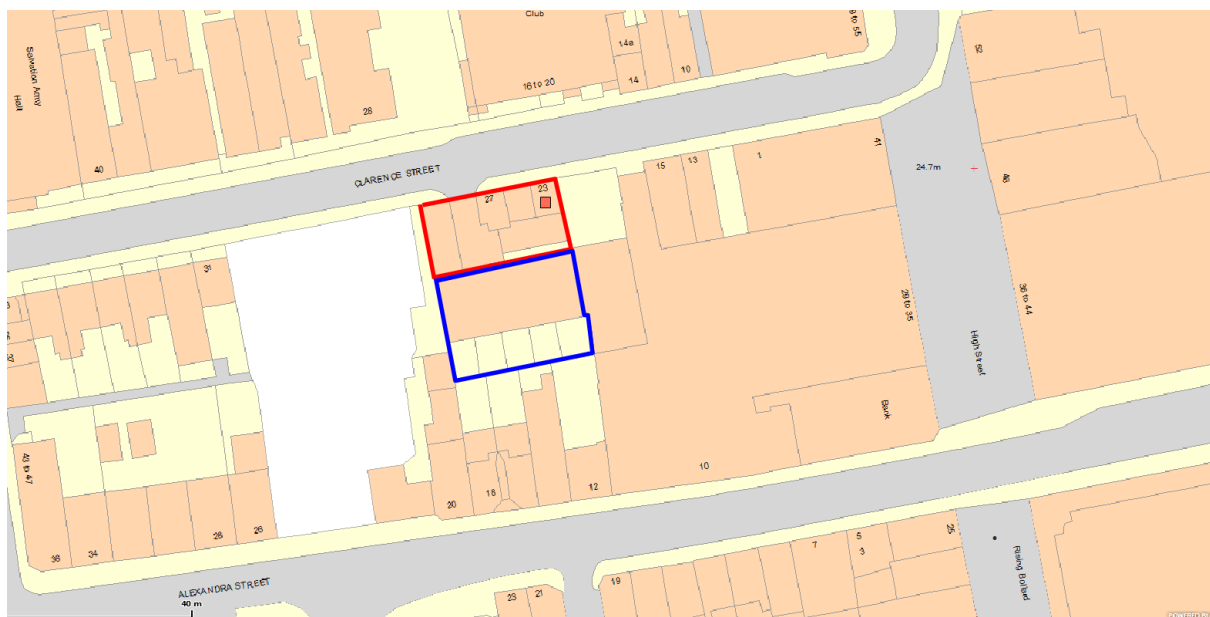


Reference:	21/00344/FUL	
Application Type:	Full Application	
Ward:	Milton	
Proposal:	Change of use and convert existing takeaway and restaurant at ground floor level and A2 office space at first floor level into 4No. self-contained houses, amenity space to rear at first floor level with privacy screen and alterations to front, side and rear elevations	
Address:	23 - 29 Clarence Street, Southend-On-Sea, Essex, SS1 1BH	
Applicant:	Stockvale Investments Ltd.	
Agent:	SKArchitects	
Consultation Expiry:	08.06.2021	
Expiry Date:	22.07.2021	
Case Officer:	Janine Rowley	
Plan Nos:	400-P101; 400-P102, Design, Access and Heritage Statement Ref. 400-11-16, Daylight and Sunlight Report by Right of Light Consulting dated 29 th June 2021	
Recommendation:	GRANT PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The application relates to a two storey building located on the south side of Clarence Street. The streetscene is characterised by commercial premises to the ground floor including offices fronting the highway. The existing building has most recently been used as a takeaway and restaurant at ground floor with office space at first floor.
- 1.2 The site is not within flood zones 2 or 3 or located within a Conservation Area. The site is located within the Clifftown Policy Area as identified on the Southend Central Area Action Plan (SCAAP) Policies Map and defined as a Frontage of Townscape Merit and locally listed building but is not subject to any other site-specific planning policies. The site falls outside the Town Centre Primary Shopping Area and is not allocated as part of the primary or secondary shopping frontages.

