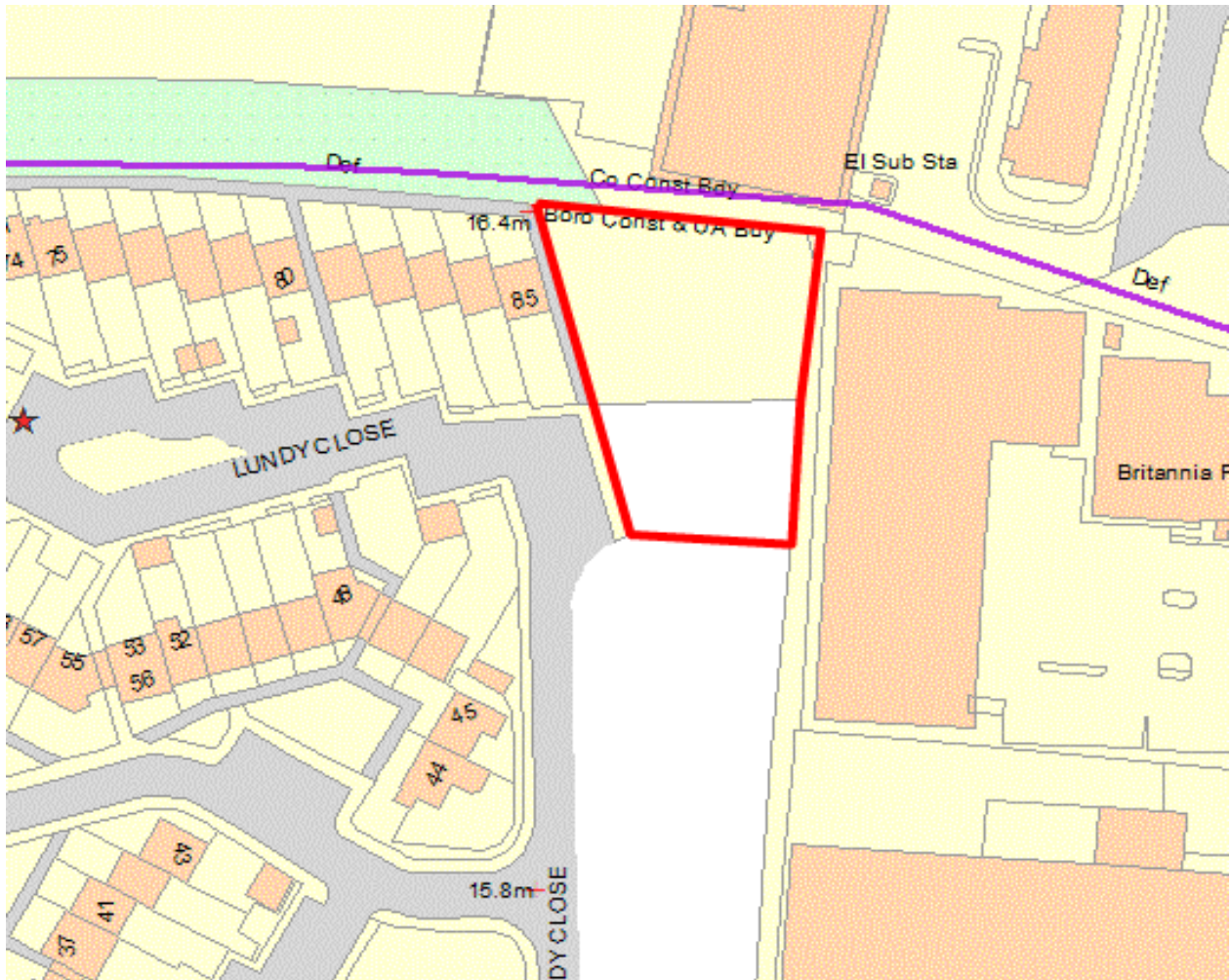


Reference:	22/01214/BC3	
Application Type:	BC3	
Ward:	St Laurence	
Proposal:	Erect a two storey block of 4no. self-contained flats, and a pair of semi-detached dwellinghouses and 3no. terrace houses on land adjacent to 85 Lundy Close, layout amenity space and landscaping, car parking spaces and cycle store	
Address:	Land Adjacent to 85 Lundy Close, Eastwood, Essex	
Applicant:	Southend on Sea City Council	
Agent:	AK Design Partnership LLP	
Consultation Expiry:	08.08.2022	
Expiry Date:	14.10.2022	
Case Officer:	Abbie Greenwood	
Plan Nos:	Location Plan, 4867.130-PL4, 4867.131-PL3, 4867.132-PL3, 4867.134-PL1, 4867.135-PL3, 4867.136-PL1, 4867.137-PL1, 4867.138-PL2, TCTC-17596-PL-01	
Additional information:	<p>Impact Statement dated April 2022</p> <p>Design and Access Statement dated April 2022</p> <p>Public Benefit vs Loss of Open Space Statement dated September 2022</p> <p>Preliminary Ecological Appraisal by Hybrid Ecology Ltd Rev B dated 21st Sept 2022</p> <p>Combined Phase I and Phase II Site Investigation Report by agb Environmental reference P3219.1.0 dated 20.12.18</p> <p>Comprehensive Site Assessment Ref P3219.1.0</p> <p>Archaeological Desk Based Assessment by Oxford Archaeology v.1 dated May 2022</p> <p>Archaeology Written Scheme of Investigation Reference XEXLCS22-27117</p> <p>Tree Survey reference dated Feb 2020</p> <p>Tree Schedule By My Trees dated 13.2.20</p>	
Recommendation:	GRANT PLANNING PERMSSION subject to conditions	

