

<b>Reference:</b>	21/01370/FUL
<b>Application Type:</b>	FULL
<b>Ward:</b>	Leigh
<b>Proposal:</b>	Demolish existing bungalow, erect two semi-detached dwellinghouses with dormers to rear, parking to front, install vehicular accesses onto Lord Roberts Avenue
<b>Address:</b>	58 Lord Roberts Avenue Leigh-on-sea Essex SS9 1NE
<b>Applicant:</b>	Mr Althasen
<b>Agent:</b>	SKArchitects
<b>Consultation Expiry:</b>	26 <sup>th</sup> September 2021
<b>Expiry Date:</b>	8 <sup>th</sup> October 2021
<b>Case Officer:</b>	Abbie Greenwood
<b>Plan Nos:</b>	<b>668P101B, 668P102, 668P103A, 668P104A</b> <b>668P105 (3D views reference only)</b> <b>Arboricultural Impact Assessment reference TRUK0159 dated 6.7.21</b> <b>Supporting Statement reference 668-09-20</b>
<b>Recommendation:</b>	<b>Members are recommended to GRANT PLANNING PERMISSION</b>



## 1 Site and Surroundings

- 1.1 The site is located on the east side of Lord Roberts Avenue and currently contains a detached bungalow with a hipped roof. The wider streetscene is mixed in character including a variety of 2 storey houses most with a feature bay window or gable, well defined entrance and tall windows and a hipped or gabled roof. The properties are generally arranged in short terraces or semi-detached pairs but there are a few individual bungalows and chalets in amongst the houses. The properties are generally quite tightly spaced and set on a consistent building line behind a relatively narrow frontage some of which are used for parking. There are only a few street trees in the road so where they occur, including directly in front of the site, they are particularly important in the wider streetscene.
- 1.2 The area is residential in character The site is in Flood zone 1 (low risk). There are no specific policy designations in this location.

## 2 The Proposal

- 2.1 The proposal seeks to demolish the existing bungalow and erect pair of 4 bed semi-detached houses, layout parking to the front and construct 2 new vehicular crossovers to provide access to two off street parking spaces, one per property. The houses each have a garden to the rear.
- 2.2 The houses, which will contain accommodation at three levels with the uppermost in the roofspace with dormer type projections to the rear, each measure 5.6m wide. The main part of each dwelling would be 9.1m deep with reduced width projections to its front and rear resulting in a maximum depth of 13.9m at two storeys. This element has a gabled roof with an eaves height of 6.1m, a ridge height of 9m and a maximum height of 9.7m for the feature gable. An additional single storey projection is proposed to the rear which extends out 3.9m from the main rear building line and wraps around the two storey rear gable. This element has a height of 3.4m. The above detailed dimensions were amended during the course of the application process to reduce the impact of the original proposal on neighbouring

properties' amenity. Neighbours have been re-notified about this and also due to an adjustment to the proposal description clarifying that two new accesses are proposed.

- 2.3 The dwellings are proposed to be constructed of brick with brick and stone detailing, aluminium windows and a tiled roof.

### **3 Relevant Planning History**

- 3.1 20/01796/FULH - Erect single storey rear extension, porch to front and form roof extension, erect dormers to front and rear and alter elevations – granted

### **4 Representation Summary**

- 4.1 11 neighbouring properties were consulted and a site notice displayed. Letters of objection were received from 6 residents raising the following summarised issues:

- Over development and overcrowding.
- Harm to residential amenity
- Loss of bungalow - sets a precedent for further loss of bungalows, loss of accommodation for the elderly - impact on local demographics.
- Overlooking including from balcony.
- Noise and disturbance from building works and impact on home working.
- Loss of light and sunlight.
- Townhouses are out of character.
- Loss of on street parking.
- Rear building line too deep compared to neighbours.
- The proposal is closer than 6m to the next building.
- The rear projections at ground and first floor are past that of the neighbours.
- The houses are larger than existing properties in the street.
- Maximising profit.
- Failure to meet M4(2).
- Loss of trees to rear. It is good to see that the street tree is being retained.
- Concerns over site notice time period - not displayed until after closing date.
- Detrimental to neighbour amenity.
- The existing building is sound and should not be knocked down.

At the time of report preparation neighbours have been re-notified of changes to the extension depths plus a description clarification that two vehicle accesses are proposed. The Committee will be updated on any further representations received in light of this.