2 The Proposal

- 2.1 Planning permission is sought for a change of use; to convert the existing takeaway and restaurant at ground floor level and A2 office space at first floor level into 4 dwellings with amenity space to the rear at first floor level with privacy screens and alterations to the external elevations.
- 2.2 The proposed units would include the following mix:
- 1 bedroom (2 persons) 58sqm with 18sqm amenity space (winter garden);
 - 1 bedroom (2 persons) 58sqm with 26sqm amenity space (winter garden);
 - 2 bedroom (4 persons) 117sqm with 18.5sqm amenity space (winter garden);
 - 1-bedroom (2 persons) 82sqm with 18.5sqm amenity space (winter garden).
- 2.3 The changes proposed include changes to the fenestration to the front internally at ground floor level as a result of new shutters that are proposed inside the windows and new party walls and internal alterations to subdivide the building into 4 self-contained units. A replacement side door on the west elevation, new doors and windows to the south (rear) elevation overlooking/providing access to the winter gardens and installation of privacy screens within the winter garden amenity spaces are also proposed. The proposal provides no off-street parking and no details of cycle parking or refuse storage have been provided.
- 2.4 A design and heritage statement and a daylight and sunlight report have been submitted with the application.

3 Relevant Planning History

- 3.1 17/00839/FUL - Erect single storey infill extension to courtyard to form kitchen- Planning permission granted.
- 3.2 Change use of rear building from storage (Class B8) to five dwellinghouses (Class C3) (Prior Approval)- 17/00844/PA3COU- Prior Approval Granted.

4 Representation Summary

4.1 Public Consultation

44 neighbouring properties were consulted and a site notice displayed. Three letters of representation including one from the Milton Society have been received which make the following summarised comments:

- No more flats;
- Loss of the restaurant now the takeaway;
- Destruction of character;
- Locally listed building is one of the best in the town;
- The residential use will result in a dead frontage;
- A commercial premises to the ground floor adds to the vitality and viability of the town centre;
- Developer profits.

4.2 Milton Conservation Society representation

- Should be refused planning permission;
- Property is a landmark building for Arts and Crafts style;
- The applicant is required to submit a statement of historical significance (policy DM5) which they have not. On these grounds alone the application should not have been registered.
- This building has historical significance and this includes not just the front facade but also the interior spaces, particularly the former yard area with lantern light. The building had an arched horse and cart entry to the yard and is believed to have been a bakery, the shop fronts no doubt displaying foods and the activity within. These spaces were maintained by the former use as a bar, as were other interior finishes, not least the yard's original cobble stone floor. Sadly, these became eroded or lost by the conversion to a fish and chip shop. But at least the shop fronts maintained their active frontage as a restaurant.
- These shop fronts themselves play an important part in describing the former use and the Council seeks to protect active frontages (policy DS1). Now, under this proposal these historic spaces would be completely lost, given over to private use, divided by newly introduced party walls. The shop windows would, no doubt, become screened and curtained for the required residential privacy for the proposed habitable spaces, immediately adjacent to the street footpath. It would be a completely inappropriate misuse of the historic commercial building.
- The proposal includes windowless kitchen-dining spaces and disconnected, undersized, overlooked and very poor quality amenity space. This should not be acceptable.
- Then there is the building to the rear. Here former storage was converted to residential development. This site is land locked and is probably one of the worst, almost Dickensian residential developments in our town. It relies on alley way access and overlooking at first floor level, directly into the now proposed 'amenity' spaces for 2 of the 4 houses. These spaces then rely upon introduced privacy screens placed 1.5m from the existing residence windows. This is essentially slum planning that should not be allowed. The other two houses are proposed with 'wintergarden amenity space'. The point about amenity space is that it should afford amenity, the first of which is fresh air. A 'wintergarden' might sound quaintly evocative but it is not a substitute for proper amenity space. There is no car parking provision, no cycle storage provision and no refuse storage provision.

- If we move to allow conversion of all buildings to residential use, we will destroy the future balance of our town centre.

Officer comment: The concerns raised are noted and they have been taken into account in the assessment of the proposal. They have not been found to justify refusing planning permission in the circumstances of this case.

