sup>th</sup> April 2021	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	<p><b>4760.111 PL8, 4760.113 PL2, 4760.116 PL6, 4760.117 PL3, 4760.118 PL4, 1217/05A (Topographic Survey), TCTC-17595-PL-01(Tree Survey and constraints plan)</b></p> <p><b>Tree Schedule reference BS5837</b></p> <p><b>Design and Access Statement by AKDP dated Sept 2020</b></p> <p><b>Planning Statement dated Nov 2020</b></p> <p><b>Impact Statement by AKDP dated Sept 2020</b></p> <p><b>Combined Phase I and Phase II Site Investigation Report by agb Environmental reference P3220.1.0 dated 20.12.18</b></p> <p><b>Drainage Strategy Report reference 200372 dated Dec 2020, Drainage Plans references DBS200372-01A, DBS200372-02, DBS200372-03, DBS200372-04</b></p>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMSSION</b>	



## 1. Site and Surroundings

- 1.1 The proposed development relates to the site of a garage block and 3 open car parking areas located on the south side of Eagle Way close to numbers 10, 16, 24, 34 and 60 Eagle Way. The garage blocks are located in the centre of the site. These were part of the original design of the wider Eagle Way Estate but are undersized for modern cars and now redundant. They are utilitarian in design and are not considered to be a positive addition to the estate. Similar garage blocks were also sited on the eastern part of the site but these have already been demolished. The largest of the 3 open parking areas to the east end of the site also used to contain similar garage blocks but now only 1 single garage remains. There is also a storage container in this area which restricts parking at the eastern end of this area.
- 1.2 The Eagle Way estate 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 estate is divided by Eagle Way a wide and busy vehicular route. The existing houses and flats are typical 1970s design - simple flat fronted gabled forms with modern glazing and low pitch or asymmetrical roofs. They are uniform in appearance and arranged as short terraces perpendicular to the main road and individual flatted blocks set within a landscape setting. The area is characterised by strong building lines. There are no detached or semi-detached houses in the estate.
- 1.3 The landscaping takes the form of wide swathes of grassed areas punctuated with groups of trees. These areas form an attractive buffer between the buildings and the main road and between the buildings. The openness and soft landscaping are key characteristics of the estate.
- 1.4 The wider area is residential in character. There are no specific policy designations for this site.

## **2 The Proposal**

- 2.1 The proposal seeks to demolish the existing garage block and erect a terrace of five 3 bedroom 5 person dwellinghouses with associated amenity spaces and a block of 16 flats comprising 12 x 2 bed 3 person units and 4 x 1 bed 2 person units. It is also proposed to layout 44 parking spaces, including 6 disabled parking spaces, to serve the 5 new houses, 16 flats and the existing development in the vicinity of the site. These spaces will replace the 25 existing garages and existing open parking spaces which will be lost. Not including the undersized garages 28 parking spaces were counted on site. The 3 existing vehicular accesses from Eagle Way will also be adjusted to relate to the new parking layout. The houses and flats are all proposed as affordable rented units.
- 2.2 The houses each measure 5.5m wide by 9.2m deep with an eaves height of 5.1m and a ridge height of 8.7m. The flatted block measures 24.9m wide, 15.5m deep with an eaves height of 8.9m and a maximum height of 14.6m.
- 2.3 The buildings will be constructed of red brick with white/cream render window surrounds, upvc windows and smooth brown concrete roof tiles.
- 2.4 It is proposed to fell 6 trees to facilitate the development. The indicative landscaping scheme shows that more than 12 replacement trees will be planted.

### **Relevant Planning History**

- 3.1 No planning history.

## **4 Representation Summary**

- 4.1 121 neighbouring properties were consulted, a press notice published and 2 site notices displayed. 5 letters of representation have been received raising the following summarised issues:

- Lack of parking and impact on existing parking spaces
- Lack of disabled parking
- Residential amenity concerns
- Loss of privacy
- Impact on existing house values
- Impact on safety of existing residents
- Noise and disturbance
- Design 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.

### **Highways Team**

- 4.2 A total of 44 car parking spaces will be provided as part of the development. The car parking layout ensures that vehicles can manoeuvre effectively and leave in a forward gear. Secure cycle parking has been provided. It is not considered that the application will have a detrimental impact upon the public highway therefore no highway objections are raised.

