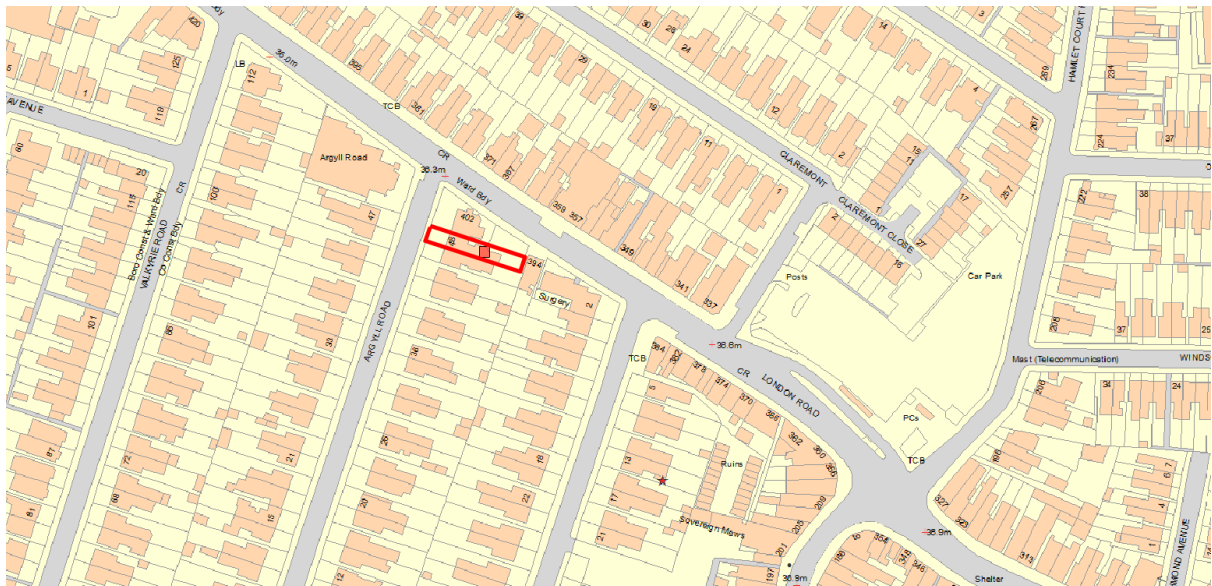


Reference:	21/00468/FUL	
Application Type:	Full Application	
Ward:	Milton	
Proposal:	Change of use of first floor of existing doctor's surgery and convert in to one (1no.) self-contained flat, erect linked two storey building at rear, to be used as two (2no.) self-contained flats and layout associated amenity space, cycle and bin stores	
Address:	48 Argyll Road, Westcliff-On-Sea, Essex	
Applicant:	Dr B Bekas	
Agent:	Mr Colin Stone of Stone Me Ltd	
Consultation Expiry:	14th April 2021	
Expiry Date:	23rd July 2021	
Case Officer:	Spyros Mouratidis	
Plan Nos:	1825 10, 1825 11 a, 1825 15, 1825 16, 1825 17	
Supporting Documents:	Design and Access Statement, Letter from Dr Velmurgan	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site is located on the south-western side of London Road and the western side of Argyll Road. It is occupied by a mid-terrace, two-storey building which is currently used as a doctor's surgery. The London Road frontage is hardsurfaced and used as a car parking area for five parking spaces. The Argyll Road frontage contains the principal elevation of the building and a hard surfaced area used as two parking spaces. The ground level on site slopes upwards towards the south-east.
- 1.2 London Road in this area has a mixture of uses with a town centre character, offering a vibrant street scene with active frontages. Argyll Road is predominantly a residential street with two-storey buildings with traditional gabled roofs and bays. No planning-related designations affect the application site or the area.