4.3 Councillor Nevin and Councillor Mitchell have requested the application be referred to the Development Control Committee.

4.4 **Parks**

No comment.

4.5 **Environmental Health**

No objections subject to conditions relating to construction hours and waste management.

Highways

4.6 There are no highway objections to this proposal as the site benefits from being in a sustainable location with regard to public transport with good links in close proximity. The applicant should provide secure cycle parking as part of the development. Future occupiers will not be eligible for a town centre residential parking permit. It is not considered that the proposal will have a detrimental impact on the local highway network.

5 **Planning Policy Summary**

5.1 National Planning Policy Framework (2019)

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)

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), DM11 (Employment Areas) DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management)

5.4 Southend Central Area Action Plan (SCAAP) (2018) Policies DS1 (A Prosperous Retail Centre), DS5 (Transport, Access and Public Realm), PA6 (Cliff town Policy Area Development Principles)

5.5 Design and Townscape Guide (2009)

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

5.7 Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)

5.8 Housing Transition Statement (2015)

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

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of development, design and impact on the character of the area and impact on the Locally Listed Building and the Frontage of Townscape of Merit, standard of accommodation for future occupiers, impact on amenity of neighbouring occupiers; traffic generation; access and parking implications, sustainability, Community Infrastructure Levy (CIL) and RAMS.

7 Appraisal

Principle of Development

- 7.1 Paragraph 117 of the NPPF states *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*
- 7.2 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. Being clear about design expectations, and how these will be tested, is essential for achieving this.'*
- 7.3 Policy DM3 of the Development Management Document states: *"Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:*
- (i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building and ensures successful integration with it; and*
 - (ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*
 - (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area."*
- 7.4 The existing site is not located within a primary or secondary shopping frontage and is located outside the Town Centre Primary Shopping Area as designated by the Development Management Document and the SCAAP. As such, there are no policies safeguarding the existing ground floor commercial - restaurant/takeaway use. Whilst it is regrettable for the loss of the restaurant and takeaway, the provision of residential use is acceptable in principle subject to compliance with other relevant planning policies and guidance.
- 7.5 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the Borough. Similarly, the Council's Five Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the Borough. The HDT and 5YHLS weigh in favour of the principle of the development, particularly in light of the tilted balance in favour of sustainable residential development as required by paragraph 11 of the NPPF. However, the proposal would make a modest contribution to the housing supply of the Borough and it is for one and two-bed dwellings, a type of housing for which there is not as great a need as for other types of units as identified within the South Essex Strategic Housing Market Assessment.

7.6 In terms of the loss of the offices at first floor, Policy DM11 states *'Outside the Employment Areas, proposals for alternative uses on sites used (or last used) for employment purposes, including sites for sui-generis uses of an employment nature, will only be permitted where it can be demonstrated that:*

- (i) It will no longer be effective or viable to accommodate the continued use of the site for employment purposes; or*
- (ii) Use of the site for B2 or B8 purposes gives rise to unacceptable environmental problems*

It will need to be demonstrated that an alternative use or mix of uses will give greater potential benefits for the community and environment than continued employment use.'

7.7 In this respect, firstly it is noted that the applicant states that the first floor has been used for A2 purposes (financial and professional services) rather than B1a office use within the Design and Access Statement submitted. The details included within the Design and Access Statement also indicate that the applicant has tried for over 2 years to diversify the commercial offering at the site, however, it remains unviable. On balance, given this and given the advice within the NPPF which states that planning policies and decisions should *'promote and support development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting spaces above shops...'* (paragraph 118) and that planning policies should *'recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.'* (paragraph 85), it is considered, in this instance, that the loss of the first floor office space would be acceptable and policy compliant.

7.8 The principle of the proposed development is therefore found to be acceptable.

Design and Impact on the Character of the Area and the Locally Listed Building and Frontage of Townscape Merit

7.9 The NPPF states that *'Good design is a key aspect of sustainable development'* and this is referenced throughout the NPPF as well as in policies KP2 and CP4 of the Core Strategy and policies DM1 and DM5 of the Development Management Document. The Design and Townscape Guide states that the Council is committed to good design and the preservation and enhancement of heritage assets.