## **Environmental Health**

- 4.3 The Contaminated Land Report for Phases 1 & 2 by AGB Environmental dated 20/12/2018 has been reviewed and is considered acceptable subject to a condition requiring the recommendations of this report as set out in section 15 to be implemented.

Conditions are also recommended in relation to construction hours and waste management.

## **Parks**

- 4.4
- No objections to loss of trees provided that replacements are agreed.
  - The trees to be retained should be enclosed with protective fencing prior to the commencement of the works.
  - The plant species chosen for the soft landscaping scheme are suitable for this location. Full details of the landscaping scheme will need to be agreed.

## **Education**

- 4.5 Not for profit schemes developed entirely as affordable housing where all of the dwellings will be 100% owned by the Council or a Registered Social Landlord are exempted from an Education contribution.

## **Housing**

- 4.6 No objections.

## **Drainage Engineer**

- 4.7 No objections subject to a condition requiring the detail of the proposed drainage scheme to be agreed prior to installation.

## **Essex Police**

- 4.8 The commitment to seek police recognised security accreditation is welcomed.

## **National Grid**

- 4.9 No objections, the HP pipeline in the vicinity should be unaffected by the development.

## **Anglian Water**

- 4.10 The applicant is advised to contact Anglian Water in relation to assets close to the site. The existing foul drainage has sufficient capacity for this development subject to agreement with Anglian Water. The proposed sustainable drainage for the site is acceptable.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 National Planning Policy Guidance

- 5.3 National Design Guide (2019)
- 5.4 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), CP7 (Sport, Recreation and Green Space) Policy CP8 (Dwelling Provision)
- 5.5 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), DM7 (Dwelling Mix, Size and Type), (DM8 (Residential Standards), Policy DM14 (Environmental Protection), DM15 (Sustainable Transport Management)
- 5.6 Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (2020)
- 5.7 Design & Townscape Guide (2009)
- 5.8 Technical Housing Standards – Nationally Described Space Standards (2015)
- 5.9 Vehicle Crossing Policy & Application Guidance (2014)
- 5.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)

## **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, impact on existing trees, sustainability, potential contamination, ecology impact including RAMs and CIL.

## **7 Appraisal**

### **Principle of Development**

- 7.1 The provision of new high quality housing is a key Government objective.
- 7.2 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.*

- 7.3 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*”.
- 7.4 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*”.
- 7.5 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.
- 7.6 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*”.
- 7.7 The site is in a residential area which comprises both family housing and flats. There is therefore no objection in principle to new houses and flats in this location.

#### Affordable Housing

- 7.8 Policy CP8 seeks an affordable housing provision of at least 20% for major residential proposals of 10-49 dwellings.
- 7.9 This application has been submitted on behalf of the Council’s Housing Department. The accompanying Planning Statement confirms that all the new dwellings will all be affordable rented units which will be managed by South Essex Homes on behalf of the Council. This development forms part of a wider programme of works to redevelopment the redundant council owned garage blocks for new affordable homes to meet the current housing need. The proposal for 100% affordable housing is considered to be a public benefit and weighs in favour of the planning balance of this proposal. This provision can be secure by condition in this instance. This proposal therefore meets the policy requirements in terms of affordable housing and is acceptable and policy compliant in this regard.

#### Dwelling Mix

- 7.10 Policy DM7 states that the Council will encourage new development to provide a range of dwelling sizes and types. The desired mix of dwellings for new affordable housing is as follows:

**Policy Table 3: Preferred Affordable Dwelling Mix**

Dwelling size: No. Bedrooms	1-bed	2-bed	3-bed	4-bed
Proportion of affordable housing total	16%	43%	37%*	4%**

- 7.11 4 x 1 bed 2 person flats (19%), 12 x 2 bed 3 person flats (57%) and 5 x 3 bed 5 person houses (24%) are proposed at the site. This will achieve an acceptable mix of units on the site and is considered to be compatible with the objectives of policy DM7.

#### Planning Obligations

- 7.12 As a Council application for 100% affordable housing there is no requirement for developer contributions in relation to secondary education. Travel Packs and contributions to ecology can be secured by condition and are considered below. Affordable housing contributions are addressed elsewhere in this report.
- 7.13 The principle of the development is therefore considered to be acceptable subject to the detailed considerations set out below.

#### Design and Impact on the Character of the Area

- 7.14 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.'*
- 7.15 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."*
- 7.16 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."*
- 7.17 The proposal seeks to erect a terrace of five houses and a block of 16 flats on the site of an existing garage block and an open area of parking/verge. New areas of parking will be incorporated into the layout.

