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| Reference: | 21/00641/FUL | |
| Application Type: | Full Application | |
| Ward: | Kursaal | |
| Proposal: | Erect three storey building comprising of four self-contained flats with terraces to first floor east elevation, associated amenity space, parking, cycle spaces and refuse store | |
| Address: | Land At Marks Court Southend-On-Sea Essex | |
| Applicant: | RG Airspace Developments Limited | |
| Agent: | Davies Murch | |
| Consultation Expiry: | 08.06.2021 | |
| Expiry Date: | 08.07.2021 | |
| Case Officer: | Janine Rowley | |
| Plan Nos: | WP-0758-A-0001 Revision A; WP-0758-A-0002 Revision A; WP-0758-A-0030 Revision A, WP-0758-A-0100 Revision B; WP-0758-A-0110 Revision B; WP-0758-A-0111 Revision B; WP-0758-A-0200 Revision B; WP-0758-A-0201 Revision B; WP-0758-A-0202 Revision B; WP-0758-A-0203 Revision B; WP-0758-A-0204 Revision B; WP-0758-A-0300 Revision B; Design and Access Statement Ref: WP-0758-A-DAS, Daylight and Sunlight Review by EB7 dates 24th March 2021, Covering Letter | |
| Recommendation: | Members are recommended to GRANT PLANNING PERMISSION, subject to conditions | |



1 Site and Surroundings

- 1.1 The site is located on the east side of Southchurch Avenue in Marks Court. The wider Marks Court site is a private cul-de-sac development comprising of 22 residential blocks and was constructed in circa 1990's. The majority of the blocks are 3 storeys with some ranging up to 4 storeys. The application site itself currently comprises of soft landscaping and 5 parking spaces. There are also cycle hoops on the site. These cycle hoops are not secure nor covered.
- 1.2 To the north east of the site are four storey blocks of flats forming the Kursaal estate. Communal grounds and soft landscaping surround the residential development with parking to the centre.
- 1.3 The site is not the subject of any site-specific policy designations however, the site is located close to the Kursaal Conservation Area and the grade II listed building – The Kursaal, which is some 80m from the proposed development. The site is located within the Central Seafront Policy Area of the SCAAP (Southend Central Area Action Plan).

2 The Proposal

- 2.1 Planning permission is sought to erect a three storey building comprising of four self-contained flats with terraces to first floor rear (east) elevation, associated amenity space, parking, cycle spaces and refuse store.
- 2.2 The proposed building would be some 11.5m high, some 9.9m wide and 15.7m deep. The building would be finished in red facing brickwork and would include balconies to the rear at first floor level only with privacy screens.

- 2.3 Access to the flats is proposed via a communal entrance to the front. There would be an internal lift serving all floors. Eight parking spaces are to be formed to the north reconfiguring the existing parking layout which currently has 5 parking spaces. Cycle and refuse stores are proposed to the rear of the site.
- 2.4 The internal floorspace for the proposed two-bedroom flats is as follows:
- Flat 1-61.1sqm 1 bedroom 2 persons
 - Flat 2-61.1sqm 2 bedrooms 3 persons
 - Flat 3-79.1sqm 2 bedrooms 4 persons (duplex unit over first and second floor)
 - Flat 3-79.1sqm 2 bedrooms 4 persons (duplex unit over first and second floor)
- 2.5 The two ground floor flats would each have access to a private garden area to the rear of the block measuring some 32.2sqm for the 1bedroom unit and some 40.4sqm for the 2 bedroom unit. Flats 3 and 4 would each benefit from private roof terraces each of some 17sqm.
- 2.6 The applicant has submitted details of the materials proposed. There are 4 tones of brick that are used within the wider Marks Court site and the proposed building will include brick colour in a brown tone relating to other standalone blocks on the site. A slate roof is proposed. It is not clear from the information submitted whether metal or timber windows are proposed.