7.10 In regard to development affecting heritage assets policy DM5 states that *'Development proposals that result in the loss of or harm to the significance of a non-designated heritage asset, such as a locally listed building or frontages of townscape merit, will normally be resisted, although a balanced judgement will be made, having regard to the scale of any harm or loss, the significance of the asset and any public benefits.'*

7.11 Paragraph 197 of the NPPF states *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

- 7.12 Paragraph 322 of the Design and Townscape Guide states *‘The street frontages of some buildings not subject to other conservation control can, nevertheless, contribute significantly to the quality of the local townscape by their architectural character as a group and their prominence in the streetscene. Such frontages are identified by the Council as Frontages of Townscape Merit. They are situated in parts of the town centre and Hamlet Court Road. The Council intends that such frontages are retained and that their architectural character is respected by proposals for fascias, shopfronts and other alterations and will seek enhancements in applications for replacement shopfronts and other alterations where appropriate.’*
- 7.13 The proposed external alterations to the elevations solely relate to the side and rear elevations including a replacement door to the west side and new windows and doors to the rear which will not be particularly visible from the streetscene. The proposed materials will match the existing including timber windows and doors and this can be controlled by condition.
- 7.14 In terms of appearance, the existing frontage will be retained however, the plans indicate internal shutters and party walls to subdivide the premises into new residential properties are proposed. The existing property is locally listed and within a frontage of townscape merit. The internal changes to facilitate a residential use will alter the building’s appearance when viewed from the street but given their location within the building, on balance, it is not considered that the proposed changes would significantly harm the overall character, appearance or setting of the historic building, especially given that the external frontage remains unaltered. Taking into account the external appearance of the building remains unaltered and specific conditions can be imposed in relation to the internal alterations on balance, it is not considered that the proposed changes would result in significant harm to this historic building and the proposal is therefore found acceptable in this regard. Overall, it is considered that any harm to the non-designated heritage asset would be less than substantial and that the public benefits of the proposal, including providing a viable use for the building and the provision of 4 additional dwellings within a highly sustainable location would clearly outweigh this limited harm.

Living Conditions for Future Occupiers

- 7.15 Delivering high quality homes is a key objective of the NPPF.
- 7.16 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.

- 7.17 All new homes are required to meet the National Technical Housing Standards in terms of overall floorspace and bedroom sizes. The standards require; 1 bedroom 2 person units over 2 storeys to have a minimum of 58sqm internal floorspace and 2 bedroom 4 persons units over 2 storeys to have a minimum of 79sqm of floorspace.
- 7.18 The proposal provides 3 x 1 bed 2 person dwellings over 2 storeys with internal floorspaces ranging from 58sqm to 82sqm and 1 x 2 bed 4 person dwelling over 2 storeys with 117sqm internal floorspace. As such, all of the units are compliant with or exceed the National Technical Housing Standards. The proposal is acceptable and policy compliant in this regard.

Light, Privacy and Outlook

- 7.19 The building is north facing. The layout of the dwellings at ground floor includes open plan layouts with the lounge areas facing onto Clarence Street with the kitchen/dining areas located to the rear of the building with their main source of light from a rooflight above. The agent has confirmed that the flat rooflights to be installed within the single storey flat roofs to serve the dwellinghouses provide greater daylight than a vertical window and would be 'walk-on-glass' not impacting the usability of the amenity space above. The applicant has submitted a Daylight and Sunlight Report which demonstrates that all habitable rooms surpass the BRE minimum Average Daylight Factor (ADF) recommendations. In terms of the sunlight to windows the BRE guide acknowledges that, in some cases, it may not be possible for every dwelling to achieve ideal levels of sunlight. The guide explains that, where groups of dwellings are planned, the aim should be to maximise the number of dwellings that have at least one main window that faces within 90 degrees of due south, and to have at least one window to a main living room that meets the BRE numerical targets. In this case of this development, 3 of the 4 proposed houses have a living room window which faces within 90 degrees of due south and the layout has been designed to maximise sunlight availability where possible. Given the above report findings showing achievement of acceptable levels and noting limitations of conversions of such buildings it is considered on balance that internal living conditions would be acceptable including by providing future residents with sufficient outlook and light.