Officer Comment: The above concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case. It is noted that a photo on the file confirms that an appropriate site notice was displayed on 29.7.2021.

## **Highways**

- 4.2 There are no highway objections to this proposal. 1 off street car parking space has been provided for each dwelling. This is considered acceptable considering the sustainable location of the site which has good public transport links in close proximity. As discussed with Parks on site it is not considered that the existing (street) tree will impede the vehicle crossovers.

## **Environmental Health**

- 4.3 No objections subject to conditions relating to construction management plan and waste management and informatives relating to hours of working and asbestos removal.

## **Parks**

- 4.4 The Arboricultural Impact Assessment addresses all the relevant points. It is noted the construction of the hard surfacing within the RPA of the T1 street tree is to be carried out under Arboricultural Supervision.

I have attended a site meeting regarding the construction and siting of the cross overs, they are outside of the RPA, or the incursion is so minimal there is no need for any trial hole in my opinion. Construction and tree protection should be carried out as outlined in the Arboricultural Impact Assessment and Tree Protection Plan.

In relation to the general landscaping at the rear it is noted that tree/other vegetation removal should take place outside of the bird nesting season and new soft landscaping should mitigate for the loss in biodiversity.

## **Essex Fire Service**

- 4.5 Access appears to be satisfactory and will be considered in more detail at the Building Regulations stage.
- 4.6 The application was called to Committee by Councillor Mulroney.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2021) and National Planning Policy Guidance
- 5.2 National Design Guide (2019)
- 5.3 Core Strategy (2007): Policy KP1 (Spatial Strategy), Policy KP2 (Development Principles), Policy CP3 (Transport and Accessibility), Policy CP4 (The Environment and Urban Renaissance), Policy CP8 (Dwelling Provision).
- 5.4 Development Management Document (2015): Policy DM1 (Design Quality), Policy DM2 (Low Carbon and Development and Efficient Use of Resources), Policy DM3 (Efficient and Effective Use of Land), Policy DM8 (Residential Standards), Policy DM15 (Sustainable Transport Management).

- 5.5 Southend Design & Townscape Guide (2009)
- 5.6 Technical Housing Standards – Nationally Described Space Standards (2015)
- 5.7 Vehicle Crossing Policy & Application Guidance (2021)
- 5.8 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.9 Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (2020)

## **6 Planning Considerations**

- 6.1 The main considerations in relation to this proposal are the principle of the development; design and impact on the character of the area; standard of accommodation for future occupiers; impact on the amenity of neighbouring occupiers; traffic generation; access and parking implications; sustainable construction including the provision of on-site renewable energy sources; impact on street trees; CIL (Community Infrastructure Levy) and RAMS.

### **Appraisal**

## **7 Principle of Development**

### *Intensification of site*

- 7.1 The provision of new high quality housing is a key Government objective.
- 7.2 Amongst other policies to support sustainable development, the NPPF seeks to boost the supply of housing by delivering a wide choice of high quality homes. In relation to the efficient use of land Paragraph 124 states:

*124. Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.*

- 7.3 Policy KP2 of the Core Strategy states development must be achieved in ways which “*make the best use of previously developed land, ensuring that sites and buildings are put to best use*”.
- 7.4 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”*.

7.5 Policy CP8 of the Core Strategy recognises that a significant amount of additional housing will be achieved by intensification (making more effective use of land) and requires that development proposals contribute to local housing needs. It identifies that 80% of residential development shall be provided on previously developed land.

7.6 In relation to the intensification of sites Policy DM3 of the Development Management Document states that

*“1. 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”*.

7.7 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. For the proposed provision of housing the HDT and 5YHLS weigh in favour of the principle of this type of development which provides two four bed family units. There is greater need for this type of housing as identified by the SESHMA. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise although it should also be noted that a scheme for this limited quantum of housing, involving one net additional unit, would have limited effect on the overall supply of housing.

7.8 Lord Roberts Avenue has a mixed streetscene, including many semi-detached 2 storey houses. The neighbouring properties to this site are both two storey houses. The submitted streetscene demonstrates that the proposal is a similar scale and proportion and has maintained an appropriate separation to these existing dwellings. The scale of the proposal will therefore not appear out of place in this context. The principle of 2 dwellings on this site is therefore considered to be acceptable.