- 7.18 The proposed new terrace of houses is two storeys with accommodation in the roof space. The proposed flats are 3 storeys also with accommodation in the roofspace. In both cases there will be an increase in height and scale compared to the existing development, however, the increases are not considered to be harmful and the development will not appear as a dominant addition to the streetscene.
- 7.19 The houses and flats have been designed with a gabled form and tall flat windows. This straightforward design sits comfortably with the surrounding simple 1970s architecture. The design is similar to those recently approved in place of the redundant garages on the other side of the road and together will form a cohesive group in the streetscene.
- 7.20 Open landscaping has been maintained around the development, particularly in relation to the flats where there is more space and this should help the proposal to positively integrate into the wider estate which is characterised by the wide grassed verges to the road and between the buildings.
- 7.21 The design, scale, form and layout of the proposal is considered acceptable and policy compliant.

### **Standard of Accommodation for Future Occupiers**

- 7.22 Delivering high quality homes is a key objective of the NPPF.
- 7.23 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*”.

#### *Space Standards and Quality of Habitable Rooms.*

- 7.24 All new homes are required to meet the National Technical Housing Standards in terms of overall floorspace and bedroom sizes.
- 7.25 All of the proposed houses and flats meet the standards including the bedrooms sizes. The dwellings also include a home working space and storage. The proposal is acceptable and policy compliant in this regard.

#### *Light, Privacy and Outlook*

- 7.26 The plans show that all habitable rooms would benefit from acceptable levels of daylight and sunlight. The proposal is therefore considered to be acceptable and policy compliant in this regard.

#### *Accessibility*

- 7.27 Policy DM8 also requires all new dwellings to be accessible and adaptable to Building Regulations M4(2) standards and 10% of dwelling in major schemes to be M4(3) wheelchair compatible.
- 7.28 The submitted statement and drawings confirm that the 4 ground floor flats (19%) are M4(3) compatible and that the remaining flats and the houses are accessible and will meet M4(2) standards. This can be secured by condition. The proposal therefore meets the accessibility requirements and is policy compliant in this regard.



### *Amenity Provision*

- 7.29 All the houses have access to a private garden of approximately 45 sqm. 12 of the 16 flats will have private balconies and a communal amenity area of approximately 195 sqm is proposed to the rear. Subject to appropriate landscaping, it is considered that this will provide satisfactory amenity space for the new residents.
- 7.30 Overall, it is considered that the proposal will provide a good standard of accommodation for future occupiers and is acceptable and policy compliant in this regard.

### **Impact on Residential Amenity**

- 7.33 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.34 The new houses are proposed in an 'island' location fronting the road. They would achieve a separation distance of between 8.4m and 8.7m from the garden boundaries of 16 and 24 Eagle Way to the south, are set 21.8m from the front elevation of number 10 to the west and 15.5m from the front elevation of number 34 to the east. The design of plot 1 has its bedroom window to the side elevation facing west to reduce the outlook to the neighbours garden to the rear. The side window to plot 5 is proposed as obscure glazed to prevent outlook towards number 34.
- 7.35 This arrangement is considered to have an acceptable impact in terms of outlook, light and sense of enclosure, overlooking and privacy to the habitable rooms of neighbouring properties. The separation to the rear boundary and reduced outlook at the western end is considered to be sufficient to ensure that the proposal would not give rise to unreasonable overlooking of neighbouring gardens to the south.
- 7.36 The proposed flatted block is set at least 13.6m from the nearest neighbour has its main outlook to the road and towards the allotment site to the south east. The block is set on an angle so the secondary windows to the south west flank do not directly face the neighbouring dwellings. There are no neighbours to the north east.
- 7.37 It is considered that this separation is sufficient to ensure that the design, size, siting and scale of the proposed flats would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard.
- 7.38 It is considered that the proposal for 5 new houses and 1 block of flats would not result in unacceptable levels of noise and disturbance for neighbouring occupiers.
- 7.39 The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

