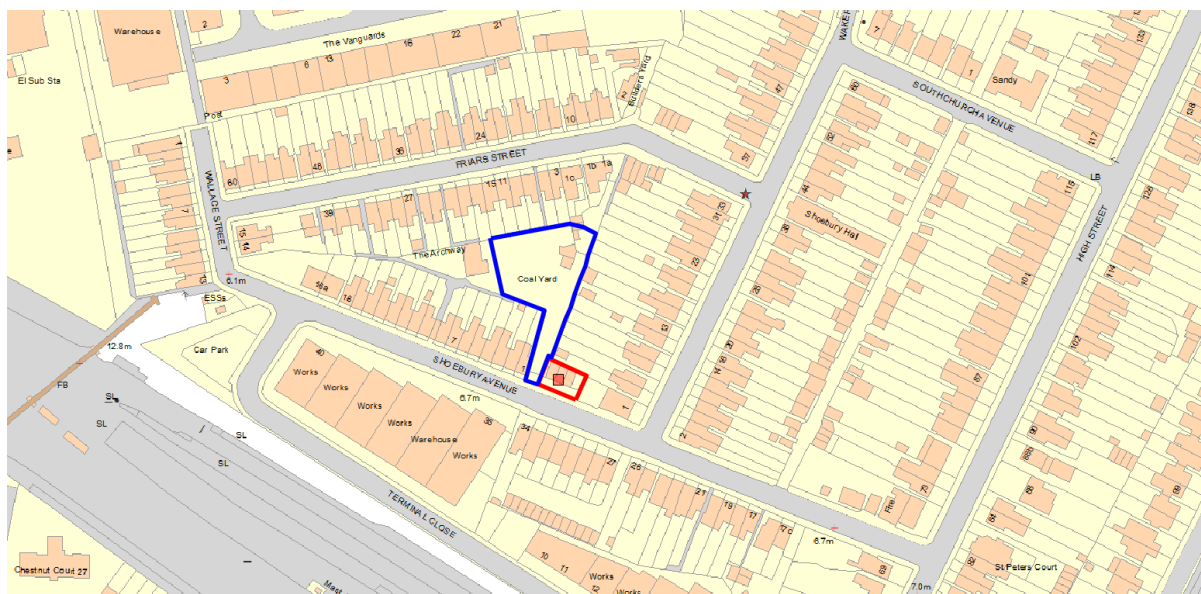


Reference:	21/00604/FUL	
Application Type:	Full Application	
Ward:	Shoeburyness	
Proposal:	Demolish garages, erect two-storey building to form two self-contained flats with associated parking, amenity area, cycle and refuse storage	
Address:	Garages Adjacent To, 1 Shoebury Avenue, Shoeburyness	
Applicant:	Mr A Thorpe and Mr H Hyde	
Agent:	Mr Paul Seager of APS Design Associates Ltd.	
Consultation Expiry:	20th May 2021	
Expiry Date:	8th September 2021	
Case Officer:	Spyros Mouratidis	
Plan Nos:	3117 01, 3117 02 Rev A, 3117 03 Rev D, 3117 04	
Supporting Documents:	Proposed 3D views	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site is located on the north side of Shoebury Avenue, to the rear of dwellings facing Wakering Avenue. The site is currently occupied by a single storey block of four dilapidated and disused garages. On the southern side of Shoebury Avenue there are dwellinghouses and commercial units, many of which appear unoccupied. Other than those commercial units, the area has a residential nature. No planning related designations affect the site or the area.

2 The Proposal

- 2.1 Planning permission is sought for the demolition of the existing garages and the erection of a two-storey detached building to accommodate two (2no.) self-contained two-bed flats. The building would have an irregular "L"-shaped layout measuring up to 12.1m wide by 9.9m deep. It would have a hipped roof measuring a maximum of 7.9m high with the main eaves at 5m above ground level. The materials proposed to be used include render on the walls, plain grey concrete tiles on the roof, uPVC windows and composite doors, woven panel fencing and concrete posts on the boundaries and porous pavers on proposed hardsurfaces.
- 2.2 The proposal would result in the loss of four garages. Two car parking spaces are proposed within the frontage of the site. It is also proposed to provide one cycle parking space for each unit. Amenity space is proposed to the side of the building for both units. Bin storage provision is shown at the front part of the site.
- 2.3 During the course of the application the proposal was amended to alter the configuration of first floor east facing windows and the internal layout of the building so that the ground floor unit would comply with Building Regulation M4 (3). It was also amended to enlarge the ground floor front bay window.

