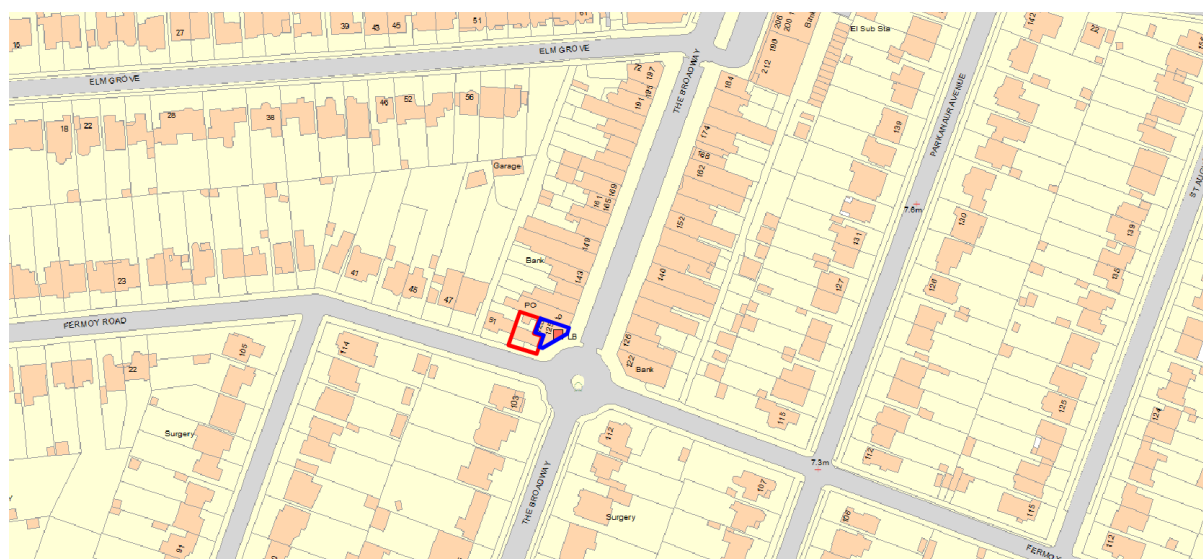


|                                |   |  |
|--------------------------------|---|--|
| <b>Reference:</b>              | 21/00813/FUL  |  |
| <b>Application Type:</b>       | Full Application  |  |
| <b>Ward:</b>                   | Thorpe  |  |
| <b>Proposal:</b>               | Erect part two, part three storey rear extension with side terrace to first floor in order to extend the existing commercial unit and form a new additional commercial unit (Use Class E) at ground floor level and form two (2no.) self-contained flats above. |  |
| <b>Address:</b>                | 123 The Broadway, Thorpe Bay, Essex   |  |
| <b>Applicant:</b>              | Mr M Tran   |  |
| <b>Agent:</b>                  | Mr Anthony Merry of Design Associates   |  |
| <b>Consultation Expiry:</b>    | 27th May 2021   |  |
| <b>Expiry Date:</b>            | 3rd September 2021  |  |
| <b>Case Officer:</b>           | Spyros Mouratidis   |  |
| <b>Plan Nos:</b>               | 91491 01 REV C, 91491 02 REV D, 91491 03  |  |
| <b>Supporting information:</b> | Planning Statement  |  |
| <b>Recommendation:</b>         | <b>GRANT PLANNING PERMISSION</b> subject to conditions  |  |



## 1 Site and Surroundings

- 1.1 The application site is located on the northern side of Fermoy Road, near its junction with the Broadway, and it is occupied by a single-storey projection attached to the rear of 123-125 The Broadway, the existing building to the east. The site is currently providing professional services (Use Class E, formerly Class A2).
- 1.2 The area has a town centre character on The Broadway, with residential uses on Fermoy Road. The site forms part of the primary shopping frontage designation for Thorpe Bay Broadway. Aside from this there are no other policy designations affecting the site.

