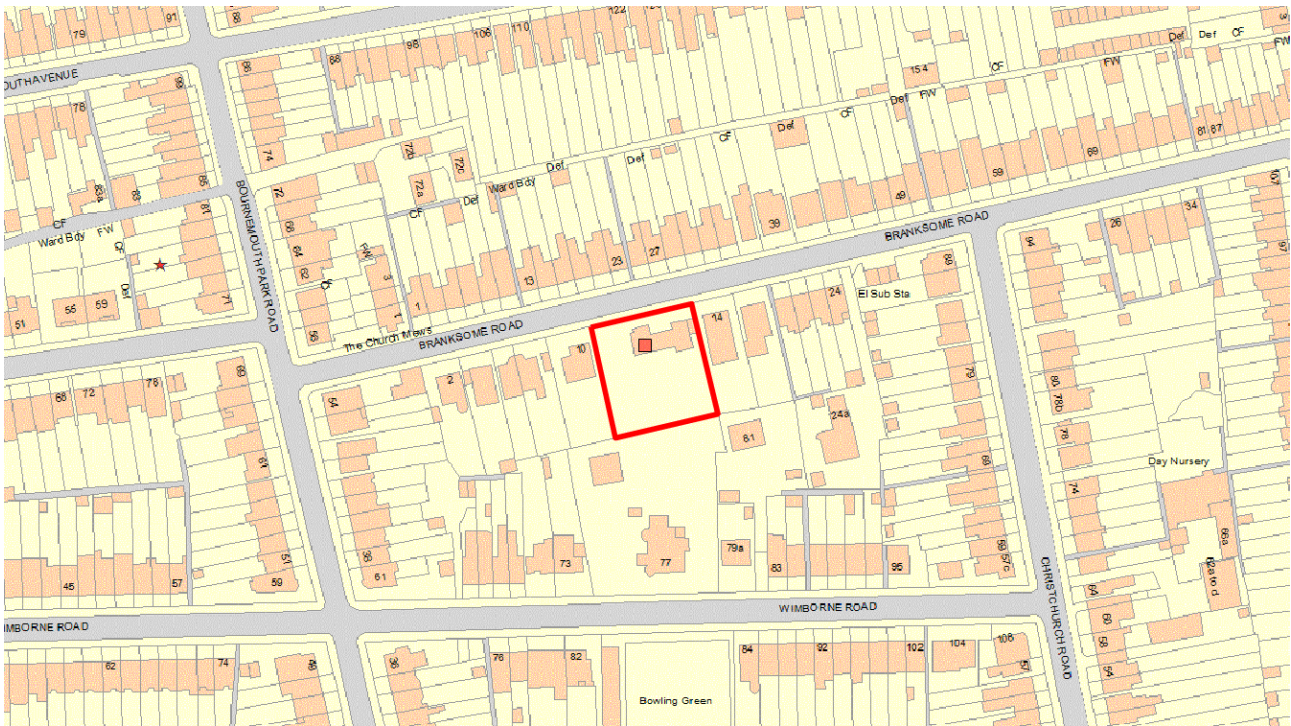


Reference:	21/01506/FUL
Application Type:	Full Application
Ward:	Kursaal
Proposal:	Demolish existing building and erect 4no two storey dwellinghouses with associated amenity space and parking, form new vehicular accesses onto Branksome Road (Amended Proposal)
Address:	12 Branksome Road, Southend-on-sea, Essex
Applicant:	Susan Steel
Agent:	Mrs Lindsey Wislocki of Hedgehog Architects
Consultation Expiry:	8th December 2021
Expiry Date:	14th February 2022
Case Officer:	Robert Lilburn
Plan Nos:	P1000 rev A, P1001 rev A, P1002 rev A, P1003 rev A, P1004 rev C, P1005(1) rev B, P1005(2) rev B, P1006 rev A, P1007 rev A
Supporting Documents:	Planning, Design and Access Statement July 2021, Transport Statement July 2021, Preliminary Ecological Assessment dated December 2021, Arboricultural Impact Assessment 20th July 2021, Tree Constraints Plan, Biodiversity Impact Assessment December 2021, Letters from ACJ Ecology dated 28/10/2021 and 01/12/2021
Recommendation:	GRANT PLANNING PERMISSION



1 Site and Surroundings

- 1.1 The application relates to a detached single storey dwelling and its curtilage. The existing building is in an L-shaped gabled form and is finished externally in brick with half-timbered gable features and red roof tiles. It features three chimney stacks along its length.
- 1.2 The dwelling is situated in a large garden which is more extensive at the rear, with relatively dense tree and shrub growth and undergrowth.
- 1.3 The site is not specifically identified on the policies map of the Development Management Document and is located within flood zone 1.