Link to Plans: [#{generalform.title} \(southend.gov.uk\)](#)



1 Site and Surroundings

- 1.1 The site is an area of open grass located directly east of the properties at the northern end of Lundy Close which forms part of a 1970s housing estate. The estate is mainly two-storey terraced houses with shallow gabled roofs and simple fenestration, constructed of red brick, with cladding at first floor, brown tiled roofs and wide picture windows. Interspersed with the houses are a small number of two-storey flatted blocks which are terraced directly to the houses and of a similar design and form giving a seamless appearance in the streetscene.
- 1.2 The properties directly adjacent to the site are arranged in a staggered formation following the curve of the road and this is a key feature of the streetscene. Unusually these properties closest to the site have their enclosed private rear gardens fronting the road to the front and their main entrances fronting a footpath to the north. This footpath follows historic field boundaries and links to Cherry Orchard Park nearby.
- 1.3 The wider estate is characterised by incidental areas of green spaces laid to grass, some with tree cover. This style of landscaping is typical of 1970s estate development and part of the local character.
- 1.4 Adjacent to the site to the east and north are industrial / commercial areas. The trees to east side of the site provide an important visual buffer to the industrial area.
- 1.5 There are no specific policy designations for this site.

2 The Proposal

- 2.1 The proposal seeks to erect a two-storey block of four (4no.) self-contained flats comprising two 1-bed and two 2-bed units, a pair (2no.) of two-storey semi-detached dwellinghouses comprising a 2-bed and a 4-bed property and a short terrace of three (3no.) 2-bed, two-storey houses on the site, making nine (9no.) dwellings in total. It is also proposed to layout 16 parking spaces and a cycle and refuse store. The houses are all proposed as affordable units as part of the Council's portfolio. The two ground floor flats are wheelchair accessible and have allocated disabled parking. Each property will have an electric vehicle charging point.
- 2.2 The terraced houses each measure 5.5m wide, have a depth of 8.15m, a ridge height of 7.6m and an eaves height of 5.1m. The semi-detached houses are 5.5m and 7.2m wide, have a depth of 9.2m, a ridge height of 8.8m and an eaves height of 5.1m. The flatted block is split into two sections each measuring 9m wide with a depth of 8.6m, a ridge of 8.8m and an eaves height of 5.3m.
- 2.3 The proposed houses will be constructed of red brick with feature cladding at first floor, upvc windows and red or brown roof tiles.
- 2.4 It is proposed to fell three (3) trees in the centre of the site to facilitate the development. The indicative landscaping scheme shows that in the region of 30 new trees will be planted. A contribution of £5000 for environmental and public space enhancements on the estate is proposed to mitigate for the loss of this open area.

3 Relevant Planning History

- 3.1 No planning history.

4 Representation Summary

Call-in

- 4.1 The application has been called in to Development Control Committee by Councillor Cowan. Consideration by this Committee is required in any event under the terms of the Council's Constitution.

Public Consultation

- 4.2 Forty-five (45) neighbouring properties were consulted and a site notice was displayed. Three (3) letters of representation have been received raising the following summarised objections:

- The proposal would impact on a right of access for a neighbouring landowner.
- The residents are opposed to the building of houses or flats on this land.
- The plans cannot be viewed online [officer comment: this issue was resolved]
- Lack of parking and impact on parking for existing residents
- Concern over antisocial behaviour from new residents
- Impact on wildlife - mitigation measures are required
- Concern over fly tipping and crime

Officer Comment: These concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case

Highways Team

- 4.3 No objections – Policy compliant off-street car parking and cycle parking would be provided. It is not considered that the proposal will have a detrimental impact on the local highway network.

Environmental Health

- 4.4 No objections subject to conditions relating to contamination, construction management, refuse and recycling and noise.

Strategic Planning

- 4.5 No objections subject to condition to secure the improvements to the green space.

Southend Museum Service

- 4.6 The proposed archaeology works, as set out in the Written Scheme of Investigation are acceptable.

Essex Fire Service

- 4.7 No objections.