## 2 The Proposal

- 2.1 Planning permission is sought for the rear/sideward and upward extension of the existing single storey rear projection of the main building facing The Broadway in order to create two additional storeys that would accommodate two flats. The ground floor would be retained in commercial use the existing unit would be extended and an additional independent commercial unit would be created. The proposed extension at ground floor level would be in line with the extant planning permission granted under 19/01675/FUL (the "2019 Permission"). The upper part of the proposed extension would measure 8.2m deep by 7.8m wide by 9.6m high with eaves height at 6.75m. A hipped front dormer to the front and a box-style dormer to the rear are proposed.
- 2.2 The first floor flat would have two bedrooms and would benefit from a rear terrace. The second floor flat would accommodate one bedroom. Dedicated bin storage areas are provided within each unit. It is proposed to provide a bin storage area and cycle parking at the front part of the site.
- 2.3 During the course of the application, the proposal was amended to reduce the size of the bedroom at Flat 2 so that the flat is considered to offer one bed space and the application site was amended to include the proposed staircase within the existing main building under the ownership of the applicant.

## 3 Relevant Planning History

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

**Table 1: Relevant Planning History of Application Site**

| Reference    | Description  | Outcome                         |
|--------------|--|---------------------------------|
| 19/01675/FUL | Raise and alter roof, erect single storey extension to rear, alter elevations and create self-contained unit for use as A2 (Financial and professional services) | Permission Granted [02.12.2019] |

- 3.2 The 2019 Permission is extant and can be implemented regardless of the outcome of this application. This is a material planning consideration of significant weight for the determination of the current application. The proposed ground floor extension of the building is acceptable on the basis of the 2019 Permission.

## 4 Representation Summary

### Call-in request

4.1 Councillor Woodley called-in this application to be determined by the Council's Development Control Committee. The concerns raised with the call-in request are summarised as follows:

- No provision of car parking on site and more pressure for on-street parking. The area already suffers extreme parking pressure.
- The cycle parking to the front does not appear to be sufficiently secure.
- Flat 2 fails both the Nationally Described Space Standards and the local space standards.

### **Public Consultation**

4.2 Twenty-one (21) neighbouring properties were consulted and a site notice was displayed for the application. Representations from two interested parties have been received. The objecting comments are summarised as follows:

#### *Design and impact on the character of the area*

- The proposal is not in keeping with the style, size or design of properties surrounding it.
- The materials to be used are not in keeping with the buildings in the area.
- Backland development should be avoided.
- Overdevelopment of a small site.

#### *Impact on residential amenity*

- The proposal would look directly over neighbouring gardens.
- The proposed development would cause disturbance.
- The proposal would restrict privacy and cause a sense of overbearing.
- Potential overlooking over the 1.5m high privacy screen to the side of the proposed terrace.
- Loss of light to neighbouring property.
- Construction works would create a disturbance to neighbours.

#### *Living conditions of future occupiers*

- Insufficient internal and external storage.
- Living in close proximity to neighbours and the small size of the flats would impact the living conditions of future occupiers.

#### *Parking, Access and Highways*

- Additional access required impacting on the deliveries made to the shops and industrial units behind.
- Limited turning space.
- Lack of parking would be harmful.

#### *Other matters*

- Decrease in financial value of neighbouring properties.

4.3 The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report. The objecting points raised by 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.

### **Environmental Health**

4.4 No objections subject to condition regarding construction management.

**Parks and Greenspace Officer**

4.5 No comments.

**Highways**

4.6 No objections – the site is in a sustainable location and it would not have a detrimental impact on the public highway.

**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), CP1 (Employment Generating Development), 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), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the Town Centre), 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 Disturbance Avoidance and 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 are the principle of the development, the design and impact on the character of the streetscene and wider area, the standard of accommodation for future occupiers, the impact on residential amenity of neighbouring occupiers, any traffic and transportation issues, refuse and recycling storage, energy and water sustainability, water drainage, ecology and compliance with the Essex Coast RAMS SPD and CIL liability.