2 The Proposal

- 2.1 The application proposes the erection of four two-storey terraced dwelling houses, following demolition of the existing building. The submitted plans showed that the dwellings would each provide 2 double bedrooms plus a single bedroom/ home office per dwelling.
- 2.2 The application states that the proposed dwellings would be finished externally in red stock brick and white render with Marley 'Eternit' roof tiles and aluminium framed windows.
- 2.3 A new vehicular access would be formed at the east end of the plot and an existing vehicular access at the west end would be extended, to provide two pairs of off-street parking spaces perpendicular to the road. The application form incorrectly states that 8 spaces would be provided whilst the plans show 4 spaces. This is in error and does not prejudice the accurate assessment of the application.
- 2.4 The application has been submitted following an earlier refusal of planning permission for "*Demolish existing building and erect 4no two storey dwellinghouses, form vehicular*

access and rear courtyard parking area for 8 cars” (21/00618/FUL). The application was refused for the following reasons:

01. *The development as shown would lead to the net loss of accessible single-storey accommodation of which there is a finite supply in the Borough. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the Design and Townscape Guide (2009).*
02. *The proposed rear parking courtyard, by reason of its scale, position and character and appearance, would be incongruous in the rear garden context, to the significant detriment of the character and appearance of the site and its surroundings. The application also fails to suitably account for the loss of existing trees and provide for appropriate replacement in the interests of the character and quality of the site and surroundings. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).*
03. *The proposed rear parking courtyard, by reason of its scale, position and attendant vehicular activity, noise and disturbance, be significantly harmful to the amenities of the occupiers of neighbouring properties. This would be unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).*
04. *By reason of its scale, design and siting the proposed westernmost dwelling in the development proposed would lead to significant shadowing and a harmful loss of outlook and sense of enclosure to the east-facing first floor windows at no.10 Branksome Road. This would be significantly harmful to the amenities of neighbouring occupiers and is unacceptable and contrary to the National Planning Policy Framework (2019), the National Design Guide, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).*
05. *The application has failed to demonstrate that there would not be a net loss of biodiversity to the detriment of green infrastructure at the site and surroundings. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policy DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).*
06. *The development offers no reasonable mitigation of the in-combination effect of the net increase of three dwellings on habitats and species in accordance with the Habitats Regulations as identified in the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020). This is unacceptable and contrary to the RAMS, and Policies KP1, KP2 and CP4 of the Core Strategy and Policy DM6 of the Development Management Document which seek to protect the natural environment with specific reference to the coastal habitats.*

2.5 The key differences between the earlier refused application and the current application

are identified as follows:

- Amalgamation of 2no. pairs of semi-detached dwellings into a row of 4no. terraced dwellings;
- Reconfiguration of proposed car parking from a rear courtyard accessed via a single vehicular crossover, to 2no.pairs of spaces at either end of the site frontage accessed via 2no. vehicular crossovers;
- Reduction of off-street car parking from 8no. spaces to 4no. spaces;
- Repositioning of proposed built form behind established building line.

2.6 Supporting information has been submitted as follows: Planning, Design and Access Statement, Transport Statement,, Preliminary Ecological Assessment, Arboricultural Impact Assessment, Tree Constraints Plan, Biodiversity Impact Assessment, Letters from ACJ Ecology dated 28/10/2021 and 01/12/2021

2.7 The application has been called in to Development Control Committee by Councillor Dent.

3 Relevant Planning History

3.1 21/00618/FUL: Demolish existing building and erect 4no two storey dwellinghouses, form vehicular access and rear courtyard parking area for 8 cars. Refused 07.06.2021.