3 Relevant Planning History

- 3.1 There are planning applications related to the Coal Yard, the site under the same ownership to the north. There is no relevant planning history for the application site.

4 Representation Summary

Call in

- 4.1 This application was called-in by Councillor Ward for determination by the Council's Development Control Committee.

Public Consultation

- 4.2 Twenty (20) neighbouring properties were consulted and a site notice was displayed. Representations from two interested parties have been received. Their objections and comments are summarised as follows:

Design and impact on the character of the area

- The boundary fence cannot be maintained from both sides.

Impact on residential amenity

- Loss of light.
- Overlooking from upper floor windows to habitable rooms.

- Nuisance from use and construction.

Parking, Access and Highways

- During the construction period access to an existing outbuilding of the site may be affected by scaffolding or other construction activities.
- Increased traffic volumes in an already congested.
- Shortfall of adequate parking.

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

Parks

4.4 No comments.

Highways

4.5 No objections subject to conditions regarding re-instatement of redundant vehicle crossover.

Environmental Health

4.6 No objections subject to conditions regarding hours of construction, waste management and noise mitigation.

Fire Safety Officer

4.7 No objections.

5 Planning Policy Summary

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

5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)

5.3 National Housing Standards (2015)

5.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).

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), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), 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, the design and impact on the character and appearance of the area, the residential amenity for future and neighbouring occupiers, traffic and parking implications, energy and water use sustainability, refuse and recycling storage, flooding and drainage, ecology and mitigation for impact on designated sites and CIL.

7 Appraisal

Principle of Development

7.1 Paragraph 119 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.

7.2 Paragraph 123 of the NPPF states: "Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework."

7.3 The site is previously developed land and Core Strategy policy CP8 is therefore relevant. Policy CP8 supports the provision of dwellings on such land, subject to detailed considerations, noting that the intensification of development will play a role in meeting the housing needs of the Borough. Policy DM3 states that "the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity."

7.4 Policy DM3 paragraph (2) of the Development Management Document requires that all development on land that constitutes backland or infill development will be resisted where the proposals will:

- “(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.”

7.5 This proposed development is considered to constitute an infill development site. In this

regard, the site is distinct from the row of properties on Shoebury Avenue and respects the notional building line between them and the property at the corner of Wakering Avenue and Shoebury Avenue. While the provision of a garden area to the side of the building is not characteristic in this area, it is not considered that this element of the proposal is in conflict with the character and grain of the local area. As discussed in detail in the relevant sections of this report, there is also no significant harm identified in relation to living conditions of existing and future occupiers or the proposed and existing amenity spaces. There are no ecological assets on site.

- 7.6 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. The proposal would make a modest contribution to the housing supply of the Borough and in proposing two-bed apartments, reflects a type of housing for which there is need, though not as great need as for other types of units as identified within the South Essex Strategic Housing Market Assessment.
- 7.7 Overall, it is considered that the principle of residential development is acceptable. Other material planning considerations are discussed in the following sections of the report.

Design, Impact on the Character of the Area

- 7.8 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."
- 7.9 Paragraph 126 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."
- 7.10 As discussed in the previous section of the report, the layout of the proposed development is acceptable. In terms of scale, the proposal would not result in the maximum height of the building being greater than that of neighbouring dwellings. The scale of the proposed building is considered to respect the scale of surrounding development.
- 7.11 The proposed form would reference the form of the neighbouring development in certain regards, particularly in relation to the provision of bay windows, front canopies and a hipped roof. The proposed form is acceptable.