**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 uses, 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. Paragraph 86 (f) of the NPPF states that planning should “recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites”. Paragraph 120 (e) states that planning decision should “support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.”
- 7.2 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 flats/maisonettes and a housing stock comprised of a greater 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.
- 7.3 Policies CP1 of the Core Strategy and DM11 of the Development Management Document seek to resist planning permission for proposals which would involve the loss of existing employment uses. Policy DM13 of the Development Management Document seeks to retain active frontages at ground floor level particularly within designated shopping frontage areas.
- 7.4 The proposal would not result in the loss of the active frontage at ground floor level or in a loss of commercial space. As a result, it would not be harmful to the function of the ground floor unit for commercial purposes. The creation of an additional commercial unit within the same footprint and the same Use Class as the existing building would be acceptable. While the proposal would not result in any dwellings suitable for families, the provision of additional housing carries significant weight, particularly in light of the application of the tilted balance, albeit the proposed amount of housing would not make a significant contribution towards the needs of the Borough.
- 7.5 The proposed development is acceptable in principle. Other material planning considerations are discussed in the following sections of the report.

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

- 7.6 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.”
- 7.7 The proposed development would alter the layout of the development on site in line with

the previous extant permission. The footprint of the building would be as previously granted planning permission. Other changes are proposed in relation to the boundary treatment and the provision of cycle parking and bin store within the frontage of the site. At its upper floor levels, the proposal would step in to respect the notional building line formed between the upper floors of its two adjoining neighbouring properties. These changes would not significantly harm the urban grain of the area.

- 7.8 In terms of scale the proposed increase in height would respect the scale of surrounding development. The proposed three-storey structure between the four-storey corner building and the two-storey dwelling would result in a smooth transition in scale within the streetscene.
- 7.9 The proposed form references that of neighbouring buildings. The proposed dormers have taken cues in terms of form from the existing dormers at the neighbouring dwelling to the west. The pitch level of the proposed main crown roof reflects the existing roof form of the of the corner building. Albeit a crown roof is not a common feature in the locality, it would not result in significant harm to the character and appearance of the area.
- 7.10 In terms of appearance, the proposed front elevation has taken visual cues from its attached neighbour. Architectural features, style and size of windows, floor heights refence and align with that property. The proposed level of glazing would be proportionate to the front elevation and the hierarchy of openings would result in a well-resolved elevation. The proposed ground floor frontage would be sympathetic to the commercial purpose of the units. The proposed front dormer would appear as an incidental addition to the roof slope. The other elevations of the proposal are not as well resolved but given the limited vistas, they would not result in significant harm to the character and appearance of the area.
- 7.11 The proposed choice of materials would match the existing materials of the corner building to the east of the site. A condition to require details of the external materials is suggested. There are limited opportunities for landscaping on site but conditions to require details of soft and hard landscaping are suggested. Details of the appearance of the proposed cycle storage facilities to the front would also be secured with a condition. It is noted that waste storage is proposed to the front of the site. Whilst the provision of such facilities within site frontages is not normally encouraged, in this instance, bearing in mind the previously approved bin storage facilities under the 2019 Permission, the proposed facilities would not cause significant harm to the character and appearance of the area.
- 7.12 Overall, the proposal would not be significantly harmful to the character and appearance of the site, streetscene or wider surrounding area. The proposal is considered to be acceptable and policy compliant in the above regards.

### **Standard of Accommodation and Living Conditions for Future Occupiers**

- 7.13 Delivering high quality homes is a key objective of the NPPF and 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.

- 7.14 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes. The required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on the table below:

**Table 2: Space Standards**

|  | Area (m <sup>2</sup> ) | Bedroom 1                         | Bedroom 2                       | Storage area (m <sup>2</sup> ) | Amenity provision (m <sup>2</sup> ) |
|--|------------------------|-----------------------------------|---------------------------------|--------------------------------|-------------------------------------|
| Standard for (one storey)<br>1 bed 1 person    | 39                     | 7.5m <sup>2</sup><br>Wmin=2.15m   | N/A                             | 1                              | N/A                                 |
| Standard for (one storey)<br>2 bed 3 person    | 61                     | 11.5m <sup>2</sup><br>Wmin=2.75m  | 7.5m <sup>2</sup><br>Wmin=2.15m | 2                              | N/A                                 |
| Proposed Flat 1 (one storey)<br>2 bed 3 person | 61.6                   | 12.2m <sup>2</sup><br>Wmin = 3.1m | 7.8m <sup>2</sup><br>Wmin=2.5m  | 2                              | Terrace 8.7                         |
| Proposed Flat 2 (one storey)<br>1 bed 1 person | 40.5                   | 9.7m <sup>2</sup><br>Wmin = 2.8m  | N/A                             | 1                              | 0                                   |

