

<b>Reference:</b>	21/00220/FUL	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Kursaal	
<b>Proposal:</b>	Demolish existing garages and erect 4no. two-storey dwellings, erect single storey extension to rear of existing commercial unit at 615-617 Southchurch Road to form self-contained flat, layout hardstanding, parking and refuse stores	
<b>Address:</b>	613 To 619 And Garages To Rear Of 593 To 647 Southchurch Road, Southend-On-Sea	
<b>Applicant:</b>	Harrison-Moore	
<b>Agent:</b>	AWW Sherlock of AWW	
<b>Consultation Expiry:</b>	19th August 2021	
<b>Expiry Date:</b>	6th September 2021	
<b>Case Officer:</b>	Robert Lilburn	
<b>Plan Nos:</b>	0100 A location plan, 0110 existing site, 0111 C proposed site, 0150 existing ground floor plan, 0200 C proposed ground floor plan, 0151 existing first floor, 0201 C proposed first floor, 0152 existing garages plan, 0153 A existing commercial plans, 0212 D proposed flat plans, 0210 C proposed end terrace house plans, 0211 C proposed mews plans, 0160 existing street scenes, 0300 A proposed street scenes, 0307 B proposed rear flat elevation, 0305 C proposed house 1 elevations, 0308 proposed house 2 elevations, 0306 C mews house elevations, 0400 B axonometric drawings, 0900 3D views	
<b>Supporting Documents:</b>	<b>Design and Access Statement January 2021</b> <b>Preliminary arboricultural assessment dated June 2021</b> <b>Report No: RT-MME-155176-01</b> <b>Preliminary ecological appraisal dated June 2021</b> <b>Report No: RT-MME-155176-03</b> <b>preliminary bat roost assessment dated June 2021</b> <b>Report No: RT-MME-155176-04</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b> subject to conditions	



## 1 Site and Surroundings

- 1.1 The proposal relates to the two adjoining terrace units at 613-619 Southchurch Road and the garages and rear alleyway behind the entire terrace of 593-647 Southchurch Road running between Ilfracombe Road and Lovelace Gardens.
- 1.2 613-619 Southchurch Road forms part of a red-brick parade of shops, with flats above. It contains one commercial unit at ground floor with two residential units above and at ground floor to the rear. Both residential units have a separate entrance from Southchurch Road.
- 1.3 The garages are a row of 23 single-storey units, 4 of which face the side roads of Ilfracombe Road and Lovelace Gardens. Historic mapping shows that the garages were constructed between 1922 and 1939, at a similar time to the buildings fronting Southchurch Road. A similar block of 7 garages of the same design can be found on the other side of Ilfracombe Road. The garages are built in yellow stock brick, have slate roofs with terracotta capped party wall detailing, and all but one has retained their original timber double doors to the front including the cast iron hinged locking mechanism.
- 1.4 The site is within a generally residential area, characterised behind the mixed-use frontage of Southchurch Road by terraced dwellings with large rear gardens. The site incorporates part of the secondary shopping frontage in relation to the position of the existing commercial units and proposed rear extension. It is situated in Flood Zone 1.

## 2 The Proposal

- 2.1 The application proposes the erection of 4no. two-storey dwellings, following demolition of the garages. They would occupy spaces at the ends of the terraces at Ilfracombe Road and Lovelace Gardens respectively, and a further pair of two-storey dwellings would be situated equidistant between these. Back-to-back rear gardens would

separate the proposed dwellings along the alignment of the row of garages.

- 2.2 The proposal incorporates the provision of off-street car parking, and associated soft and hard landscaping and boundary treatments. A southward extension to the eastern vehicular access at Lovelace Gardens is proposed.
- 2.3 The proposal also includes a single storey rear extension behind 613-619 Southchurch Road. This would form a flat with associated parking and ancillary space. No changes are proposed to the internal arrangements of the existing commercial and residential accommodation at 613-619 Southchurch Road.
- 2.4 Proposed external materials are described as grey slate roof tiles, aluminium window and door goods, red brick garden walls and permeable paving.
- 2.5 The application has been called into planning committee by Councillor Dent.