4 Representation Summary

4.1 Public Consultation

14 neighbouring properties were notified and a site notice was posted. Eight letters of representation have been received, and are summarised as follows:

- Impact on character and appearance of the area, including as a result of the loss of the existing building and trees;
- Historic significance of existing building;
- Impact on neighbour amenities and amenities of area in general;
- Standard of living for future occupiers;
- Overlooking and loss of privacy;
- Impact on outlook, daylight and shadowing;
- Impact on availability of on-street car parking;
- Parking and traffic congestion concerns;
- Impacts of loss of trees on habitats and biodiversity;
- Effects on wildlife;
- Structural effects on neighbouring properties;
- Impacts on protected species;
- Inaccuracies and inconsistencies in application;
- Concern at standards of information in application;
- Lack of suitable infrastructure eg sewage;
- Lack of renewables;
- Accessibility concerns;
- Disruption and impacts of building work;
- Need for homes does not outweigh the harm resulting;
- Over development of site;
- Impact on existing occupier;
- Precedent for further unsympathetic and harmful development;
- Previous reasons for refusal not overcome.

4.2 These concerns are noted and they 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.

4.3 **Environmental Health**

No objections.

4.4 **Highways**

There are no highway objections to this proposal.

4.5 **Parks (Arboriculturist)**

Further information required to ascertain number and condition of trees on site, partly as a result of the overgrown conditions. However there does not appear to be any individual trees that would be worthy of protection. A condition that tree planting should be an integral part of the new development is advised.

4.6 **Parks (Environmental and Green Space)**

The recommendations of the ecological report should be conditioned. This includes removal of trees and vegetation outside the bird breeding season and including biodiversity improvements to result in a net gain (such as soft landscaping and biodiversity features like bird boxes, bat boxes, hedgehog gaps etc.). The arboricultural report recognises there are better quality trees at the end of the garden spaces that would not be affected by the proposal. Trees that don't require removal to facilitate development should be retained and protected to prevent damage during development. A Natural England licence application will be required with regard to protected species.

4.7 **Essex Badger Group**

Note the recommendations made within the Preliminary Ecological Appraisal dated 3rd December 2021. Recommend that any planning permission is conditional upon strict adherence to the recommendations made within that report and that, in addition to this, specified measures are enforced during any construction.

4.8 **Essex Fire Service**

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

5 Planning Policy Summary

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

5.2 Planning Practice Guidance and National Design Guide (2019)

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

5.4 Development Management Document (2015): Policies DM1 (Design Quality) DM2 (Low Carbon Development and Efficient Use of Resources) DM3 (The Efficient and Effective Use of Land) DM8 (Residential Standards) and DM15 (Sustainable Transport Management)

- 5.5 Design & Townscape Guide (2009)
- 5.6 National Technical Housing Standards
- 5.7 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.8 Vehicle Crossover Policy (2021)
- 5.9 The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020)
- 5.10 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 5.11 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, including accessibility considerations, design and impact on the character of the area, impacts on neighbour amenities, living conditions for future occupiers, highway implications, sustainability including RAMS, CIL (Community Infrastructure Levy) and whether the application has overcome the earlier reasons for refusal.

7 Appraisal

Principle of Development

- 7.1 *Re-use of previously developed land*
Government guidance contained within the National Planning Policy Framework (NPPF) encourages effective use of land by re-using land that has been previously developed.
- 7.2 Core Strategy (2007) Policies KP1, KP2 and CP4 seek to promote sustainable development, and Policy KP2 seeks to direct the siting of development through a sequential approach, minimising the use of 'greenfield' land. Policy CP4 seeks the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.
- 7.3 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough. Policy CP8 also expects 80% of residential development to be provided on previously developed land.
- 7.4 Policy DM3 of the Development Management Document (2015) seeks the efficient and effective use of land, provided it responds positively to local context and does not lead to over-intensification. Policy DM8 of the Development Management Document provides for additional dwellings in the Borough.
- 7.5 The site is not within a conservation area. It is in an area of mixed character and to a degree varied scale where buildings are typically one to two storeys. The principle of demolishing the existing building is acceptable subject to an appropriately accessible

replacement(s). The proposal represents the re-use of previously developed land and is acceptable in terms of this underlying principle.

- 7.6 The intensification of the use of the site with four replacement dwellings is acceptable in principle. This would have the public benefit of adding to the availability of dwellings in the Borough.