- 7.15 The table shows that the proposed apartments would meet or exceed the NDSS. All habitable rooms would benefit from good level of outlook and daylight. It is noted that the rear part of the proposal would be located in close proximity to rearward projections from the north-eastern neighbouring building which would result in blocking some of the outlook from rear-facing windows. However, given that the affected rooms would be either with a dual aspect, having windows to the front, or non-habitable this relationship would not result in unacceptable living conditions for future occupiers of the proposal. Bearing in mind the location of those projections to the north-east, limited loss of day light would occur.
- 7.16 In relation to the provision of amenity space Policy DM8 states that all new dwellings should: "Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated."
- 7.17 Adequate and sufficiently private amenity space would be provided for Flat 1. The proposed Flat 2 would not benefit from amenity provisions. However, given the size of the property which is unlikely to be suitable for families, and the location of the site, within walking distance from the seafront, other public open space and within a district centre offering a range of amenities, on balance, the absence of amenity space is not considered to be materially harmful to the living conditions of future occupiers of Flat 2.
- 7.18 As the proposal would not result in new-build dwellings given (i.e. it is an extension to an existing building), compliance with building regulation M4(2) is not a policy requirement.

7.19 Overall, it is considered that the proposal would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The proposal is acceptable and policy compliant in the above regards.

### **Impact on Residential Amenity**

7.20 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.”

7.21 The proposed extension to the building would abut the boundaries of the site. The nearest neighbouring residential properties are the residential units on 129, 131 and 125 The Broadway and the dwelling at 51 Fermoy Road. It should be noted that between the dwelling at Fermoy Road and the proposal there is an attached double garage, creating a separation distance of at least 5.5m between the proposed extension and the main dwelling on the neighbouring site. It is also noted that the building at 129 to 131 The Broadway has been extended to the rear. The proposed extension would project to the rear of the neighbouring projections at 129 to 131 The Broadway by some 1.8m at first floor level and between 2.9m (dormer) and 5.8m (crown roof) at second floor/roof level.

7.22 In relation to privacy and overlooking, the proposed terrace includes a privacy screen of some 1.5m in height. A privacy screen of at least 1.8m can be required with a condition to ensure that there would not be a detrimental effect caused on the residential amenity of neighbours to the east. Given the relationship with residential properties it is not considered that there would be a significantly harmful overlooking or loss of privacy, subject to the suggested condition. The relationship with other neighbouring residential units is also acceptable in the above regards.

7.23 In terms of outlook, sense of enclosure and creation of an overbearing relationship, given the distance of the proposed extension from its neighbours, it is possible that a harmful effect could be caused to the private amenity space of the neighbouring dwelling at 51 Fermoy Road. However, the potential harm would not be so substantial as to justify the refusal of the application on this ground. It is noted that the double garages to the side of the neighbouring dwelling, the private road to the west and the parking to the north would allow sufficient openness around the private amenity space of that neighbour so that the impact from the proposal would not result in significant harm. If this impact of the proposal were judged to be a concern, it would need to be weighed in the tilted balance as this proposal provides two new residential units. It is not considered that other neighbouring residential units would be significantly affected in these regards.

7.24 In terms of overshadowing and loss of light, some impact is identified in relation to rear facing windows on the building at 129 to 131 The Broadway. It should be borne in mind that paragraph 125 (c) of the NPPF states that: “(...) when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).” Furthermore, any identified harm has to be considered against the tilted balance in favour of additional residential units. From the available information it is not clear what type of rooms the affected windows serve. At first floor level, at least one of the three



windows serving the same room will not be significantly impacted by loss of light and at second floor level, the windows appear to serve a secondary, non-habitable space while the northernmost window will only marginally be impacted from the proposal. The resulting loss of daylight and sunlight would not be significantly harmful to the residential amenity of neighbours.