3 Relevant Planning History

- 3.1 The most relevant history to the site is as follows:
- 3.2 20/01501/TPO- Reduce crown by 4m and crown lift to 4m to T6 (G1) Sycamore tree, reduce crown by maximum 2.5m and crown lift to 4m to T7, T8 and T9 (G1) Sycamore trees, reduce crown by up to 2.5m to previous points of reduction and crown lift to 4m to T4 (T2) and T2 (T3) Horse Chestnut trees, reduce crown by up to 4m to previous points of reduction and crown lift to 4m to T1 (T5) Horse Chestnut tree (Application for works to trees covered by a Tree Preservation Order)- Consent granted
- 3.3 13/01127/TPO Prune one horse chestnut at land rear of 55 - 60 Marks Court (Application for works to trees covered by a Tree Preservation Order) Consent Granted
- 3.4 14/01940/TPO Reduce and lift crown to one horsechestnut and four sycamore trees (Application for works to trees covered by a tree preservation order) Consent Granted

4 Representation Summary Public Consultation

4.1 90 neighbouring properties were consulted, and a site notice displayed. 30 letters of objection have been received objecting on the following summarised grounds:

- Parking concerns.
- Residential amenity concerns.
- Design concerns – unacceptable and out of keeping.
- Loss of valuable green, recreational space and amenity space. Its loss will impact wildlife and children. Other areas of green space are not as private and close to busy roads and its loss could impact social distancing.
- Concerned that the proposed flats will be given private garden areas when no other flats within Marks Court have them.
- Impact on sewage infrastructure.
- Increased subsidence.
- Environmental impacts during construction - No parking for site workers and no site storage for any potential construction and the existing road not suitable for large construction vehicles.
- The impact on residents during construction has not been accounted for.
- Loss of privacy and overlooking.
- Impact daylight and outlook and would be overbearing.
- The new development has not taken into account deeds and leases on the existing Marks Court.
- Lack of parking and loss of parking with only three spaces provided for new residents. Concern that one of the spaces proposed would conflict with access to a substation. Concerns about amount of existing overall parking with one resident claiming that site has 132 flats and 134 parking spaces and another 132 flats and 130 parking spaces and that each flat is entitled to park 2 cars each.
- Increase congestion and traffic in the area.
- The daylight and sunlight report is insufficient to assess impact.
- Leaseholders have not been consulted on the proposals.
- Not enough separation distance between the new development and existing flats.
- Increased noise and disturbance.
- Loss of health and wellbeing and impact social cohesion.
- Loss of communal cycle storage. Existing cycle parking is unsecure and theft issues.
- Overdevelopment of site and density concerns.
- Local infrastructure would not be able to cope.
- Loss of turning area which would also impact delivery vehicles and the refuse lorry.
- Flats not needed in this location and concerns relating to dwelling mix, lack of family units and doesn't address need for affordable housing.
- Lack of disabled access.
- Contrary to planning policy.
- Developer profits.
- Lack of neighbour consultation.
- Inaccuracies within application.

Officer Comments: The concerns in the above representations are noted and where they refer to material planning considerations they have been taken into account in the assessment of the application. However, they have not been found to represent reasonable grounds which would justify a refusal of planning permission.

4.2 Councillor Dent has requested the application be dealt with by Development Control Committee.

4.3 **Environmental Health**

No objections subject to construction hours condition and waste management.

4.4 **Parks**

No objections subject to further detailing on any tree removal or vegetation removal to take place and any replacement planting.

4.5 **Essex County Fire Service**

No objections.

4.6 **Highways**

There are no highway objections to this proposal the site is located in a very sustainable location with regard to public transport with good links in close proximity. It is not considered that the proposal will have a detrimental impact on the local highway network.