Essex Badger Group

- 4.8 The Essex Badger Protection Group are aware of 7 setts within 1km of the site including one close to the boundary and this is mentioned in the accompanying Preliminary Ecological Appraisal ("PEA") dated March 2022. At present, the application site is linked to the wider environment, notably Cherry Orchard Park, by way of a green corridor which runs across the site to the northwest corner of the site. The proposed mitigation

measures include the installation of a badger corridor along the east and northern boundaries of the site to link the existing green space to the south to the link to the northwest. Whilst there will always be a concern regarding the longevity of corridors such as this - experience suggests that they are vulnerable to rubbish dumping and 'land grabs' from adjoining homeowners - there is little which can be done to stop this in practice unless the landowner maintains the area ad infinitum. We are therefore content that this revised plan resolves the issue of connectivity for the badgers, at least in the immediate/short term. Mitigation measures to protect badgers during construction should also be conditioned.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Technical Housing Standards – Nationally Described Space Standards (2015)
- 5.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space), Policy CP8 (Dwelling Provision)
- 5.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM8 (Residential Standards), Policy DM14 (Environmental Protection), DM15 (Sustainable Transport Management)
- 5.6 Southend-on-Sea Design and Townscape Guide (2009)
- 5.7 Technical Housing Standards Policy Transition Statement (2015)
- 5.8 Housing and Employment Land Availability Assessment (2020)
- 5.9 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.10 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 5.11 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.12 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.13 Vehicle Crossing Policy & Application Guidance (2021)

6 Planning Considerations

- 6.1 The main considerations in relation to this application include the principle of the development, the design and impact on the character and appearance of the area, the residential amenity for future and neighbouring occupiers, traffic and parking implications, energy and water use sustainability, refuse and recycling storage, drainage, trees, ecology, archaeology and mitigation for impact on designated sites and CIL liability.

7 Appraisal

Principle of Development

7.1 The provision of new high quality housing is a key Government objective. 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.

7.2 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”.

7.3 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”.

7.4 Policy CP7 of the Core Strategy states that “all existing and proposed sport, recreation and green space facilities (including the Southend foreshore and small areas of important local amenity, community resource or biodiversity value) will be safeguarded from loss or displacement to other uses, except where it can clearly be demonstrated that alternative facilities of a higher standard are being provided in at least an equally convenient and accessible location to serve the same local community, and there would be no loss of amenity or environmental quality to that community.”

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.

7.6 Policy DM3 of the Development Management Document states that “the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity”.

7.7 The site is identified within the Housing and Employment Land Availability Assessment (site HEA130) as having the capacity to deliver 7 houses.

7.8 The proposal would result in the loss of an incidental area of grass which is mown but suffers from neglect including some fly tipping. This area is not designated as protected

green space and does not seem to have a formal use, although there is evidence of dog recreation. The tree covered area to the south of the site, which is the main landscape feature of this area, is unaffected by the development and will be protected and maintained.

7.9 Whether it is formally designated or not, the open grassed area at the site has some public amenity value and this needs to be weighed against the public benefits of the proposal. The applicants have submitted a statement setting out their case in this regard. They identify the public benefits as follows:

- The provision of 9 dwellings, and in this case 100% affordable rented units, including family housing and 2 x affordable accessible wheelchair units, for which there is an identified need and which is extremely rare within the Council's portfolio.
- The provision of net zero carbon homes built to the Future Homes Standard which will benefit the environment and is a Council priority.
- A pledge of £5000 towards green space improvements in the estate to offset the loss of this grassed area.

7.10 The pledged green space improvements in the remaining open space around the estate would ensure that there is a qualitative improvement. This would result in facilities of a higher standard that would be provided in at least an equally convenient and accessible location to serve the same local community.

7.11 Furthermore, the city currently has a deficiency in its 5 Year Housing Land Supply and very poor performance in the Housing Delivery Test. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise. The quantum of housing in this case is relatively low, so will have a limited impact on the overall provision of housing in this area. However, the development would include family dwellings, and would include much needed wheelchair user accessible units. The provision of zero carbon homes is also beneficial and a significant step up from that which would be required under building regulations.

7.12 The Council cannot enter into a S106 agreement with itself as applicant so the provision of affordable housing cannot be secured or given any material weight in the planning balance. However, in the round, it is considered that the other public benefits of the proposal, including the provision of housing, including family housing and wheelchair user accessible units, net zero carbon development, and the commitment to environmental improvements in the vicinity of the site, which can be secured by condition, are sufficient to offset the loss of green space.

7.13 On the above basis, the principle of this development, including the impact on green space, is therefore acceptable and policy compliant subject to the detailed considerations set out below.

Design and Impact on the Character of the Area

7.14 Local and national planning policies and guidance seek to ensure that new development is well designed. 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.

7.15 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between

buildings and their relationship to the public realm. Policy DM1 and the Council's Design and Townscape Guide provide further details on how this can be achieved.