#### *Loss of Bungalow*

7.9 In relation to the loss of bungalows, Policy DM3 of the Development Management Document states that

*‘4. The conversion or redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal:*  
*(i) Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and*  
*(ii) Will not result in a net loss of housing accommodation suitable for the*

*needs of Southend's older residents having regard to the Building Regulation M4(2) Accessibility Standards.*

- 7.10 As noted above the proposed change in scale to a pair of semi-detached houses would have an acceptable impact on the streetscene in this location. The agent has also confirmed that the proposed dwellings are M4(2) compliant. The requirements of Policy DM3 are therefore met. It is also noted that the loss of the bungalow has previously been found acceptable under application reference 20/01796/FULH which sought to convert the existing bungalow into a much larger two storey dwelling.
- 7.11 The principle of the development is considered to be acceptable subject to the detailed considerations set out below.

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

- 7.12 Paragraph 126 of the NPPF states *'The creation of high quality, beautiful and sustainable 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.'*
- 7.13 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."*
- 7.14 The submitted plans demonstrate an acceptable relationship with the streetscene in terms of scale and plot width, roof form, pitch and height, general proportions, building line and spacing to neighbouring properties.
- 7.15 The detailed design does not replicate properties in the existing streetscene but it has sought to include key references to local character including an appropriately proportioned feature gable, tall windows, a strong entrance with open porch arrangement and elements of brick and cast stone decoration to enrich the frontage. Overall, it is considered that the proposal is well-proportioned and articulated and will sit comfortably in the mixed streetscene of Lord Roberts Avenue. Subject to conditions relating to materials, detailing of key elements and landscaping the proposal is acceptable and policy compliant in the above regards.

### **Standard of Accommodation for Future Occupiers**

- 7.16 Delivering high quality homes is a key objective of the NPPF.
- 7.17 Policy DM3 of the Development Management Document (i) states: proposals should be resisted where they *"Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents"*.

*Space Standards and Quality of Habitable Rooms.*

- 7.18 All new homes are required to meet the National Technical Housing Standards in

terms of overall floorspace and bedroom sizes.

- 7.19 The proposal provides 2 x 4 bed 6 person dwellings. The houses each measure 145 sqm which comfortably meets the National Technical Housing Standards requirements. The proposal is acceptable and policy compliant in this regard.

*Light, Privacy and Outlook*

- 7.20 The submitted floor plans show that all the habitable rooms would have good light and outlook. The proposal is acceptable and policy compliant in this regard.

*M4(2) – Accessibility*

- 7.21 Policy DM8 also requires all new dwellings to be accessible and adaptable to Building Regulations M4(2) standards.
- 7.22 The agent has confirmed that the properties are M4(2) compliant. This can be secured by condition. The proposal therefore acceptable and policy compliant in this regard.

*Amenity Provision*

- 7.23 Both dwellings have private gardens to the rear which measure some 53sqm and 60sqm respectively. This is similar to neighbouring housing and will provide adequate amenity space for residents and space for refuse and cycle storage. The proposal is accessible and policy compliant in this regard.
- 7.24 Overall, it is considered that the proposal will provide a satisfactory standard of accommodation for future occupiers and is acceptable and policy compliant in this regard.

**Impact on Residential Amenity**

- 7.25 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.26 The development is set 3.2m from the flank of the neighbour to the north No 60 Lord Roberts Avenue and 1.6m from the flank of the neighbour to the south No 56. The proposed two storey central rear projection does not breach a notional 45 degree guideline projected from the corner of these neighbours. The proposed ground floor projection would extend 0.2m past the rear of No 60 and 4.8m past the rear of No 56 at a height of 3.4m. It is noted that the proposal creates a "well" configuration at rear of No 56 but the extent of the single storey projections has been reduced and the well will be modest in depth and relatively generous in width such that it is not considered that the proposal, as revised, would be excessive in depth, overbearing or create a harmful sense of enclosure for those neighbours. The proposal has 1 small window on each flank which relates to a bathroom. The



neighbouring dwellings either side have no side windows. The amended design is considered to have an acceptable impact on the amenities of properties in Lord Roberts Avenue to the north and south of the site subject to a condition requiring obscure glazing to the proposed first floor side windows.