- 7.12 In terms of appearance, the proposal has taken visual cues from its neighbouring dwellings mixing and matching elements. The resulting appearance contains a mismatch of window sizes and number of panes. This is a negative aspect of the proposed development. Despite this, there are proportionate levels of glazing and an acceptable fenestration of openings to the front and side elevations which are the most publicly visible elements of the proposed building.
- 7.13 In terms of materials, the proposed building would reference the materials predominantly used in the external areas of neighbouring dwellings. These materials would be acceptable.
- 7.14 There are limited opportunities for hard and soft landscaping to complement the development. A condition is suggested to ensure that the details of hard and soft landscaping are submitted. It is also noted that waste storage is proposed to the front of the site but as discussed in the relevant section of this report, this is not needed. A condition is suggested to prevent such storage being provided in the proposed location.
- 7.15 On balance and subject to conditions, the proposal would not have a significantly harmful impact on the character and appearance of the area. In the round, the proposal is considered acceptable and policy compliant on these regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.16 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.
- 7.17 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 1: Housing Standards

Type	Area (m ²)	Bedroom 1	Bedroom 2	Storage area (m ²)	Amenity (m ²)
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 (2 bed 3 person) One storey	61.6	14m ² W = 3.2m	9.9m ² W = 2.5m	2.6	Garden 23.3
Proposed FF Flat (2 bed 3 person) One storey	70.1	15m ² W = 3.2m	11.5m ² W = 2.4m	2.5	Garden 23

- 7.18 The table shows that the proposed flats would meet the NDSS. All habitable rooms would benefit from suitable levels of daylight and sunlight. In terms of outlook, it is noted that the main bedroom of the first-floor unit would only be able to look out from the side opening of a bay window with the other side being obscured glazed and the main part of the window being high level openings only. Whilst these arrangements are not ideal, they would allow some high-level outlook. It should be borne in mind that similar outlook was previously found acceptable when planning permission was granted on appeal for an application at 1 Friars Street, the site to the north of the Coal Yard. Adequate and sufficiently private amenity space is provided for each apartment.
- 7.19 Development Management Policy DM8, as amended, requires all new homes to be accessible and meet the standards set out in Building Regulations M4 (2) Accessible and Adaptable Dwellings. This ensures that all new homes are flexible enough to meet the needs of all generations.
- 7.20 The applicant states that the proposed ground floor apartment would comply with the requirements of building regulation M4 (3), a higher standard than that required by policy. The proposed upper floor unit does not include step free access and it is highly unlikely to be able to comply with requirements of building regulation M4(2). On balance, the provision of a unit which would be accessible for wheelchair users, a type of dwelling for which there is significant need in the Borough, is sufficient to outweigh the harm arising from the limited accessibility of the upper floor unit.
- 7.21 Overall, and on balance it is considered that subject to conditions, the proposal would result in an acceptable standard of 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

- 7.22 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."
- 7.23 The nearest residential properties to the application site are 1 and 3 Wakering Avenue and 1 Shoebury Avenue. The proposed building would be some 13.2m away from the rear elevations of the dwellings facing Wakering Avenue, it would abut the boundary with the rear garden of 3 Wakering Avenue and would be 5.2m away from the side elevation of 1 Shoebury Avenue.
- 7.24 In terms of overlooking and privacy, the proposed scheme includes high level and obscured glazed windows at first floor level to the rear and side elevations of the proposed building. It is not considered that these arrangements would result in unacceptable levels of overlooking or loss of privacy. Considering the distance and relationship with neighbouring properties, it is also not considered that the proposal would create a materially harmful overbearing effect, loss of outlook or sense of enclosure to its neighbours.
- 7.25 Considering overshadowing and loss of light, some impact is identified in relation to part of the rear garden of 3 Wakering Avenue. However, the identified harm is not so harmful

as to justify the refusal of the application on this ground and if this were judged to be a concern would need to be weighed in the tilted balance as this proposal provides two new residential units. The proposed use is not expected to result in unacceptable pollution, noise and disturbance. A condition to control the hours of construction is suggested in order to avoid significant harm to the residential amenity of neighbours. The Council's Environmental Health service has raised no objections.

7.26 Overall, the proposal is acceptable and policy compliant in these regards.

Traffic and Transportation Issues

7.27 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. Residential vehicle parking standards may be applied flexibly where the development is proposed in a sustainable location with frequent and extensive links to public transport.

7.28 Assessed against parking standards, the minimum car parking standard required for flats is one space per unit. The parking standards require the provision of one cycle parking space per dwelling. The proposal is policy compliant and meets the standards in these regards and conditions are suggested to ensure that provision of such facilities is made. The access arrangements to the site would not be altered as a result of the proposal. The Council's Highways service raised no objections subject to a condition to require the reinstatement of the redundant crossovers.