5 Planning Policy Summary

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

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP8 (Dwelling Provision)

5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM8 (Residential Standards), and DM15 (Sustainable Transport Management)

5.4 Southend Central Area Action Plan (SCAAP) (2018) Policy CS1 (Central Seafront Policy Area),

5.5 Design & Townscape Guide (2009)

5.6 Vehicle Crossing Policy & Application Guidance (2014)

5.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)

5.8 Waste Storage, Collection and Management Guide for New Developments (2019)

5.9 National Described Space Standards (2015)

5.10 Essex Coast Recreation disturbance Avoidance Strategy (RAMS) Supplementary Planning Document (2020)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, design, impact on character, the street scene and nearby heritage assets, residential amenity for future and neighbouring occupiers, traffic and parking implications, sustainability, Community Infrastructure Levy (CIL) and RAMS considerations.

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 uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.’*
- 7.2 Policy KP2 of the Core Strategy requires that *“all new development contributes to economic, social, physical and environmental regeneration in a sustainable way”* and seeks to *“make the best use of previously developed land, ensuring that sites and buildings are put to best use”*. Policy CP8 of the Core Strategy identifies the need for 6,500 homes to be delivered within the whole Borough between 2001 and 2021 and of these 550 should be provided in the sea front area. Policy CP8 also requires the provision of not less than 80% of residential on previously developed land.
- 7.3 Policy DM3 of the Development Management Document promotes *“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.”*
- 7.4 The provision of additional housing in this area is supported by Policy CP8 of the Core Strategy and Policy DM7 of the Development Management Document.
- 7.5 Policy DM3 (2) quotes 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”.
- 7.6 Policy DM8 says that the Council seeks appropriate flexibility and dimensions within the internal accommodation to meet the changing needs of residents. Policy DM15 states that 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 Design and Townscape Guide seeks to promote a high quality of design in new developments.

- 7.7 Section 5.3 of the Design and Townscape Guide deals with infill development and it states:
“The size of the site together with an analysis of local character and grain will determine whether these sites are suitable for development. In some cases the site may be too small or narrow to accommodate a completely new dwelling (including useable amenity space and parking) and trying to squeeze a house onto the site would significantly compromise its design quality and be detrimental to neighbouring properties and local character. Unless an exceptional design solution can be found, infill development will be considered acceptable”. Where such development is acceptable in principle the Design and Townscape Guide states that it is important to draw strong references from surrounding buildings in terms of scale, frontage, materials and rhythm”.
- 7.8 The existing site is an area of soft landscaping with a central planted area and grass together with parking spaces to be reconfigured to the north. The existing site is not designated as protected open space or a playing field. The surrounding area is characterised by residential development, specifically flat developments and as such a flat development is considered acceptable in this location in principle. It is not considered the proposed development will in principle harm the character and appearance of the area in terms of the grain of the area, location, size of the site, or impact on general character of the locality taking into account the existing number of flats within the wider site. The development will also provide additional dwellings, which is positive in the context of the boroughs housing needs.

Design and Impact on the Character of the Area and Heritage Assets

- 7.9 In determining this application the Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas.
- 7.10 Paragraph 195 of the NPPF states where a proposed development will lead to ‘substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss...’
- 7.11 Paragraph 196 of the NPPF states ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’
- 7.12 Policy DM5 seeks to protect the character and significance of the Borough’s heritage assets including listed buildings.

- 7.13 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.”*
- 7.14 Paragraph 124 of the National Planning Policy Framework 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.’*
- 7.15 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”*.
- 7.16 Policy DM1 of the Development Management Document states that 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.”*
- 7.17 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.”*
- 7.18 Marks Court is a residential cul-de-sac development comprising of 22 residential blocks of flats located and accessed directly off Southchurch Avenue to the west of the site. Kursaal Way is located to the east. To the south of the site is this the Kursaal and the Kursaal Conservation Area and beyond is Eastern Esplanade and the Thames Estuary.
- 7.19 The proposed three storey development in this location would not appear out of keeping with the scale of the surrounding area which includes a majority of 3 storey ranging up to 4 storey blocks of flats. The overall height of 11.5m would not appear at odds with the surrounding development.
- 7.20 The building is set 4.5m away from the nearest building to the south and whilst set forward of the existing building it would not appear unduly prominent or at odds with the surrounding development given the staggered nature of the other residential blocks of flats in Marks Court. The siting of the development would not be prominent from the wider streetscenes given its design and location with the cul-de-sac of Marks Court. The overall appearance of the development is simple and matches the design of the windows, pitched roof design and materials of the existing blocks of flats in Marks Court and would therefore be in keeping with the surrounding development.

