

<b>Reference:</b>	21/02084/FUL	
<b>Application Type:</b>	FULL	
<b>Ward:</b>	Prittlewell	
<b>Proposal:</b>	Erect 2no. dwellinghouses with associated amenity and parking	
<b>Address:</b>	Land Rear Of Southend Mosque And Islamic Trust 191 - 197 West Road Westcliff-on-sea Essex SS0 9DH	
<b>Applicant:</b>	Mr Jerry O'Connor	
<b>Agent:</b>	Ankur Architects	
<b>Consultation Expiry:</b>	25 <sup>th</sup> October 2021	
<b>Expiry Date:</b>	9 <sup>th</sup> December 2021	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	Plans <b>01, 11, 12-P1, 13-P1, 14, 15-P1, 16-P1, 17-P1, 18, 19-P1, 20-P1, 26</b> Supporting Documents <b>Perspective View - 21-P1</b> <b>Coloured Elevations - 22-P1, 23, 24-P1, 25-P1</b> <b>Design and Access Statement dated 12<sup>th</sup> November 2021</b> <b>External Finishes and Samples Schedule - ref 2021/02</b> <b>Phase 1 Geo-Environmental Desk Study Report by Brown 2 Green reference 2311/Rpt1v2 dated October 2021</b> <b>Geo-Environmental Site Investigation Report by Brown 2 Green reference 2311/Rpt2v2 dated October 2021</b> <b>Remediation Method Statement by Brown 2 Green reference 2311/Rpt3v2 dated October 2021</b> <b>Topographical Survey reference 18-518 – rev 1</b> <b>Covering letter dated 14.10.21</b>	

**Recommendation:****Members are recommended to GRANT PLANNING PERMISSION subject to conditions**

## 1 Site and Surroundings

- 1.1 The application site relates to a parcel of undeveloped land at the rear of Southend Mosque which itself fronts West Road at the junction of Gainsborough Drive.
- 1.2 The application site is approximately 380m<sup>2</sup> (0.04ha) and is neighboured by the Mosque to the east, dwellings fronting West Road to the south, Westborough Junior School to the west and 3 Gainsborough Drive to the north.
- 1.3 Aside from the Mosque, which is a handsome red brick former Methodist church from the 1920-30s of some scale and stature, the area is residential in character and comprises mainly 2 storey terraced and semi-detached houses of mixed designs. There are some larger flatted blocks on West Road in the vicinity of the site.
- 1.4 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 permission to erect a pair of 2 bedroomed semi-detached houses, layout parking to the front and garden to the rear. Two off street parking spaces are proposed, 1 for each property.
- 2.2 In total the pair of houses would have a stepped footprint 11.4m wide, 7.5m deep to the northern elevation and 8.5m deep to the southern elevation. They have shallow gabled roofs with an eaves height of 4.8m and a maximum height of 6.7m. The amenity

spaces are some 54 sqm for each property.

- 2.3 The dwellings are proposed to be constructed of buff brick with brick with artificial slate roofs and dark grey upvc windows.
- 2.4 This application follows a previous approval reference 19/00304/FUL for a single detached dwellinghouse with associated parking and amenity space on the site. Previous to this there were two refusals for residential development - Application 18/01995/FUL for a single dwelling house was refused because the proposed front dormer would have resulted in unacceptable overlooking and loss of privacy of 3 Gainsborough Drive. Application 18/01236/FUL was refused due to a poor and contrived design, in particular a bulky mansard and because its scale and bulk would have had an excessively dominant and overbearing impact on 3 Gainsborough Drive. These are material considerations in the determination of this application and given the date of these previous refusals, which were within materially the same policy context and site circumstances as those present, the current proposal will need to demonstrate that it has satisfactorily taken account of the previous issues which were found to be unacceptable for those past developments.

### **3 Relevant Planning History**

- 3.1 19/00304/FUL - Erect a Detached Dwellinghouse with Associated Parking and Amenity Space – granted
- 3.2 18/01995/FUL - Erect two storey detached dwelling house at land rear of 191-197 West Road, with associated parking and amenity space (Amended Proposal) – refused
- 3.3 18/01236/FUL - Erect two semi-detached dwellings at land rear of 191-197 West Road, with associated parking and amenity space – Refused 21.08.2018.

### **4 Representation Summary**

- 4.1 32 neighbouring properties were consulted and a site notice displayed. No letters of objection were received.

#### **4.2 Highways**

2 off street parking spaces have been provided the site also benefits from being in a sustainable location with regard to public transport and cycle links

Therefore, no highway objections are raised.