### **3 Relevant Planning History**

- 3.1 18/00832/FUL: Change of use of ground floor from shop class A1 to nail salon sui generis at 639 Southchurch Road. Approved.
- 3.2 16/01692/PA3COU: Change of use of existing first floor offices class BA to 1 self-contained flat class C3 prior approval at 593 to 599 Southchurch Road. Approved.
- 3.3 16/01201/PA3COU: Change of use of existing first floor office class B1a to one self-contained flat class C3 at 593 to 599 Southchurch Road (prior approval) Refused.
- 3.4 13/01559/FUL: Extend existing vehicle access onto Ilfracombe Road at 2B Ilfracombe Road was refused for reasons relating to the impact on a street tree.
- 3.5 10/01296/FUL: Use kitchen showroom class A1 as offices class A2 at 633 Southchurch Road. Approved.
- 3.6 07/01749/CLE: Use of balcony for recreational purposes certificate of lawful use as existing at 635 Southchurch Road. Lawful development certificate granted.
- 3.7 03/00824/FUL for use of 613 Southchurch Road as a beauty salon was approved.
- 3.8 Earlier planning history was for use of a shop at 615 and 617 Southchurch Road as estate agent's office (87/0092) and for shopfront alterations and signage. These do not have a material bearing on the proposal.

### **4 Representation Summary**

#### **4.1 Public Consultation**

76 neighbouring properties were notified and a site notice was posted. 28 letters of representation, objecting to the proposal, have been received from and on behalf of 23 parties including residents and businesses. Matters raised are summarised as follows:

- Garages are in constant use and there is a waiting list for them;
- Garages should be used for small business/creative uses;
- impact on character of the area through loss of existing built fabric and historic

quality, and impact on trees;

- Existing buildings should be preserved as heritage assets and listed
- Modern buildings out of character with the area;
- Proposal is cramming in new dwellings;
- Impacts on neighbour amenities including loss of daylight, loss of privacy, overshadowing, visual impact and enclosure to dwellings and private amenity spaces;
- impact on amenities of the wider area
- Impacts of noise, access and disturbance during construction;
- Impacts on nearby businesses including operational access, storage, parking, customer access and servicing;
- Impact on car parking, access for residents, traffic congestion and highway safety;
- Impact on servicing access for residents including waste management and emergency services;
- Swept path analysis shows that access is not possible;
- Impact on the highway operation and safety would be severe;
- Amount and quality of outdoor amenity space for future occupiers;
- Quality of surroundings for future occupiers;
- Waste management concerns;
- Lack of supporting information relating to impacts on trees, highways, flooding, neighbour amenities and ecology;
- Drainage impacts and flood risk concerns;
- Missing elevations;
- Accuracy of submitted drawings and supporting information;
- Absence of detailed daylight and sunlight modelling assessment;
- No need for more flats;
- Impacts on infrastructure;
- Application validation, notification and consultation process concerns;
- Impacts on biodiversity and protected species;
- Concerns at methodology and conclusions of submitted supporting ecological and arboricultural assessments;
- Not lawful to condition further wildlife surveys as part of planning permission;
- Party wall concerns.

4.2 These concerns are noted and where relevant to material planning considerations they have been taken into account in the assessment of the application. Those remaining are found not to represent a reasonable basis to refuse planning permission in the circumstances of this case.

#### 4.3 **Environmental Health**

No objection.

#### 4.4 **Parks – Environmental Projects**

Further survey work required as per the ecological appraisal. Recommendations of the ecological appraisal should be adhered to and licencing may be required.

#### 4.5 **Parks – Arboriculturist**

Existing trees on the site are of low value and there is no objection to their removal.

#### 4.6 **Essex Fire Service**

No objections, subject to informatives relating to water supplies for firefighting and

sprinkler systems.

#### 4.7 **Highways Team**

No objections.

### **5 Planning Policy Summary**

5.1 The National Planning Policy Framework (NPPF) (2021)

5.2 Planning Practice Guidance and National Design Guide (2019)

5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development Principles) CP1 (Employment Generating Development) CP3 (Transport and Accessibility) CP4 (Environment & Urban Renaissance) CP8 (Dwelling Provision)

5.4 Development Management Document (2015): Policies DM1 (Design Quality) DM2 (Low Carbon and Efficient Use of Resources) DM3 (The Efficient and Effective Use of Land) DM5 (Historic Environment) DM7 (Dwelling Mix, Size and Type) DM8 (Residential Standards) DM13 (Shopping Frontage Management outside the Town Centre) DM15 (Sustainable Transport Management)

5.5 Design & Townscape Guide (2009)

5.6 Vehicle Crossing Policy & Application Guidance (2014)

5.7 National Technical Housing Standards (2015)

5.8 Technical Housing Standards Policy Transition Statement (2015)

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

5.10 The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020)

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

### **6 Planning Considerations**

6.1 The main considerations are the principle of the development, design and impact on the character of the area, including effect on heritage assets, impacts on neighbouring occupiers, living conditions for future occupiers, highway implications, sustainability, ecology, compliance with the Essex Coast RAMS SPD and CIL liability.