Whilst not identical to the other blocks of flats in the Marks Courts, there are existing variations within the blocks in Marks Court and the development would add to this variation and would not be out of keeping or incongruous. No objections are raised to the balcony features to the rear of the site in design terms given their location and nature.

- 7.21 The materials include a mix of slate and facing brickwork. These materials are considered to satisfactorily relate to the existing development adjacent to the site and full details of the materials can be secured via condition.
- 7.22 Whilst the development would result in the loss of a grassed area and a central area of soft landscaping, given that it is not designated as protected green space or a playing field, given the character of the area, and subject to a conditions requiring full details of new hard and soft landscaping, no objection is raised on this basis. It is also noted that there are a number of TPOs within and to the front of the existing Marks Court flats, however, given the location of the proposed development relative to the TPOs, it is considered that the development would not have an adverse impact on any of the preserved trees. It is also noted that the Council's parks team have raised no objection to the proposal in terms of impacts on trees or landscaping.
- 7.23 Given the separation of the site from the Conservation Area and the Kursaal grade II listed building to the south and the intervening development, it is considered that the proposal would not harm the character, appearance or setting of the Conservation Area or the character and appearance or setting of the Listed Building.
- 7.24 The proposed development is acceptable in terms of its design and policy compliant in the above regards.

Impact on Residential Amenity

- 7.25 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 7.26 Policy DM1 of the Development Management requires that all development should (inter alia): *“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight;”*

Daylight/Sunlight

- 7.27 There are guidelines (BRE) for assessing daylight and sunlight impacts of new development. The application is accompanied by a Daylight and Sunlight Review carried out by EB7 dated 21st March 2021. The report states that the primary habitable spaces of the existing properties are east and west facing with the flank windows serving a kitchenette to the rear of the main living space as well as a bathroom.

The block closest to the application site is 79-84 Marks Court which is located to the south of the application site. This block has a number of flank windows facing the application site, however, these windows are secondary windows or serve non-habitable rooms.

7.28 The submitted report sets out that the BRE criteria focus on the effects to the main habitable spaces which, given the outlook of the primary living room and bedrooms of 79-84 Marks Court will be wholly unaffected by the proposals. The report goes on to state as the proposal is situated to the north of the neighbouring blocks there will be no effect on direct sunlight levels. In respect of the central kitchenette this space also benefits from light from the primary western elevation through internal glazing into the main living area. The bay window elements serving the main living area are also oriented within 90 degrees of due south and so will enjoy direct sunlight in the afternoon hours which would be wholly unaffected by the proposals to the north. The report therefore concludes that this is an appropriate relationship with the neighbouring units given the unobstructed amenity levels to the main living space and the precedent set by the existing relationships between the other Marks Court units which have windows to the flank elevations.

7.29 Given the findings of this report and the nature of the layout of the existing blocks on the site, including that the flank windows within the closest block (79-84 Marks Court) are secondary windows or serve non-habitable rooms, it is considered that the development would maintain acceptable levels of daylight and sunlight to adjoining residents.

Overlooking and loss of privacy

7.30 The nearest properties to the north-east of the development are sited some 18m to 23.5m away in the Kursaal Way estate, the proposed development is located some 18m from the existing flats in Marks Court to the west and some 4.5m from No's 79-84 Marks Court to the south. All windows to the southern flank wall are proposed to be obscure glazed up to a height of 1.7m which can be controlled by condition to mitigate against any potential overlooking. In light of the above it is not considered the proposed development would have an adverse impact in terms of overlooking or loss of privacy on the residential amenities of nearby occupiers taking into account the separation distances and mitigation measures.