Loss of bungalow and accessibility

- 7.7 Policy DM3(4) of the Development Management Document states that the redevelopment of bungalows will be generally resisted, but exceptions will be considered subject to street scene, accessibility and adaptability.
- 7.8 The proposed layouts as annotated would not provide a full range of accessible ground floor accommodation, for example sleeping accommodation. However, the space and layouts shown would be reasonably capable of some degree of conversion if necessary.
- 7.9 Details provided in the application do not confirm that the replacement dwellings in entirety would meet the criteria of building regulation M4(2). However, the plans indicate that the development would be M4(2) compliant and in particular one dwelling would incorporate a ground floor shower-room with segregated kitchen space to enhance flexibility.
- 7.10 The replacement of the bungalow with dwellings of more than one storey is acceptable on this basis, subject to appropriate and proportionate accessibility. A condition can reasonably be attached to any planning permission requiring the development to be built in accordance with M4(2), and this would reasonably overcome the loss of the bungalow from an accessibility viewpoint.
- 7.11 *Impacts upon protected species*
The application includes a habitat survey which identifies evidence of badger foraging on the site. The site was not found to provide suitable habitat or otherwise limited suitability for other protected species. It is noted that the density of vegetation was found to prevent access to all parts of the site and that ecological linkage across the site were found to be low permeability.
- 7.12 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. In light of this local planning authorities need to consider the potential impacts of development on protected and priority species, and the scope to avoid or mitigate any impacts when considering site allocations or planning applications.
- 7.13 Para.180 of the NPPF states that “*When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*”.
- 7.14 Given the scale, character and manner of use of the site by a protected species it is considered that the development of the site would not in principle cause significant harm to the protected species, and therefore subject to appropriate mitigation there is no need for the applicant to identify alternative sites. The provisions of the Wildlife and Countryside

Act (1981) would continue to apply to work at the site. Mitigation is considered in the detailed assessment below. The broad principle of the development of the site therefore remains acceptable.

Tree protection and biodiversity

- 7.15 The applicant has provided a Tree Constraints Plan and an Arboricultural Impact Assessment. These indicate the low quality of the trees that are accessible towards the front of the site and that further survey work is necessary to the rear of site due to the density of vegetation. On the basis of the information provided and the positioning of the proposed dwellings towards the front portion of the site it is considered reasonable that this matter can be addressed through planning conditions including a pre commencement condition regarding further survey work and tree protection where appropriate. Biodiversity impacts resulting from the clearing of dense undergrowth can be reasonably mitigated in this context through planning conditions.
- 7.16 The application is acceptable in broad principle. Further material considerations are assessed below.

Design and Impact on the Character of the Area

- 7.17 Paragraph 130 of the NPPF states that planning decisions should ensure that developments are visually attractive as a result of good architecture layout and appropriate and effective landscaping and are sympathetic to local character and history including the surrounding built environment... while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.18 The National Design Guide seeks well-designed places in which development integrates and relates well into its surroundings.
- 7.19 Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and to complement local character.
- 7.20 The Design and Townscape Guide notes the importance of a cohesive local character, and seeks appropriate site-specific design solutions, building on or introducing character.
- 7.21 The application site is a plot significantly wider than the neighbours and the proposed provision of four self-contained dwellings within this space would not be inconsistent with the prevailing urban grain, taking account of existing patterns of development elsewhere within the street period. The street scene is interspersed with detached dwellings semi detached dwellings and terraced dwellings and the insertion of terrace of four dwellings would not be inconsistent with the established street scene characteristics.
- 7.22 The plot is within a short run of single-storey and 1.5-storey dwellings. Considering the varied scale of buildings within the street, and that the site is the first of only three single-storey buildings, the introduction of a two-storey building would not be significantly harmful to the established character of the area. By reason of the building's positioning it would juxtapose acceptably with the neighbouring single-storey dwelling.
- 7.23 The wider street scene is characterised by buildings of varied scale and design. The proposed design would integrate reasonably with the surroundings, and the setting back from the prevailing building line by some 1.6m would be within reasonable parameters to

preclude a harmful impact. The scale, proportions and design are not inconsistent with established characteristics of the street scene and are acceptable. Proposed red stock brick and white render are acceptable finishes in principle in this context. The existing building has a red clay tile roof, and this is a distinctive local characteristic. It is considered that full details of external materials should be secured through a condition on any planning permission notwithstanding the approved plans.