- 7.16 The proposal seeks to erect five 2 and 3 bed houses on the site and a small block of four flats. The development is divided into three small blocks each of two storeys with simple gabled forms to reference the character of the estate. The houses at the northern end of the site are arranged in a staggered formation to continue the distinctive building line of the existing terrace to the west. The semi-detached pair follow on from this arrangement. The flats are located in the southern part of the site and provide an active frontage onto the street. The scale and arrangement of the development sits comfortably with the local area and the proposal is appropriate in this regard.
- 7.17 The detailed design of the blocks also seeks to draw reference from local character including simple flat fronted design and feature cladding at first floor, but the design has also been updated to include more modern windows and high quality cladding materials. This will ensure that the proposed dwellings sit comfortably with the existing streetscene without appearing to be a pastiche of the existing buildings. Each block is slightly varied in its design which will add interest to the development but maintain an overall cohesion.
- 7.18 Parking has been provided to the front of the buildings, but this area includes significant areas of landscaping to soften the impact of the cars and improve the outlook of the new and existing dwellings. A green buffer is maintained to the eastern edge of the site to provide a wildlife corridor and screen to the adjacent industrial estate. This buffer will be enhanced through additional tree planting and will provide an attractive backdrop to the parking area and development generally.
- 7.19 Overall, the design, scale, form and layout of the proposal is considered acceptable and policy compliant in respect of design and character matters.

Amenity Impacts

- 7.20 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.
- 7.21 The closest neighbour to the proposed development is No. 85 Lundy Close which is situated to the west of plot 1. There is a public footpath running between No 85 and the site and there would be a separation of 2m between the flank of plot 1 and the flank of No. 85. No. 85 has its main garden area to the south side of the building enclosed by a 2m fence. The proposed layout follows the staggered arrangement of the existing estate meaning that plot 1 would extend 2.3m in front of No 85 to the south side but would be 2.3m behind the rear building line of No 85. The proposal has no windows on the flank elevation facing No 85 and would not breach a notional 45 degree line extending from the nearest first floor habitable room window. It is therefore considered that this relationship is acceptable and the proposal would have an acceptable impact on the amenities of this neighbour in all regards.
- 7.22 To the north and east the site adjoins an industrial area including a car garage and warehousing. The proposal is considered to have an acceptable impact on these uses. To the south is the remaining tree covered green space.
- 7.23 The proposal is therefore considered to have an acceptable impact on the amenities of

neighbours in all regards.

Standard of Accommodation

7.24 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.

Space Standards and Quality of Habitable Rooms.

7.25 All new homes are required to meet the National Technical Housing Standards in terms of overall floorspace and bedroom sizes. The Minimum property size for residential units shall be as follows:

- 1 bedroom (2 bed spaces) dwelling – 50 sqm - 1.5 sqm internal storage
- 2 bedroom (3 bed spaces) 2 storey dwelling - 70 sqm - 2 sqm internal storage
- 2 bedroom (4 bed spaces) 2 storey dwelling - 79 sqm - 2 sqm internal storage
- 4 bedroom (5 bed spaces) 2 storey dwelling - 97 sqm - 3 sqm internal storage

7.26 The minimum floor area for bedrooms must be no less than 7.5 sqm for a single bedroom with a minimum width of 2.15m; and 11.5 sqm for a double/twin bedroom with a minimum width of 2.75m for the master bedroom or 2.55m in the case of a second double/twin bedroom.

7.27 Plots 1-3, 2-bed, 3-person houses, have an internal area of 78.6 sqm. Plot 4, a 4-bed, 6-person house, is 118.2 sqm, plot 5, a 2-bed, 3-person house is 82.4 sqm, units 6 and 7 are 1-bed, 2-person wheelchair accessible flats measuring 58.5 sqm and units 8 and 9 are 2-bed, 3-person, two-storey units measuring 76.4 sqm. All of the proposed dwellings meet the minimum sizes required by the technical space standards. All of the bedrooms also accord with the minimum sizes and all properties include internal storage. The storage areas in the flats are slightly undersized compared to the requirements (by 0.24sqm), however these units are generous in relation to the overall size and the layouts would be capable of accommodating additional storage. A condition is suggested to secure the provision of any additional internal storage space area to ensure compliance with the minimum standards. The proposal is therefore considered to be acceptable and policy compliant in this regard, subject to the suggested condition.

Light, Privacy and Outlook

7.28 The plans show that all habitable rooms would benefit from acceptable levels of daylight and sunlight. The proposal is therefore considered to be acceptable and policy compliant in this regard.

M4(2) – Accessibility

7.29 Policy DM8 requires all new dwellings to be accessible and adaptable to Building Regulations M4(2) standards unless it can be clearly demonstrated that it is not viable and feasible to do so.