### **7 Appraisal**

#### **Principle of Development**

7.1 The National Planning Policy Framework (NPPF) encourages effective use of land in particular previously developed land. It notes that small and medium sized sites can make an important contribution to meeting the housing requirement and that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of underutilised

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.

- 7.2 Core Strategy (2007) Policies KP1, KP2 and CP4 seek to direct the siting of development through a sequential approach, minimising the use of 'greenfield' land. Policy CP4 requires that new development "maximise the use of previously developed land, whilst recognising potential biodiversity value and promoting good, well-designed, quality mixed use developments" and that this should be achieved by "maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development".
- 7.3 Policy CP1 of the Core Strategy states that "Permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area".
- 7.4 Policy DM7 notes that the council will look favourably upon the provision of family size housing on smaller sites particularly where surrounding building types provide an appropriate context for this type of development.
- 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 South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.
- 7.6 For the proposed provision of housing, the HDT and 5YHLS weigh in favour of the principle of this type of development. The proposal would be of a type of which four of the five units would be suitable for families. There is greater need for this type of housing as identified by the South Essex Strategic Housing Market Assessment. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise.
- 7.7 The site is located within the built-up area and in reasonable proximity to services and transport links. This is a relatively sustainable general location for development which conforms to the prevailing land use around it. The development would add to the supply of dwellings.
- 7.8 Given the small size and 'lock-up' character of the garages, it is considered that they do not contribute significantly to the provision of employment space.
- 7.9 The submitted plan shows that the existing garages measure some 6.3 metres deep by 3.4 metres wide. These dimensions would not meet the adopted standards for garage parking. The alley measures some 4.8 metres in width and therefore does not provide the 6 metres manoeuvring space considered necessary.
- 7.10 As parking provision therefore, the existing garages, with the exception of the two pairs of garages at either end, are of a relatively poor standard in terms of accessibility and

usability for car parking purposes. Although the area is subject to a degree of parking stress the use of the land for garaging, whether as lock-up storage or car parking, does not represent the most efficient use of the land.

- 7.11 The applicant has provided a Preliminary Ecological Appraisal which identifies the potential for bat roosting opportunities within the existing garages. It notes that requirement for further survey work to establish methodology, however it finds that the development could be carried out subject to appropriate mitigation measures without harming protected species.
- 7.12 The intensification and change of use of the rear curtilage of nos. 613-619 Southchurch Road would not significantly prejudice the provision of a business use and an active frontage. The submitted plans indicate retention of the commercial unit and the proposal would not be harmful to the vitality and viability of the local centre and secondary shopping frontage. The plans identify space for commercial bin storage adjacent the alley and accessible from the rear of the unit.
- 7.13 The garages have been considered by the Environment, Culture, Tourism & Planning Working Party (29th July 2021) for a local-listing proposal. The local listing criteria requires that new additions either demonstrate the Borough history particularly in relation to public buildings or have architectural interest ('be designed by a well-known architect or be a good example of a particular style, contain good architectural features or be important to the townscape'). In this case it was found that the buildings are less than 100 years old, are not important to the townscape of Southchurch Road and the architect is unknown. Whilst they are relatively intact and do have some historic value as a group, it is considered that, on balance, there are other similar buildings in the Borough which are already protected, which are older and better examples of this type of building, and which are more significant to the town. It was therefore recommended that the garages not be added to the local list.
- 7.14 In light of the above it would not be reasonable in principle to seek the retention off the garages on character grounds. The demolition of the existing garages for appropriate housing provision is considered acceptable in principle. The development would be sited and aligned with the prevailing urban grain. The proposed re-use and intensification of the site would be for residential use, conforming to the mainly residential setting of the locality. The development would use previously developed land. Giving particular weight to the shortfall in housing supply, the proposal is acceptable and policy compliant in principle.