- 7.27 The proposed two storey element is 10.1m from the rear boundary and 19.5m from the rear elevation of the nearest dwelling in Dundonald Drive. These distances increase to 13.8m and 23.1m respectively for the proposed dormer. These separation distances to the rear are sufficient to safeguard the amenities of properties in Dundonald Avenue in all relevant regards. No other properties' amenities are materially affected by this proposal.
- 7.28 The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts subject to a condition which removes permitted development rights so that the impact of any future extensions on neighbours can be fully assessed - see also paragraph 7.42 below.

### **Traffic and Transportation Issues and Trees**

- 7.29 Development Management Document Policy DM15 sets a minimum standard of 2 off street parking spaces for each dwelling. 2 forecourt parking spaces are proposed, 1 on the frontage of each house. This does not meet the minimum policy requirement but Policy DM15 states that 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. This is considered to be a sustainable location where, on balance, such flexibility in approach is justified. Furthermore, the existing property has no off street parking so is deficient of the minimum policy standard by 2 spaces. Overall, the net gain in parking is therefore reasonable in relation to the policy requirement. The Council's Highways Officer agrees that this is a sustainable location and has raised no highways or parking objections.

#### *Impact on Trees*

- 7.30 The proposed new crossovers will be sited either side of the existing street tree. An arboricultural impact assessment has been submitted with the application which comments that the encroachment of the new vehicular crossings into the root protection area of the street tree are very minor (less than 1%) and any new surfacing will be constructed using minimal depth construction methods and permeable surfacing and carried out under Arboricultural Supervision. The report also includes details of tree protection fencing for this tree and trees which overhang the site at the rear. The Council's Arboricultural Officer has visited the site and agrees that the proposal is acceptable and will not cause material harm to the street tree and that the submitted tree protection measures are acceptable.
- 7.31 An apple tree within the rear of the site is proposed for removal to facilitate the development. This is a U (i.e. lowest – trees which should be removed for sound arboricultural reasons) category tree and this is therefore considered to be acceptable. Replacement soft landscaping can be secured by condition.
- 7.32 Subject to conditions relating to parking provision and tree protection, including the

implementation of the recommendations of the arboricultural impact assessment, the proposal is considered to be acceptable and policy compliant in terms of parking provision, access and trees.

#### *Cycle Parking and Refuse Storage*

- 7.33 Development Management Document Policy DM15 requires a new development to provide space for cycle and refuse storage. There is space for these to be accommodated in the rear amenity areas of the proposed dwellings. The proposal is therefore acceptable and policy compliant in this regard.

#### *Construction Management*

- 7.34 A construction management plan has been requested by Environmental Health. Given the constraints of the site including the street tree and parking in the area, this is considered to be reasonable and necessary. The agent has agreed to a pre-commencement condition in relation to this issue. The proposal is therefore acceptable and policy compliant in this regard.

#### **Sustainability including Sustainable Drainage**

- 7.35 Sustainable development is a key objective of the NPPF.
- 7.36 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.
- 7.37 No information has been provided in relation to on site renewables however for a scheme of this size this can be agreed by condition, as can the requirement for water efficient appliances.
- 7.38 Policy KP2 of the Core Strategy also states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk. No information has been provided in relation to sustainable drainage but as a minor development, full details of this can be secured by condition.
- 7.39 Subject to these conditions, the proposal is considered to be acceptable and policy compliant in regards to sustainable development and drainage.

#### **Ecology**

- 7.40 Core Strategy Policy KP2 and Development Management Policy DM2 require development to respect, conserve and enhance biodiversity.

#### *Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)*

- 7.41 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), was adopted by Full Council on 29<sup>th</sup> 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. This payment has been secured. The proposal is therefore considered to be acceptable and policy compliant in this regard.

#### **7.42 Permitted Development**

Given the proximity of the development to neighbouring properties and finely balanced relationship with the grain and character of the area, it is considered appropriate in this case that permitted development rights should be controlled by condition so that the implications of future extensions on the character of the area and neighbours can be fully assessed. As noted above, it is also considered that permitted development in relation to the creation of hard surfacing should also be controlled to control any potential loss of landscaping or impact on the street tree to the front which is considered to be an important aspect of local character.