7.30 All the houses (plots 1-5) would meet M4(2) standards. Plots 6 and 7, the ground floor flats, are wheelchair accessible units and would meet the higher Building Regulation M4(3) standard. Plots 8 and 9, the first floor flats would not meet M4(2) standards because they do not have a step free access to the main living area, however, they do have private staircases which could be fitted with a stairlift if needed. Whilst this would enable assisted access to the first floor, it would not comply with the requirements of

M4(2). The application has provided the following justification for an exception to this policy in relation to units 8 and 9:

- The inclusion of a lift within the block would have a significant impact on the viability of the scheme, primarily because the associated lift maintenance costs would be passed on the tenants via a service charge and this would have a notable impact on the overall affordability of the dwellings which are proposed as affordable housing units.
- The provision of 2 affordable wheelchair units is over and above the policy requirements is a significant benefit to the scheme - there are currently 12 households on the housing register who have high priority and require 1-bed adaptable units. These units are extremely rare so of high value to the authority.

7.31 On balance, it is considered that, in this instance, the provision of 2 x affordable wheelchair units over and above policy requirements, justifies an exception to policy in relation to the 2 first floor flats the proposal is acceptable in this regard.

Amenity Provision

7.32 Each 2-bed house has a private garden to the rear of between 38 sqm and 49 sqm. The 4-bed house has a garden of 58 sqm. The flats have a communal garden of 91 sqm and balconies and terraces to the front elevation. The proposed gardens are not generous, but they are suitable for the size of properties proposed. The proposal is therefore acceptable and policy compliant in this regard.

Noise and Disturbance

7.33 The east and north boundaries of the site are located close to an industrial area where there is the potential for noise and disturbance. The Council's Environmental Health Officer has recommended that a Noise Impact Assessment be submitted to ensure that the level of noise and disturbance from these areas is measured and any necessary mitigation measures incorporated into the design. This can be secured by condition. The proposal is therefore acceptable and policy compliant subject to this condition.

7.34 Overall, subject to conditions relating to accessibility, internal storage and noise mitigation the proposal is acceptable and policy compliant in terms of the standard of accommodation proposed.

Traffic and Transportation Issues

7.35 The NPPF states (para 111) that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe.*"

7.36 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.

7.37 New houses in this location are required to provide minimum 2 car parking spaces per unit and new flats are required to provide minimum 1 car parking space per unit. A minimum of 1 cycle parking space per dwelling is also required. Flats are also required to provide refuse storage.

- 7.38 16 parking spaces are proposed which is equivalent to 2 spaces for each house, 1 space for each flat and 2 visitor spaces. A dedicated cycle and refuse store is proposed for the flatted block and full details have been provided. Sheds are shown for each house which are capable of accommodating the required cycle parking. Access to the site would be taken from Lundy Close removing existing kerb. The Council's Highways Officer has raised no concerns. The proposal is therefore acceptable and policy compliant in traffic and transportation issues in all regards.

Sustainability

- 7.39 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.
- 7.40 The submitted statements make reference to net zero housing and the installation of pv panels and air source heat pumps but no details have been submitted to demonstrate that the policy requirements for 10% renewables and water efficient design have been met. However, these can be secured by condition. The proposal is therefore acceptable and policy compliant in this regard.

Ecology, Biodiversity, HRA and RAMS

- 7.41 An ecology survey has been submitted with the application. This concludes that the site is of largely low ecological value in terms of ecology habitat but acknowledges the presence of badger setts in the vicinity of the site and that badgers may cross the site, although there is no evidence that this is a main foraging route. In order to address this the application has been amended to include a badger corridor along the eastern and northern boundaries of the site to enable badgers to safely navigate from the wooded area to the site to the link to Cherry Orchard Park to the northwest. The Essex Badger Protection Group are satisfied that this is a reasonable approach in this instance and have raised no objection to the proposal subject to conditioning badger protection measures during construction.
- 7.42 The site does not support any other protected species. The proposal is therefore considered to be acceptable and policy compliant in this regard subject to these mitigation measures which can be required by condition.

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)

- 7.43 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) requires that a tariff of £137.71 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.

- 7.44 The required tariff for this proposal has been paid. The proposal is considered to be acceptable and policy compliant in this regard.

Land Contamination

- 7.45 The site is located adjacent to an industrial site. A Combined Phase I and Phase II Site Investigation Report has been submitted with the application. The report concludes that no specific remediation is required but recommends a watching brief is maintained on site during the ground works in case signs of contamination are found during construction. The Council's Environmental Health Officer is satisfied with this approach. This can be required by condition. The proposal is therefore acceptable and policy compliant in this regard subject to this condition.

Flooding and Drainage

- 7.46 Policy KP2 of the Core Strategy 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.
- 7.47 The site is located in flood risk zone 1 (low risk). No specific information has been provided regarding drainage. A condition can be imposed to ensure the proposed development mitigates against surface water runoff. The proposal is therefore considered to be acceptable and policy compliant in this regard, subject to that condition.