2 The Proposal

- 2.1 Planning permission is sought for the conversion of the upper floor of the existing surgery to one (1no.) residential unit, the demolition of an existing single storey rear extension and the erection of a two-storey building to accommodate two (2no.) additional residential units. The proposed building would be connected to the existing building with a single storey link.
- 2.2 The proposed building would have a "T"-shaped layout at ground floor, with gabled ends above first floor level on the front and the flanks and a single storey, hipped-roofed part to the western side of the building. It would measure up to 8.8m in height, 5.4m for the hipped element, with the eaves respectively at 5.6m and 2.9m above ground level. The proposed building would have a frontage on London Road measuring some 11.9m with the width of the building being 7.4m. The proposed building would be finished with clay tiles on the roof, grey uPVC fascia and soffits, white render over orange/brown facing brickwork on the walls, grey metal windows and dark grey composite doors.
- 2.3 Three private amenity spaces would be created to the rear between the existing and the proposed building on site. A pedestrian access to all flats is proposed on the London Road frontage. Three cycle parking spaces and a bin storage area are proposed adjacent to the pedestrian access. Two car parking spaces accessed from Argyll Road would be retained to serve the GP surgery.
- 2.4 During the course of the application the proposal was amended to propose the retention of the ground floor of the GP surgery and to reduce the scale of the proposed building. The proposal is an amended application following the withdrawal of a scheme for the erection of a similar building on the London Road frontage of the site submitted under application 21/00544/FUL (the "2020 Application"). The main differences are:
 - The proposed use is currently for three flats and the retention of the ground floor of the existing building as a GP surgery, previously it was proposed to use the new building as a nine-room detox centre retaining the GP surgery.
 - The proposed design of the front elevation of the proposed building has been amended and simplified.
 - The scale of the proposed building has been reduced on the western side.

3 Relevant Planning History

3.1 The most relevant planning history of the site is shown on Table 1 below:

Table 1: Relevant Planning History of the Application Site

Reference	Description	Outcome [Date]
19/00976/PREAPF	Erect attached building to form nine-bedroom rehabilitation accommodation.	Response provided [27.09.2019]
19/01962/PREAPF	Follow up Pre Application for 19/00976/PREAPF to erect attached building to form nine-bedroom rehabilitation accommodation. larger waiting area, new reception and additional surgery space	Response provided [30.12.2019]
20/00544/FUL (the "2020 Application")	Erect attached two storey building to rear to form nine-bedroom rehabilitation accommodation, layout associated amenity space	Withdrawn [27.07.2020]

3.2 The 2020 Application was withdrawn after the officer's report to the Council's Development Control Committee was made publicly available. The officer's report recommended refusal of the 2020 Application for three reasons. The first reason was related to the proposed use at that time. The second reason was related to the impact of the proposed building to the residential amenity of neighbours and in particular an overbearing effect and sense of enclosure at 46 Argyll Road and properties at 402 London Road and a loss of outlook for the ground floor occupiers at 402 London Road. The third reason related to parking and the fact that it was not demonstrated that parking stress and impact on the free flow of traffic would not be created as a result of the proposal. As the application was not determined the recommendation carries limited weight in the determination of this application.

4 Representation Summary

4.1 The application has been called in for consideration by the Development Control Committee by Councillor George.

Public Consultation

4.2 Thirty-three (33) neighbouring properties were consulted and a site notice was displayed both for the original proposal and as now amended. Representations from five interested third parties have been received. The objections and comments are summarised as follows:

Principle of development/ proposed use

- The application form states that the proposed housing would be in use class C2 – residential institutions which was previously found to be unacceptable.
- Conflict with council policy in relation to care homes.
- Previous reasons for refusal have not been addressed.
- The application documents state that the proposal would meet building regulation M2 which is not for residential properties.
- The application form states that there will be no change to the number of employees on site.
- The location is not appropriate for this development.

Impact on residential amenity of neighbours

- Adverse impact on the local environment.
- Impact in neighbours' residential amenity in relation to noise and disturbance, overlooking and creation of an overbearing environment.