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

- 7.15 The NPPF states that planning decisions "should ensure that developments ...are visually attractive as a result of good architecture and ...are sympathetic to local character including the surrounding built environment while not preventing or discouraging appropriate innovation or change (such as increased densities)".
- 7.16 The National Design Guide notes that context including the grain of development, landscaping and the natural environment are important aspects of place and good design. Well-designed new development is integrated into its wider surroundings and responds positively to its context.
- 7.17 Policy DM1 requires development to respect the townscape and contribute positively to

the space between buildings and their relationship to the public realm.

- 7.18 The proposal would reasonably follow the existing grain of development and correspond to the surroundings while making use of previously developed land. The lower-key design of the mews houses would reflect their positioning. The scale, layout and detailed design of all elements of the proposal would correspond satisfactorily to the surroundings.
- 7.19 The identified external materials proposed are acceptable in general, and final specifications of the external materials and of hard and soft landscaping can reasonably be secured through conditions on planning permission.
- 7.20 The proposal would lead to the loss of trees on the site which have been identified as of low amenity value. Soft landscaping could reasonably be secured through a planning condition and the loss of the low value existing trees would not in itself, justify a refusal of planning permission. The proposal would retain higher value trees around the site and details of tree protection measures can be secured through a condition on planning permission. A detailed scheme of soft landscaping can be secured through a planning condition and there is scope for the inclusion of appropriate trees within the site and development context.
- 7.21 The proposal is acceptable and policy compliant on design grounds.

### **Impact on Residential Amenity**

- 7.22 The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.23 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that “protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight”.
- 7.24 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”.
- 7.25 The existing garages run in a continuous line adjacent to the southern boundary with the neighbouring domestic gardens to the north and measure some 2.9m to eaves and 4.9m to ridge level.
- 7.26 The proposed development would reconfigure this relationship whereby the two-storey form of the proposed street-fronting dwellings would be generally aligned with the existing terraced dwellings and would incorporate single storey projections of some 4.6m depth, some 2.6m in height to eaves level and 4m in height to roof ridge. There would then be a gap of at least some 13m, comprising of a boundary wall measuring some 2.3m height and terminating with the proposed mews houses alongside the far end of the existing gardens, which would be flat roofed and measure some 6.5m in height.
- 7.27 The proposed westernmost terraced street-fronting dwelling would adjoin the flank wall

of the existing flats at no.2 Ilfracombe Road. The proposed easternmost street-fronting dwelling would be situated adjacent to the flank wall of the dwelling at no.3 Lovelace Gardens. This would impact upon secondary sources of daylight and outlook. On the basis that these are secondary sources of daylight and outlook this would not be sufficiently harmful to neighbour amenities to justify a refusal of planning permission.

- 7.28 The proposed mews houses would have a greater impact on neighbouring occupiers than the existing built form when taken in isolation. They would be positioned adjacent to the far ends of the existing gardens. Taking account of the existing site conditions and the proposed overall layout and design of the development, it would not lead to a significantly harmful impact on existing neighbouring occupiers to the north in terms of overshadowing, loss of daylight, loss of outlook, sense of enclosure or overbearing impact, to a degree that would justify a refusal of planning permission.
- 7.29 By reason of their position, scale, design and layout, the proposed street-fronting houses would not have a significantly harmful impact on any other surrounding occupiers in any relevant regard.
- 7.30 The proposed mews houses have been designed with 'oriel' windows and the angling of these would be sufficient to mitigate any actual or perceived loss of privacy arising from the first floor windows to the neighbouring gardens to the north.
- 7.31 The separation of the mews and street-fronting houses from the mixed commercial and residential parade would be sufficient to mitigate any loss of privacy arising given the design and layout of the proposed dwellings.
- 7.32 In the interests of maintaining neighbour privacy a condition can be attached to any planning permission prohibiting the use of flat roofed areas as balconies or amenity terraces.
- 7.33 The proposed flatted accommodation to be adjoined to the rear of the existing terrace of shops and flats would have an enclosing effect to the kitchen and dining space identified at the ground floor off the maisonette at 619 Southchurch Road. It would principally affect the kitchen windows; the dining room windows identified are situated within a narrow well between existing outriggers and associated structures.
- 7.34 The proposed flatted accommodation would be a single-storey extension, flat roofed and measuring some 3.1m in height. By reason of its position and given the existing conditions of the dining room windows it is considered that the proposed single-storey extension would not have a significantly harmful effect on the ground floor accommodation to the south with regard to daylight conditions, or in any other relevant regard.
- 7.35 The proposal would intensify the use of the site and introduce noise impacts from occupiers and comings and goings. Taking into account the existing use, within the built environment these impacts would be within reasonable parameters given the scale and character of the proposal.
- 7.36 Given the proximity of the development to neighbouring properties and finely balanced relationship with the surroundings, it is considered appropriate in this case that permitted development rights should be controlled by condition so that the impacts of future extensions or outbuildings on neighbours can be fully assessed.