#### **Environmental Health**

- 4.3 No objections subject to conditions relating to the implementation of the contaminated land remediation recommendations be carried and verified, construction hours and waste management.

#### **Essex Fire Service**

- 4.4 No objections.
- 4.5 The application was called to Development Control Committee by Councillor David Garston.

## **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; CIL (Community Infrastructure Levy) and RAMS. The previous refusals and approval on the site are also material considerations.

### **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 And in relation to backland development in particular DM3.2 states:

2. All development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:

- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or
- (ii) Conflict with the character and grain of the local area; or
- (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or
- (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.

7.8 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 to a modest extent in favour of the principle of this type of development which provides two x two bed family units. 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 and capacity of housing, would have limited effect on the overall supply of housing.

- 7.9 Residential development has previously been accepted on this site under application reference 19/00304/FUL. The proposal is now seeking to increase the density from 1 dwelling to 2 dwellings. This is consistent with the policies noted above which seek to make the best use of land provided the proposal can demonstrate that it satisfactorily addresses the detailed consideration set out below including design and scale and impact on the neighbours.
- 7.10 The NPPF has been updated since the most recent previous refusal however the basis of that 2018 decision and the housing requirement in the Borough has increased however it is still considered to carry weight in the determination of the current proposal. The principle of the proposal is therefore acceptable in this regard subject to the detailed considerations set out below.

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

- 7.11 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.*'
- 7.12 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.*"
- 7.13 The proposed houses are located on a backland site and will be significantly screened by the surrounding development. Nevertheless, it is still important that the proposal is well designed and that its scale is compatible with that of the surrounding area and does not appear overbearing to neighbours. The previous application for two houses on this site reference 18/01236/FUL was refused due to a poor and contrived design in particular a bulky mansard and because its scale and bulk would have had an excessively dominant and overbearing impact on 3 Gainsborough Drive.
- 7.14 The current proposal has taken a more conventional approach to the design. The houses are both a full 2 storeys with a shallow asymmetrical individually gabled roofs and the footprints of the houses are staggered to break the bulk and massing of the development. The proposal has maintained a satisfactory separation from the boundaries so that it does not appear cramped on the site. The overall scale of the proposal is an increase on the previous approval for a single house reference 19/00304/FUL but the height of the

proposal is significantly lower and less bulky than the semi-detached pair refused under 18/01236/FUL. It is considered that the scale and form of the proposal would sit comfortably in this context of the surrounding 2 storey buildings.

- 7.15 The detailed design is also better resolved than the previous applications - the proposal is simple but is well balanced and the staggered footprint, feature bay and brick detailing add interest to the main frontage. Overall it is considered that, subject to conditions relating to materials 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 1 x 2 bed 4 person dwelling and 1 x 2 bed 3 person dwelling. The houses are 82.5 sqm and 71.7 sqm respectively which meets the National Technical Housing Standards requirements. The proposed bedroom and storage arrangements are also compliant. 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 in the southern property would have good light and outlook. The northern property has part of the angled first floor bay to the bedroom obscure glazed to prevent outlook towards 3 Gainsborough Drive however it maintains an acceptable outlook to the southeast. 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. The Design and Access Statement confirms 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*

- 7.22 Both dwellings have private gardens to the rear of some 54sqm. This will provide adequate amenity space for residents and space for refuse and cycle storage. The proposal is acceptable and policy compliant in this regard.
- 7.23 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

- 7.24 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.
- 7.25 The 2018 application for a semi-detached pair was refused because it was found to result in an excessively dominant and overbearing impact on, and an undue sense of enclosure and loss of outlook for, the occupiers of the adjoining 3 Gainsborough Drive. A subsequent application for a single house reference 18/01995/FUL was found to have adequately addressed this concern but was refused because of the loss of privacy for 3 Gainsborough Drive arising from a dormer on the northeast corner of the building. Application 19/00304/FUL replaced this dormer with rooflights and was subsequently approved. The proposed semi detached pair is wider, taller and closer than the 2019 approved scheme. It therefore needs to be determined if the proposal is still within acceptable limits in this regard.
- 7.26 The development is set between 1.6m and 1.9m of the northern boundary with 3 Gainsborough Drive which is 250mm closer than the previous approval for a single dwelling at this site but 600mm further away than the refusal for the semi-detached dwellings. The development would be sited 11.2m westwards of the main rear building line of this neighbour which is 1.3m closer than the previous approval at the site but 0.8m further away than the refused semi-detached pair. The proposed development would be 7.5m wide adjacent to this boundary and 4.8m high at the eaves in this location. The roof would then slope away from the neighbour to a maximum of 6.6m. The previously approved development was 6.9m wide, 4.9m eaves height and a maximum height of 7m. The previously refused semi-detached pair was 8.3m and had a mansard style roof 5.7m high closest to this boundary.
- 7.27 The proposal has a comparable eaves height to the previous proposal but over a slightly longer length however it is significantly lower (900mm) and significantly narrower (800mm) than the previously refused scheme. In addition, it is set 800mm further away than this earlier refusal. On balance, it is considered that these comparative changes are significant such that the proposal would be within acceptable limits in terms of the impact on the outlook and sense of enclosure of 3 Gainsborough Drive and the proposal is policy compliant in this regard.
- 7.28 In relation to privacy, the proposal includes an oriel window at first floor which is fixed and obscure glazed where it faces northeast towards 3 Gainsborough Drive and clear to the southeast. This arrangement is considered to adequately address the previous concerns relating to privacy and the proposal is policy compliant in this regard.
- 7.29 As with the previous proposals, no objection are raised in relation to the relationship with the dwellings to the south which are at least 16m from the southern flank of the proposal or in relation to the non-residential buildings next to the site i.e. the Mosque and the School building. Due to the sporadic, non-intensive and daytime use of the Mosque and the school, it is not considered that these uses located next to the site would result in demonstrable harm to the amenities of the future occupiers from noise or disturbance.