Parking and access

- Inadequate parking provision on site and poor parking conditions in the area.
- Loss of access to neighbouring property.

Other matters

- The application form has not been fully completed.
- Supporting letter by Dr Velmurgan is not publicly available.
- Conflict with council policy in relation to pre-application engagement with affected parties.
- Strong opposition from the local community towards the previous application.

- 4.3 The comments have been taken into consideration and those matters relevant to planning are discussed in the relevant sections of the report. The objecting points raised by the representations are not found to represent justifiable reasons for recommending refusal of the planning application in the circumstances of this case.

Highways

- 4.4 No objection – The site benefits from being in a sustainable location with good links to public transport. Cycle parking is proposed to be provided. The existing use of the site has the potential to generate significantly more parking demand and vehicle trips than the proposed use.

Environmental Health

- 4.5 No objection subject to conditions regarding hours of construction, waste management and noise mitigation measures against traffic noise from London Road.

Parks

- 4.6 No comments.

Fire Safety Officer

- 4.7 No objections.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019)
- 5.3 National Housing Standards (2015)
- 5.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP6 (Community Infrastructure).

- 5.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM11 (Employment Areas), DM15 (Sustainable Transport Management).
- 5.6 Design & Townscape Guide (2009)
- 5.7 Technical Housing Standards Policy Transition Statement (2015)
- 5.8 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.9 Essex Coast Recreational Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application include the principle of the development, design and impact on the street scene and wider area, residential amenity for neighbouring occupiers, the amenities of future occupiers, traffic and parking implications, waste storage and management, energy and water sustainability and whether the development would be liable for CIL.

7 Appraisal

Principle of Development

- 7.1 Paragraph 117 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Furthermore, policy DM3 of the Development Management Document stipulates that the Council will support development that seeks to optimise the use of land in a sustainable manner that does not lead to over-intensification, which would result in undue stress on local services and infrastructure.

Erection of building

- 7.2 Policy DM3 of the Development Management Document states that: "All development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:
 - (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or
 - (ii) Conflict with the character and grain of the local area; or
 - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or
 - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees."

- 7.3 Criteria (i) and (iii) are discussed in detail in the relevant section of the report. In summary it is considered that the impact of the proposal on the residential amenity of neighbouring occupiers, including the impact on their garden space, on balance, would not be detrimental to a degree as to justify the refusal of the application for this reason. The proposed building would not conflict with the character and grain of the local area in line with criterion (ii). As the site is already hardsurfaced, there would be no loss of ecological assets in accordance with the stipulations of criterion (iv). The principle of erecting a building in this location is considered acceptable.

Loss of healthcare facilities and provision of housing

- 7.4 Paragraph 117 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high quality homes.
- 7.5 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 apartments, a type of housing for which there is no significant need as identified within the South Essex Strategic Housing Market Assessment.
- 7.6 The lawful use of the application site is a doctor's surgery (Use Class D1). Policy CP6 seeks to ensure the needs of all residents and visitors, including the disabled and other vulnerable groups, are met, providing for health and social care facilities and supporting improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies.
- 7.7 The applicant has supported his application with a letter from Dr Vlemurgan who advised that there is no need for the GP surgery to remain. For the 2020 Application there was a letter from Ayers & Cruiks stating what marketing had been undertaken for the property and that there was no interest for the currently lawful use of the site as a doctor's surgery. The supporting Access and Design Statement states that the surgery will not be needed in the long-term given the Clinical Commissioning Group's steer for closing smaller practices and amalgamating services at larger practices such as the Valkyrie Surgery. The ground floor of the existing premises will be retained in a healthcare use. The retained unit could viably be used for the current use or other community infrastructure uses. It is not considered that the loss of the upper floor of the doctor's surgery would significantly harm the provision of community infrastructure in the area.
- 7.8 Balancing the considerations in favour and against the proposal, it is considered that the limited loss of community infrastructure is significantly outweighed by the retention of the ground floor in the existing use and the provision of housing, albeit modest.
- 7.9 Overall, the principle of the development is acceptable. Other material planning considerations are discussed in the following sections of the report.