- 7.24 The proposal would lead to the loss of some existing dense shrub growth and trees, which are a prominent feature within the street scene. The submitted details have reasonably identified that the shrubs and trees towards the front of the site are not of significantly high quality. Further survey work is necessary with respect to the rear of the site. This survey work and tree protection measures, together with replacement tree planting can be reasonably secured through conditions on planning permission in the interests of visual amenity. It is considered that sufficient information is available for a decision reasonably be made on the application, subject to these conditions.
- 7.25 The proposed vehicular access and car parking arrangements would be acceptable within the site context where driveways are common, particularly given that the layout allows for soft landscaping. The application does not make clear how the soft landscaping to the front would be managed in the long term. It is considered that further details should be supplied through condition any planning permission to ensure appropriate landscaping and maintenance proposals.
- 7.26 The site is located in flood risk zone 1 (low risk). Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate any increase in surface water runoff. The applicant has indicated the use of permeable block paving to the private drives. The proposal would increase the proportion of non-porous ground. Therefore further information is necessary regarding drainage and SUDs. This matter can be controlled through the use of an appropriately worded planning condition should the proposal be found acceptable.
- 7.27 It is considered that subject to conditions the proposal is acceptable and policy compliant with regards to design, and the application has subject to conditions reasonably overcome the earlier reasons for refusal in relation to layout and impacts upon trees.

Impact on Residential Amenity

- 7.28 The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 7.29 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that “protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight”.
- 7.30 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”.
- 7.31 The proposed dwellings would be situated in general alignment with the front and rear

building lines of the existing dwellings to east and west. It would be offset by some 1.6m southwards, and separated on each side by a distance of at least 5.8m. This arrangement would preclude any significantly harmful impact to the neighbours either side in terms of light loss, overshadowing, loss of outlook and sense of enclosure.

- 7.32 The proposal would lead to a different profile of activity within, and of comings and goings to and from the site. Given the small scale of the development and its conformity with the prevailing character, it is considered that this would not be harmful to the amenities of existing occupiers. The siting and design of the proposed building relative to dwellings opposite would be such that there would be no harmful impact in any relevant regard. The proposed layout of car parking would be reasonably consistent with prevailing conditions in the street and would not be significantly harmful to surrounding occupiers in terms of vehicle movements.
- 7.33 The provision of first floor and ground floor rear and front windows would be consistent with the prevailing urban grain, and any additional overlooking resulting from the development, including oblique overlooking to neighbouring gardens, would be reasonably consistent with the general character of the area and would be within acceptable parameters. The first-floor side windows proposed would serve bathrooms and obscure glazing can be reasonably secured through a condition in the interests of neighbour privacy. The ground floor side windows may lead to overlooking of neighbours subject to boundary treatments and therefore a condition is necessary to secure details in the interests of neighbour amenities.
- 7.34 Furthermore, in the interests of neighbour amenities, it is reasonable and appropriate that permitted development rights are removed by condition in order that future extensions and ancillary development can be considered in light of their potential impacts, given the relatively modest scale of the site.
- 7.35 It is found that the proposal has overcome the earlier reason for refusal in regards to impacts upon neighbours and is acceptable and policy compliant with respect to neighbour amenities.

Living Conditions

- 7.36 The NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area and create places that are safe inclusive and accessible, and which promote health and well-being with a high standard of amenity for existing and future users.
- 7.37 Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents. Development should meet the residential space standards set out in the Nationally Described Space Standards.
- 7.38 The National Housing Standards state that the following gross internal floor areas (GIA) are required to ensure the development is in line with planning requirements:
- Three-bedroom, five-person two-storey dwelling: GIA 93sqm.
- 7.39 The proposed dwellings would provide a GIA of some 110sqm. Reasonable daylight and outlook conditions would be available. Bedroom sizes would accord to the standards.
- 7.40 The proposed development incorporates a reasonable amount and layout of garden

space to each dwelling for the purposes of occupiers.

- 7.41 Policy DM1 of the Development Management Document requires that development provide an internal and external layout that takes account of all potential users, and Policy DM8 requires development to have regard to Lifetime Homes Standards. These have been superseded by Part M4(2) of the Building Regulations and requires accessible and adaptable dwellings further to Policy DM8.
- 7.42 The submitted plans are annotated to show level access and a degree of adaptability. This is considered acceptable subject to a condition requiring M4(2) compliance. On this basis it is considered that there would not be a net reduction in the availability of accessible accommodation.
- 7.43 Policy DM8 specifies amenity standards including cycle storage and refuse storage. The submitted plans indicate communal bin storage and external cycle stores. The layouts shown are acceptable in principle however full details are necessary to ensure policy compliance and can be reasonably secured through conditions on any planning permission.
- 7.44 Subject to conditions the application is acceptable and policy compliant on the grounds of living conditions for future occupiers.