Furthermore, there are a number of school buildings along the site boundary which mean that the impact of the proposed dwelling on the adjacent school site is reduced.

- 7.30 The proposed development would therefore comply with national and local planning policies in relation to neighbour amenity.

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

- 7.31 Policy DM15 of the Development Management Document states: *“All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context. Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity”.*
- 7.32 Two off-street parking spaces are shown to the front of the site for the proposed dwellings. This falls below the standard set out in Policy DM15 but the same arrangement was found to be acceptable in relation to the previous scheme for a semi-detached pair reference 18/01236/FUL which were also 2 bedroom dwellings. As with this proposal, space is provided within the amenity space for cycles and refuse storage. The Councils Highways Officer has not raised any objections to this application. The proposal is therefore considered to be policy compliant in relation to parking and highway and pedestrian safety.

### **Sustainability including Sustainable Drainage**

- 7.33 Sustainable development is a key objective of the NPPF.
- 7.34 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.
- 7.35 The applicant has not submitted details in relation to how the dwelling will achieve the 10% renewable energy requirement, as set out by Policy KP2 of the Southend Core Strategy. However, it is noted that solar panels have been shown to the roof of one of the flank elevations. It is considered that this would be adequate to address the abovementioned requirements through the imposition of a condition.
- 7.36 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.
- 7.37 Subject to these conditions, the proposal is considered to be acceptable and policy compliant in regards to sustainable development and drainage.

## **Ecology**

- 7.38 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)*

- 7.39 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.

## **7.40 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 neighbour amenity can be fully assessed.

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

- 7.41 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 158 sqm, which may equate to a CIL charge of approximately £4047.23 (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, on balance, 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 and ecology. 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 01, 11, 12-P1, 13-P1, 14, 15-P1, 16-P1, 17-P1, 18, 19-P1, 20-P1, 26**

**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 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 of the development hereby approved, including walls including decorative brickwork 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 The northeast panes of the first floor window on the east elevation of the northern most property 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, or such equivalent as may be agreed in writing with the Local Planning Authority ) and fixed shut up to a height of not less than 1.7m above the relevant room's internal finished floor level before the occupation of the extension hereby approved and the windows shall be retained as such in perpetuity. 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.**

**Reason:** To protect the privacy and environment of people in proposed and neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

**05** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than construction up to ground floor slab level 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)

**06** 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 13-P1 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 dwellings 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).

**07 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).**

**08 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).**

**09 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.**

**10 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 in line with The Sustainable Drainage Systems Design Guide for Essex Minor Applications <https://www.essexdesignguide.co.uk/suds/further-guidance/minor-applications/> ) 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).**

**11 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).**

**12 The site subject of this approval shall be remediated in full accordance with the Phase 1 Geo-Environmental Desk Study Report by Brown 2 Green reference 2311/Rpt1v2 dated October 2021, Geo-Environmental Site Investigation Report by Brown 2 Green reference 2311/Rpt2v2 dated October 2021 and Remediation Method Statement by Brown 2 Green reference 2311/Rpt3v2 dated October 2021 before the construction of the development hereby approved begins. A Validation Report for the Site Remediation Strategy shall be submitted to, and agreed in writing by the Local Planning Authority before completion of the development or occupation of the dwellings (whichever comes first).**

**In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority.**

**Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).**

**13 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).

**14 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).

**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 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.**