Design and Impact on the Character of the Area

- 7.10 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.”
- 7.11 Paragraph 124 of the NPPF states that: “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Policy DM1 of the Development Management Document states that all development should: “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”
- 7.12 Regarding the layout of development, as already discussed in previous sections of the report, the provision of an infill development would not be unacceptable in principle on this site. The grain of local development would not prohibit an infill development. The proposed building would respond positively to the constraints of the site and would follow the established notional building lines resulting in an acceptable layout. The scale of the proposed building would respect the scale of other development within the streetscene and would not appear out of place.
- 7.13 The form of the building would not be incongruous in the area. The use of a front projecting gabled feature to create interest is a traditional style of building. The proposed scheme has borrowed some visual cues and design features, including materials, from nearby buildings. The frontage of the proposed building would appear suitably defined and balanced. The proposed openings are well proportioned and would provide a satisfactory internal environment for users in terms of daylight, sunlight and outlook. Whilst the vertical alignment of the openings could have been better, this is a point about detailing and in the round, the proposal would be of acceptable form and appearance. The choice of materials would also be a traditional combination, they would not be out of keeping and would be acceptable.
- 7.14 The proposed corridor access to the proposed first floor flat on the existing building would be an unusual feature, which results in a convoluted form of access. Whilst this particular feature of the proposal is not of great aesthetical merit which is a negative of the scheme, its visual effect on the character and appearance of the area would not be significantly different if the existing single-storey rear projection were to be retained.
- 7.15 The indicative landscaping to the front would soften the appearance of the proposal. Details of species and maintenance, as well as details of the hard landscaping, including the boundary treatment of the site, can be secured by conditions.
- 7.16 Overall, subject to conditions, the proposal would have an acceptable impact on the character and appearance of the area and would be policy compliant in the above regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.17 Delivering high quality homes is a key objective of the NPPF and it is reflected in policy DM8 of the Development Management Document. 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. Policy DM1 requires developments to provide an internal and external layout that takes account of all potential users. Policy DM8 requires new dwellings to comply with the residential space standards, to be flexible to meet the changing needs of residents and ensure the provision of outdoor amenity space.
- 7.18 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes. The required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on the table below:

Table 2: Housing Standards

Type	Area (m ²)	Bedroom 1	Bedroom 2	Storage area (m ²)	Amenity (m ²)
Standard for 1 bed 1 person (one storey)	39	7.5m ² Wmin=2.15m	N/A	1	N/A
Standard for 1 bed 2 person (two storeys)	58	11.5m ² Wmin=2.75m	N/A	1.5	N/A
Standard for 2 bed 3 person (one storey)	61	11.5m ² Wmin=2.75m	7.5m ² Wmin=2.15m	2.0	N/A
Proposed GF Flat (1 bed 1 person, 1 storey)	46.6	11.3m ² Wmin=2.6m	N/A	1	14.7
Proposed FF Flat (1 bed 2 person, 2 storeys)	69.3	19.4m ² W = 2.75m	N/A	4.1	14.7
Proposed First Existing Floor Flats (2 bed 3 person, 1 Storey)	70.6	12.6m ² W = 3.1m	12.5m ² W = 2.4m	2.2	11.7

- 7.19 The table shows that the proposed flats would meet the overall space, the bedroom area and dimensions requirements of the NDSS. All flats would also meet the minimum internal storage space required by the NDSS.
- 7.20 All habitable rooms would have acceptable outlook and benefit from suitable levels of daylight and sunlight. All units would benefit from private amenity space which would be sufficiently private, accessible and of adequate size. The proposed level of amenity provision is considered acceptable.