Traffic and Transportation Issues

- 7.45 Policy CP3 of the Core Strategy seeks to improve highway safety and accessibility. Policy DM15 of the Development Management Document (2015) states: "*All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context*". The adopted Vehicle Parking Standards state that two spaces should be provided per dwelling at this location.
- 7.46 The proposal would provide one space per dwelling. The highways authority has confirmed no objections to the parking provision levels and access to the development. The site is situated some 390m walking distance, some 5 minutes' walk, from the local centre and bus routes at Sutton Road, and some 460m walking distance from the local centre and bus routes at Southchurch Road. The town centre primary shopping area is some 870m walking distance, some 13 minutes' walk, from the site. On the basis of proximity to local centres, it is considered that the site has transport links and services in reasonable proximity and a reduced provision of one space per dwelling is justified particularly given secure cycle storage is indicated.
- 7.47 Further to the adopted SPD, one active electric vehicle charging point is required per dwelling. The application does not identify specific provision; the SPD has been adopted since the application was submitted. It is considered that the necessary provision can be reasonably secured through a planning condition.
- 7.48 The proposal is found, to be acceptable and policy compliant on highways and parking grounds.

Sustainability

- 7.49 Policy KP2 of the Core Strategy states: *“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. 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), such as those set out in Design and Townscape Guide”*.
- 7.50 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design. The applicant has not provided any details, although roof plans appear to show photovoltaic cells, however a condition could reasonably be attached to any grant of consent to secure details in this case.
- 7.51 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted, this can be dealt with by condition if the application is deemed acceptable.
- 7.52 The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 7.53 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) which was adopted by Full Council in 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.
- 7.54 The applicant has made the relevant payment and the proposed development is therefore acceptable and compliant with the adopted RAMS Supplementary Planning Document SPD.

Ecology

- 7.55 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. In light of this, local planning authorities need to consider the potential impacts of development on protected and priority species, and the scope to avoid or mitigate any impacts when considering site allocations or planning applications.
- 7.56 The NPPF states that planning decisions should contribute to and enhance the natural and local environment for example by minimising impacts on and providing net gains for biodiversity including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 7.57 Para.180 of the NPPF states that “*When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*”.
- 7.58 Planning Practice Guidance refers to Natural England’s standing advice for protected species. The submitted supporting documents which include an on-site assessment identifies foraging routes for protected species across the site and that there would be some loss of foraging habitat and disturbance as a result of the development.
- 7.59 The Standing Advice requires that development first seeks to avoid affecting protected species. The applicant has submitted details of measures to avoid affecting individual protected species during construction; these are acceptable and can be required as a condition of any planning permission. Consultation responses state that further measures would be required in mitigation. These could be secured through a planning condition.
- 7.60 Given the proposed risk reduction measures and mitigation there is no need for the applicant to identify alternative sites for the development. It is considered that the submitted measures would satisfy the requirements of the ‘mitigation hierarchy’ and by virtue of their specification would not create any materially adverse impacts to existing or future neighbouring occupiers. The provisions of the Wildlife and Countryside Act (1981) would continue to apply to work at the site.
- 7.61 The submitted biodiversity impact assessment identifies baseline conditions at the site. Given the scale and character of the site it is considered reasonable that measures to secure a net gain in biodiversity can be achieved through conditions on planning permission. It is considered that the application has reasonably overcome the earlier reason for refusal in this regard, subject to conditions.

Community Infrastructure Levy (CIL)

- 7.62 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 440sqm, which may equate to a CIL charge of approximately £11236 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the ‘in-use building’ test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

- 8.1 The 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. The proposal would be of a type which would be suitable for families. 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 small net quantum of housing would have limited effect on the overall supply of housing.