Construction Management Plan

- 7.48 The Council's Environmental Health Officer has requested that a construction management plan be conditioned to protect the amenities of neighbours during construction. This would also consider construction impacts on the surrounding road network. The agent has agreed to a pre commencement condition in relation to this issue. The proposal is acceptable and policy compliant in this regard subject to this condition.

Trees

- 7.49 The site is mainly open grass. There are three trees towards the centre of the eastern side of the site and along the eastern boundary. Directly south of the site but outside the site boundary is a wooded area which is a local landscape feature. None of the trees on or adjacent to the site are preserved.
- 7.50 The three trees towards the eastern side of the site, that are proposed to be felled to enable the development, are an early mature ash, a larger ash and a horse chestnut trees. The young ash has fused stems and a suppressed crown and wounds at its base. It is growing very close to the horse chestnut tree and it is likely that the growth of one or both trees would be affected by their close proximity. The two larger trees are in better condition generally, but localised defects were evident on both trees. The ash trees are also susceptible to ash die back which may affect their future retention.
- 7.51 These three trees will be replaced with 30 new trees including field maple, silver birch, fruiting and holly trees which have been specifically chosen to improve the biodiversity of the site. These will be planted mainly located along the eastern boundary of the site to provide an enhanced wildlife corridor and buffer to the industrial estate and three within the rear gardens of the houses. The landscaping proposal for the site also includes significant planting beds to the front of the buildings and in the parking area which will be planted with a mix of native and wildlife attracting shrubs. Overall, the

landscaping proposal will provide an uplift in biodiversity at the site compared with the existing situation which comprises mainly open grass area. The closest trees in the wooded area are proposed to be protected during development.

- 7.52 Overall, it is considered that the replacement tree planting and landscaping would provide an acceptable mitigation for the loss of the trees. The proposal is therefore acceptable and policy compliant subject to conditions relating to tree protection and landscaping including replacement tree planting.

Archaeology

- 7.53 An Archaeological Desk Based Assessment (DBA) and a Written Scheme of Investigation (WSI) has been submitted with the application. The DBA identified that there is potential for pre-modern archaeological remains to survive within the site. These remains are likely to relate to prehistoric or Medieval and post-Medieval phases of land use, possibly associated with agricultural purposes. The WSI proposes that a series of trenches be excavated covering 5% of the development area and sets out the procedures for excavation, soil sampling and recording of any finds. The Council's Archaeological curator has reviewed these documents and supports the recommendations. The proposal is therefore acceptable and policy compliant in terms of Archaeology subject to implementation of the proposed WSI.

Permitted Development

- 7.54 Given the space limitations it is considered appropriate in this case that permitted development rights should be controlled by condition so that the implications of future extensions or outbuildings on the character of the area and future residents can be fully assessed. It is also considered that permitted development in relation to the creation of hard surfacing and front boundary treatments should also be controlled to control any potential loss of landscaping to the front which is considered to be an important aspect of local character.

Community Infrastructure Levy (CIL)

- 7.55 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 716.4 sqm, which may equate to a CIL charge of approximately £18296.75 (subject to confirmation) however since the development would be for affordable housing the applicant can apply for an exemption.

Equality and Diversity Issues

- 7.56 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended) and the provision of accessible and adaptable, and wheelchair user dwellings. They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

- 7.57 The development creates new housing. The Housing Delivery Test shows a significant under-performance in housing deliver. This and the lack of a 5 Year Housing Land Supply weighs in favour of the principle of this type of development and in these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise applying the tilted balance in favour of sustainable development.
- 7.58 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local and national planning policies and guidance. The impact on green space is addressed by the contribution towards environmental enhancement works on the site and to green spaces elsewhere in the estate (off site works to the value of £5000). Some weight also needs to be attached to the proposal's provision of housing including family housing and 2 wheelchair units for which there is a need in the City. The proposal would provide an acceptable standard of accommodation for future occupiers, have an acceptable impact on the amenities of neighbouring occupiers and an acceptable impact on the character and appearance of the application site, street scene and the locality more widely. There would be no significantly adverse traffic, parking or highways impacts caused by the proposed development. The ecology mitigation measures, including the proposed badger corridor, will satisfactorily protect wildlife crossing the site. This application is therefore recommended for approval subject to conditions

8 Recommendation

8.1 Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:

- 1 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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans Location Plan, 4867.130-PL4, 4867.131-PL3, 4867.132-PL3, 4867.134-PL1, 4867.135-PL3, 4867.136-PL1, 4867.137-PL1, 4867.138-PL2, TCTC-17596-PL-01.**

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

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

Reason: To safeguard the visual amenities of the area, in accordance with the

National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 4 The 16 car parking spaces, including 2 disabled spaces, the associated vehicular access for the spaces to access the public highway and the associated electric vehicle charging points as shown on approved plan 4760.138-PL2 shall be provided and made available for use at the site prior to the first occupation of the dwellings hereby approved. The car parking spaces, associated vehicular access to and from the public highway and Electric Vehicle charging points shall thereafter be permanently retained to serve occupiers and their visitors for the lifetime of the development.**