The proposal is acceptable and policy compliant in the above regards.

M4(2) – Accessibility

- 7.20 Policy DM8 requires all new dwellings to be accessible and adaptable to Building Regulations M4(2) standards. Given this proposal seeks to convert an existing building this is not applicable in this instance.

Amenity Provision

- 7.21 The property has previously been extended to the rear at first floor with a fully glazed roof. The applicant's intention is to use this area as amenity space and to form winter gardens ranging from 18sqm to 26sqm per dwelling. It is considered in this instance on balance, taking into account the town centre location and type of accommodation proposed (3 x 1 bedroom units and 1 x 2 bedroom unit) that the provision of such winter gardens as amenity space is acceptable, subject to a condition requiring full details of these winter gardens to be submitted and approved by the local planning authority. A further condition is recommended to prevent the amenity areas being converted into habitable accommodation.

Interlooking and overlooking into the site

- 7.22 The applicant is proposing visibility screens between the winter gardens which would satisfactorily mitigate any significantly harmful interlooking between the proposed units, full details of which can be secured via condition.

- 7.23 There are existing windows to the immediate rear of the site which serve residential units (bedrooms) which are located in close proximity to the site and which have the potential to overlook the proposed units and their amenity areas. These windows are approximately 5.8m from the first floor flank wall of the application building. However, the ground floor includes no additional ground floor rear windows and the additional first floor openings serve bathrooms or access doors to the winter gardens. It is considered that any overlooking can be suitably mitigated with a condition requiring full details of the enclosures to the winter gardens, which will need to be obscure glazed and/or obscure glazing to the rear fenestration. Subject to suitable privacy screens/obscure glazing being provided, it is not considered that the development would result in significant overlooking or a significantly harmful loss of privacy to the existing residents to the rear of the site, nor the future occupiers of the dwellings. It should also be noted that a degree of overlooking is often to be reasonably expected in a Town Centre, built up environment of this nature.

Impact on Residential Amenity

- 7.24 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.
- 7.25 The proposal does not seek to increase the size of the existing building and as such the proposal would not result in any harm in terms of dominance, an overbearing impact or sense of enclosure over and above the existing situation. Given the existing surrounding, mainly commercial uses, the extent of the existing windows in the existing building and the relationship of the site to neighbouring land uses, it is considered that the proposal would not result in any material overlooking or harmful loss of privacy to adjoining residents. As set out above, any significant overlooking to the dwellings to the immediate rear of the site can be suitably mitigated with the imposition of a condition requiring full details of the privacy screens and/or obscure glazing to the first floor fenestration to the rear.
- 7.26 Subject to such conditions, the development is acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.27 Policy DM15 of the Development Management Document requires all development to provide adequate parking and sets a minimum parking standard of 1 parking space per dwellinghouse in this Town Centre location. Any lower or higher provision would need to be justified in accordance with Policy DM15. The existing site has no off-street parking and the proposed development would similarly not benefit from any off-street parking. Taking into account the existing use of the site and the highly sustainable location of the site with good access to shops and services within the Town Centre, the bus service interchange and close proximity to Southend Central Train Station, no objection is raised in this instance in accordance with policy DM15 which allows a flexible approach to parking provisions in highly sustainable locations of this nature. Highways have raised no objection to the proposal on this basis.

Cycle Parking and Refuse Storage

- 7.28 Development Management Document Policy DM15 requires a minimum of 1 secure and covered cycle space per dwelling. No details of the cycle storage for the proposed dwellings have been submitted but this can be controlled by condition.
- 7.29 In relation to refuse storage the Waste Storage, Collection and Management Guide for New Developments requires edge of property sacks for waste, recycling, and 20l food waste containers for dwellings of this nature. As the proposed development is for dwellinghouses rather than flats, a formal refuse store is not required. Satisfactory kerbside collection can be provided. The proposal is therefore acceptable and policy compliant in the above regards.