- 8.2 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 be acceptable in principle and would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. It would offer an acceptable standard of accommodation for future occupiers. It would be acceptable on sustainability grounds and ecological and biodiversity impacts can be reasonably overcome and mitigated. Highways impacts are considered to be within acceptable parameters and would not justify a refusal of planning permission given the site context and a public benefit of the proposal in the provision of additional family dwellings. The application is therefore found to have overcome the previous reasons for refusal, is acceptable and is recommended for approval subject to conditions.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall begin not later than three years of the date of this decision**

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: P1000 rev A, P1001 rev A, P1002 rev A, P1003 rev A, P1004 rev C, P1005(1) rev B, P1005(2) rev B, P1006 rev A, P1007 rev A.**

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

- 03 No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared, and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall then be submitted to the planning authority before any works start on site.**

Reason: In the interest of protecting natural heritage; to ensure no nesting birds are harmed during vegetation clearance, further to the National Planning Policy Framework (2021) and Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

- 04** Prior to commencement of the development hereby approved, other than the clearance of shrubs necessary to allow for tree survey work, no tree removal or development of any kind shall take place until a full tree survey carried out in accordance with British Standard BS5837 - Trees in Relation to Construction - Recommendations has been submitted to and agreed in writing by the local planning authority, together with an associated scheme and an Arboricultural method statement for the protection of trees to be retained at the site in accordance with British Standard BS5837 - Trees in Relation to Construction - Recommendations. Any approved protection measures shall be fully installed before the commencement of development or any tree removal works and maintained during construction. The development shall be implemented in full accordance with the approved statement, measures and methods.

Reason: A pre commencement condition is necessary in the interests of visual amenity further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document and the advice contained within the Design and Townscape Guide (2009).

- 05** The development shall be carried out in strict accordance with the recommendations made within section 7 of the submitted Preliminary Ecological Assessment dated December 2021 including but not limited to:
- A requirement for a disturbance licence to be obtained from Natural England to allow the proposed redevelopment to proceed and the need to engage with Natural England to obtain and fully adhere to all terms agreed within the disturbance licence;
 - Implementation of a scheme of measure ensure biodiversity net gain in accordance with a scheme that has previously been submitted to the Local Planning Authority and approved in writing prior to the occupation of the development;
 - Landscaping of the site to include native species;
 - The installation of hedgehog nest domes and gaps under any perimeter fencing to be installed in accordance with a scheme that has previously been submitted to the Local Planning Authority and approved in writing prior to the occupation of the development.

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

- 06** No development shall take place, including any works of demolition, until 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;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site;

- vii) measures to restrict the duration of noisy activities and locating them away from the periphery of the site;
- viii) measures to ensure site security and to minimise impacts of lighting on neighbouring occupiers;
- ix) measures to protect existing trees adjacent to the site boundaries in accordance with BS5837;
- x) construction-management mitigation measures, with regard to protected species.

Reason: A pre-commencement condition is needed in the interests of visual amenities, the amenities of nearby occupiers, ecological considerations and the free flow of traffic pursuant to the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

07 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than ground preparation and construction up to ground floor slab level shall take place unless and until full details of both hard and soft landscape works to be carried out at the site in relation to the development have been submitted to and approved in writing by the local planning authority. The soft landscape works shall be designed to enhance biodiversity at the site further to the findings of the submitted Biodiversity Impact Assessment December 2021. 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. The details submitted in respect of each shall include, but not limited to:

- i) means of enclosure of the site including any gates or boundary fencing;
- ii) details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;
- iii) hard surfacing materials including permeable surfacing;
- iv) minor artefacts and structures (e.g. furniture and planters);
- v) measures to enhance biodiversity within the site;
- vi) full maintenance and management proposals for the site frontage in perpetuity.

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 character and appearance of the area 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 and the advice contained within the Southend Design and Townscape Guide (2009).

08 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than ground preparation 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 of the residential building 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: In the interests of the visual amenities of the area, 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 and the advice contained within the Southend Design and Townscape Guide (2009).

- 09 Drainage infrastructure (including foul and surface water drainage infrastructure) associated with the development otherwise hereby approved shall only be installed at the site in accordance with details that have previously been submitted to the Local Planning Authority and approved in writing. The drainage infrastructure shall be designed in accordance with ‘sustainable urban drainage systems’ (SUDS) principles with a clear justification provided with any submission as to why the use of any particular SUDS techniques have been considered and discounted.**

Reason: To prevent flooding, drainage, environmental and amenity problems arising from the development, in accordance with the National Planning Policy Framework (2021), Policies KP1 and KP2 of the Southend-on-Sea Core Strategy (2007), and Policy DM14 of the Southend-on-Sea Development Management Document (2015).