## **Traffic and Transportation Issues**

- 7.40 Development Management Document Policy DM15 requires 2 off street parking spaces for each new house and 1 parking space for each new flat but notes that residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.
- 7.41 The proposed development will replace the 25 sub-standard and redundant garages and 28 unallocated useable parking spaces currently on the site with 44 reconfigured parking spaces, including 6 disabled spaces. These will serve both the proposed development and the existing dwellings close to the site. This equates to a policy compliant 26 spaces for the proposed 16 flats and 5 houses plus an additional 18 spaces. Overall, this is a net loss of 10 spaces compared to the existing situation, however, spaces will be in unallocated parking courts to ensure greater efficiency and flexibility for all residents. It is noted that the existing garages cannot be counted as usable parking spaces due to their limited dimensions which fall significantly short of the requirement for useable garages as set out in the Development Management Document (7m x 3m internal dimensions). The layout of the site demonstrates that there is no reasonable option to increase the number of parking spaces without having a detrimental impact on character. The applicant will also be required to submit and agree a parking management plan and provide Travel Packs to all new residents with information on public transport links to the site which will encourage more sustainable transport choices which will limit the impact from car ownership in the new properties. It is also noted that there is on street parking on Eagle Way to the front and this is not considered to be an area of parking stress.
- 7.42 The Council's Highways Officer has not raised any objections to the proposal in terms of access or proposed parking provision or the loss of the existing garages.
- 7.43 Given the constraints of the site, the proposed parking layout is considered to be acceptable and the proposal is policy compliant in this regard subject to conditions requiring the parking to be provided and maintained and travel packs to be provided to all new dwellings.

### *Cycle Parking and Refuse Storage*

- 7.44 No specific information has been provided in relation to cycle and refuse storage in relation to the proposed houses however it is considered that there is scope for these to be provided in the private amenity area which include small sheds. Full details of refuse and cycle stores have been provided in relation to the flats to serve all units and these are considered to be acceptable. The proposal is therefore acceptable and policy compliant in this regard.

### *Construction Management Plan*

- 7.45 A construction management plan will be required. The agent has agreed to a pre commencement condition in relation to this issue.
- 7.46 The parking, traffic and highways implications of the development are therefore found to be acceptable and policy compliant.

## Sustainability

- 7.47 Sustainable development is a key objective of the NPPF.
- 7.48 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.
- 7.49 The Design and Access Statement confirms that roof mounted photo-voltaic panels are proposed but no details or calculations have been provided to demonstrate that this meets the 10% requirement. However, it is considered that, for a scheme of this nature, the requirement for renewable energy and water efficiency could be controlled with conditions. The proposal is therefore considered to be acceptable and policy compliant in this regard subject to these conditions.

### *Drainage*

- 7.50 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.
- 7.51 The site is located in flood risk zone 1 (low risk). A drainage design has been provided. The Council’s Sustainable Drainage Engineer has reviewed the documentation and considers the information provided sufficient at this stage. Full details can be required by condition. The proposal is therefore considered to be acceptable and policy compliant in this regard, subject to this condition.

### *Contamination*

- 7.52 The site was previously used as a garage courts for many years and is at risk of contamination. A Phase I and Phase II Site Investigation Report has been submitted with the application. The report concludes that a low to moderate risk has been identified for the site of the houses and a moderate risk at the site of the flats and therefore remediation may be required. In both cases the report recommends that additional grounds investigations be completed to allow the extent of contamination to be confirmed. It recommends the replacement of the top soil with clean soil in the garden areas. A remediation statement will be required to be submitted.
- 7.53 The Council’s Environmental Health Officer has reviewed the contamination report and agrees with the recommendations set out in Sections 15.1 and 15.4 including the proposed watching brief methodology set out in paragraphs 15.1.2 and 15.4.2. The implementation of these recommendations can be secured by condition. Subject to this condition the proposal is considered to be acceptable and policy compliant in the above regards.

## **Impact on Trees**

- 7.54 The proposal encroaches a short distance onto the existing grass verges which provide a buffer between the estate and the main road. This area contains a number of small to medium trees which provide an attractive setting for the estate.
- 7.55 6 trees are propped to be removed to facilitate the development. None of these trees are protected. An indicative landscaping scheme has been provided which shows a larger number of replacement trees (more than 12) will be planted around the development. This is considered to be reasonable mitigation for the loss of 6 trees and full details can be agreed by condition. The Council's Arboricultural Officer has not raised any objection to the proposal subject to the planting of replacement trees.
- 7.56 The submitted plans show that protective fencing is proposed to be installed around the trees to be retained which are close to the development. Subject to conditions relating to landscaping and tree protection measures for the retained trees the proposal is acceptable and policy compliant in this regard.