7.29 Concerns have been raised by neighbouring residents about the need for scaffolding within private gardens where there is a need for accessibility. Such an issue would be outside the planning regime and would be a private matter to be resolved between interested parties under the relevant separate legislation.

7.30 Considering the relevant matters, the proposal is acceptable and policy compliant in the above regards.

Refuse and Recycling Storage

7.31 The submitted plans show an area for waste storage to the front of the site. 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 the proposed waste storage facility would not be provided due its design and character implications.

7.32 Subject to such a condition, the proposal is acceptable and policy compliant in this regard.

Flooding and surface water drainage

7.33 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.

- 7.34 The development would be acceptable and policy compliant in these regards.

Energy and Water Sustainability

- 7.35 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.
- 7.36 No information has been provided to demonstrate whether any renewable energy resources would be installed in order to meet at least 10% of the anticipated energy consumption in line with policy requirement or how the water consumption would be limited. It is considered that the requirement for renewable energy and restrictions on water usage can be controlled with conditions. This aspect of the proposal is, therefore, considered to be acceptable and policy compliant in these regards, subject to conditions.

Ecology - Essex Coast RAMS

- 7.37 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.
- 7.38 The applicant has already paid the relevant tariff. The development would offer suitable mitigation of the in-combination effect of the net increase of two dwellings on habitats and species. The development is acceptable and in line with policies in this regard.

Community Infrastructure Levy (CIL)

- 7.39 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 135.6m², which may equate to a CIL charge of approximately £3,473.45 (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 attached 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 have an acceptable impact on the living conditions of future occupiers, the residential amenity of neighbouring occupiers, the highway and parking conditions in the area and drainage. On balance and subject to conditions, the proposed development would also be acceptable in terms of the character and appearance of the area. Conditions are suggested to deal with waste management and energy and water sustainability. The development offers suitable mitigation for its in-combination effects to protected ecology sites.
- 8.2 This proposal creates new housing. Therefore if any harm is identified, including in those areas for judgement identified within this report's analysis of the proposal, it would be necessary to demonstrate that in reaching the decision an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any such harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the NPPF is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole. The proposal would make a contribution to the housing needs of the borough which must be given increased weight in the planning balance, albeit the weight to be attached to this would not be so significant in this instance in view of the number 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: 3117 01, 3117 02 Rev A, 3117 03 Rev D, 3117 04.**

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 demolition or 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

- 04 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 this condition. The soft landscaping scheme shall 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

- 05 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. 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

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

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), 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 (2021), the Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

Living Conditions

- 07** Prior to its first occupation, the ground floor dwelling hereby approved shall be constructed to comply with building regulation M4(3) – Wheelchair User Dwellings.

Reason: To ensure the development hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

Impact on residential amenity of neighbours

- 08** No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy 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, dirt and noise 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) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
 - viii) details of the duration and location of any noisy activities.

Reason: A pre-commencement condition is justified in the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 09** Construction and demolition 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 Bank and Public Holidays.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and

CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 10 The proposed first floor east, west and north facing windows 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 room or area served by the 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

- 11 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, the occupation of the dwellings hereby approved shall not commence unless and until appropriate vehicle crossover(s) to serve the parking spaces on site has been provided on site solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Prior to the first occupation of the dwellings hereby approved the existing vehicular access(es) on Shoebury Avenue shall be permanently closed in accordance with the technical requirements of the Council's Highways department.**

Reason: To ensure the provision of adequate access and egress for all units on site in accordance with Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

- 12 Prior to the first occupation of the residential units hereby approved, two car parking spaces (one for each dwelling) and two cycle parking spaces (one for each dwelling) as shown on approved plan 3117 03 REV D shall be provided and made available for use on site. The car and cycle parking spaces shall be retained for the benefit of the future occupiers of the approved development and their visitors for the lifetime of the development.**

Reason: To ensure the provision of adequate car and cycle parking in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15.

Energy and water sustainability

- 13 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Design and Townscape Guide (2009).

- 14 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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) 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.
- 3** The applicant is encouraged to provide electric vehicle charging points at the site in accordance with Policy DM15 which encourages their provision wherever practical and feasible.