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

Reason: To protect the environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

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

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

- 12 Prior to first occupation of the development hereby approved, details of a waste management strategy together with the design, location and appearance, including use of materials, of external refuse and recycling storage, shall have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed waste management strategy and the refuse storage shall be installed in accordance with the approved details prior to first occupation of the development. The approved arrangement shall be permanently retained thereafter for the purposes of the development.**

Reason: In the interests of the amenities of nearby and future occupiers in accordance 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) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 13** The dwellings hereby permitted shall not be occupied until and unless secure, covered cycle storage for occupiers of the development has been provided in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be made available for use by the occupants of the dwellings hereby approved prior to its occupation and retained as such for the lifetime of the development thereafter.

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

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

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

- 15** The development hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (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.

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

- 16** Notwithstanding the details shown on the approved plans, the proposed first floor flank windows in the dwellings 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 floor level of the room which they serve, and shall be retained as such in perpetuity thereafter.

Reason: In the interests of neighbour amenities further to 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).

- 17 Prior to first occupation of the dwellings hereby approved, a scheme of measures to maintain privacy conditions to neighbouring dwellings adjoining the site to east and west in relation to the ground floor flank windows shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the development before it is first occupied and shall be retained in perpetuity thereafter.**

Reason: In the interests of neighbour amenities further to 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).

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

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

- 19 The development hereby permitted shall not be occupied until and unless the car parking shown on the approved plan P1004 rev C, together with properly made vehicular accesses, has been provided and made available for use by occupiers of the dwellings and their visitors, and it shall be retained as such for the lifetime of the development thereafter.**

Reason: In the interests of the living conditions of future occupiers and highway safety, further to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15 and the Design and Townscape Guide (2009).

- 20 Notwithstanding the details submitted and otherwise hereby approved, before the development is brought into use the proposed vehicular crossovers shall each be constructed to a width of 4.88m in accordance with details that have been previously submitted to and approved in writing by the local planning authority. The development shall be carried out and completed solely in accordance with the approved details before it is brought into use and retained as such thereafter.**

Reason: In the interests of highway safety, further to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, and Development Management Document (2015) Policy DM15.

- 21 Prior to first occupation of the dwellings hereby approved, one active electric vehicle (EV) charging point shall have been provided to serve each residential parking space. The arrangements shall be retained thereafter for the lifetime of the development.**

Reason: To ensure the provision for adequate EV car parking and charging in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

10 Informatives:

- 1** 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 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 or the Council's website (www.southend.gov.uk/cil).
- 2** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.
- 3** The 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.
- 4** There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire and Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk of life, business continuity and limit the impact of fire on the environment and local economy. Even where not required under Building Regulation's guidance, ECFRS would strongly recommend a risk base approach to

the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We would also encourage developers to use them to allow design freedom, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the regulations are met.

- 5 The granting of this permission does not negate the need for Highways Consent for the formation of a permanent vehicular crossing and there is no guarantee that you will automatically be granted Highways Consent for such works. Applications for permanent vehicular crossings can be made at www.southend.gov.uk.**

- 6 The applicant is reminded of the recommended construction management measures in relation to protected species including the following, which are in addition to the mitigation measures specified in the Preliminary Ecological Assessment dated December 2021:**
 - All workmen on site should be fully briefed concerning the presence of badgers in the wider area.**
 - Any trenches or deep pits should be securely covered overnight to stop any badgers falling in and becoming trapped. Alternatively, a rough plank can be provided, at an angle no steeper than 45 degrees, to allow any badgers a suitable means of escape.**
 - Any trenches/pits should be inspected each morning and evening to ensure no badgers have become trapped.**
 - The storage of topsoil or other 'soft' building materials within the site should be given careful consideration. Badgers will readily adopt such mounds as setts, which would then be afforded the same protection as established setts. So as to avoid the adoption of any mounds, they should be subject to daily inspections before work commences.**
 - During the work, the storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.**
 - Open pipework with a diameter of more than 120mm should be properly covered at the end of the work day to prevent badgers entering and becoming trapped.**
 - Litter on site should be cleared at the end of the working day or otherwise kept to a minimum.**
 - Security lighting should be kept to a minimum so as not to disturb the badgers on site.**

- 7 A wildlife licence will be required before work can start. The grant of planning permission does not affect licence requirements.**

- 8 The applicant is reminded of the provisions of The Wildlife & Countryside Act 1981 with regard to all aspects of the development including all and any site clearance.**