7.37 The proposal is acceptable and policy compliant in its impacts on neighbour amenities.

### **Living conditions**

7.38 The NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

7.39 Policy DM1 of the Development Management Document requires that developments provide an internal and external layout that takes account of all potential users. Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents.

7.40 Further to this, from the 1 October 2015 the Nationally Described Space Standards (NDSS) have been adopted and state that the following internal floor spaces are required:

- 2b3p single-storey dwelling: 61sqm;
- 3b5p two-storey dwelling: 93sqm.

7.41 The proposed two-storey dwellings would exceed these requirements providing some 103sqm and 125sqm GIA as 3b5p accommodation. The proposed 2b3p flat of some 62.1sqm GIA would also exceed the requirement. The proposed room sizes all meet the identified standards.

7.42 The proposed flat is single aspect to its habitable rooms which would be north facing. This is a negative aspect of the proposal. It would benefit from and outlook onto amenity space and on balance the daylight and outlook conditions to the flat would be acceptable. Good daylight and outlook conditions would be provided to the four two-storey dwellings.

7.43 The proposed two-storey dwellings would be separated at two-storey level by some 19m. Given the proposed design this separation distance is considered to be within reasonable parameters to achieve satisfactory privacy conditions within each dwelling and its associated private amenity space.

7.44 The submitted elevations show that the dwellings would have level access. The application does not demonstrate M4(2) accessibility compliance however, this matter could be satisfactorily addressed by condition.

7.45 The submitted plans indicate secure covered cycle storage and bin storage for each dwelling. This is considered acceptable.

7.46 The proposal is considered acceptable and compliant with the policies relating to living conditions.

### **Traffic and Transportation Issues**

7.47 Policy CP3 of the Core Strategy seeks to improve highway safety and accessibility. Policy DM15 of the Development Management Document (2015) 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". The adopted Vehicle Parking Standards state that two spaces should be provided per dwelling at this location.

- 7.48 The proposal includes two spaces per street-fronting dwelling and one space per mews dwelling and for the flat respectively; these are of appropriate dimensions. Given the sustainable location close to shops, services and public transport and given the indicated secure cycle storage, this level of provision is considered acceptable in this instance.
- 7.49 The proposed alterations to the vehicular accesses at Ilfracombe Road and Lovelace Gardens are considered acceptable. The development would narrow the alley in places from some 4.6m-4.9m as existing to some 3.5m to 4.8m. Given the context this would not be significantly harmful to the useability of the alley.
- 7.50 The applicant has identified two individual off-street parking positions within the alley for the mews houses. At these two positions the parking for the mews houses would not harmfully affect accesses into the rear curtilages of the properties fronting Southchurch Road. They would reduce the passing width to some 2.8m. For the short distance affected this would be acceptable.
- 7.51 The demarcation of parking and the definition of dwelling curtilages can be required by condition on planning permission to maintain the width of the alleyway as shown. The proposals are considered on balance acceptable and policy-compliant in regard to the provision of off-street car parking and the impacts of the development upon the public highway.

### **Sustainability and Ecology**

- 7.52 Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources. A minimum of 10% of the energy demands of the development, where feasible, should be provided by renewables in order to meet Policy KP2.
- 7.53 No details of renewable energy technologies have been indicated on the submitted plans. Full details could be reasonably secured through the use of a planning condition given the scope available in this case.
- 7.54 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110lpd when including external water consumption). This requirement could be dealt with by condition.
- 7.55 The site falls within the Zone of Influence for one or more European designated sites scoped into the 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.