- 7.21 Accessibility requirements are not a strict policy requirement for extensions to existing buildings. The proposal is technically for the extension of the existing building. Whilst the proposed upper floor units would not benefit from step-free access, there is no conflict with policy in this regard.
- 7.22 Given that the proposed building would front London Road, sound insulation measures would need to be incorporated in the fabric of the building and its openings to avoid any materially harmful impact to future users. A condition to secure details and implementation of such measures is suggested. The Council's Environmental Health service raised no objection subject to such a condition.
- 7.23 Overall, it is considered that the proposal would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The proposal is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.24 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: "having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."
- 7.25 The proposed building would be located some 3.4m to the north of the amenity space of 46 Argyll Road. It would also be located some 2.4m to the east of the private amenity space of the flats at 402 London Road at ground floor level and some 5.6m at first floor level. The scale and bulk of the development coupled with its form and distance from the neighbouring properties would create some overbearing impact to neighbouring occupiers but, on balance, it is not considered that the level of harm would be so significant to justify the refusal of the application on this ground.
- 7.26 Given the location of proposed windows and distance from neighbouring properties it is not considered that the proposed units on the new building would cause any significantly harmful overlooking or loss of privacy to any neighbouring property despite the potential perceived overlooking. This is subject to a condition requiring the first floor south facing windows to be obscured glazed.
- 7.27 No harmful loss of daylight or sunlight has been identified. It is noted that the proposed conversion of the first floor of the existing building would not alter the scale, form or openings of that part of the building.
- 7.28 Concerns have been raised by third parties about noise and disturbance. Given the nature of use proposed it is not considered that the proposal would result in any detrimental increase in noise level in the area. It is noted that London Road is an area with high ambient noise levels. A condition to control the hours of construction is suggested.
- 7.29 In the round, the proposed development is, on balance, acceptable and in line with policy in the above regards.

Traffic and Transportation Issues

- 7.30 Policy DM15 of the Development Management Document states: “Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner”. The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.
- 7.31 The proposal does not include any provision for car parking and would result in the loss of five existing car parking spaces. Although not a formal arrangement, it is understood that the existing spaces were used by patients of the existing GP surgery. The parking standards require a minimum of one car parking space per flat and a maximum of four spaces for the existing GP surgery. The surgery benefits from two spaces accessible from Argyll Road. The site benefits from being in a sustainable location, with good links to public transport and with a range of services and facilities within walkable distance. The relevant policy allows for relaxation of the minimum standards in such circumstances. On this basis, it is considered that the retention of two parking spaces for the benefit of the surgery would be an acceptable level of parking provision.
- 7.32 The parking standards require the provision of at least one cycle parking space per dwelling. A policy compliant provision is proposed and can be secured by condition. The Council’s Highways service raised no objection to the proposed development.
- 7.33 The proposal is acceptable and policy compliant in the above regards.

Refuse and Recycling Storage

- 7.34 The submitted plans show an area for waste storage accessed from London Road. The quantum of development does not require a bespoke provision of waste storage facilities. According to the Waste Storage and Management Guidance, residential development for up to five units is expected to utilise the Council’s kerbside sack collection scheme. A condition is suggested to ensure that, in the particular circumstances of this case, the proposed waste storage facility would not be provided.
- 7.35 Subject to such a condition, the proposal is acceptable and policy compliant in this regard.

Flooding and surface water drainage

- 7.36 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The proposal would be erected on top of existing impermeable areas and would not significantly increase the runoff of surface water. It is expected that the development would be connected to the sewer system.
- 7.37 The development would be acceptable and policy compliant in these regards.

Energy and Water Sustainability

- 7.38 Policy KP2 of the Core Strategy requires that: “at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)”. Policy DM2 of the Development Management Document states that: “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”. This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.39 No information has been provided regarding proposed renewable energy to demonstrate how the proposal meets the 10% policy requirement. However, it is considered that the requirement for renewable energy and restrictions on water usage could be controlled with conditions provided any such externally mounted technologies respect the character and appearance of the area if the proposal were otherwise found to be acceptable.
- 7.40 This aspect of the proposal is therefore considered to be acceptable and policy compliant in this regard, subject to conditions.