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 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

- 5 No development shall commence on site unless and until a written strategy for green space enhancements, including measures to enhance biodiversity, within the estate surrounding the site, including indicative costings and timescales for implementation, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be first occupied until the Local Planning Authority has received confirmation that the agreed strategy has been implemented in accordance with the approved details. The strategy shall demonstrate that a sum of at least £5,000 will be spent on environmental improvements in the local area.**

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 6 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above a ground floor slab level shall take place until full details of the hard landscaping works and proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- i) Proposed finished levels or contours.**
- ii) Details for the means of enclosure of the amenity areas.**
- iii) Material product details for all hard landscaping at the site including roads, paths and patios.**
- iv) Details of proposed outbuildings.**

The hard landscaping shall be implemented in full accordance with the approved details before the dwellings are occupied.

The soft landscaping at the site, including 30 new trees and shrub planting around the buildings, shall be carried out in full accordance with plan reference 4867.135-

PL3 and shall be completed before the end of the first planting season following first occupation of the dwellings hereby approved.

Reason: In the interests of biodiversity, visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 7 Prior to the commencement of development the tree protective fences as shown on plan reference 4867.135-PL3, shall be installed. The protective measures shall remain in place throughout the construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard BS3998 and British Standard BS5837 including supervision of works by a qualified arboriculturalist.**

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

- 8 No development shall commence on site unless and until a written strategy for green space enhancements, including measures to enhance biodiversity, within the estate surrounding the site, including indicative costings and timescales for implementation, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be first occupied until the Local Planning Authority has received confirmation that the agreed strategy has been implemented in accordance with the approved details. The strategy shall demonstrate that a sum of at least £5,000 will be spent on environmental improvements in the local area.**

Reason: The pre commencement condition is required to ensure that the development provides adequate mitigation for the loss of green space at the site in accordance with Policy CP7 of the Core Strategy (2007).

- 9 The development hereby approved shall be carried out in full accordance with the recommendations set out in the submitted Archaeology Written Scheme of Investigation Reference XEXLCS22-27117. These works shall be undertaken by a suitably qualified archaeologist. The subsequent recording and post-excavation assessment reports shall be submitted to the Local Planning Authority before the development hereby approved is occupied.**

Reason: A condition is justified to allow the preservation by record of archaeological deposits and to provide an opportunity for a watching archaeologist to notify all interested parties before the destruction of any archaeological finds in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

- 10 The proposed site clearance and construction works shall be carried out in full**

accordance with the recommendations set out in Preliminary Ecological Appraisal by Hybrid Ecology Ltd Rev B dated 21st Sept 2022 including the installation of the proposed badger corridor as shown on plan reference 4867.135-PL3 or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. In addition, the following badger protection measures shall be implemented prior to the commencement of the development and maintained as such throughout the construction period:

- i) All workmen on site must be fully briefed concerning the presence of badgers and the mitigation measures to be followed.
- ii) An exclusion zone around the development area must be set up prior to the commencement of works to prevent encroachment on the badger sett during completion of the scheme. This must provide a clear 20m area around the sett, as a minimum, in which no construction work must take place, including the storage of materials or machinery.
- iii) The proposed badger corridor must be similarly defined and fenced prior to the commencement of work to ensure the badgers have free access on and off site during the completion of the project.
- iv) Any trenches or deep pits must be securely covered overnight to stop any badgers falling in and becoming trapped. Alternatively, a rough plank must be provided, at an angle no steeper than 45 degrees, to allow any badgers a suitable means of escape.
- v) Any trenches/pits must be inspected each morning and evening to ensure no badgers have become trapped.
- vi) The storage of topsoil or other 'soft' building materials within the site must 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 must be subject to daily inspections before work commences.
- vii) During the work, the storage of any chemicals must be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- viii) Open pipework with a diameter of more than 120mm must be properly covered at the end of the workday to prevent badgers entering and becoming trapped.
- ix) Litter on site must be cleared at the end of the working day or otherwise kept to a minimum.
- x) Security lighting must be kept to a minimum, and away from setts, so as not to disturb the badgers on site.

Reason: A condition is justified to ensure any protected species and habitats utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2.

- 11 No drainage infrastructure works associated with this development shall be undertaken until details of the design, implementation, maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved 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 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) and Policies KP2 and CP4 of the Core Strategy (2007).

- 12 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 dwellings 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) policies KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend-on-Sea Design and Townscape Guide (2009).

- 13 A scheme detailing measures to achieve a net zero carbon development, as set out in the submitted statement titled 'Public Benefit vs Loss of Open Space September 2022', shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be implemented in full in accordance with the approved details prior to the first occupation of the dwellings hereby approved and maintained 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) policies KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend-on-Sea Design and Townscape Guide (2009).