7.31 The proposed balconies to the rear elevation would be some 5.4m to 7m from the eastern boundary. To the immediate rear of the proposed flats are grassed areas that are already open to public gaze and a parking area. The applicant is proposing privacy screens to the north and south to mitigate against any potential overlooking which can be controlled by condition. Taking into account the separation distances to the nearest property to the east of the site, it is considered that the terraces proposed would not result in any significant overlooking or loss of privacy.

Dominance, outlook and sense of enclosure

7.32 The proposed block of flats extends the existing staggered building to the south. As such, the proposal would extend beyond the front elevation of the adjoining block to the south (79-84 Marks Court) by approximately 4m. However, the proposed block is set some 4.3m from the flank wall of No's 79-84 and it is also noted that the existing blocks to the south typically project some 6m forward of each other, some with no separation gaps.

Given the separations proposed, it is considered that the development would not result in any significant harm to any of the adjoining residents in terms of dominance, an overbearing impact, loss of outlook or material sense of enclosure.

Noise and increased activity at the site.

- 7.33 It is considered that the proposed residential use would not result in any significant harm to the neighbouring residents in terms of noise and disturbance. There would be an increase in vehicle movements along the private access way within Marks Court, however, given the scale of the development, the additional movements are not considered to result in significant harm in this respect. Furthermore, a condition can be attached to any grant of consent to requiring a construction management statement to be submitted and a condition can restrict the construction hours to protect the amenities of nearby residential occupiers during construction.

Amenity space

- 7.34 The existing blocks of flats in Marks Court benefit from communal garden areas with no private garden or terrace areas. The neighbour comments receive raise a number of concerns relating to the loss of the grassed part of the application site as an amenity area and also identify concerns that the new dwellings will have private amenity areas, whereas the existing residents would not. Whilst these concerns are noted, taking account of the nature of the application site, which although grassed also includes a fairly large area of planting centrally reducing the space available for recreation significantly, they are not found to represent a reasonable basis to refuse planning permission. As identified above the existing space does not have any designations which provide it with specific protection. It is also noted that there are other areas of communal amenity space within the wider Marks Court development, including to the rear of the blocks to the south, with a large area to the rear of blocks 120-132 and a large area to the north of block 73-78. There are also areas to the west of the blocks to the west of the application site, although these areas are less private as they front onto Southchurch Avenue. It is considered that the loss of this space would not result in significant harm to the residential amenity of the occupiers of the existing units or that a reason for refusal on this basis could be justified at appeal.

Summary

- 7.35 It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard subject to relevant conditions as discussed above. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.
- 7.36 Subject to conditions, the development would be acceptable and policy compliant in the above regards.

Living Conditions

- 7.37 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. It is considered that most weight should be given to the Nationally Described Space Standards (NDSS) that have been published by the government.
- 7.38 Minimum property size for single storey residential units are as follows; 50sqm (1 bedroom 2 persons), 61sqm (2 bedroom 3 persons), 79sqm (2 bedrooms 4 persons over 2 storeys).
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5sqm for a single bedroom with a minimum width of 2.15m; and 11.5sqm for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
 - Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
 - A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.
- 7.39 Weight should also be given to the content of policy DM8. These include standards relating to private outdoor amenity space, cycle storage and refuse facilities.
- 7.40 The proposed flats each exceed the minimum sizes required by the NDSS standards. All habitable rooms will be provided with suitable fenestration to provide adequate levels of light and outlook for future occupiers. The Daylight and Sunlight report submitted also considers the internal living environment of the future occupiers and concludes that the internal daylight and sunlight provision are acceptable. The proposal is therefore acceptable and policy compliant in this respect.
- 7.41 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. An internal lift has been incorporated into the development and the applicant has confirmed that the design is compliant with Part M4 (2) of the Building Regulations. Subject to a condition in this respect the development is considered to provide acceptable living conditions in this regard.
- 7.42 Policy DM8 of the Development Management Document states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space. The Design and Townscape Guide states: "*Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development*".