- 7.25 The proposed use is not expected to result in unacceptable pollution, noise and disturbance. Condition to control the hours of construction and to require a construction method statement are suggested in order to avoid significant harm to the residential amenity of neighbours during the construction period. The Council's Environmental Health service has raised no objections on this basis.
- 7.26 Overall, on balance and subject to conditions, the proposal is acceptable and policy compliant in the above 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 requirements for flats is one space per unit and one cycle parking space per unit and the maximum parking requirement for the commercial units is three parking spaces and a minimum of two cycle parking spaces. The proposal would not provide any car parking spaces. Given the sustainable location of the site near services, facilities and public transport, including access to the rail line via the Thorpe Bay station, it is considered that the parking requirement can be applied flexibly in this instance. Furthermore, there is no evidence that the area is car parking stress to such a degree that the flexible application of the standards would be unreasonable.
- 7.29 There are no proposed changes to the access arrangements of the site. The proposal would also provide a total of four (4no.) cycle parking spaces, in line with the required standard. These spaces would need to be covered and secured. The relevant details are suggested to be required with a condition. The Council's Highways service raised no objections.
- 7.30 Overall, there would be no material harm caused to the parking conditions and the highway safety of the area. 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. The commercial units would have sufficient space internally to store any waste and

would need to make arrangements for its collection. Although not required by policy or guidance, a similar facility was approved under the 2019 Permission and the proposed waste storage area could be utilised by Flat 2 if the internal waste storage area is filled before the nominated day for sack collection. A condition is suggested to ensure that the proposed waste storage facility would be provided in line with the details previously approved under the 2019 Permission.

- 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”. The same policy requires all new development to provide “water efficient design measures that limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption). Such measures will include the use of water efficient fittings, appliance and water recycling systems such as grey water and rainwater harvesting”.
- 7.36 It has been indicated that solar photovoltaic panels would be installed on the eastern roof slope of the proposal. However, no information has been provided to demonstrate whether the indicated renewable energy resource would be 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 the suggested conditions.
- 7.37 This aspect of the proposal is, therefore, considered to be acceptable and policy compliant in these regards, subject to conditions.

### **Ecology - Essex Coast RAMS**

- 7.38 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.

- 7.39 The applicant has 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)**

- 7.40 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 135.6m<sup>2</sup>, 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 concluded that subject to compliance with the suggested 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 it would have an acceptable impact on the living conditions of future occupiers, the character and appearance of the area, 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 its impact on the residential amenity of neighbouring occupiers. Conditions are suggested to deal with 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: 91491 01 REV C, 91491 02 REV D, 91491 03.**

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

- 03 The use of the ground floor units shall be solely within Use Class E as defined within the Town and Country Planning (Use Classes) Order 1987 as amended.**

**Reason: To determine the scope of the permission in the interest of the character and functionality of the area in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP1, and Development Management Document (2015) Policies DM10, DM11 and DM12.**

- 04 The hours of operation of the ground floor commercial units shall be 7 am to 11 pm only.**

**Reason: In the interest of the living conditions of future 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).**

*Design and related conditions*

- 05 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).**

- 06 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).**

- 07 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 under the provisions of this condition. 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, and the details of the covered and secure cycle parking spaces.**

**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).**

- 08 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, prior the first use of the dwellings hereby approved the bin storage facility on the frontage of the application site shall be provided solely in accordance with the details previously approved under planning permission 19/01675/FUL or alternative details which have previously been submitted to and approved in writing by the local planning authority under the provisions of this condition and shall be retained as such thereafter.**

**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).**

*Impact on residential amenity of neighbours*

- 09 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).**

- 10 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).**

- 11 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the dwellings hereby granted planning permission shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, obscenity, materials and location of all privacy screens to be fixed to the building, including on the proposed terrace. Before the development hereby approved is occupied, the privacy screens shall be installed in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.**

**Reason: In the interests of the residential amenity of future occupiers and adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).**

*Highways*

- 12 Prior to the first occupation of the residential and commercial units hereby approved, four covered and secure cycle parking spaces (one for each residential and commercial unit) shall be provided and made available for use on site. The**

**cycle parking spaces shall be retained for the benefit of the future users and occupiers of the approved development and their visitors for the lifetime of the development.**

**Reason: To ensure the provision of adequate 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 (lpd) (110 lpd 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](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)).

- 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.