## **Ecology**

- 7.57 Core Strategy policy KP2 and Development Management Policy DM2 require development to respect, conserve and enhance biodiversity. The site itself has no ecological designation however or features but it falls within the zone of influence for one or more of the European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).

### *Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS)*

- 7.58 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), was adopted by Full Council on 29<sup>th</sup> 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 by other suitable means, the proposal is considered to be acceptable and policy compliant in this regard. This sum has been paid.
- 7.59 Overall, therefore the ecological implications of the site can be considered acceptable and policy compliant subject to the appropriate conditions.

## **Permitted Development**

- 7.60 Given the proximity of the development to neighbouring properties and finely balanced relationship with the grain and character of the area, it is considered appropriate in relation to the proposed houses that permitted development rights should be controlled by condition so that the implications of future extensions, including dormers, on the character of the area and neighbours can be fully assessed.

## **Community Infrastructure Levy (CIL)**

- 7.61 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 1875 sqm, which may equate to a CIL charge of approximately £48173.08 (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 an acceptable impact on the character and appearance of the application site, street scene and the locality more widely. 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 significant quantum of new affordable housing for which there is an identified need in the Borough. This application is therefore recommended for approval subject to conditions.

## **9 Recommendation**

- 9.1 **GRANT PLANNING PERMISSION** subject to the following conditions:

**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 4760.111 PL8, 4760.113 PL2, 4760.116 PL6, 4760.117 PL3, 4760.118 PL4**

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

**03 No development can commence unless and until a scheme for securing the timing and delivery of all of the dwellings hereby approved (21 dwellings) as affordable dwellings, including their location, tenure and mix has been submitted to and approved in writing by the Local Planning Authority. Such a scheme must include a suitable means to secure the continuing provision of the 21 units as affordable housing. No housing in the scheme can be occupied until it has been built and management handed over to South Essex Homes in accordance with the terms set out in the scheme approved under this condition.**

**Reason: A pre-commencement condition is necessary to ensure that the affordable housing is secured for the lifetime of the development in accordance with Core Strategy (2007) Policies CP6 and CP8.**

**04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until a brick sample and full product details of the materials to be used on all the external elevations, including walls, roof, doors and windows, balconies, canopies, soffits and boundaries have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before it is brought into use.**

**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).**

**05 The 44 car parking spaces, including 6 disabled car parking spaces and the associated vehicular access for the spaces to access the public highway, shown on approved plans 4760.111-PL8 and 4760.116-PL6 shall be provided and made available for use at the site prior to the first occupation of the dwellings hereby approved. The car parking spaces noted on the approved plan and the associated vehicular access to and from the public highway shall thereafter be permanently retained as such.**

**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 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied unless and until a car park management plan has been submitted to and approved in writing by the local planning authority. The car park management plan must be implemented in full accordance with the details approved under this condition prior to first occupation of any part of the development hereby approved and shall be maintained as such in perpetuity.**

**Reason: To ensure that adequate car parking arrangements are provided to serve the development in accordance with Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).**

**07 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above a 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 areas,**
- 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.**
- iv) Measures to enhance biodiversity.**

**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. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority**

**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 advice contained within the Southend Design and Townscape Guide (2009).**

**08 Prior to the commencement of development the tree protective fences as shown on plan reference 4760-118-PL4 shall be installed. The protective measures shall remain in place throughout the construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837 including supervision of works by a qualified arboriculturalist.**

**Reason: A pre-commencement condition is justified to ensure the trees on and close to the site are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).**

**09 The first floor windows on the side elevation of house plot 5 shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut up to a height of not less than 1.7m above first floor level before the occupation of the dwellings hereby approved and shall be retained as such in perpetuity. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.**

**Reason:** To protect the privacy and environment of people in proposed and neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

**10** The flatted development hereby approved shall not be occupied or brought into use until the refuse and recycling storage facilities are provided and made available for use by the occupiers in full accordance with the details shown on approved drawing number 4760.118 PL4 or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained as such thereafter.

**Reason:** To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

**11** The flatted development hereby approved shall not be occupied or brought into use until the cycle storage facilities are provided in full and made available for use by the occupiers in accordance with the details shown on drawing number 4760.118 PL4 or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority. The cycle storage facilities shall be permanently retained as such thereafter.