- 14 Prior to occupation of the dwellings 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 not more than 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 development and thereafter 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 advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 15 Plots 1-5 of the development hereby approved shall be carried out in a manner to ensure the dwellinghouses comply with building regulation M4 (2) 'accessible and adaptable dwellings' before they are occupied. Plots 6 and 7 shall be carried out in a manner to ensure the dwellings comply with building regulation M4 (3) 'Wheelchair user dwellings' before they are occupied.

Reason: To ensure the dwellings 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 as amended by the Technical Housing Standards – Policy Transition Statement (2015) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 16 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, detached buildings or other operational development shall be erected at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, D, E and F and Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended or in any provision equivalent to this Order in any statutory instrument revoking and re-enacting this Order, with or without modification, unless express planning permission has been granted 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-on-Sea Design and Townscape Guide (2009).

- 17 The development shall be carried out in full accordance with the recommendations set out in Combined Phase I and Phase II Site Investigation Report by agb Environmental reference P3219.1.0 dated 20.12.18 before the development is occupied. If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately, and no further works shall be carried out until a method statement detailing a scheme of mitigation for dealing with the additional contamination has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme of additional contamination mitigation shall be implemented in full before the development is occupied.**

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).

- 18 Prior to the first occupation of the dwellings hereby permitted a Noise Impact assessment must be conducted by a competent person to assess the potential impact of existing industrial premises and noise from deliveries to those premises on the proposed dwellings. The assessment must be made using the appropriate standards and methodology for the noise sources and best practice. A report on the impact assessment which must include any necessary mitigation measures required for the proposal to meet the required noise standards as specified below, must be submitted to the Local Planning Authority for approval in writing before the dwellings are first occupied.**

The mitigation measures shall ensure that the internal ambient noise levels of the dwellings hereby permitted shall not exceed the guideline values in British Standard BS8233:2014 Table 4 as follows:

07:00 to 23:00

- **-Resting – Living room 35 dB Laeq,16hour**
- **-Dining – Dining room/area 40 dB Laeq,16hour**
- **-Sleeping/Daytime Resting – Bedroom 35 dB Laeq,16hour**

23:00 to 07:00

- **-Sleeping/Night-time Bedroom 35 dB Laeq,8hour**

External areas shall be designed and located to ensure that amenity areas are protected on all boundaries as to not exceed 50 dBLAeq,16hr. If a threshold level relaxation to 55 dBLAeq,16hr is required for external areas full justification must be provided to and agreed in writing by the Local Planning Authority under the provisions of this condition.

The development must be implemented in full accordance with the mitigation and other details submitted in the report approved under this condition before the dwellings are first occupied and thereafter be maintained as such in perpetuity.

The applicant must have regards to thermal comfort and noise mitigation in accordance with Acoustic Ventilation and Overheating - Residential Design Guide by IOA and ANC when proposing any scheme. Where alternative means of ventilation and air cooling and heating are to be used, the submitted report shall include full details of what they will comprise and demonstrate that:

- **The alternative means of ventilation and cooling will not compromise any noise protection measures**
- **The alternative means of ventilation and cooling will not present an adverse noise or odour impact on occupants**
- **The alternative means of ventilation and cooling will enable optimum living conditions in all weather and with reference to climate change predictions**

The means of ventilation must be in accordance with documents CIBSE Guide A:2015-Environmental Design, CIBSE TM52:2013-The limits of thermal comfort: avoiding overheating in European buildings and CIBSE TM59:2017-Design methodology for the assessment of overheating risk in homes. The alternative means of ventilation shall be implemented in full accordance with the details approved under this condition before the dwellings are first occupied and be maintained as such thereafter in perpetuity.

Reason: To protect the environment of people in the development and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

19 No development shall take place, 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 including measures to ensure the protection of the existing grass verges to the south section of the site to be retained.**

- v) measures to control the emission of noise, 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.

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).

- 20** 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 visual amenity and the amenities of neighbours and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 21** The dwellings hereby approved shall not be brought into first use unless internal storage space for each dwelling in compliance with the minimum Technical Housing Standards – Nationally Described Space Standards (2015) has been provided and made available on site in accordance with details which have previously been submitted and approved by the Local Planning Authority pursuant to this condition.

Reason: To ensure the development hereby approved provide high quality internal layouts to meet the needs of future residents in accordance with the National Planning Policy Framework (2021), Policy DM8 of the Development Management Document (2015) as amended with the Technical Housing Standards Policy Transition Statement (2015) and the advice contained within the Technical Housing Standards – Nationally Described Space Standards (2015).

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

- 1** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement;

and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will 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 City.
- 3 The applicant is reminded that they are required to adhere to the Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 and the Wildlife and Countryside Act (1981) in relation to development works close to protected species including badgers and bats. A Protected Species Licence may be required.