- 7.43 The ground floor flats would have dedicated, private rear garden areas and the upper storey duplex units would have private rear terraces. This would provide adequate living conditions for the future occupiers of the proposed units.
- 7.44 The proposal is considered acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.45 Policy DM15 states that each flat should be served by one parking space. It also states: *“All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context. Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity”.*
- 7.46 The proposal would include the reconfiguration of the parking layout to retain the 5 existing spaces and to provide three additional parking spaces for the 4 flats. Taking into account that 1 unit is a 1-bedroom unit and the central location of the site with access to public transport, shops and services within the Town Centre, no objection is raised in accordance with policy DM15 of the Development Management Document. No objection has been raised by the Highways officer who comments that the site is located in a very sustainable location with regard to public transport with good links in close proximity.
- 7.47 It is noted that neighbours have raised concerns that 1 of the existing spaces to the north of the application site is not a parking space but an access to the substation. However, the existing 5 spaces (which includes the area in front of the substation) will be replaced, with an additional 3 spaces for the proposed new flats.
- 7.48 Overall, it is not considered that the proposal will have a detrimental impact on the local highway network and there is sufficient space to manoeuvre and enable vehicles to enter and exit in forward gear from parking areas. The proposal would not harm highway safety and be in accordance with planning policy in this regard.
- 7.49 The location of cycle parking and refuse storage facilities are shown on the submitted drawings. It is proposed to provide a refuse store for the proposed flats to the north of the proposed building, behind the car park. A cycle store for the upper storey units is also proposed in this location. The ground floor units would have cycle storage within their rear garden areas. This is considered acceptable and can be secure via condition.
- 7.50 There is an existing communal cycle parking rack within the application site. This cycle rack does not appear to be heavily used and it is noted that it is not secure or covered which is unfortunate. It is considered that there is space within the site to re-provide this facility and there is an opportunity to improve the facility by making it covered and secured which would be a positive aspect of the development. Subject to a condition requiring the re-provision of the cycle parking for the wider Marks Court development, no objection is raised on this basis.

- 7.51 Subject to conditions to secure these facilities, the proposal is acceptable and policy compliant in the above regards.

Sustainability

- 7.52 Policy KP2 of the Core Strategy states: *“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in Design and Townscape Guide”.*
- 7.53 No information has been provided regarding proposed renewable energy to demonstrate how the proposal meets the 10% policy requirement. However, these details can be secured by condition.
- 7.54 Policy DM2 (iv) of the Development Management Document requires all new development to provide *“water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.”* Details have not been submitted for consideration with the application however this can be dealt with by condition.
- 7.55 Subject to conditions, the proposal is acceptable and policy compliant in the above regards.

Flooding and Surface Water Drainage

- 7.56 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. Adequate drainage needs to 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 required by condition. Subject to such a condition, which is included in those recommended, the development is found to be acceptable and policy compliant in these regards.

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) and Ecology

- 7.57 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 in October 2020 requires that a tariff of £127.30 (index linked) is paid per dwelling unit.

This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. The applicant has made the relevant payment and the proposed development is therefore acceptable and compliant with the adopted RAMS Supplementary Planning Document SPD.

- 7.58 It is considered that the proposal would not result in any significant adverse impact on ecology with this payment and the conditions recommended.

Community Infrastructure Levy (CIL)

- 7.59 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 application site is located within Zone 1 therefore a CIL rate of £25.62per sqm is required for the proposed development. The proposed development equates to approximately 275.2sqm of new residential floorspace which may equate to a CIL charge of approximately £7,049.35 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the "in-use building" test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development is found to be acceptable, and it is positive that the scheme provides additional housing of a suitable quality for the Borough. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the locality more widely. Taking into account the location of the site, with access to public transport and local amenities, the highways and parking impacts of the proposal are acceptable. 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 therefore recommended for approval subject to conditions.