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

**12** No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be fully adhered to throughout the construction period. The Statement shall provide, amongst other things, for:

- a) The parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials used in constructing the development
- d) The erection and maintenance of security hoarding including measures to ensure the protection of the existing grass verges to the north section of the site to be retained.
- e) Measures to control the emission of noise, dust and dirt during construction
- f) A scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.

**Reason:** This pre-commencement condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).



**13 Prior to the first occupation of any dwelling, details of the Residential Travel Packs shall be submitted to and approved in writing by the local planning authority. The approved travel packs shall then be provided to each dwelling within 1 month of their first occupation.**

**Reason: In the interests of sustainability in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).**

**14 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, including the Drainage Strategy Report reference 200372 dated Dec 2020 and associated Drainage Plans references DBS200372-01A, DBS200372-02, DBS200372-03, DBS200372-04, the development hereby permitted shall not be commenced other than for demolition works unless and until the remaining information required in relation to sustainable drainage at the site has been submitted to and approved in writing by the local planning authority. The following additional information on the proposed sustainable drainage system shall be provided:**

- a) The proposed drainage strategy for the permeable pavement elements should be assessed based on the infiltration results. It should be noted that permeable pavement systems are compatible with low infiltration soils but different construction details may be required.
- b) The design and statement should incorporate further consideration to other applicable types of SuDS (e.g. permeable pavement in car park spaces, green roofs, raingardens, swales, etc). Where these are not implemented, a valid justification should be provided.
- c) A plan showing the areas positively drained into the system should be provided.
- d) The type and location of flow control device should be shown on the plan.
- e) Exceedance flow routes should be shown on the plan.
- f) Construction details of permeable pavement, underground storage and flow controls should be provided.
- g) Calculations or justification should be provided to confirm that the proposed discharge is below the pre-development discharge rates.
- h) Evidence of acceptance from Anglian Water is required for the discharge.
- i) Evidence of acceptance form Anglian water is required for the two sewer diversions.
- j) Confirmation is required that no additional catchment area is proposed to be discharged into the sewer in relation to the pre-development status.
- k) The method used to calculate the attenuation storage calculation (BRE Digest 365) is only applicable to infiltration systems. An acceptable calculation method for attenuation storage (see chapter 24 in CIRIA SuDS Manual C753) should be used and detailed calculations provided.
- l) The statement should incorporate a section on water quality.
- m) Apart from the sewer diversions, the drainage strategy does not include the proposals for the foul drainage on the site. These proposals should be included in the report and drawing.
- n) Details of management of health and safety risks in relation to the drainage design should be provided.
- o) A method statement detailing the effect of surface water during the

**construction phase should be provided.**

- p) A SuDS Management Plan should be provided and should include details of the body who will be responsible for the drainage maintenance, the required maintenance activities, the maintenance schedules and any access points and easements.**

**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)**

**15 Prior to occupation of the dwellings 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).**

**16 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).**

**17 The development hereby approved shall be carried out in a manner to ensure that at least 10% of the dwellings, a minimum of 3 units, comply with building regulation M4(3) 'wheelchair user dwellings' and the remaining dwellings comply 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).**

**18 The development shall be carried out in full accordance with the recommendations set out in Sections 15.1 and 15.4 of the Combined Phase I and Phase II Site Investigation Report by agb Environmental reference P3220.1.0 dated 20 December 2018 before the development is occupied, including undertaking a watching brief by a competent person during any below ground works in accordance with the steps set out in paragraphs 15.1.2 and 15.4.2 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 of mitigation for dealing with the additional contamination has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme of additional contamination mitigation shall be implemented in full before the development 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).**

**19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no extensions or detached buildings shall be erected at the dwellinghouses (plots 1-5) hereby approved specified within Schedule 2, Part 1, Classes A, B, D and E of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.**

**Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).**

**20 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).**

**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](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended).**

**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.**

**03 The applicant is advised that the appropriate highways licences should be obtained prior to the commencement of the development.**

**04 The applicant is advised that the commitment to seek the nationally recognised security accreditation is welcomed by Essex Police and the applicant is invited to contact Essex Police who can provide support for this application at [designingoutcrime@essex.police.uk](mailto:designingoutcrime@essex.police.uk)**

**05 The applicant is advised that Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence. Please contact Anglian Water at [planningliaison@anglianwater.co.uk](mailto:planningliaison@anglianwater.co.uk) Reference 167627/1/0110592.**

**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.**