- 7.56 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) 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.
- 7.57 The proposal would involve a net increase of five dwellings within the Zone of Influence. The applicant has provided for appropriate mitigation through a relevant payment.
- 7.58 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. In light of this, local planning authorities need to consider the potential impacts of development on protected and priority species, and the scope to avoid or mitigate any impacts when considering site allocations or planning applications.
- 7.59 The NPPF states that “When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.
- 7.60 Planning Practice Guidance refers to Natural England’s standing advice for protected species. The submitted Preliminary Ecological Appraisal and Bat Roost Assessment identify a potential for roosting bats and the need for further survey work to provide for suitable mitigation. The potential for enhancement is noted.
- 7.61 The Standing Advice requires that impacts are identified and mitigated where possible and that compensation measures are used to offset any remaining impacts. It is considered that appropriate risk reduction measures and scope for mitigation is available and there is no need for the applicant to identify alternative sites for the development.
- 7.62 Mitigation and enhancement can be dealt with by condition and licensing is covered by other regulatory frameworks, and the potential for bat roosting would not justify a refusal of planning permission. The site is found not likely to support protected mammal, reptile or amphibian species.
- 7.63 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SuDS) to mitigate any increase in surface water runoff. The proposal would not increase the proportion of non-porous ground; as existing the site is largely non-porous. The use of permeable block paving can be secured through a condition on planning permission.
- 7.65 The application is policy compliant and acceptable on sustainability grounds.

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

- 7.66 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 518sqm, which may equate to a CIL charge of approximately £13268 (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 The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development is applied when determining the application. 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 Framework taken as a whole. The development would provide four additional family dwellings and one smaller dwelling, which would be a public benefit, and would re-use brownfield land for the purpose.
- 8.2 The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely, and would provide for reasonable amenities for future occupiers. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. Impacts on protected species could be reasonably minimised and mitigated.
- 8.3 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 tilted balance justifies approval of the application. This application is therefore recommended for approval subject to conditions.

## **9 Recommendation**

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

**01. The development hereby permitted shall begin not 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 permitted shall be carried out in accordance with the following approved plans: 0100 A location plan, 0110 existing site, 0111 C proposed site, 0150 existing ground floor plan, 0200 C proposed ground floor plan, 0151 existing first floor, 0201 C proposed first floor, 0152 existing garages plan, 0153 A existing commercial plans, 0212 D proposed flat plans, 0210 C proposed end terrace house plans, 0211 C proposed mews plans, 0160 existing street scenes, 0300 A proposed street scenes, 0307 B proposed rear flat elevation, 0305 C proposed house 1 elevations, 0308 proposed house 2 elevations, 0306 C mews house elevations, 0400 B axonometric drawings, 0900 3D views.**

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

- 03. Prior to the commencement of development including demolition, bat emergence/re-entry surveys shall be carried out in accordance with the recommendations of the submitted preliminary bat roost assessment Report No: RT-MME-155176-04 dated June 2021. No development shall take place until the methodology and findings have been submitted to and agreed in writing by the local planning authority together with a programme of specific mitigation measures. The agreed mitigation details shall thereafter be implemented as part of the development.**

**Reason: To mitigate impacts of the development on protected species, further to the National Planning Policy Framework 2021 and Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).**

- 04. Mitigation and enhancement measures as identified in the recommendations of the submitted Preliminary Bat Roost Assessment Report No: RT-MME-155176-04 dated June 2021 and the Preliminary ecological appraisal dated June 2021 Report No: RT-MME-155176-03 shall be implemented as part of the development in addition to the details agreed further to condition 03, with regard to protected species, and subject to the agreed mitigation measures retained in perpetuity thereafter.**

**Reason: To mitigate impacts of the development on protected species, further to the National Planning Policy Framework 2021 and Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).**

- 05. No demolition or development of any kind shall take place until a scheme for the protection of trees T1, T4, T5 and T7 as identified on the submitted Arboricultural Assessment in accordance with British Standard BS5837 (Trees in Relation to Construction – Recommendations) has been submitted to and agreed in writing by the local planning authority. The approved scheme of protection measures shall be fully installed before the commencement of works and maintained throughout construction. The development shall be implemented in full accordance with the approved scheme, measures and methods.**

**Reason: In the interests of visual amenity further to the National Planning Policy Framework 2021, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

- 06. Construction hours for the development hereby approved shall be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Bank Holidays.**

**Reason: To protect the environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework 2021, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies**

**DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

- 07. Other than demolition, no development above ground floor slab level shall take place until samples and specifications of the materials to be used on all the external elevations of the development have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details before it is occupied.**

**Reason: In the interests of visual amenity and to ensure that the appearance of the buildings makes a positive contribution to the character and appearance of the area, further to the National Planning Policy Framework 2021, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

- 08. No development other than demolition and site preparation works shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not limited to:**