Ecology - Essex Coast RAMS

- 7.41 The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast 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 Essex Coast RAMS SPD, which was adopted by the Council on 29 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.
- 7.42 The developer has paid the relevant tariff. The development offers suitable mitigation of the in-combination effect of the net increase of three dwellings on habitats and species.
- 7.43 The development is acceptable and in line with policies in this regard.

Community Infrastructure Levy (CIL)

- 7.44 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material ‘local finance consideration’ for the purpose of planning decisions. The proposed development includes a gross internal area of some 146.5m², which may equate to a CIL charge of approximately £3,752.65 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the ‘in-use building’ test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the recommended conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local and national policies and guidance. The proposal is acceptable in principle and subject to conditions, it would, on balance, have an acceptable impact on the character and appearance of the area, the living conditions of future occupiers and the residential amenity of neighbouring occupiers. Subject to conditions the proposal would also be acceptable in relation to highway and parking conditions in the area, waste management, energy and water sustainability and it would provide acceptable drainage strategy on site. The development would offer suitable mitigation for its in-combination effects to protected ecology sites.
- 8.2 This proposal creates new housing. Therefore, where and if any 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. Hence, 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 significant in this instance in view of the number of units involved. 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:

General Conditions

- 01 The development hereby permitted shall begin no later than 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 approved shall be carried out in accordance with the approved plans: 1825 10, 1825 11 a, 1825 15, 1825 16, 1825 17**

Reason: To ensure the development is carried out in accordance with the development plan.

Design and related conditions

- 03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not commence, other than for site preparation works, unless and until full details and specifications of the materials to be used for all the external surfaces of the proposed building at the site, including facing materials, roof detail, windows, doors, fascia and soffits, have been submitted to and approved in writing by the local planning authority. The works must then be carried out in full accordance with the approved details before the dwellings hereby approved are first occupied.**

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no waste or recycle bin storage facilities shall be provided on either frontage of the application site.**

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2019), the Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

- 05 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, a soft landscaping scheme shall be implemented in line with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of these conditions. The soft landscaping scheme be implemented, completed and maintained thereafter in full accordance with the approved details.**

Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement details approved under the scope of this planning condition.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 06** The use of the development hereby approved shall not commence until a hard landscaping scheme has been carried out and implemented solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority with the relevant Reserved Matters application. The hard landscaping scheme shall include details of materials to be used on hardsurfacing as well as elevations and details of materials for any boundary treatment of the site, including boundaries within the site.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

Living Conditions

- 07** Prior to commencement of development on site, other than demolition and site preparation works, details of vibration mitigation and noise mitigation measures to ensure that all habitable rooms achieve the requirements of British Standard BS 8233:2014, shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented as approved prior to the first residential occupation of any part of the development hereby approved.

Reason: To mitigate the noise from the uses in the area in the interest of the living conditions of future occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

Impact on residential amenity of neighbours

- 08** Construction works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public Holidays.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 09** The proposed first floor south facing windows and the eastern most ground floor south facing window (annotated as 'high level obscure' on the approved plan 1825 15) of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the interior room or area served by that window. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

Reason: To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with policy DM1 of the Development Management Document (2015).

Highways

- 10** Prior to the first occupation of the residential units hereby approved the three (3) cycle parking spaces as shown on approved plan 825 15 shall be provided and made available for use on site solely in accordance with the details which have previously been submitted and approved in writing by the Local Planning Authority under the provisions of this condition. The cycle parking spaces shall be retained for the benefit of the future residential occupiers of the approved development in perpetuity.

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15.

Energy and water sustainability

- 11** Prior to occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 12** The dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

Positive and proactive statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

- 1 Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development, it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).
- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.