9 Recommendation

- 9.1 **MEMBERS ARE RECOMMENDED TO GRANT PLANNING PERMISSION subject to the following condition(s):**

- 01 **The development hereby permitted shall begin no later than 3 (three) years from 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 approved plans: WP-0758-A-0001 Revision A; WP-0758-A-0002 Revision A; WP-0758-A-0003 Revision A; WP-0758-A-0100 Revision B; WP-0758-A-0110 Revision B; WP-0758-A-0111 Revision B; WP-0758-A-0200 Revision B; WP-0758-A-0201 Revision B; WP-0758-A-202 Revision B; WP-0758-A-0203 Revision B; WP-0758-A-0204 Revision B; WP-0758-A-0300 Revision B; WP-0758-A-DAS.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence other than for groundworks and site preparation works unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed building at the site including for elevations, brickwork, glazing, doors, windows and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be implemented in full accordance with the details and samples approved under this condition before it is occupied.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the guidance contained within the Design and Townscape Guide (2009).

04 Prior to the first occupation of the dwellings hereby approved, full details of both hard and soft landscaping works to be carried out at the site must be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to:-

- i. means of enclosure, of the site including any gates or boundary fencing;**
- ii. car parking layouts;**
- iii. other vehicle and pedestrian access and circulation areas;**
- iv. hard surfacing materials;**
- v. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification.**
- vi. details of measures to enhance biodiversity within the site;**

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 Policy DM1 of the Development Management Document (2015).

- 05 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).

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

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM2.

- 07 Water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems shall be installed and made available for use prior to the first occupation of the development hereby approved and 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 the guidance within the Design and Townscape Guide (2009).

- 08 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank or Public Holidays.**

Reason: In order to protect the amenities of surrounding occupiers and to protect the character of the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

09 The existing cycle parking facilities on the site which serves the existing Marks Court dwellings shall not be removed unless and until details of the re-provision of the cycle parking has been submitted to and approved in writing by the local planning authority. Prior to the removal of the existing cycle parking facilities, the approved cycle parking facilities to serve the existing Marks Court dwellings shall have been provided in accordance with the approved details and retained as such in perpetuity thereafter.

Reason: In the interests of residential amenity for the existing occupants and to ensure the provision of adequate cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

10 Prior to the first occupation of the development hereby approved, full details of refuse, recycling and secure covered bicycle storage facilities for the flats hereby approved and shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, the refuse, recycling and bicycle storage facilities shall be provided at the site in accordance with the approved details and retained in perpetuity thereafter.

Reason: In the interests of residential amenity for future occupants, to ensure the provision of adequate cycle parking and refuse and recycling stores and in the interests of visual amenity as set out in the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Design and Townscape Guide (2009).

11 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the flats hereby granted consent shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposed flats to be permanently glazed with obscured glass (to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent) and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. Before the dwellings hereby approved are occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and advice contained in The Design and Townscape Guide (2009).

12 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development hereby granted consent shall not be occupied or brought into use unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, materials, specification and location of all privacy screens and panels to be implemented as part of the development. The development hereby permitted shall be implemented and completed in full accordance with the details approved under this condition before it is first occupied or brought into use and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwelling 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) and the advice contained within the Design and Townscape Guide (2009).

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

Reason: To ensure the dwelling houses 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), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and Design and Townscape Guide (2009).

14 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 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 including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of noise, dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: This pre-commencement condition is needed to minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4; and Development Management Document (2015) policies DM1 & DM3.

- 15** 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.

Informatives:

- 01** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notices. This contains details including the chargeable amount when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.
- 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 encouraged to provide electric vehicle charging points at the site in accordance with Policy DM15 which encourages their provision wherever practical and feasible.
- 04** The applicant's attention is drawn to condition 09 which requires the replacement of the existing cycle parking which serves the wider Marks Court development as part of this proposal. The applicant is encouraged to consider replacing the existing hoops with covered and secure cycle parking which would make this cycle storage more usable.