- i. hard surfacing materials;**
- ii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification**
- iii. details of measures to enhance biodiversity within the site;**
- iv. details of any permeable paving or other sustainable drainage measures to be implemented;**
- v. all and any means of enclosing the site and subdividing it, including clear demarcation of dwelling curtilages and parking areas.**

**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 and drainage is implemented pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).**

- 09. If during development contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until written approval from the Local Planning Authority has been received for a remediation strategy detailing how this unsuspected contamination shall be dealt with that has previously been submitted to the Local Planning Authority in writing.**

**All agreed remediation works must be implemented in their entirety prior in full accordance with the approved remediation strategy prior to further construction works commencing unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with National Planning Policy Framework 2021, Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).**

- 10. At least 10% of the total energy needs of the new dwellings shall be supplied using on site renewable sources as identified in the submitted documents. Prior to occupation of the dwellings, details of the position and appearance of the renewable sources shall have been submitted to and approved in writing by the Local Planning Authority. The provision shall be implemented in accordance with the agreed details in full prior to the first occupation of the dwellings and shall be made for the lifetime of the development.**

**Reason: In the interests of providing sustainable development in accordance with the National Planning Policy Framework 2021, Policy KP2 of the Core Strategy (2007), Policy DM2 of the Development Management Document (2015).**

- 11. Prior to the first occupation of the development hereby approved the access road, together with properly constructed vehicular access, car parking and turning areas identified on the plans hereby approved shall have been provided and made available for use by the occupants of the proposed dwellings and their visitors and shall be retained as such in perpetuity thereafter.**

**Reason: To ensure the provision of adequate vehicular access and car parking in accordance with the National Planning Policy Framework 2021, Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

- 12. Prior to first occupation of the development a waste management strategy setting out waste collection arrangements for the proposed mews and flat dwellings and the existing commercial and residential uses at 613-619 Southchurch Road shall have been submitted to and agreed and rating by the local planning authority. The approved details shall thereafter be implemented as part of the development and retained in perpetuity for the lifetime of the development.**

**Reason: To ensure the provision of adequate waste storage in accordance with the National Planning Policy Framework 2021, Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained**

**within the Southend-on-Sea Design and Townscape Guide (2009).**

- 13. The development hereby approved shall not be occupied until and unless provision for secure covered cycle and refuse/recycling storage for occupiers of the development has been provided and made available for use in accordance with details to have been previously submitted to and approved in writing by the local planning authority. the agreed details shall be retained thereafter for the lifetime of the development.**

**Reason: To ensure the provision of adequate cycle parking and waste/recycling storage in accordance with the National Planning Policy Framework 2021, Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

- 14. The development hereby approved shall be carried out in a manner to ensure the dwellings comply fully with Building Regulation M4(2) 'accessible and adaptable dwellings' before they are occupied.**

**Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework 2021, Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

- 15. Notwithstanding the provisions of Classes A, AA, B, C, D, E and F of Part 1, and Class A of Part 2, of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any statutory amendment, modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions, roof extensions or outbuildings shall be erected at the dwellings hereby approved without the receipt of express planning permission.**

**Reason: To allow consideration of impacts on neighbouring occupiers, in the interests of neighbour amenities, further to the National Planning Policy Framework 2021, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

- 6. No development shall take place, including any works of demolition, until details of a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be fully adhered to throughout the construction period and shall provide, amongst other things, 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**
  - v) measures to control the emission of dust and dirt during construction**

- vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site
- vii) maintenance of access for existing occupiers.

**Reason:** A pre-commencement condition is needed in the interests of visual amenity, the amenities of neighbouring occupiers and access to adjacent properties pursuant to Policies KP1, KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

17. The roofs of the buildings and extension hereby approved shall not be used as balconies, roof gardens or similar amenity areas or for any other purpose unless express planning permission has previously been obtained. The roofs can however be used for the purposes of maintenance or to escape in an emergency.

**Reason:** In the interests of neighbour amenities further to 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 Design and Townscape Guide (2009).

18. The development 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.

**Reason:** To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework 2021, Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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.

## 10 Informatives:

- 1 There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the

environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

- 2 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). 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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).
- 3 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.
- 4 A wildlife licence may be required before work can start. The grant of planning permission does not affect licence requirements.
- 5 The granting of this permission does not negate the need for Highways Consent for the formation of a permanent vehicular crossing and there is no guarantee that you will automatically be granted Highways Consent for such works. Applications for permanent vehicular crossings can be made at [www.southend.gov.uk](http://www.southend.gov.uk).