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

- 7.43 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 145.1 sqm, which may equate to a CIL charge of approximately £11150.38 (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 development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and on the character and appearance of the application site, street scene and the locality more widely. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. The proposal would also have an acceptable impact on sustainability, ecology and trees. This proposal creates new housing. Therefore, if any harm were identified 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 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 *National Planning Policy Framework* 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. This application is recommended for approval subject to conditions.

## **9 Recommendation**

### **9.1 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 668P101B, 668P102, 668P103A, 668P104A.**

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

**03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations, including walls including decorative elements, roof, windows and doors, fascia and soffits, rainwater goods and boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into first use.**

**Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).**

**04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above ground floor slab level shall take place unless and until full detailed design drawings and cross sections of the decorative elements of the front elevation including porch, brick decoration, reveals and eaves detailing at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into use.**

**Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policy KP2**

and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

**05** The proposed first floor windows in the north and south flank elevations 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 they serve. 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).

**06** The roof of the single storey rear projection and any other are of flat roof hereby approved shall not be used as a balcony, roof garden or terrace unless express planning permission has previously been obtained. These roofs can however be used for the purposes of maintenance or to escape in the event of an emergency.

**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).

**07** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level of the existing building 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) Existing and proposed finished site levels or contours.
- ii) Details of means of enclosure, of the site including any gates or boundary walls and fencing.
- iii) Hard surfacing materials.
- iv) Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan.
- v) Details of measures to enhance biodiversity within the site.

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 the visual amenity of the area and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)**

**08 The tree and tree root protection measures as set out in the Arboricultural Report by Tree Radar UK Ltd reference TRUK0159 dated 06.07.21 and plan reference TRUK0159TPP (Tree Protection Plan) in relation to the trees identified as T1 and G4 in this statement, including the protective fencing and mitigation measures in relation to construction within the root protection areas, shall be implemented in full prior to commencement of the development and shall be retained throughout the construction phase of the development hereby approved. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837 including supervision of works by a qualified arboriculturalist.**

**Reason: A pre commencement condition is justified to ensure the trees on and close to the site are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).**

**09 The 2 car parking spaces and the associated new vehicular accesses for the spaces to access the public highway at the site as shown on approved plan 668P104A shall be provided and made available for use prior to the first occupation of the dwellings hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwelling hereby approved and their visitors.**

**Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).**

**10 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to, agreed in writing by the Local Planning Authority and implemented in full in accordance with the approved details prior to the first occupation of the development hereby approved. This provision shall be made for the lifetime of the development.**

**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) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide (2009).**

**11 Prior to occupation of the development hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the whole development and retained in perpetuity.**

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

**12 The development hereby approved shall be carried out in a manner to ensure the dwellings comply with building regulation M4 (2) 'accessible and adaptable dwellings' before they are occupied.**

**Reason:** To ensure the residential units hereby approved provides a high quality and flexible internal layout to meet the changing needs of residents in accordance with National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide.

**13 No drainage infrastructure, including earthworks, associated with this development hereby approved shall be undertaken until details of the design implementation; maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details before the development is occupied or brought into use and shall be maintained as such thereafter in perpetuity.**

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2021), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

**14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no extensions or detached buildings shall be erected at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, D, E and F of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority .**

**Reason:** To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and

**to safeguard the character of the area in accordance the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).**

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

**Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).**

**16 No development shall take place, until and unless a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be fully adhered to throughout the construction period. The Statement 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 including measures to ensure the protection of the street tree.**
- v) measures to control the emission of dust and dirt during construction.**
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site or pollution of the site.**
- vii) Measures to mitigate the impact of noise during construction.**

**Reason: This pre-commencement condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

**Informatives:**



**01 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)).**

**02 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.**

**03 It is recommended that prior to demolition of the existing building an appropriate Asbestos survey is undertaken. If asbestos is found then any asbestos-containing materials will need to be removed and safely disposed of in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care. It is recommended that the Council's building control department is notified of the demolition in order that requirements can be made under section 81 of the Building Act 1984.**

**04 If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used. If we become aware of any works that are highly likely to cause a nuisance we can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will**

**represent a criminal offence. The application form and guidance is available on the Southend-On-Sea Borough Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea Borough Council for details.**

**05 The applicant is encouraged to include electric vehicle charging points at the site which is in accordance with Policy DM15 which encourages their provision wherever practical and feasible.**

**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.**