Sustainability

- 7.30 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”.*
- 7.31 Given that the application building is existing and locally listed it is not considered necessary or reasonable, in this instance to require the development to meet the above requirement.
- 7.32 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 and but can be satisfactorily addressed by a planning condition.

Community Infrastructure Levy (CIL)

- 7.33 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The application site is located within Zone 2 therefore a CIL rate of £38.42 per sqm is required for the proposed development. The proposed development equates to approximately 365 sqm of new residential floorspace which may equate to a CIL charge of approximately £14,024.42 (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.

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)

- 7.34 Core Strategy policy KP2 and Development Management Policy DM2 require development to respect, conserve and enhance biodiversity.
- 7.35 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), which was adopted by Full Council on 29th October 2020, requires that a tariff of £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 this this payment so the ecological implications of the site can be considered acceptable and policy compliant.

Permitted Development

- 7.36 Given the constrained nature of the site, in this instance, it is necessary to remove permitted development rights for the dwellings in terms of Class A (enlargement, improvement or other alterations) and Class B (enlargements consisting of an addition or alteration to its roof) in the interests of residential amenity.

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 the proposal would have an acceptable impact on the character and appearance of the application site, its locally listed building, the streetscene including the Frontage of Townscape Merit and on the amenities of neighbouring occupiers.
- 8.2 This proposal provides new housing. Therefore where and if any aspects of harm were identified, including those identified within this report's analysis of the proposal, it would be necessary to demonstrate that in reaching the decision an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any such harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the NPPF is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole. The proposal would make a contribution to the housing needs of the borough which must be given increased weight in the planning balance, albeit the weight to be attached to this would not be so significant in this instance in view of the number and nature of units involved. The development provides adequate living conditions for future occupiers and is acceptable in terms of parking and highways impacts and the RAMS payment has been paid. This application is recommended for approval subject to conditions.

9 Recommendation

9.1 Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:

- 1 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.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans: 400-P101; 400-P102.**

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

- 3 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place until and unless samples of the external materials and full details of the windows, doors, internal shutters, privacy screens and party walls subdividing the dwellings have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in accordance with the approved materials. The development shall be carried out in full accordance with the approved details before it is first 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, DM3, DM5 and the guidance contained within the Design and Townscape Guide (2009).

- 4 Notwithstanding the provisions of Classes A & B of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be), no development falling within those classes shall be undertaken at the site unless express planning permission has been obtained from the Local Planning Authority.**

Reason: To safeguard the design and appearance of the proposed development in the interest of visual amenities of the locality and in order to protect the amenities of surrounding occupiers in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

- 5 Prior to the first occupation of the dwellings hereby approved, full details of the 'winter gardens'/amenity spaces at first floor shown on the plans otherwise hereby approved shall be submitted to and approved in writing by the Local Planning Authority. These details shall include full details of the hard and soft landscaping within the winter gardens and full details and specifications of all privacy screens associated with them.**

The winter gardens and privacy screens shall be implemented in accordance with the approved details prior to first occupation of the development hereby approved and the approved privacy screens shall thereafter be retained as approved for the lifetime of the development. The 'winter gardens'/amenity spaces at first floor shall be permanently retained for amenity spaces for future occupiers of the dwellings and not used for any other purpose whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) unless express planning permission has been obtained from the Local Planning Authority.

Reason: In the interests of visual amenity and the amenities of occupiers and existing nearby residents 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).

- 6 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 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).

- 7 Prior to the first occupation of the development hereby approved full details of covered and secure bicycle storage facilities for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, the bicycle storage facilities shall be provided and made available for use at the site in accordance with the approved details and thereafter retained for the lifetime of the development.**

Reason: In the interests of residential amenity for future occupants, 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).

- 8 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the dwellings hereby granted consent shall be first occupied unless and until plans and full details (including the Pilkington level of obscured glass) have been submitted to and approved in writing by the Local Planning Authority which specify full details of the obscure glazing and any restrictions to the openings to the first floor rear fenestration Before the dwellings hereby approved are first 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, Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and advice contained in The Design and Townscape Guide (2009).

- 9 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).

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives

- 1 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.**
- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.**